

**PROOF**

**Hansard**

**LEGISLATIVE COUNCIL**

**60th Parliament**

**Thursday 31 October 2024**



# CONTENTS

---

PAPERS	
Department of Families, Fairness and Housing .....	1
Victorian Bushfire Appeal Fund: Final Report .....	1
Victorian Veterans Council .....	1
Report 2023–24 .....	1
Victorian Law Reform Commission .....	1
Report 2023–24 .....	1
Judicial College of Victoria .....	1
Report 2023–24 .....	1
Victoria Law Foundation .....	1
Report 2023–24 .....	1
COMMITTEES	
Public Accounts and Estimates Committee .....	2
Report on the 2024–25 Budget Estimates .....	2
PAPERS	
Papers .....	3
PRODUCTION OF DOCUMENTS	
Illicit tobacco .....	10
BUSINESS OF THE HOUSE	
Notices .....	11
Adjournment .....	11
MOTIONS	
Middle East conflict .....	11
MEMBERS STATEMENTS	
Diwali .....	11
Colin McKenna .....	12
Max Downes .....	12
Colin McKenna .....	13
Bellarine Pink Ribbon Breakfast .....	13
Bellaire Primary School .....	13
Diwali .....	13
Our Lady’s Parish Craigieburn and Roxburgh Park .....	13
Justice Q .....	14
Nepalese community .....	14
Government performance .....	14
Health services .....	15
Daniel and Catherine Andrews .....	15
Southern Peninsula Community Support .....	15
Rye Primary School .....	15
Community safety .....	15
Supermarket prices .....	16
Noble Park community art show .....	16
Springvale Chinese Ethnic School .....	16
Diwali .....	17
Colin McKenna .....	17
State Emergency Service western Victoria units .....	17
Raymond Shuey .....	17
BUSINESS OF THE HOUSE	
Notices of motion .....	18
BILLS	
Building Legislation Amendment and Other Matters Bill 2024 .....	18
Second reading .....	18
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Regional water infrastructure .....	35
Child protection .....	37
Ministers statements: Diwali .....	38
Country Fire Authority Winnindoo brigade .....	38
Community legal centres .....	39
Ministers statements: housing workforce .....	40
Bushfire preparedness .....	40
Waste and recycling management .....	42
Ministers statements: child protection .....	42

# CONTENTS

---

Country Fire Authority.....	43
Victorian Water Register .....	45
Ministers statements: regional housing .....	46
Written responses .....	46
<b>CONSTITUENCY QUESTIONS</b>	
Eastern Victoria Region .....	46
Northern Victoria Region .....	46
Northern Metropolitan Region.....	47
Southern Metropolitan Region.....	47
North-Eastern Metropolitan Region .....	47
North-Eastern Metropolitan Region .....	48
Northern Victoria Region .....	48
Northern Victoria Region .....	48
Western Victoria Region .....	48
South-Eastern Metropolitan Region.....	49
South-Eastern Metropolitan Region .....	49
Western Metropolitan Region.....	49
Southern Metropolitan Region.....	49
Northern Victoria Region .....	50
Northern Metropolitan Region.....	50
<b>BILLS</b>	
Building Legislation Amendment and Other Matters Bill 2024.....	50
Second reading.....	50
Referral to committee.....	62
Committee.....	63
Third reading.....	78
Roads and Road Safety Legislation Amendment Bill 2024.....	78
Second reading.....	78
Instruction to committee .....	103
Committee.....	103
Third reading.....	114
Agriculture and Food Safety Legislation Amendment Bill 2024.....	114
Introduction and first reading .....	114
Statement of compatibility.....	115
Second reading.....	118
Duties Amendment (More Homes) Bill 2024 .....	119
Introduction and first reading .....	119
Statement of compatibility.....	119
Second reading.....	120
Education and Training Reform Amendment Bill 2024 .....	120
Introduction and first reading .....	120
Statement of compatibility.....	121
Second reading.....	124
Transport Infrastructure and Planning Legislation Amendment Bill 2024 .....	125
Introduction and first reading .....	125
Statement of compatibility.....	126
Second reading.....	130
<b>ADJOURNMENT</b>	
Parenting support.....	133
Non-emergency patient transport review .....	134
Animal welfare .....	134
Royal visit.....	135
Severe weather preparedness.....	135
Ballarat community safety.....	136
Mental health.....	137
Housing affordability .....	137
Youth crime.....	138
Mitcham train station .....	138
Victims of Crime Assistance Tribunal .....	139
Upfield rail line.....	140
Beveridge train station .....	141
Suburban Rail Loop .....	141
Valedictory statement.....	142
Responses.....	146

# CONTENTS

---

Proof



**Thursday 31 October 2024**

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

*Papers***Department of Families, Fairness and Housing***Victorian Bushfire Appeal Fund: Final Report*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (09:34): I move, by leave:

That the 2009 *Victorian Bushfire Appeal Fund: Final Report* be tabled.

**Motion agreed to.**

**Victorian Veterans Council***Report 2023–24*

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:35): On behalf of Minister Erdogan, I move, by leave:

That the Victorian Veterans Council report 2023–24 be tabled.

**Motion agreed to.**

**Victorian Law Reform Commission***Report 2023–24*

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:35): I move, by leave:

That the Victorian Law Reform Commission report 2023–24 be tabled and published.

**Motion agreed to.**

**Judicial College of Victoria***Report 2023–24*

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:35): I move, by leave:

That the Judicial College of Victoria report 2023–24 be tabled.

**Motion agreed to.**

**Victoria Law Foundation***Report 2023–24*

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:36): I move, by leave:

That the Victoria Law Foundation report 2023–24 be tabled.

**Motion agreed to.**

*Committees***Public Accounts and Estimates Committee***Report on the 2024–25 Budget Estimates*

**Nick McGOWAN** (North-Eastern Metropolitan) (09:36): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the inquiry into the 2024–25 budget estimates, including an appendix and minority report, from the Public Accounts and Estimates 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.**

**Nick McGOWAN:** I move:

That the Council take note of the report.

I will pass this opportunity to the other committee members; they may wish to contribute.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:37): I will kick things off. I will begin with a thankyou to all the staff who put in a mountain of work preparing what ends up being a very, very long report. It has been a really enlightening process, being my first time on the Public Accounts and Estimates Committee and looking at the state budget. On behalf of my colleagues, our thoughts on the budget itself are quite well summarised in a lengthy minority report submission that can be found at the back of the document itself, so I will not go through all of that. I have instead prepared a poem to reminisce on the times that were PAEC this year:

At PAEC, we gathered to reflect,  
On the budget we aim to inspect.  
But with the government's deck,  
Our efforts they wreck,  
And our questions they always deflect.

Sixty-one portfolios we reviewed,  
Seventy-one hours, nothing accrued.  
As the truth they elude,  
Our inquiries subdued,  
And the budget remains misconstrued.

I dubbed Outdoor Recreation's role,  
"The portfolio for killing animals" LOL.  
An odd party trooper,  
Called me a "grouper",  
Though its meaning eludes me in whole.

The budget could ease our plight,  
As housing costs soar out of sight.  
Rents at record highs,  
Supermarkets we despise,  
While big banks profit left and right.

The Greens aim to balance the scales,  
With a chair not from government's trails.  
For transparency's sake,  
A stand we must take,  
Ensuring accountability prevails.

Amend this process, we must,  
Or we're left in a state of distrust.  
It's time; spill the tea,



Set transparency free,  
So the budget serves all of us.

**The PRESIDENT:** I am going to spend all of next week looking at previous rulings about original poetry and how I might be able to knock them out.

**Michael GALEA** (South-Eastern Metropolitan) (09:39): I rise to give a far less interesting report on the Public Accounts and Estimates Committee's budget estimates this year. I cannot compete with Mr Puglielli, so I will not even attempt to.

Budget estimates are a very important part of our parliamentary process and indeed the flagship part of the Public Accounts and Estimates Committee. Along with Mr Puglielli, Mr McGowan and Mrs McArthur in this place, we did spend many days locked upstairs in the Legislative Council committee room, engaged in, as Mr Puglielli referenced, 61 ministerial portfolios across the range of government spending.

It is a very good opportunity to look at the budget. It is a budget that is delivering for all Victorians, especially those working Victorians who are doing it tough in these times of cost-of-living pressures. We saw most particularly of all the \$400 school saving bonus, a bonus which is now already coming into play, from term 4 this year, and the impact that is having on Victorian families. It is one of many cost-saving measures being implemented in this year's budget, which we had the opportunity to scrutinise and critique as part of our estimates process. As always this is a very thorough, very robust report, and I wish to thank the secretariat and Caroline Williams as well as all of the staff in PAEC for their tireless work to put this together for the committee. I indeed acknowledge as well members in the lower house, including our chair Sarah Connolly, who very effectively and efficiently guided us through what was a very long process.

I do encourage all members to read the report and, again, this is a very critical time for PAEC to be looking at the budget as we move to recover from the COVID-era debt but also, most importantly, to put Victorians at the heart of what we do, because there is no strong economy without strong Victorians.

**Motion agreed to.**

### *Papers*

### **Papers**

#### **Tabled by Clerk:**

- Adult, Community and Further Education Board – Report, 2023–24.
- Adult Parole Board of Victoria – Report, 2023–24.
- Agriculture Victoria Services Pty Ltd – Report, 2023–24.
- AMES Australia – Report, 2023–24.
- Architects Registration Board of Victoria – Minister's report of receipt of the 2023–24 Report.
- Australian Centre for the Moving Image (ACMI) – Report, 2023–24.
- Ballarat General Cemeteries Trust – Report, 2023–24.
- Barwon Region Water Corporation – Report, 2023–24.
- Breakthrough Victoria Pty Ltd – Report, 2023–24.
- Central Gippsland Region Water Corporation – Report, 2023–24.
- Central Highlands Region Water Corporation – Report, 2023–24.
- Cladding Safety Victoria – Report, 2023–24.
- Coliban Region Water Corporation – Report, 2023–24.
- Commission for Children and Young People – Report, 2023–24 (*Ordered to be published*).
- Confiscation Act 1997 –

Asset Confiscation Operations – Report, 2023–24.  
Report, 2023–24, under section 139A of the Act, by Victoria Police.

Coroners Court of Victoria – Report, 2023–24.

Coronial Council of Victoria – Report, 2023–24.

Crimes (Assumed Identities) Act 2004 – Report, 2023–24, under section 31 of the Act, by the Australian Criminal Intelligence Commission.

Criminal Organisations Control Act 2012 – Report, 2023–24, under section 133 of the Act, by Victoria Police.

Dairy Food Safety Victoria – Report, 2023–24.

Dental Health Services Victoria – Report, 2023–24.

Development Victoria – Report, 2023–24.

Disability Services Commissioner – Report, 2023–24.

Docklands Studios Melbourne Pty Ltd – Report, 2023–24.

East Gippsland Catchment Management Authority – Report, 2023–24.

Education Department – Report, 2023–24.

Emergency Services Superannuation Scheme (ESSSuper) – Report, 2023–24.

Energy, Environment and Climate Action Department (DECCA) – Report, 2023–24.

Energy Safe Victoria (ESV) – Report, 2023–24.

Essential Services Commission (ESC) – Report, 2023–24.

Evidence (Miscellaneous Provisions) Act 1958 – Reports, 2023–24, under section 42BI of the Act, by –  
Australian Criminal Intelligence Commission.  
Victoria Police.

Families, Fairness and Housing Department (DFFH) – Report, 2023–24.

Film Victoria (VicScreen) – Report, 2023–24.

Financial Management Act 1994 – Assistant Treasurer’s report that 2023–24 Reports have not been received, together with an explanation for the delay, under section 46(3) of the Act –

- Albury Wodonga Health.
- Alexandra District Hospital.
- Alfred Health.
- Alpine Health.
- Ambulance Victoria.
- Austin Health.
- Australian Grand Prix Corporation.
- Bairnsdale Regional Health Service.
- Barwon Health.
- Bass Coast Regional Health.
- Beaufort and Skipton Health Service.
- Beechworth Health Service.
- Benalla Health.
- Bendigo Health Care Group.
- Boort District Health.
- Calvary Health Care Bethlehem Limited.
- Casterton Memorial Hospital.
- Caulfield Racecourse Reserve Trust.
- Cenitex.
- Central Gippsland Health Service.

Central Highlands Rural Health.  
Children’s Court of Victoria.  
Cohuna District Hospital.  
Colac Area Health.  
Commissioner for Environmental Sustainability.  
Consumer Affairs Victoria.  
Corangamite Catchment Management Authority.  
Corryong Health.  
Country Fire Authority.  
County Court Victoria.  
Court Services Victoria.  
Crown Prosecutors.  
Dhelkaya Health.  
Dhelkunya Dja Traditional Owner Land Management Board.  
Director of Public Prosecutions.  
East Gippsland Water.  
East Grampians Health Service.  
East Wimmera Health Service.  
Eastern Health.  
Echuca Regional Health.  
Environment Protection Authority.  
Fire Rescue Victoria.  
Fire Services Implementation Monitor.  
Forensic Leave Panel.  
Gippsland Southern Health Service.  
Goulburn Valley Health.  
Grampians Health.  
Great Ocean Road Coast and Parks Authority.  
Great Ocean Road Health.  
Gunaikurnai Traditional Owner Land Management Board.  
Harness Racing Victoria.  
Heathcote Health Service.  
Hesse Rural Health Service.  
Heywood Rural Health.  
Inglewood and Districts Health Service.  
Kerang District Health.  
Kilmore District Health.  
Kooweerup Regional Health Service.  
Kyabram and District Health Services.  
Latrobe Regional Health.  
Local Jobs First.  
Magistrates’ Court of Victoria.  
Mallee Track Health and Community Service.  
Mansfield District Hospital.  
Marine and Coastal Council.

Maryborough District Health Service.  
Melbourne Convention and Exhibition Trust.  
Melbourne Health.  
Mental Health and Wellbeing Commission.  
Mercy Hospitals Victoria Limited.  
Mildura Base Hospital.  
Monash Health.  
Moyness Health Services.  
NCN Health.  
Northeast Health Wangaratta.  
Northern Health.  
Office of Public Prosecutions.  
Omeo District Health.  
Orbost Regional Health.  
Peninsula Health.  
Peter MacCallum Cancer Institute.  
Phillip Island Nature Park Board.  
Portland District Health.  
Puffing Billy Railway Board.  
Recreational Fishing Licence Trust Account.  
Remembrance Parks Central Victoria.  
Residential Tenancies Bond Authority.  
Robinvale District Health Services.  
Rochester and Elmore District Health Service.  
Rural Northwest Health.  
Safe Transport Victoria.  
Sentencing Advisory Council.  
Seymour Health.  
South Gippsland Hospital.  
South West Healthcare.  
St Vincent's Hospital (Melbourne) Limited.  
Supreme Court of Victoria.  
Surveyors Registration Board.  
Sustainability Victoria.  
Swan Hill District Health.  
Tallangatta Health Service.  
Terang and Mortlake Health Service.  
The Queen Elizabeth Centre.  
The Royal Children's Hospital.  
The Royal Victorian Eye and Ear Hospital.  
The Royal Women's Hospital.  
Timboon and District Healthcare Service.  
Treaty Authority.  
Triple Zero Victoria.  
Trust for Nature.

Tweddle Child and Family Health Service.  
VicForests.  
Victims of Crime Commissioner.  
Victorian Civil and Administrative Tribunal.  
Victorian Environmental Assessment Council.  
Victorian Fisheries Authority.  
Victorian Health Promotion Foundation.  
Victorian Institute of Forensic Medicine.  
Victorian Institute of Forensic Mental Health.  
Victorian Planning Authority.  
Victorian Professional Standards Council.  
Victorian Responsible Gambling Foundation.  
Visit Victoria.  
West Gippsland Healthcare Group.  
West Wimmera Health Service.  
Western District Health Service.  
Western Health.  
Yarram and District Health.  
Yarrawonga Health.  
Yea and District Memorial Hospital.  
Yorta Yorta Traditional Owner Land Management Board.  
Firefighters Registration Board – Report, 17 October 2023 to 30 June 2024.  
Game Management Authority (GMA) – Report, 2023–24.  
Geelong Cemeteries Trust – Report, 2023–24.  
Geelong Performing Arts Centre Trust – Report, 2023–24.  
Geoffrey Gardiner Dairy Foundation – Report, 2023–24.  
Gippsland and Southern Rural Water Corporation – Report, 2023–24.  
Glenelg Hopkins Catchment Management Authority – Report, 2023–24.  
Goulburn Broken Catchment Management Authority – Report, 2023–24.  
Goulburn-Murray Rural Water Corporation – Report, 2023–24.  
Goulburn Valley Region Water Corporation – Report, 2023–24.  
Government Services Department (DGS) – Report, 2023–24.  
Grampians Wimmera Mallee Water Corporation (GWMWater) – Report, 2023–24.  
Greater Metropolitan Cemeteries Trust – Report, 2023–24.  
Greater Western Water Corporation – Report, 2023–24.  
Greyhound Racing Victoria (GRV) – Report, 2023–24.  
Health Department – Report, 2023–24.  
Health Purchasing Victoria (HealthShare) – Report, 2023–24.  
Infrastructure Victoria – Report, 2023–24.  
Jobs, Skills, Industry and Regions Department (DJSIR) – Report, 2023–24.  
Judicial Commission of Victoria – Report, 2023–24.  
Justice and Community Safety Department (DJCS) – Report, 2023–24.  
Kardinia Park Stadium Trust – Report, 2023–24.  
Labour Hire Licensing Authority – Report, 2023–24.  
LanguageLoop – Report, 2023–24.

Legal Practitioners' Liability Committee – Report, 2023–24.  
Legal Services Council and Commissioner for Uniform Legal Services Regulation – Report, 2023–24.  
Library Board of Victoria – Report, 2023–24.  
Lower Murray Urban and Rural Water Corporation – Report, 2023–24.  
Mallee Catchment Management Authority – Report, 2023–24.  
Melbourne and Olympic Parks Trust – Report, 2023–24.  
Melbourne Arts Precinct Corporation – Report, 2023–24.  
Melbourne Market Authority – Report, 2023–24.  
Melbourne Port Lessor Pty Ltd – Report, 2023–24.  
Melbourne Recital Centre – Report, 2023–24.  
Melbourne Water Corporation – Report, 2023–24.  
Mental Health Tribunal – Report, 2023–24.  
Mildura Cemeteries Trust – Minister's report of receipt of the 2023–24 Report.  
Mine Land Rehabilitation Authority – Report, 2023–24.  
Murray Valley Wine Grape Industry Development Committee – Minister's report of receipt of the 2023–24 Report.  
Museums Board of Victoria – Report, 2023–24.  
National Gallery of Victoria (NGV) – Report, 2023–24.  
National Parks Advisory Council – Report, 2023–24.  
North Central Catchment Management Authority – Report, 2023–24.  
North East Catchment Management Authority – Report, 2023–24.  
North East Link State Tolling Corporation – Report, 2023–24.  
North East Region Water Corporation – Report, 2023–24.  
Occupational Health and Safety Act 2004 – Workplace Incidents Consultative Committee – Report 2023–24, under section 126B of the Act.  
Office of the National Rail Safety Regulator – Report, 2023–24.  
Office of the Public Advocate – Report, 2023–24 (*Ordered to be published*).  
Office of the Victorian Information Commissioner (OVIC) – Report, 2023–24.  
Ombudsman – Report, 2023–24 (*Ordered to be published*).  
Parks Victoria – Report, 2023–24.  
Phytogene Pty Ltd – Minister's report of receipt of the 2023–24 Report.  
Planning and Environment Act 1987 – Notice of approval of the Moonee Valley Planning Scheme – Amendment C238.  
Police Registration and Services Board – Report, 2023–24.  
Port of Hastings Corporation – Report, 2023–24.  
Portable Long Service Benefits Authority – Report, 2023–24.  
Ports Victoria – Report, 2023–24.  
Post Sentence Authority – Report, 2023–24.  
Premier and Cabinet Department – Report, 2023–24.  
PrimeSafe – Report, 2023–24.  
Public Interest Monitor – Report, 2023–24.  
Public Record Office Victoria (PROV) – Report, 2023–24.  
Queen Victoria Women's Centre Trust – Minister's report of receipt of the 2023–24 Report.  
Recycling Victoria – Report, 2023–24.  
Regional Development Victoria – Report, 2023–24.

Renewable Energy (Jobs and Investment) Act 2017 – Victorian Renewable Energy Target – 2023–24 Progress Report, under section 8 of the Act.

Respect Victoria – Report, 2023–24.

Rolling Stock Holdings (Victoria) Pty Limited – Report, 2023–24.

Rolling Stock (Victoria-VL) Pty Limited – Report, 2023–24.

Rolling Stock (VL-1) Pty Limited – Report, 2023–24.

Rolling Stock (VL-2) Pty Limited – Report, 2023–24.

Rolling Stock (VL-3) Pty Limited – Report, 2023–24.

Royal Botanic Gardens Board – Report, 2023–24.

Shrine of Remembrance Trustees – Report, 2023–24.

South East Water Corporation – Report, 2023–24.

South Gippsland Region Water Corporation – Report, 2023–24.

Southern Metropolitan Cemeteries Trust – Report, 2023–24.

State Sports Centres Trust – Report, 2023–24.

State Trustees Limited – Report, 2023–24.

Statutory Rules under the following Acts of Parliament –

- Bail Act 1977 – No. 117.
- Independent Broad-based Anti-corruption Commission Act 2011 – No. 118.
- Public Interest Monitor Act 2011 – No. 119.
- Terrorism (Community Protection) Act 2003 – No. 120.
- Victorian Energy Efficiency Target Act 2007 – No. 122.
- Victorian Inspectorate Act 2011 – No. 121.
- Wildlife Act 1975 – No. 123.

Subordinate Legislation Act 1994 – Documents under section 15 in respect to Statutory Rule No. 122.

Suburban Rail Loop Authority (SRL) – Report, 2023–24.

Surveillance Devices Act 1999 – Reports, 2023–24, under section 30L of the Act, by –

- Australian Criminal Intelligence Commission.
- Department of Energy, Environment and Climate Action.
- Victorian Fisheries Authority.
- Victoria Police.

Surveyor-General – Report, 2023–24 on the administration of the Survey Co-ordination Act 1958.

Transport Accident Commission (TAC) – Report, 2023–24.

Transport and Planning Department (DTP) – Report, 2023–24.

Treasury and Finance Department (DTF) – Report, 2023–24.

Treasury Corporation of Victoria – Report, 2023–24.

Veterinary Practitioners Registration Board of Victoria – Minister’s report of receipt of the 2023–24 Report.

Victims of Crime Assistance Tribunal – Report, 2023–24.

Victoria Legal Aid – Report, 2023–24.

Victoria Police – Report, 2023–24.

Victoria State Emergency Service Authority (SES) – Report, 2023–24.

Victorian Academy of Teaching and Leadership – Report, 2023–24.

Victorian Arts Centre Trust – Report, 2023–24.

Victorian Assisted Reproductive Treatment Authority (VARTA) – Report, 2023–24.

Victorian Building Authority – Report, 2023–24.

Victorian Collaborative Centre for Mental Health and Wellbeing – Report, 2023–24.

Victorian Curriculum and Assessment Authority – Report, 2023–24.  
Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria – Report, 2023–24.  
Victorian Electoral Commission – Report, 2023–24.  
Victorian Environmental Water Holder – Report, 2023–24.  
Victorian Equal Opportunity and Human Rights Commission – Report, 2023–24 (*Ordered to be published*).  
Victorian Funds Management Corporation (VFMC) – Report, 2023–24.  
V/Line Corporation – Report, 2023–24.  
Victorian Government Purchasing Board – Report, 2023–24.  
Victorian Institute of Sport Trust – Report, 2023–24.  
Victorian Institute of Teaching – Report, 2023–24.  
Victorian Law Reform Commission – Minister’s report of receipt of the 2023–24 Report.  
Victorian Legal Services Board and Legal Services Commissioner – Report, 2023–24 (*Ordered to be published*).  
Victorian Managed Insurance Authority (VMIA) – Report, 2023–24.  
Victorian Pharmacy Authority – Minister’s report of receipt of the 2023–24 Report.  
Victorian Plantations Corporation – Report, 2023–24.  
Victorian Public Sector Commission – Report, 2023–24.  
Victorian Racing Integrity Board – Report, 2023–24.  
Victorian Rail Track (VicTrack) – Report, 2023–24.  
Victorian Registration and Qualifications Authority – Report, 2023–24.  
Victorian Small Business Commission – Report, 2023–24 (*Ordered to be published*).  
Victorian Strawberry Industry Development Committee – Minister’s report of receipt of the 2023–24 Report.  
Victorian Veterans Council – Minister’s report of receipt of the 2023–24 Report.  
Victorian WorkCover Authority (WorkSafe Victoria) – Report, 2023–24.  
Wannon Region Water Corporation – Report, 2023–24.  
West Gippsland Catchment Management Authority – Report, 2023–24.  
Westernport Region Water Corporation – Report, 2023–24.  
Wimmera Catchment Management Authority – Report, 2023–24malle.  
Witness Protection Act 1991 – Report, 2023–24, under section 20R of the Act, by Victoria Police.  
Workplace Injury Commission (Accident Compensation Conciliation Service) – Report, 2023–24.  
Yarra Valley Water Corporation – Report, 2023–24.  
Youth Parole Board – Report, 2023–24.  
Zoological Parks and Gardens Board (Zoos Victoria) – Report, 2023–24.

### *Production of documents*

#### **Illicit tobacco**

**The Clerk:** I table a letter from the Attorney-General dated 28 October 2024 in response to a resolution of the Council on 7 February 2024 on the motion of Mr Limbrick and further to the government’s initial responses on 5 March and 30 April 2024 relating to Better Regulation Victoria’s review of Victoria’s approach to illicit tobacco regulation. The government has identified 136 documents within the scope of the order. A claim of executive privilege has been made over eight documents in full and one document in part. I further table 128 documents in full and one document in part, together with schedules of the identified documents.



***Business of the house*****Notices****Notices of motion given.****Adjournment**

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:56): I move:

That the Council, at its rising, adjourn until Tuesday 12 November 2024.

**Motion agreed to.*****Motions*****Middle East conflict**

**Samantha RATNAM** (Northern Metropolitan) (09:56): 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) on 27 September 2024 the Secretary-General of the United Nations addressed the UN Security Council and stated that over the past year virtually the entire population of Gaza has been displaced, many of them several times, with nowhere safe to go, that half of the homeless are children and that all are surviving in appalling conditions with very limited access to food, water, sanitation, shelter and health care;
  - (b) instead of scaling up humanitarian operations there has been a scaling up of attacks and harassment against humanitarian personnel;
  - (c) on 28 August 2024 Israeli forces opened fire on a clearly marked United Nations World Food Programme armoured vehicle that was part of a convoy that had been coordinated with Israeli military authorities, and 10 bullets hit the windows of the vehicle;
  - (d) on 9 September 2024 UN convoy that had been fully coordinated with Israeli forces was stopped at al-Rashid checkpoint on its way to support the polio vaccination campaign in northern Gaza. Soldiers pointed their weapons directly at the convoy personnel. The clearly marked UN vehicles were encircled by Israeli forces, and live shots were fired. The convoy was approached by two Israeli tanks and a bulldozer, and a tank rammed the UN vehicles from the back, compacting the convoy with 12 humanitarian workers inside;
- (2) does not support the state of Israel's continued invasion of Gaza; and
- (3) supports calls for an immediate and permanent ceasefire.

**Leave refused.*****Members statements*****Diwali**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:58): Millions around the world will today celebrate Diwali, the Festival of Lights. Diwali is an important time of renewal, connection and reflection on the triumph of light over darkness, good over evil and unity over division.

In Victoria Diwali is an event that strengthens the fabric of our multicultural society, and in a world that may feel increasingly divided, the spirit of Diwali, which is celebrated across many cultures, lies in sharing generosity and compassion. Whether it is Deepavali or Tihar, Kali Puja or Bandi Chhor Divas, during this joyous time families and friends come together to light oil lamps known as diya, create beautiful art, exchange gifts and share festival meals. Diwali will be celebrated at many festivals and gatherings across the state, which also gives Victorians of all backgrounds the opportunity to experience the rich cultural heritage of our state.

Last Saturday I was pleased to attend the Premier's Diwali function with over a thousand community members and members from both houses in a celebration of the diversity that makes our state so unique. May this Diwali bring light, warmth and happiness to all Victorians. Happy Diwali, everyone.

*Members interjecting.*

**The PRESIDENT:** Order! The minister is probably not interested, but I am going to let people start again if they are doing members statements and they are not provoking interjections.

### **Colin McKenna**

**Bev McARTHUR** (Western Victoria) (09:59): He was first a shearer, then a stock agent and in 1988 founded one of the premier beef and sheep meat processing plants in Australia. Colin McKenna AM was like the king of Warrnambool and Midfield Meat the crowning employer in the McKenna kingdom. He was a dairy farmer of note, establishing the Union Dairy Company, as well as being a beef farmer and hotelier. Colin was the working example of if you work hard, you will be rewarded. He never stopped working.

But Colin was more than an incredibly successful businessman – he was a beyond generous philanthropist, divesting millions into multiple causes and to individuals in need, including making a seven-figure donation to establish the Peter's Project cancer centre in Warrnambool. He was a racing owner of note, and pre-eminent trainer Ciaran Maher said he would be forever indebted for the blind faith Colin showed in him from day one. Apparently just eight days before his death Colin watched his horse Duke De Sessa win the Caulfield Cup from his Cabrini Hospital bed.

He was, in his typically humble way, a man of strength. Upon receiving his Australia Day honour, Colin said:

I don't think it's up to the community to thank me, I should thank the community –  
and the farmers –

that has supported me over 45 years ...

Colin McKenna might have left us, but his incredible legacy will live on. My sympathies go to his wife Janice and children Dean, Kristy, Bret and Stacey; stepchildren Alex and Lisa; their extended families; and brothers Daryl, Neville and families. Rest in peace, Colin McKenna.

### **Max Downes**

**Jeff BOURMAN** (Eastern Victoria) (10:01): It is clearly a time for eulogies. Max Downes was laid to rest earlier this week, having passed away 11 days short of his 97th birthday. A trained biologist, Max was a man of science and action. One of his earliest jobs was surveying wildlife on Heard Island in the Antarctic. From 1953 to 1958 Max was a superintendent of game management in Victoria. In that role the evidence led Max to two profound understandings. The first was that it was the threat to habitat, not recreational hunting, that posed a genuine threat to waterfowl populations. The second was that if anything was ever going to change for the better, it had to be the grassroots, not the elite, that made the change. True to form, Max married his understanding with action. The action was to introduce a game licensing system where hunters paid to conserve wildlife and apply the revenue from that system to establishing Victoria's network of 200 state game reserves.

Later, in consultancy with the Australian Deer Association, Max turned his mind and his efforts to the management of wild deer, sambar deer in Victoria in particular. The result of Max's efforts, the *Forest Deer Project*, stands as the only comprehensive, practical, evidence-based document that outlines what could be an effective approach to managing these deer for the totality of their impacts both positive and negative. It is a document that blends science with action, and it stands in stark contrast with the ideologically driven anti-hunting policies pushed by culture warriors like the Greens and their rent-seeking co-tenants at 60L. Like I said, it is rooted in facts.

In later years Max created and curated the national hunting archive, an incredible body of work that in true Max Downes fashion has a great potential as a practical management resource. Maxwell Crichton Downes is owed a debt not just by the hunters of Victoria but by all who value wild things. I extend my condolences to his family and thank them for sharing their remarkable father, grandfather and great-grandfather with the state.

#### **Colin McKenna**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:03): I also wish to extend my deepest sympathies to the Midfield Meat family in south-west Victoria. Colin McKenna was an absolute titan of the local community, and his influence extends beyond the boundaries of Warrnambool. May he rest in peace.

#### **Bellarine Pink Ribbon Breakfast**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:04): On another matter, I highlight and commend the Bellarine Women's Network on hosting another fantastic Pink Ribbon Breakfast, which is the biggest annual fundraising event on the Bellarine. Over the past seven years this event has raised more than \$50,000 for breast cancer research. This year's breakfast sold out in under 2 hours – faster than the grand final. This success would not have been possible without the dedication of the committee, notably Veronica Noonan, Hazel Ingram and Karen Coulson, who worked tirelessly to make sure the event ran smoothly. In these tough times the generosity of our community shines through and reminds us of the life-saving power of collective action. I applaud everyone involved in this essential cause.

#### **Bellaire Primary School**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:04): On another matter, can I also mention two significant achievements within our community. Firstly, Bellaire Primary School's new learning centre. This impressive eight-classroom space, part of a \$7.64 million Allan Labor government investment, marks the completion of the first of a three-stage upgrade of the school. This new space includes natural light, flexible teaching areas, breakout spaces and accessible storage, giving the school a real boost. I would like to thank school captains Emily, Esme and Archie, who gave me a wonderful tour of the grounds. A big thank you to principal Suzanne, the dedicated teachers and the school community for their hard work.

#### **Diwali**

**Evan MULHOLLAND** (Northern Metropolitan) (10:05): It was wonderful to attend a number of Diwali events in the northern suburbs of Melbourne. It was great to attend the Hume Diwali Mela celebration with Liberal candidate for Calwell Usman Ghani, and it was great to meet with so many stallholders and speak to a lively crowd. I would like to thank Raj Mann for the invitation. I also attended the Northern Diwali on the weekend in South Morang with my colleagues Richard Welch and Nick McGowan, which was a great family celebration.

I would just like to note that one of the pillars of Diwali is unity, and I would like to put on record that only the Leader of the Opposition was invited to the Premier's Diwali, and community leaders even had to push them to do that. No other opposition MPs were invited despite most Labor MPs being in attendance. If Jacinta Allan and Ms Stitt want to hold a Labor dinner, it should be paid for by the Labor Party, not the taxpayer. I note that many community leaders were disappointed by the government's actions in this regard.

#### **Our Lady's Parish Craigieburn and Roxburgh Park**

**Evan MULHOLLAND** (Northern Metropolitan) (10:06): It was also great to attend on the weekend the Our Lady's Parish Craigieburn and Good Samaritan Roxburgh Park fete in Craigieburn. The first fete since 2019 certainly did not disappoint, with thousands of locals in attendance, showing the vibrancy of Victoria's single largest Catholic parish. I was proud to support the raffle and attend

with my family. Congratulations to the parish committee for putting on such a great day for the community.

### Justice Q

**Rachel PAYNE** (South-Eastern Metropolitan) (10:07): Only a few short weeks ago I was thrilled to attend to the launch of Justice Q, a free specialist legal service operated by and for LGBTIQ+ people, held at Bunjil Place in Narre Warren. Justice Q was initiated by the South-East Monash Legal Service in response to the complex and evolving legal needs of the queer community in Melbourne's south-east. Listening to the speakers at the launch share their lived experiences in seeking legal support highlighted that while LGBTIQ+ people generally seek the same legal advice as other Victorians on issues such as family violence, housing and immigration, they face significant barriers created by our binary system. LGBTIQ+ people living in the south-east have long faced a difficult decision of travelling far from home to access inclusive support, potentially encountering discrimination from generalised services or forgoing legal services altogether. It has been an absolute pleasure to serve as a member of the Justice Q steering committee, and I want to extend my congratulations to Justice Q on its launch. I look forward to further collaboration and witnessing the positive impacts of the vital community service that you will provide.

### Nepalese community

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:08): I rise today to extend my heartfelt congratulations to Nirajan Gauli on his recent appointment as the Consul General of Nepal to Melbourne. Last week Melbourne Nepal and the Consul General convened a roundtable discussion with Nepali youth in my electorate of Northern Metropolitan, a valuable forum that brought forward the voices and experiences of our vibrant Nepali community. From this discussion they compiled an insightful report that they are now using for advocacy to address key issues affecting their community.

Among the important topics discussed and raised were employability, social inclusion and cultural integration. Mental health and the stigma often associated with it were also emphasised for young people as a critical issue, along with the powerful role that community sports play in fostering camaraderie and helping to reduce social isolation. The group also discussed the need to extend settlement services to new arrivals.

This conversation provided keen insights into needs and aspirations of our Nepali community in Victoria. I would like to thank the team at Melbourne Nepal for their dedication to representing and advocating for young Nepali Victorians. In particular I want to recognise Mr Shailesh Ghimire, Mr Tarzan Bidatoki and Mr Saroj Bhandari for their years of service to the Nepali community in Victoria for various organisations. Our government is fortunate to work with such strong, passionate community voices who are engaging with us on meaningful issues that improve the lives of all Victorians. I look forward to the ongoing dialogue with our Melbourne Nepali community.

### Government performance

**Georgie CROZIER** (Southern Metropolitan) (10:09): Just five years ago the net debt for every Victorian was \$2500 – that was for every man, woman and child. Today it has soared to \$19,500. In a couple of years time it is going to reach \$25,000 – that is for every man, woman and child in this state. This is as a direct result of the mismanagement by the Allan Labor government of Victoria's budget. We know just how devastating that is because services are missing out and jobs are being cut. It is an absolute disgrace that debt has increased almost tenfold in that time. What this is doing is undermining the private sector's confidence and business investment in this state. We need to be doing more. Those opposite have got no idea what they are setting up for future generations of Victorians with the enormity of this debt. It is just huge and the burden that will be placed on children in future generations is very sad, and it is all because of Labor's legacy of mismanaging the Victorian budget.

### Health services

**Georgie CROZIER** (Southern Metropolitan) (10:11): On another note, can I say that among the annual reports that have been dumped today there is not one health service annual report that has been released. This goes to the heart –

**David Davis** interjected.

**Georgie CROZIER**: Of course. It just shows the mismanagement, Mr Davis, and the mess that our health system is in, the crisis that our health system is in, again because of the inability of the government to manage health and manage our budget.

### Daniel and Catherine Andrews

**David LIMBRICK** (South-Eastern Metropolitan) (10:11): In early 2013 a teenage boy named Ryan was riding down a bike path in Blairgowrie on Victoria's Mornington Peninsula. As he was crossing Ridley Street he was struck by a vehicle and was so seriously injured he had to be airlifted to the Royal Children's Hospital and was lucky to survive. A 36-page assessment conducted by former assistant commissioner for traffic and operations Dr Raymond Shuey asserted that the teen was struck by a vehicle travelling at speed and on the wrong side of the road. Dr Shuey also wrote that the statements from both Daniel and Catherine Andrews that their vehicle stopped at Melbourne Road are not consistent with impact consequences or the report by witness Brad Morgan of the squeal of tyres prior to impact. Dr Shuey stated that the investigators failed to account for the available evidence and labelled their conclusions baseless and unsupported. It has also been reported that there was a delay of several minutes before Mr Andrews called 000. I have met with a constituent who has played the recording of the 000 call that Mr Andrews made after the accident, where he stated that they hit Ryan, which contradicts subsequent public statements. I believe that it is in the public interest for this call to be heard and also believe that the investigation should be reopened.

### Southern Peninsula Community Support

**Tom McINTOSH** (Eastern Victoria) (10:12): It was an honour to be at Southern Peninsula Community Support's 44th AGM recently. For decades locals on the southern peninsula have reached out to Southern Peninsula Community Support when they have needed advice or crisis support, whether that be in the form of financial advice, food, accommodation, essential items or services. I want to acknowledge all the staff, volunteers, members and of course the board and thank Jeremy and Belinda for having me along again. I also want to acknowledge Murray Morton, who has had 29.83 years on the board. People like Murray have supported people on the southern peninsula and also have formed a place of modern-day community, and that is what I see when I see Southern Peninsula Community Support and everyone that is there working together.

### Rye Primary School

**Tom McINTOSH** (Eastern Victoria) (10:13): I also want to acknowledge everyone at Rye Primary School. I got to go and celebrate the opening of two new playgrounds, a \$200,000 government investment in the school. Just the joy that they brought to the kids was really, really touching to see. All the staff, teachers, parents, kids and broader community thought about the playgrounds – the colours, the layout – and they are really, really incredible. It was great to see them having so much fun.

### Community safety

**Nick McGOWAN** (North-Eastern Metropolitan) (10:14): What is it about machetes that the Labor Party of Victoria so dearly love? They had an opportunity some 12 months ago to rid this state of machetes. They are a dastardly tool and one that in many parts of the world has a horrific history, and yet in Victoria today we have an abundance of them still. It is bad enough that we have an epidemic of knives. We all know how easy they are to conceal. We all know how easy they are to use. We also know how deadly the consequences can be. And yet, when provided with the opportunity to rid Victoria of machetes, the Labor Party of Victoria balked.

It is beyond my comprehension how in the year 2024 anyone in their right mind thinks any Victorian needs to walk around with a machete. That is precisely what is happening in Ringwood at the moment. Picture this if you will: at 1:45 in the morning, so 1:45 am, CCTV footage captures three young individuals making a house call – not the kind of house call we like. Of course they are carrying with them machetes, they are looking for keys and they are looking to enter property. This is a common occurrence in Victoria today, and the party who could have stopped it is the state government and the Labor Party, and they are refusing to do so.

### **Supermarket prices**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (10:15): People in this country are getting scurvy because they cannot afford fresh and healthy food. This now rare disease should only come up as the scourge of sailors from days of yore. It was a very serious killer of seamen in the 16th to 18th centuries, with around 2 million seamen killed during this period, but it should not be afflicting people in our country, in this state, in this day and age. Doctors have said this is happening because of the ever-rising costs of living. People do not have the money to buy fresh fruit and fresh vegetables. They are not getting enough vitamin C, and they are getting scurvy like the seamen did.

This is because Coles and Woolworths continue to price gouge. The ACCC is literally taking them to court for it. They have been caught exploiting consumers under the cover of high inflation and using fake discount claims to rake in profits, and the impact of this is that people are literally getting sick because they cannot afford food. It is time we held these supermarkets to account. It is time we reined in their profits and forced them to make food affordable.

### **Noble Park community art show**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:17): The 19th annual Noble Park community art show was recently held, breaking all previous records with an amazing 746 entries and record numbers for the opening night and throughout the weekend. Well over a thousand people attended this year's show, which I again was delighted to attend, continuing my unbroken streak. I was delighted to again sponsor this amazing show, which features exhibitors spanning all ages and abilities. I have been honoured to have been associated with this show since it began 20 years ago, despite at the time many saying it would not be successful. But the passionate and dedicated team at the Noble Park Community Centre, with the support of the local community, well and truly have proven them wrong. This vibrant event has been embraced by the local community and has produced some amazing artists as well as works of art from local schools and artists. The creativity and bravery of the exhibitors has also inspired many existing and aspiring artists.

This is an event which showcases the best of my local community, with many coming together to not only view and purchase the art but also celebrate our unity and diversity. I want to acknowledge and thank everyone who has been part of this art show's journey so far, building it into the success that it is today, and I congratulate everyone who tirelessly donates their time to make it happen. This includes the dedicated team at the Noble Park Community Centre, staff, volunteers and sponsors, Grissel Walmaggia, Shelly Kemp and so many others without whom this spectacular event would not be as successful as it is each and every year. Also, I give a shout-out to the Lions Club of Noble Park–Keysborough, who organised the barbecue and sold over 30 kilos of sausages during the show and who donated the proceeds back to the Noble Park Community Centre. I am excited to see what next year's 20th art show brings.

### **Springvale Chinese Ethnic School**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:18): I would like to congratulate the Springvale Chinese Ethnic School on their 40th anniversary, which took place at Spring Parks Primary School. It celebrated their culture and language for two generations, and I was able to bring greetings and congratulations on behalf of our Liberal leader John Pesutto. That was a great honour, and I wish them all the very best as they continue with this wonderful school.

### Diwali

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:19): I would also like to take time today to give a shout-out to all the Indian communities in the South-Eastern Metropolitan Region who are and have been celebrating Diwali, including in areas of Berwick, Narre Warren, Narre Warren South and North, Cranbourne North, East and West, Carrum, Lynbrook, Lyndhurst, Dandenong, Clayton, Noble Park, Frankston, Mulgrave, Clyde, Clyde North, Rowville and the like. This year Diwali falls on 1 November, and it is now a global event. It has been celebrated in my area. The festival is a symbol of the spiritual victory of light over darkness, good over evil and knowledge over ignorance, and it is the single most important and unifying festival for all Indian communities irrespective of their caste, creed, religion and faith. It has been an honour to be invited to local Diwali festivals as a chief guest and also on behalf of our leader John Pesutto, and I am thankful for the invitations to the Bright Events 2024 Diwali festival, where they had amazing fireworks, a carnival and stalls and allowed people to perform on the stage as well. Also, the kids Diwali celebration – (*Time expired*)

### Colin McKenna

**Jacinta ERMACORA** (Western Victoria) (10:20): I endorse Minister Tierney's and Mrs McArthur's comments and remarks on the loss of Colin McKenna. It is a tragic loss, and he will be missed in our community.

### State Emergency Service western Victoria units

**Jacinta ERMACORA** (Western Victoria) (10:20): I want to go on to talk about the SES. Recently I visited the Warrnambool, Port Fairy and Hamilton SES units to check in with the crews and hear about their responses to recent wind events. Port Fairy unit controller Hannah Morris told me that their 20 operational volunteers typically attend sessions most Tuesday evenings and 133 call-outs for the year for that unit – and they are already up to 111 for this year. Hamilton unit controller Tim Fry very kindly showed me around the unit whilst juggling two-way radios. The rest of the team were out attending a snakebite victim in the Grampians. At Warrnambool I got to take part in a sneak peek at the new heavy rescue truck prototype. I would like to thank the crews at the units for taking the time to show me around, and of course I would like to thank volunteers and staff of the SES across Victoria for the work they do in keeping Victorians safe.

**The PRESIDENT:** We have reached our limit, but there is only one person left. I am happy to call Dr Heath, as long as she does not go over the time limit like nearly everyone else has.

### Raymond Shuey

**Renee HEATH** (Eastern Victoria) (10:22): Thank you, President. On 20 August former Victoria Police officer and assistant commissioner for traffic and operations Dr Ray Shuey passed away after a long battle with ill health. I met Ray through our involvement with the Community Advocacy Alliance, or the CAA.

Even after his retirement from Victoria Police, Ray conducted reviews for VicRoads and Victoria Police. He also coordinated the police response to the 2009 Victorian Bushfires Royal Commission. Ray served as president of the International Safety Foundation, which facilitates the international transfer of road safety and medical equipment to save lives in lower income countries, and Ray regularly consulted on road safety and police operations safety in Australia and worldwide.

A Vietnam vet, Ray worked until the very end, even speaking with people the day before his passing about important matters regarding road safety. I spoke to Ivan Ray, one of his colleagues, who said he spoke to him on the day of his death and he was still on the job and advocating for what is best for the community. The day before his passing he was speaking about a report he had written into the traffic incident which involved former Premier Daniel Andrews. As is typical of the former Premier, Mr Andrews sought to denigrate Ray even after his death, but I think his record of achievement and

service puts that to shame. My thoughts are with his family, colleagues and friends at this time. May he rest in peace.

### *Business of the house*

#### **Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:23): I move:

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

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

### *Bills*

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

##### *Second reading*

#### **Debate resumed on motion of Gayle Tierney:**

That the bill be now read a second time.

**David DAVIS** (Southern Metropolitan) (10:24): I will not say I am pleased, but I am very determined to make some points as I rise concerning the Building Legislation Amendment and Other Matters Bill 2024. This is an omnibus bill; it does lots of different bits and pieces. There are some parts of the bill which we have no difficulty with, but there are other parts of the bill that the Liberals and Nationals vehemently oppose. We think that the gas aspects – and I will come to all those in due course – are misguided and destructive and will cost families and businesses very dearly indeed. The bill provides regulation-making powers, as I said, for the government's *Gas Substitution Roadmap*, but before I get to that I am just going to deal with these other matters.

The bill contains provisions to empower municipal governments and other relevant building surveyors to serve building notices and make certain orders that may require the owner of land, a building or a place of public entertainment to take certain necessary actions.

The bill also provides for clarifications to ensure that limitation periods for bringing building or plumbing actions under the Building Act 1993 are subject to the provisions of the Victorian Civil and Administrative Appeals Act 1998. These enable courts to extend limitation periods for the commencement of proceedings in circumstances where VCAT has referred a matter to the court and the court is satisfied of certain preconditions.

The bill also establishes a new scheme under the Architects Act 1991 requiring registered architects to annually renew their registration and for approved partnerships and companies to annually renew their approvals. It also introduces requirements for registered architects to be fit and proper persons and to give statements to that effect as part of annual probity checks of registered architects. Working backwards on this, the opposition has communicated with the architects associations, and that was in the person of our Shadow Minister for Planning Mr Newbury. It is clear that there is no objection to the changes in the Architects Act, and to that extent we have no concerns about that matter.

The bill makes a number of technical and miscellaneous amendments also to the Building Act, more generally the Architects Act, as I have said, and the Victorian Planning Authority Act 2017.

There are various building aspects of this that, as I said, we do not fundamentally disagree with, but on others we do. The provisions around requests to council relating to protection work – the building notices and building orders – are not objected to; those are in clauses 3, 4, 5, 6 and 7. We do not have objections to those parts of the amendments. As I said, the limitation on time, which is an amendment to enable VCAT to provide greater flexibility, is a sensible change, and the insurance provisions in division 4 are not opposed.



There are, however, as I said, some very difficult parts in here with respect to the *Gas Substitution Roadmap*, and I think it is important to put on record the context in which this bill comes to the chamber. Victoria obviously has targets, which have been broadly accepted, for greenhouse gas emissions and for other lower emission technology aspects, and we are broadly not opposing those decisions. However, the government's mechanism of going around this has been deeply flawed, and the government, through the person of Lily D'Ambrosio, the minister, has led a war on gas – a deliberate charge, a deliberate attack on the choices of consumers and the role that gas could play.

It is clear that Victoria has a very large distributed gas network, larger than other states. We have many more homes on gas, and as we saw in February this year, it is a significant advantage. When the electricity went out across large parts of Melbourne and into country Victoria, those who had gas had some power in their homes. They were able to cook. They were able to have hot water. In some cases houses were off the electricity grid for many days and in some cases weeks, but if they had gas, they were in a much more secure position. There is what I would call a systems theory approach that would say having an energy network that is in place and providing an alternate source of energy into homes and businesses actually gives significant redundancy and protection to the consumer. The state government's stated plan is that they want all of the gas network stripped out, ripped up, and they want every single house in Victoria off gas. They want most businesses off gas too, and they want to do it in any way that is required. They do not care if it is draconian, they do not care if it causes grief to people and they do not care if people cannot pay for it. They do not care if families are cold and children are left freezing in winter. They do not care. It is an ideological crusade that is being driven by this government in a nasty, vicious way to target gas and to strip gas out of homes in particular but also out of many businesses.

The government in its quieter times does concede that there are some businesses that will always need gas in any foreseeable future period. They occasionally concede that some of those businesses will need gas supply. The question is: how on earth do they get the gas? If you tear out the network, if the network is allowed to decline and run down, there will not be the ability to deliver gas in a cost-effective way. We have seen this today. We are seeing an early playing out of what is going on here. AusNet has applied to the Australian Energy Regulator to pass through tens of millions of dollars in infrastructure charges to consumers, households and businesses. It is a direct link. They have made the direct link, and I urge people to go online and read the document that AusNet has submitted to the energy regulator.

It says the reason for this is because of the Victorian government's policies; that is what it says. The reason they are applying to increase the charges to consumers, the reason they are going to hit consumers, families and businesses with a huge slug in a cost-of-living crisis, is because of the Victorian government's plan to strip out gas. That is what they say. It is clear. We have had a lot of shillyshallying around by the government and others in this recent period – 'Oh, it won't cause any concerns.' Well, here it is; it is actually written in plain English. Go online and read it. The Victorian government's *Gas Substitution Roadmap*, its plan to unwind the network, will cause increased infrastructure costs. They want a different depreciation regime. Who can blame the company, which is being lumped with this government policy. They say that is the basis for their application for increased charges to be passed through to every household and every business.

**A member** interjected.

**David DAVIS:** No, we give people the option. You are the one who is forcing people off gas.

**A member:** Where are you going to get the gas from, mate?

**David DAVIS:** Well, we have talked about that. It is time to start looking onshore to find the conventional onshore gas that we know is available. I have spoken to a lot of companies, and they say the conventional onshore gas is there. Ten years and not one single permit for exploration has been delivered by this government.

*Members interjecting.*

**The PRESIDENT:** Order! Mr McIntosh, you are not in your place.

**David DAVIS:** President, I am responding to interjections and provocations, so I am directly responding. As you know, President, I try to resist these things, but occasionally I will break out.

The fact is we now have proof positive that the state government's gas policies are forcing up the cost for those who are going to have to pay it. That is families and it is small businesses. They are going to be sluggish and hit very, very hard.

One of the rabble over there made some comments about where the gas will come from. Let me be clear. There is conventional gas onshore that is available. The fact that the government has not issued a single exploration permit since it came to power in 2014 is an indictment of this government. The fact is that there is conventional gas onshore, and we should have been giving permits and we should have been looking for places to find it and drill it. The truth of course is that Victoria has a lot of gas – everybody knows that. Further, there are other and innovative sources. In recent days we have seen the announced commencement of the hydrogen proposal in Wodonga. Five or 10 per cent of the gas going through the network in Wodonga, in Albury–Wodonga I might add, will actually be hydrogen introduced into the pipes. That will be in effect a shandy of gas, if you want to call it that. That is a way to put additional gas in the system.

I was honoured to attend and speak at a forum on biogas in Shepparton just a couple of weeks ago. There were more than 100 people there. It was a very good forum. There were people from industry, people from water bodies, some people from government and others. I thought some of the regulators made useful contributions. As part of my work for that, I went and read the submissions to the government's biogas process, which is delayed. It has stalled. It has stopped because Lily D'Ambrosio hates that three-letter word: gas. She starts to quiver when you say gas. She becomes unhappy. Biogas is an alternative that can be used for part of the system. Nobody should pretend it is an entire replacement – of course it is not. But can it make a contribution to our gas? Yes, it can. We know in New South Wales that Jemena is actually doing this with one of its water sites. It is injecting biogas back into the grid. Further –

**A member** interjected.

**David DAVIS:** Your own authorities here have submitted to the government process, so if people want to go online and read the Melbourne Water submission to the biogas paper, what they will find is that Melbourne Water say they take the biogas from the eastern treatment plant – the largest of the plants that they operate. Most of the eastern side of Melbourne's sewerage goes down there, and they take the biogas from there. Some of it is used to generate electricity, but a large part of it is simply flared. Every day it is simply flared – that is what the submission says. Do you know what Melbourne Water says? They would like to clean up that gas and inject it next door into the trunk gas pipe that runs past their premises – seems a pretty good idea. Rather than flaring the gas and not helping with greenhouse issues, they would rather inject it where it will actually be used by businesses and households. This is a very straightforward point that I am making here. We actually have access to more gas in this circumstance from a government authority –

**Tom McIntosh** interjected.

**David DAVIS:** Well, they actually have some figures in there, and I invite you to go and read them. It is clear that it can make a meaningful contribution, and the Shepparton forum made it clear that in certain regional situations, biogas could actually provide full security for a number of the food processors and others in that city. There is access to biogas. People need to go and understand this stuff and understand that there are alternatives, that there are choices here and that it might be a good thing in the long run to have hydrogen down the system.

Also, if you look more broadly, we know that it is possible to run a house on hydrogen, and I invite members there to go to Wollert, where there is a hydrogen house.

**Sarah Mansfield:** It is very cheap.

**David DAVIS:** No, not in the current form, but they are testing. They are quite sensibly testing.

*Members interjecting.*

**David DAVIS:** Let me answer this first – one at a time, if you do not mind. The hydrogen house is able to use hydrogen for heating, for hot water and for cooking. I have to say that it is quite interesting to look at the hydrogen, and it goes up more than the methane that we are used to, where the heat comes out a bit more.

My point here is that this is functioning technology today. Indeed the Acting President will be pleased to hear that they can do a gas barbecue as well; they actually have a gas barbecue operating. The point here is that a lot of this technology is there. They are testing it. It is being used in other parts of the world, and nobody can say that hydrogen cannot be used as part of the network. It can be used as a shandy, but also in some circumstances it can be used for whole estates, particularly where they might be near a low-generation option where they can split water.

**Tom McIntosh:** Ah, renewables! Cheap renewables!

**David DAVIS:** I have got to say they are not always cheap, but they are cheaper where you do not need long-distance wires to get them to the relevant estates. You might be able to do this on a local basis. A good example might, in the end, be up around Wodonga and Albury; there could be options up there. The point here is Lily D'Ambrosio's solution is to tear out the whole gas network, to break the redundancy option that we have –

**Tom McIntosh:** And you might use potential future technology – maybe, one day.

**Richard Welch:** On a point of order, Acting President, the member is pointing across the chamber and interjecting relentlessly.

**The ACTING PRESIDENT (Michael Galea):** I will direct Mr McIntosh to not point and to calm down a little bit, please.

**David DAVIS:** I will try to desist from responding to the interjections.

**The ACTING PRESIDENT (Michael Galea):** I uphold the point of order.

**David DAVIS:** I will return directly to the bill. The problem here is that the government has an ideological war on gas.

**Tom McIntosh** interjected.

**The ACTING PRESIDENT (Michael Galea):** Order! Mr Davis to continue, without assistance.

**David DAVIS:** I am returning to the bill now. I have been diverted by discussions on all manner of different things – biogas, hydrogen and other points. The truth is that the government's ideological war on gas will see the network stripped out and it will see people pay more, and we are seeing the first steps of that today with the distribution bodies pushing forward to say, 'We're going to have to be paid for the unwinding of the network and the infrastructure costs that are implicit in that.' I would have thought that this is going to be very hard to answer, because those costs are true and if you do unwind the network, those who remain will pay more, whether they are businesses or whether they are households.

At the moment very few Victorians think that they can bear more energy costs. We have already seen electricity and gas costs surge massively. We discussed this in the chamber yesterday, but I return to the St Vincent's work – Gavin Dufty's work. He makes it very clear that last year we saw an increase

in electricity costs of 28 per cent in Victoria – the highest in the country – and we saw gas go up by 22 per cent, also the highest in the country. That is the record of what people pay, so it is no wonder that families are burning. It is no wonder that families are feeling the pain. Already we have got interest charges and this state government's massive tax increases, and now we have got this huge surge in energy costs driven by the failures of the Andrews and now Allan Labor government. That is the story. Victorians are already paying much more than they should and they are already paying much more than they did. That is the record of this particular Labor government: families and businesses have been hit.

I have had businesses come to me and indicate that they are moving interstate or overseas because of the surging gas costs. Again, it was a decision of the Labor government to not assist with exploration, to not assist with finding gas from other sources and to not keep the price down. It is likely that we will also end up with an import terminal, at least at Port Kembla and perhaps elsewhere down near Geelong, and that import terminal will mean additional gas will come in. One of the concerns with import terminals is that they tend to be more expensive, and that puts more pressure on the gas price and more pressure and challenges on families and businesses. Again, this is a direct result of Daniel Andrews, Jacinta Allan and Lily D'Ambrosio. Over 10 years they have not searched for more gas, they have not put more gas in the network. They are now actually targeting the gas network and stopping people's choice. Many families want to have a choice. Chinese families have talked to me and said, 'I want to have the option to cook with my wok on a gas stove,' and that is a legitimate point. I am not opposed to that. I understand what they are saying. Indian community members have said the same to me. They actually like to cook on gas, and I understand that too. I personally prefer to cook on gas. I have got an electric house in in the city, and in the country I have a house that has got gas. I can tell you what, the gas heats the house better and it cooks better. That is actually the truth of the matter. It is actually better; it is cheaper and it is more effective. That is the truth. This government actually wants to target those who would choose to keep gas going.

First, I am just going to indicate what we intend to do with this bill so that the community and Labor –

**Tom McIntosh** interjected.

**David DAVIS:** I propose that at the end of the second reading we refer this bill for a two- or three-week inquiry and hearings, likely by the Environment and Planning Committee. We think that that would be a very suitable way forward to get some hearings and actually understand further the cost and to allow industry to have their say. That is an important step. If that is not successful and the bill goes into committee, I will propose that on clause 38 we amend that clause. It might be that the amendment is distributed. It would be actually helpful to do that.

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

**David DAVIS:** The amendment will effectively lay out what the government itself has said. The government itself has said that, with respect to cooking appliances, people will be able to keep their cooking appliances. That is what they have said. So we will entrench that in clause 38, that people will be able to keep their cooking appliances. Anyone who votes against that is voting against the government's own announced policy. It is a bizarre thing that clause 38 did not incorporate that point from the start, and it should have incorporated that point.

We are quite clear: we actually do not like any of this *Gas Substitution Roadmap*. We think the government has gone off on an ideological frolic. In doing so, we would oppose the whole approach, including the whole of that clause, but we think it is worthwhile offering members an alternative here and saying, 'Do you agree with the government's policy?' They have brought this bill in, which has got a catch-all clause in clause 38 which gives them a head of power to regulate as they will on any reticulated gas matter in a new building, in an existing building. The reticulated gas approach would give them the power to really come down heavily on the plumbing industry, and that is a very wide and draconian power that we think is an overreach by this government.

But even if you just accepted what the government said, you would want to make sure that those cooking appliances are protected, and this amendment will do that. It will protect the cooking appliances in line with what the government has said. If you vote against this, you are voting against the state government's own policy. You are crossing the floor in effect on the state government's own policy to protect gas appliances. If you vote against this, you are voting against the rights of people to have the cooking appliances that they want.

As I said, clause 38 is an overreach on every level. We oppose that clause in itself. We think it is a huge overreach. It is not targeted, it is not thoughtful; it just gives the government power to do anything on reticulated gas on any premises anywhere in Victoria. We think that that is an overreach, and we will oppose that strongly.

There are many other things about the gas transition, as the government calls it, that have not been thought through. One of the issues is the electricity network itself. What we have discovered is when you look at the electricity network and you start to look at the capacity of individual houses, the government's costings are completely cock-a-hoop. The cost to electrify houses is much greater in most cases than the government is estimating, and vastly greater.

I know Mrs McArthur will give some examples down in the Western District of houses where the cost to electrify is vastly greater than the government is admitting to. The government is also not costing in the cost of the local distribution network. When you electrify one house, two houses or three, four and five houses as you go along the street, suddenly the demand for electricity in the street is much greater. The government has nowhere costed the need to upgrade the whole electricity network in metropolitan Melbourne and country Victoria – the whole network. If you are actually going to strip out gas everywhere, which is what the government says it wants to do – they have banned it already on new estates and they are in the process of banning it for rental properties. The replacement of equipment or appliances in rental properties is already well advanced. We know the government's internal bureaucratic process is operating already, drafting up regulations to ban the replacement of gas appliances in every single house in Victoria. So if your gas heater carks it because it is old, you will not be allowed to replace it with gas. Let us be clear what is going on here. This is a very Stalinist approach. It is a sharp authoritarian approach. That is what we are looking at here. If you want to replace your hot-water service or your cooker when it has reached the end of its life, you will be banned from doing so. That is what the government is intending to do. That is the sort of power that clause 38 gives it.

Parallel with that the government has not thought about what happens to the electricity network. If you take all of that energy out on a cold winter's night or a cold winter's day in Melbourne, which gas provides currently, where will the electricity come from? There is a question about how it is generated and brought to the city or the country town, but then there is also the question of the street-level capacity. How is that capacity to be upgraded, and who will pay for that upgrade? Will it be you, Acting President? Will it be the clerks? Will it be the people who were here before from one of the schools? Will they be the ones who pay? I tell you what, every Victorian will be paying. We are tearing out one perfectly good system, and we will need to upgrade the electricity system. That will cost billions of dollars. Nobody is looking where the cost of that comes from, and nobody is admitting that you will have to pay through your electricity bills or elsewhere for that.

**Tom McIntosh** interjected.

**David DAVIS:** Some people might want to trivialise points, but this is actually a very serious point. You do not have to be a rocket scientist. You do not have to –

**Tom McIntosh** interjected.

**David DAVIS:** On a point of order, Acting President, we have a contribution of cackling over there that goes on and on and on relentlessly, and I think it is an interjection that is not needed.

**The ACTING PRESIDENT (Michael Galea):** I will allow Mr Davis to conclude his contribution in silence.

**David DAVIS:** Thank you. You do not have to be a rocket scientist to realise that tearing out a perfectly functional system, the gas system, is cutting people's choice and cutting people's options, forcing them to pay more. They are going to pay more to maintain the gas system for a little while. That is the plan. We disagree with the plan, but that is the plan. Then we are all going to be transitioned to electricity over here, but nobody has a plan to upgrade the local networks or the homes. Who will pay for these homes? I tell you who will pay: it will be everyday Victorians. It will be another slug in the guts for everyday Victorians, who are already doing it tough. We think this government is completely off beam on this, and we think it is time to push back and say enough is enough.

**Sarah MANSFIELD (Western Victoria) (10:54):** I rise to speak today on the Building Legislation Amendment and Other Matters Bill 2024, which the Greens will be supporting. But before I turn to some of the substance of the bill, if there are young people out there and certainly if future generations want to ever understand why and how we did not act on climate change, I think listening to what has gone on in this chamber so far really says it all. We have got –

**Tom McIntosh** interjected.

**Sarah MANSFIELD:** I will get to you in a minute over on that side, but on this side of the chamber we have had the opposition basically talk up a future that is filled with ongoing use of fossil fuels. On the other side of the chamber we have had interjections, and while I think Labor have done a reasonable job when comes to rolling out renewables, let us not mistake that for genuine climate action.

*Members interjecting.*

**Sarah MANSFIELD:** We have Labor – they were calling out, interjecting about having onshore gas fracking and the plans that the opposition might have, which certainly are something I would be concerned about. They are talking about more gas exploration. But Labor lifted the moratorium on onshore gas exploration on 1 July 2021. They issued permits to allow Beach Energy to extract offshore gas near the Twelve Apostles earlier this year, and just this week they passed a bill written specifically for GB Energy to allow offshore gas storage. Do not lecture us about being strong on climate action when you continue to approve new fossil fuel projects.

Right now we are getting news about catastrophic floods in Spain. We are seeing cars piled up on top of each other from some of the worst flooding we have ever seen. There is a report today to say that Australia has already hit 1.5 degrees of warming. That is absolutely terrifying. Any responsible government should be looking at doing absolutely everything they can to rapidly transition away from fossil fuels, and that must include not approving new fossil fuel projects. It is very depressing that we have a Labor government that continues to approve new fossil fuel projects and an opposition that, if they are ever in power, have basically explained to us that they will continue to celebrate opening new fossil fuel projects and go actively looking for them.

However, the legislation that is before us today does take a promising step in the right direction when it comes to transitioning away from those fossil fuels. We need to be doing it faster, but this will help to reduce our demand for those fossil fuels and hopefully reduce the perceived need to go out and extract any further gas and help us to wind up our dependence on gas as quickly as possible.

We are particularly pleased to see that this bill expands powers to regulate the connection of piped gas into homes and to regulate the installation or replacement of gas in certain appliances. Fossil gas contributes to 17 per cent of Victoria's total greenhouse gas emissions. It is Victoria's 2 million-plus households, not industry, that contribute the highest proportion of these emissions. It is our household reliance on expensive fossil gas which has seen the Victorian government continue to green-light new gas projects across the state, including just this week, as I have mentioned, along our sensitive coastlines and in our marine environments. Reducing the demand for fossil gas by Victorian

households is key to putting a stop to new gas projects in a climate crisis, but up until very recently many Victorians were still installing gas appliances into brand new homes without any support from the government to do otherwise. Governments allowing people to keep installing gas appliances in new homes makes as much sense as encouraging everyone to get VHS players or buy cars that run on leaded petrol, perhaps more like the latter given the increasing medical evidence of the health effects of having fossil gas appliances inside a house.

In the not-too-distant future generations will look back at this generation with incredulity that governments continued to allow people to ignite fossil fuels inside of their homes for heating and cooking, a technique that has barely evolved from the prehistoric period, but we need to do more than just stop hooking up new houses to gas. We need to transition all homes to all electric, 100 per cent renewable hubs, homes that incur minimal ongoing electricity bills while maintaining healthy levels of indoor air quality. More and more Victorians are making this transition already and are paying next to nothing to power their homes during this cost-of-living crisis.

Getting off gas will save a home up to \$400 a year in connection fees alone. Getting off gas will ensure households will only have one bill instead of two, and that is before you account for the thousands of dollars in efficiency savings. We also know that gas appliances in the home are known to release harmful gases, including carbon monoxide, nitrous oxide and formaldehyde. Australian medical research suggests exposure to gas stove emissions could contribute to over 12 per cent of current childhood asthma cases. Cheaper, cleaner, more efficient appliances; only getting one energy bill instead of two; not exposing your lungs to toxic chemicals in your own home every day – no wonder the gas industry is currently lobbying so hard to oppose electrification. They must feel like the owners of Blockbuster video stores did back in 2009, sitting on piles of an obsolete product. That is why they have launched a huge advertising campaign to promote ‘natural’ and falsely claim gas is a clean fuel. You see, things do not sound as bad when you prefix them with terms like ‘natural’: ‘natural coal’, ‘natural oil’, ‘natural real estate’, ‘natural syphilis’. How apt that the gas industry is gaslighting us to try and stay in business.

The Victorian government must not cave in to this campaign by fossil fuel companies. It should do more to support households. It should do more to ensure that the benefits of electrification are available to everyone, not just those households who have the means to make the initial investment or those that own homes instead of renting them. Getting all Victorian homes off gas is one of the best investments the government can make to both ease the cost of living and reduce emissions.

To do more to move households to electrification the Greens have some amendments, which I kindly request the clerks now circulate.

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

**Sarah MANSFIELD:** My amendments insert a clause into the Building Act 1993 allowing the government to create regulations to prohibit the installation of a solid fuel burning appliance such as a fireplace insert or wood heater. This clause enables regulation to be flexible enough to apply to buildings in different geographical areas, different classes of building or different classes of solid fuel burning appliances. As with the gas building regulations, this amendment is about not adding to a problem, in this case the health and climate impacts from household wood fires.

I talked about the link between gas and asthma, but wood heaters are worse for our lungs. According to Victoria’s air quality strategy published in 2022, wood heaters were responsible for 38 per cent of PM 2.5 – that is, very small particulate matter. These are the tiny particles that make their way right down to the smallest pockets of our lungs, to the surface of our lungs, where oxygen and carbon dioxide are exchanged via the blood. Wood smoke causes asthma, emphysema, hospitalisations from cardiovascular disease and respiratory disease and premature deaths. The average wood heater in Melbourne burns 3.75 tonnes of wood per year, releasing harmful compounds into the atmosphere that affect not just those who own the heater but everyone in the area. With approximately 240,000 wood

heaters across the state, these high-emission sources are expected to create approximately \$8 billion in health impacts over the decade to 2028 if wood heater usage is not reduced. An additional concern is the widespread illegal collection of firewood, which is damaging many of our forests. It is much easier to not build wood heaters in the first place than to remove them a decade after they are installed. The government should regulate now to restrict installation of wood heaters in circumstances where cleaner forms of energy are available.

So, in summary, we will be supporting this bill. We believe we need to get households off fossil fuel dependence as quickly as possible. This legislation certainly goes some way to doing that. We still believe the government need to go further and faster, and we implore them to stop approving new fossil fuel projects and continue to work on reducing demand for fossil gas and helping households transition to all-electric homes. They are better for our climate, they are better for our environment and they are better for people's health and wellbeing.

**Ryan BATCHELOR** (Southern Metropolitan) (11:04): I am pleased to rise to speak on the Building Legislation Amendment and Other Matters Bill 2024. The legislation before us today is doing a range of things, including introducing a suite of reforms to the building system to ensure that Victorians can build, renovate or buy a home with the confidence that they will get what they paid for, which is a properly built home. It is something that everyone should be able to expect, having a properly built and structurally sound home. The bill enables a suite of reforms that will progressively reshape the building system to strengthen consumer protection and improve the oversight of new builds. These are important protections that put in place measures to give the consumer – the homebuyer and home builder – more confidence that the biggest purchase they are ever going to make in their entire lives – that is, for many, a new home – is being built properly and is being built to the appropriate standards.

So many in our community, and we talk to people every day, have an absolute and undeniable aspiration to own their own home. Home ownership is something that Labor fundamentally supports both through this legislation and also through other policy agendas that the government has been rolling out. Giving more Victorians the opportunity to own their own home is exactly what this Labor government wants to do. It is sadly not an aspiration that is shared across the chamber and across the political spectrum. What this legislation seeks to do is ensure that when people are making those purchases, when people are buying a home or building a home, consumer protections are in place to give them confidence in the big decision that they are making, the big investment that they are making, the big mortgage that they are taking on, often in circumstances where for many of us there is a very clear information asymmetry between homebuyers and home builders. Most of us do not have a detailed technical understanding of building materials and structures. We rely on the system of consumer protections to make sure that our interests are protected. This bill will strengthen those protections and give greater confidence to those involved in the biggest purchase of their life.

Strengthening home owners' rights to a safe and high-standard home is incredibly important as we build more and more homes across this state. We are also ensuring that builders and developers build these homes to the standards expected by residents. Through changes to the Building Act 1993 the bill sets out the limitation periods for commencing building and plumbing action, which will enable courts to extend the limitation periods for legal actions involving building and plumbing work in certain circumstances. The amendments strengthen consumer protections, ensuring consumers do not lose their right to legal action when transferring their matter from VCAT to a court. Without this amendment the delays involved in such a transfer between VCAT and a more appropriate court risks consumers losing their cause of action when the limitation period currently set out in the Building Act is reached.

The changes to the Architects Act 1991 will strengthen conduct in that industry when it comes to building new homes by replacing the existing annual fee for registration of an architect with a new annual renewal process for registering architects, approved companies and approved partnerships. The bill is going to streamline the Architects Registration Board of Victoria to enforce eligibility and



continued professional development requirements and remove entities that are noncompliant from the Register of Architects.

This is a series of measures that reshapes the building system and part of a suite of this and future measures that the government has announced recently. We do not stop our policy work in this space. We do not stop our work in ensuring that our building and planning system is giving prospective homebuyers the confidence that they need and deserve. We do not stop that work; we will continue to do that.

That is a very important part of this legislation. It has not been a large feature of the debate today. Obviously in the contributions made, and Mr Davis did at the opening of his remarks go through these measures, I think we all agree these are important amendments to the building system. The bulk of the debate, it is fair to say, in the chamber today has been about the elements of this legislation that seek to support the implementation of the *Gas Substitution Roadmap*, which is a policy framework that the government has in place to support those Victorians who wish to make the transition from gas to electricity, supporting electrification of homes here in Victoria to deal with one of the elements that is helping the state to navigate the path to net zero emissions while cutting both energy bills and cost to consumers but also helping to ensure reliability of energy.

What the *Gas Substitution Roadmap* does is set out options that the state has to progressively electrify our residential and commercial buildings. Historically, we know that Victoria has relied on gas because it has historically been abundant, and abundance has meant that it has been cheap. But fundamentally gas is a fossil fuel that is non-renewable, and as our reserves have been diminished by extensive use for both commercial and residential purposes, our available gas fields in this state, which were a boon to us, have diminished. That has occurred with a commensurate increase in cost, so as supply is constrained, costs have increased, which means that for the Victorians that for generations had benefited from having abundance of gas and the lower cost option that gas presented – and I remember this being a feature of the childhood that we all grew up in, and that is what it was; gas was cheaper and gas was more efficient, and that is why we had gas stoves and gas heaters in our homes – that reality has changed. The new reality for Victorian households is that gas prices are going up and up and up and energy bills are going up and up and up.

So government is faced with a choice: we can consign Victorian households to ever increasing energy costs because they are stuck on gas that is getting more and more expensive or we can support them. We can support Victorian households to reduce their household bills, make the switch to cheaper electricity and make the switch to cheaper electric-based cooking and electric-based heating, giving them the options, the opportunity and the support to make the transition to cheaper household energy costs. That is exactly what the government's policy agenda is designed to do, support Victorian households with cheaper energy costs.

We are not standing here wishing that the past was still present. We are giving Victorian households the tools they need, the support they need and the rebates they need. The Victorian energy upgrades program – we debated it yesterday. The Liberal Party is opposed to it and wants to see it scrapped. They tried to scrap the Victorian energy upgrades program when they were in power. Luckily they failed, because what that program is delivering is support to Victorian households to complete the task of electrification. We know that helping Victorian households on the path to electrification, which will be enabled by this legislation, will mean lower emissions and cheaper energy bills. This is what this legislation is achieving. What we have heard from the opposition is Mr Davis, in a very impassioned contribution, railing against the electrification of Victorian homes. I think it is the only time that I can possibly imagine Mr Davis being at home in the crowd at a folk festival. I thought of the 1965 Newport Folk Festival. Mr Davis, I am sure, would have been railing against Dylan going electric. When Bob Dylan plugged in his guitar at the Newport Folk Festival, it caused outrage, because no-one could think that possibly electrification was the future. But I reckon that the history of the 20th century shows that it was probably a good idea for those guitars to be plugged in and for something different to come out the other side.

The opposition wants to consign Victorian households to be stuck on gas that is more expensive than electricity and that is only going to get more expensive as the days, weeks and years go on. Mr Davis wants a future where Victorian households are forced to stay on gas. That is what they want. They want Victorians to not have the support of the programs that this Labor government have put in place to assist electrification. They are opposed. They spent a fair amount of time yesterday condemning an energy upgrades program that is helping Victorians make the transition from gas home appliances to electric home appliances.

This legislation, by putting in place provisions to support the *Gas Substitution Roadmap*, will help that to occur. The investments the government is making to support people to put solar panels on their roofs will make electricity cheaper, because we know obviously that the cheapest form of electricity ever possible is that which we get from the sun. The solar revolution that households right across this state have embarked upon is enabling them to take advantage of lower cost energy in their homes by making the switch to electric. Clearly what the opposition wants to do is to force people to stay on gas. This legislation is all about putting in place measures to support the *Gas Substitution Roadmap*, to give Victorians the opportunity to take advantage of lower energy costs in their homes and making a broader contribution to reducing greenhouse gas emissions across our community. There are, as I have said, a number of provisions in the bill which are also designed to support better consumer protections in the system and to support Victorians who wish to own or build their own home. The Building Legislation Amendment and Other Matters Bill 2024 is incredibly important, and I commend the bill to the house.

**Bev McARTHUR** (Western Victoria) (11:19): It is no surprise that the part of this bill which concerns me most is part 2, specifically division 6, clause 38 – amendments that will enable the prohibition of:

... a person from connecting reticulated gas, or extending the capacity of an existing reticulated gas connection, to an existing building or a building under construction or to a building in a class of existing building or a class of building under construction ...

The amendments to the Building Act 1993 give ministers the regulation-making powers to implement their misguided *Gas Substitution Roadmap*. It is a map which I am pleased the coalition has promised to withdraw, specifically by reversing the absurd plan to ban new domestic gas connections. We have heard how environmentally short-sighted this government overreach is. Just yesterday I pointed out how Victorian electricity, largely as a result of brown coal use, is far more carbon intensive than pipe gas, as shown by the definitive federal government figures in the *Australian National Greenhouse Accounts Factors 2023*. Currently it is more costly. We are told both of these will change one day, but I am not sure so sure. And the confident assertions made by this government are already unravelling. The inadequacy of transmission lines, the emerging problems with offshore wind and slowing investment in solar and onshore wind projects all suggest the 95 per cent renewables future is further away than promised, if it is even possible at all. In the meantime carbon emissions will be higher, costs will be greater and choice for Victorians will be removed. I do not want to repeat all these arguments again; they are on the record, and I am delighted that the coalition will reverse the policy.

What I want to do is highlight an important consequence of a ban like this for non-domestic uses. We heard the Premier backtracking on the total gas ban recently, apparently caving in to pressure, and suggesting cooking with gas will still be possible. This is very odd, not least because the powers to ban gas are still present in this bill.

**David Davis:** And they're wide powers.

**Bev McARTHUR:** Very wide, Mr Davis. It is odd because if we remove all domestic gas heating, gas for cooking alone becomes far less viable.

This issue of reduced viability matters even more to industry. Despite the small fraction of Victoria's total carbon dioxide emissions which arise from domestic gas heating, the government has seen fit to

ban it. What message does this send to businesses in manufacturing and agriculture, say, which absolutely require gas and cannot begin to viably replace it with electrical energy? Gas to process milk powder, kiln-dry timber, manufacture bricks – there are any number of industrial and commercial processes which electricity cannot viably replace. Yes, the ban envisaged in this bill is on domestic connections, but how long until it is extended? There is no doubt it is a slippery slope. I can see it now. First the ban will only be on new connections, with the line pushed that existing operators will be protected. But how long after that will it be until any replacement connections are curtailed and then, ultimately, there is a total moratorium? For good measure they will probably add the total gas ban into the constitution. This might seem fanciful, but it is really not, especially not if you are a business or an individual considering investing considerable capital – real money, your own money, not the taxpayer's. People need guarantees for investment here.

When I asked this question before, seeking from the minister a guarantee that the government will 'not at any stage in the future ban the industrial and commercial use of gas', the response was less than reassuring. Firstly, it reiterated the now seriously questionable figures about massive and immediate renewables uptakes miraculously decarbonising Victorian electricity generation. Then it focused on domestic homes for a few paragraphs – no surprise from a government which is not interested in industry. Finally, the answer to my question was this:

Industry is at the forefront of this transition, from volume builders and property developers to appliance manufacturers, the demand for modern, electric appliances is booming. To further support industry we've invested \$3 million package to ensure workers have the right skills to take advantage of this transition.

We're also offering free training for 1,000 plumbers and apprentices, and 400 electricians and fourth-year apprentices to safely design and install rooftop solar and home battery systems.

That was it – no commitment, no promise, no guarantee, not even any reassurance. In fact there was a stark failure to offer even any suggestion that manufacturers who rely on gas have a future. The only mention of industry was appliance builders, probably in China, and property developers. What about Victorian manufacturing? What about regional Victoria? That answer, provided on 29 August last year, made absolutely clear how much Labor care about manufacturing, agriculture and food processing in this state. Even without a ban, phasing out domestic consumption will damage the network and economies of scale. It is serious vandalism. The Victorian gas network is more complete than in any other state, and it provides an incredibly valuable resource for our energy needs.

In a future where transport is electrified demands on our generation and transmission of electricity will grow enormously. Upscaling generation, transmission networks, distribution networks and domestic electrical infrastructure to cope will be incredibly slow and horribly expensive. Why not allow gas to take some of the strain? More than four out of five homes in Victoria are connected to gas, and gas networks provide more energy than electricity networks.

The *Gas Substitution Roadmap*, put into effect through part of this bill, is a serious mistake, an example of environmentalism and ideology triumphing over pragmatism. That alone is reason enough to oppose this bill. As Mr Davis said, I have constituents in my electorate who, when building a new home and in the effort to make it all-electric, which you demand, have had to upgrade the connection from the power company to the home at a cost of nearly \$100,000. It adds to the price of a new home. It is unaffordable for a simple three-bedroom dwelling in a country town, where the cost of the house is about \$300,000 – another \$100,000 to connect the power to the home. That is not even if you wanted to connect it for an EV vehicle. It would not allow for that.

The government have no idea what they are doing here. They are actually making costs for consumers in Victoria incredibly more expensive. They are of course taking away choice. That is just fundamental to everybody. You cannot have the government continually directing how we do everything – how we think, how we behave, how we build a house, what we cook with. Why do you think that you have the right to tell individuals how they can live? It is absolutely Stalinist activity, as Mr Davis said, and I oppose it absolutely.

**Sheena WATT** (Northern Metropolitan) (11:28): Thank you very much for the opportunity this morning to make a contribution and speak on the Building Legislation Amendment and Other Matters Bill 2024. Despite the fact that there are some amendments that have been put forward by those opposite, this actually is quite an uncontroversial and a routine sort of bill. To be honest, it simply takes what we have learned from consultation with community members and stakeholder groups, and it makes legislative changes that reflect the wishes of the community. I realise that I am overexplaining the process just a little bit here, but perhaps some reminding is necessary for those opposite. There is no great conspiracy; it is just good government to listen to the stakeholders.

I have had a number of people working in my office over the years who have taken the opportunity to remind me of their strong Irish heritage. The fact is that today is Halloween, and it is not lost on me that Halloween is actually an old Irish festival which the Americans have made their own. So in respect to all the Irish that I know, I am going to make some references to Halloween.

**David Davis:** Which clause has got Halloween in it?

**Sheena WATT:** Well, it is not the clauses that have Halloween references, it is in fact the zombie arguments, which I am going to talk a little bit about. Let me just tell you, we are going to talk about zombie arguments. I know we have had a late night this week and some of us looked a little like zombies as we wandered out, but it is the arguments that I want to talk about – the zombie arguments that have been kicking around here for far too long. They are trying to resuscitate something that is well and truly finished.

What is well and truly finished in my mind is the fixation on gas. I tell you what, there are a number of other aspects to this bill that are worthy of discussion and contribution, but the opposition's main gripe with this bill is in fact about gas, and that is what we have heard from the speakers who have already spoken this morning. It is an obsession that means Victorians are really worse off because of the misinformation that is out there about what the future is for gas in our state. We were here late on Tuesday night talking about gas because we wanted to shore up our gas reserves while we transition towards a renewable energy future. Yesterday we were here talking about the Victorian energy upgrades program, which again ended up in a debate on gas. Let me tell you, the VEU is a great program. Of course we heard more about gas, and the truth is that we know that we must reduce our gas usage and we are whipping up fear and anxiety in working families that it is just not necessary.

I have got to tell you, the Victoria we know has the highest rates of household gas connections in the country. A long time ago, back in the day, as they say, it was a good idea, but now we know that gas supplies are dwindling and gas is becoming more expensive as a result. The deep fantasies of mystery wells need to be called out for what they are. It is deep fantasy land, because the truth is that we know that gas supplies are dwindling. We are introducing a bill to do something about the issue. We are not sitting on our hands and hoping that folks will be distracted by some arguments from many, many years ago. There is of course the truth here, right, which is that there is a very real risk that if we were to become a do-nothing government, as I said the other day, like those opposite want us to be when it comes to gas, Victoria would begin to see depleted gas supplies within the next parliamentary term.

Less gas means more expensive gas, and for homes still dependent on gas in some form it does mean higher bills, higher financial stress and higher levels of energy poverty. For Victorian businesses we know that this again means higher bills and lower profits, and for an energy grid which has still got gas in its mix like Victoria, the sudden loss of gas is bad news – it is just bad news. If we do not take strong action on climate change now, it is going to come back and haunt us, and that is exactly why we are taking this action right now. By 2035 we will have transformed our energy grid to move away from gas and instead rely on almost 100 per cent renewable energy production, in the process creating 59,000 renewable energy jobs and keeping the lights on for future generations of Victorians. And we are wasting no time. I know that I have said this before, but I will say it again and I will properly say it again next week: in 2022–23 over 38 per cent of electricity generated in Victoria came from renewables, more than three times what we inherited back in 2014. Since we came to government in

2014, 59 energy production projects providing 4471 megawatts of new capacity have come online. These projects will be complemented by the nine projects currently under construction, which will provide a further 1300 megawatts of capacity. There you go: jobs, jobs, jobs – more of them. In fact 5100 jobs for Victorian workers will be created in the process.

Of course it is only going to be accelerated by the SEC, which I proudly voted to enshrine in the constitution just a few short weeks ago. I know that I have already brought it up twice this week, and I am just going to keep going. Construction is already underway on the SEC's first project in Melton, one of the biggest batteries in the world. I headed out and saw some of the component parts of it at a warehouse in Mulgrave just last week, and let me tell you, even that small portion of the battery could not fit through the doors of the warehouse. Because of the SEC, this project is happening sooner and will be bigger than it otherwise would have been. Over 100 companies are lining up for the renewable energy future that comes with the SEC, and there are plenty more projects like this. I have got to tell you, this is all about delivering more affordable, more reliable renewable energy. And the SEC will be owned by Victorians, with every cent of profits being reinvested back into the SEC – how exciting is that. There are 100 companies lining up to partner with the SEC. It will put power back in the hands of Victorians, with our ambitious targets of nearly 100 per cent renewable energy by 2035 and net zero – yes, net zero – by 2045 keeping the lights on for future generations. The gas fixation of those opposite is only going to drive us back into some sort of gloomy, dark graveyard of history. It is over and we must press ahead with climate action here in our state.

I have got to tell you, I have got 6 minutes of contribution left to go, and I reckon I want to talk about homes, frankly, and revisit the VEU, because it is an exceptionally good program, and Solar Victoria –

**David Davis** interjected.

**Sheena WATT:** Let me tell you about the VEU. More than 506,000 homes last year and 24,000 businesses received upgrades through the program, which allowed them to switch from gas-reliant appliances to more cost-effective electric home appliances. 2.4 million households and businesses have taken advantage, with savings between 1100 –

**David Davis:** On a point of order, President, the member in question indicated that she had finished with this bill and wanted to talk about what we talked about yesterday. I think she is reading the wrong material now. I think she has switched to another bill and she is heading off on a frolic. She actually said it, President. She actually said, 'I'm finished and I'd rather talk about homes now,' and she has now gone off on a reading episode.

**The PRESIDENT:** I will not uphold the point of order, but I will listen intently. Ms Watt to continue.

**Sheena WATT:** Excellent. Perhaps I will go to the connection between gas and homes: gas in homes. What we need to do is transition homes through electrification for climate action so that we can meet our very ambitious targets of net zero by 2045 –

**David Davis** interjected.

**Sheena WATT:** Because I want to talk not just about large-scale structural gas change in our economy and what that will mean for businesses, homes and industry but also about families and the very real cost-of-living pressures that are on homes right now from extraordinary gas bills. That is why any contribution to supporting families to get off gas should be applauded and celebrated, like this bill before us. I am very happy to continue to celebrate initiatives that support that, such as Solar Victoria and getting more solar on rooftops, or the VEU, which is supporting households to transition their home appliances to much more energy-efficient appliances with the support, proudly, of the Victorian government.

Can I also highlight very much that there have been installations right around the state. Our installers and tradespeople are run off their feet with the interest and enthusiasm that is really unparalleled

anywhere else in the state to get more and more homes into very energy-efficient appliance use. I am thinking about split systems, I am thinking about heat pumps and I am thinking about the range of PV solar panels that are out there. We have also seen enormous demand for batteries in the home, and I was able to meet manufacturers and installers out there in Mulgrave only last week that talked about the enormous demand for more, more, more, more batteries. I tell you what, whether it is batteries in the home, batteries in business, batteries in industry or batteries supported proudly by the SEC, there is a growing demand for batteries, and I know that the Victorian community know why it is that we need to install more batteries in our state if we are to meet our ambitious target of net zero by 2045.

Can I just take a moment to applaud all of those from overseas or domestically that know that Victoria is the place for real climate action. Time and time again they have said to me and said to others that if they are looking to make investments in the renewable energy future, they know to come to Victoria, because this is exactly where it is.

I have got more to say on gas, but the truth is it is a finite resource. This magic that the opposition are kicking up about big, big wells that exist is rubbish, because we know that it is a finite resource. The investigations have been done. The researchers, the scientists, the engineers and others have looked, and if there is in fact some secret well out there – some magic, magic collection of gas that we are just not touching yet – can they please provide that evidence to us? The truth is that we will never have the stock of gas that they have talked about like it is the 1970s all over again. Those days are finished.

We must transition to electrification in the home, and that is what so many Victorians are doing, supported by Solar Vic: getting more solar panels on their rooftops, including in apartments – that is absolutely going gangbusters – including in businesses right around the state, including in our regional areas. I have had the good fortune of meeting many regional Victorians who have taken up solar, because solar uptake in regional areas is absolutely booming. Congratulations to all of them that see the clean energy future for what it is. It is a bright, bright future that they want to be a part of. Whether it is the thousands here in metropolitan Melbourne or in regional Victoria, it is a truth known to many, many Victorians that this climate action future is well and truly underway here in Victoria, and the rebates and the support from the Victorian government have helped so many get on the path to electrifying their homes, electrifying their businesses and electrifying industry. That is exactly what this bill helps to do, so I commend it to the chamber and thank you for the opportunity to make a contribution. I know that there will be many others that will want to talk about the good works of our government when it comes to electrifying the home and electrifying businesses and industry for the many generations yet to come.

**Richard WELCH** (North-Eastern Metropolitan) (11:43): I rise to speak on the Building Legislation Amendment and Other Matters Bill 2024, and I will go straight to the point. The only really contentious area that we need to discuss is clause 38. When it comes to Labor's views and thought processes around energy policy, they always the same; they are always confused. The policy generally does the opposite of what it intends, and it always ends badly for Victorians.

I think in particular the contributions from those opposite here have been, in their insensitivity, appalling, because they talked about zombies and they talked about dinosaurs and whale hunters. We are talking about, at a minimum, 900,000 families in Victoria who rely on gas and have it as a key source of energy and the cost of that gas going up directly because of the policies of this government. We are in a cost-of-living crisis, and all we get is jokes about Irish Halloween and that they are zombies – that these people who rely on this gas are somehow zombies, that their needs in a cost-of-living crisis and their interests are the interests of zombies. It is ridiculous, it is callous and it is heartless. It does not consider any of the elements of the cost of this to families.

If you are forcing people off gas, they are going to have to upgrade their central heating, they are going to have to upgrade their hot water and they are probably going to have to upgrade their cooking.

These things cost money. To upgrade a four-bedroom home – the family home that we are all suddenly interested in – you are going to have to have three or four split systems. You are going to have to upgrade your switchboard. It is \$27,000 on an average home. Where are you going to get that money from in this day and age when you are trying to feed a family and trying to put kids through schools? But we are the dinosaurs because we are considering all the elements that might be involved in an energy transition. We will get to a carbon-free energy grid, we will, but you have got to consider sensibly the steps you go through to do it so you at least do the least harm in doing so – do the least harm to families and do the least harm to businesses who fund the state through their taxes. We are currently just driving them out of the state.

This government is very, very, very good at tearing things down and it is very good at digging holes in the ground, we know that, but it is very, very poor at delivering anything. Look at the Suburban Rail Loop. The government is very good at signing us up to future debt that is going to bankrupt the state but very, very poor in explaining what it is going to cost. It is very, very good at saying it is going to build a tunnel in the North East Link and then finding that it is not \$7 billion, it is \$15 billion, but it is not \$15 billion, it is \$26 billion. Not one Big Build project has actually been delivered. We have been signed up to all of them, and now we are being signed up to something else. You are signing the families of this state up for costs they cannot afford, and you are artificially accelerating this transition to 100 per cent dependency on electricity, but you are not planning the intermediate steps.

As a professional I was a project manager, a program manager, and we had a phrase in projects: if you look through a project plan, what you are looking for as you critique that plan is black boxes. We call them black boxes. It is the step where you go, 'We're going to do this, and then we'll be there,' but there is no explanation of how you do it. It is a black box. This part of the bill is exactly that – 'We're going to transition off gas, we're going to get everybody off gas, but we're not going to explain how we're going to do it, we're just going to do it. We will be there.' It is magic-box planning.

What it always comes down to in this debate, the whole element, is not the question of whether we decarbonise or not – it is inevitable we will decarbonise – but infrastructure, infrastructure, infrastructure. How are you going to (a) manage the increasing cost per user of a degraded gas system? If you need the maths explained to you: if you have got 10 people using gas in a street, then the cost of the infrastructure is amortised between the 10 people. If you have three people in the street, the same cost exists but it is now amortised between just three people, so the cost goes up. Exactly as Mr Davis said, the industry have explained this. It is not a mystery; it is infrastructure – infrastructure, infrastructure, infrastructure. If we are talking about replacing the gas energy demand with electricity, guess what? There is an infrastructure demand. You can only have so many houses in a street upgraded to higher power levels in the absence of gas without having to upgrade the transformers in the street.

In Victoria – guess what? I looked at it – we have 200,000 streets. At least, at a minimum, 150,000 of those are on two-phase power. That means we have to replace 150,000 street-level transformers before this policy can take effect. Now, each of these transformers costs somewhere in the vicinity of \$50,000 to \$70,000. One hundred and fifty thousand times \$50,000 plus labour plus CFMEU or any other of the union taxes we have – and that has to be rolled out. If you look at any of the energy suppliers' annual reports or strategic plans, they talk about how they plan their infrastructure. We are talking massive capital investment, massive capital planning and massive regulation. With these plans that are rolled out they have to go through literally years of consultation before they come to a capital plan that allows an investment and they act on the projects. That planning at a corporate level is generally, at a minimum, for a heavy industry or something of this nature, seven years, right? So we are not even at the start of the process of seven years of planning to actually roll out 150,000 transformers in the state. Infrastructure –

*Members interjecting.*

**Richard WELCH:** You can talk about whaling and you can talk about Halloween; I can talk about the families in Victoria who are going to be adversely affected by your inability to execute any plan

you ever do. All you ever do is make announcements and draw more power unto yourself. The reason you need more power is because, like any dictator, if you cannot get people to come along with you, you will force them to come along with you. That is what this clause does, and that is why we will be amending it. Even your own Premier acknowledged, ‘Perhaps we shouldn’t replace the cooking after all.’ So I wonder whether you are going to vote for that amendment or not. Are you going to support the amendment? Are you going to cross the floor?

As the Australian Pipelines and Gas Association chief executive Steve Davies says:

Why would any energy company invest in delivering much-needed gas supply for Victoria when the state government is openly trying to destroy the business case? It is completely counterproductive.

This Bill creates an economically unviable situation ...

And that is where we will be. We will have a state where we are still utterly dependent on gas for the next six to eight years at least, but you have very carefully and strategically made it economically unviable in the process, and that is simply bad management and bad government. I think the Victorian people are just looking to the heavens and basically quietly praying, ‘How quickly can the next two years go so that we can restore a sensible energy policy that delivers the transition to a carbon-free grid but doesn’t destroy Victoria in the process?’ I will conclude there.

**Tom McINTOSH** (Eastern Victoria) (11:52): Yet again the Liberals have shown they have got no plan and no idea when it comes to energy. They are an absolute joke. You lot are an absolute joke. You put a – what do they call them? – memorandum, memoriam, whatever the word is, on energy exploration in 2013.

**A member:** A moratorium.

**Tom McINTOSH:** A moratorium – thank you very much – a moratorium in 2013. We lifted it in 2021. You bring no plan, no substance, no energy policy to the table. There is absolutely no plan you bring. Tell us where the supply is. Tell us where the supply is going to come from for decades and decades of supply in this state.

**Richard Welch:** Where’s the infrastructure?

**Tom McINTOSH:** Listen to this, mate: 40 per cent of electricity in this state comes from renewables. If it had been up to you lot, there would be none. If it had been up to you lot, there would be absolutely none.

We need 170 to 210 petajoules of gas per annum in this state. Now, we know that there are not the supplies here to meet that into the future, so the logical thing to do is to reduce demand. We talked yesterday about the Victorian energy upgrades and reducing demand on our electricity system and how that reduces the price across the entire network. The work that Minister D’Ambrosio has, I would say, because of the gutter politics of the other side, courageously done – because any action draws this ideologically bizarre reaction – has been to ensure that there is a plan. As to Mr Davis, I do not know how unqualified previous opposition shadow energy ministers have been, but it is fair to say he is sitting over there talking about how there is a house in northern Victoria that is running on hydrogen. Give the Victorian public a concrete plan, you lot. You are talking about biofuels. That is fine. We are also out talking to community and talking to industry about biofuels. But for goodness sake, get real. Get serious about how you are going to supply businesses and home owners – the residents of this state – with energy. Because just face it, you have no plan. You have no idea. Western Australia have set their target for 1 per cent biofuels.

**A member** interjected.

**Tom McINTOSH:** Okay, let us talk infrastructure. Biofuels – how are you going to get those to the businesses that need them? There are businesses with 300 degree or above demands and businesses that have identified they need to have gas. Yes, there will be a place for those businesses to use that. But we need to understand how much it is going to cost to create that biofuel. What is the capacity to



create? How much can we create? How are we going to transport it to where it needs to be consumed? That is why it makes absolute sense for us to reduce demand where we can reduce demand easily, where it saves people money, where it takes demand off and where we know we have supply constraints. Why would we not do that? It makes absolute sense.

Mr Davis is talking about ripping the infrastructure out. A few of us probably have copper telephone wires running around our houses, don't we? I do not know. Is anyone being kept awake at night because there is old telephone wire running around their house? Yet this lot are absolutely jumping out of their skin about it. I spoke yesterday to the fact that I think Mr Davis would like to go back to harpooning blue whales so he could drain them for oil. Technology changes, demand changes and supply changes. You understand the problem, you get out and engage on it, and then you deal with it. Of course you lot will not even mention the words 'climate change'. You will not even acknowledge the need to deal with that. So for starters, if you are going to front up to the Victorian people, be –

**A member** interjected.

**Tom McINTOSH:** Gaslighting? The Victorian people know where you are at anyway. You want to see Victorians stuck on gas supply in decades to come when what we are doing is getting out in front and making sure that supply is there. It is technologies that are proven. Technologies that are emerging, we should always explore. I am very glad that Mr Davis has come back in, since he was the lead speaker. We explore technologies that are emerging. That is why, as I have said, Minister D'Ambrosio is talking with industry and talking with community about biogas and the role that they can play. Mr Davis was making utter falsehoods in here earlier about the rates that Victorians are paying for electricity and gas. They are the lowest in the nation.

**David Davis:** On a point of order, President, the member has just accused me of using falsehoods. I sourced the material that I used from the St Vincent's tracker and Gavin Dufty's work. Now, these prices on gas and electricity, they were not falsehoods – they are accurate.

**The PRESIDENT:** You are debating the point of order.

**David Davis:** I ask the member to withdraw the claim that they were falsehoods.

*Members interjecting.*

**The PRESIDENT:** The member cannot call you a liar or say you are deliberately misleading the house. I do not think he has got to that point.

*Members interjecting.*

**Georgie Crozier:** On the point of order, President, Mr McIntosh did accuse Mr Davis of a falsehood. He did not say what you said, but Mr Davis asked him to withdraw, and I think that is fair enough.

**The PRESIDENT:** The thing about a member asking for a withdrawal is that it has got to be something that is easily deemed offensive. Because it is question time now, and Mr McIntosh's contribution will be maybe after lunch, let us have a look at the *Hansard* at lunchtime.

**Business interrupted pursuant to standing orders.**

*Questions without notice and ministers statements*

**Regional water infrastructure**

**David DAVIS** (Southern Metropolitan) (12:00): (717) My question is to the Minister for Water. Minister, with your housing hat on –

**Harriet Shing** interjected.

**David DAVIS:** Well, you have got two hats. But I am saying with your housing hat on, you are responsible for setting ambitious housing targets for municipalities across Victoria, including regional Victoria. However, a report on the ABC's *Stateline* on the weekend pointed to failings in your water portfolio that are severely hampering new housing development in regional Victoria due to your water authorities providing insufficient water and sewerage infrastructure. I therefore say, with developers reported as saying they could build thousands of new homes in regional Victoria but water infrastructure is not available, isn't it a fact your failings in the water portfolio are undercutting your housing targets?

**The PRESIDENT:** I will take that as a question for the Minister for Water.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:02): Thanks, Mr Davis. It is always good to see your dexterity in play as it relates to the asking of questions, and to that end I do see the synergies between the water portfolio and the housing portfolio as it relates to the delivery of infrastructure and programs.

I would like very much to be able to provide some detail on this, particularly given, as you have rightly pointed out, the aspirations of rural and regional communities to be able to see development facilitated. As you rightly point out, there has been extensive discussion of these matters in recent weeks around in particular the work of Alpine shire buildings, the proposed development that North East Water is part of and the way in which planned infrastructure projects have been determined, particularly around the prioritisation of opportunities and the flexibility needed for North East Water in adapting to changing circumstances.

There is infrastructure – and, Mr Davis, this might help you in relation to your question and the coverage which this subject matter has received – serving Mount Beauty, Tawonga and Tawonga South, and the way in which that has reached capacity, and that has prompted significant investment in upgrades. That includes major water and sewerage connections and replacements across the community and the construction of a \$4 million raw sewage water offtake system. That is set to begin later this year. We are also seeing the design of a new potable water storage tank to support additional water connections. That is expected to be operational in 2027–28, and there is preliminary design that has started on upgrading the community's wastewater treatment plant alongside a new sewage pumping station, which is anticipated to be complete in 2028.

Mr Davis, for avoidance of any doubt around the work that water corporations are doing, I do want to make it clear that water authorities, including North East Water, and the work across our catchment management authorities have been very clearly attuned to the needs of growing communities, including as that relates to the forecast costs for infrastructure and for capital investment over pricing periods. We have seen investments across Rutherglen with the scheme – around \$12 million of investment. We have seen more than \$100 million in Wodonga, with capital infrastructure over the next five years, and there is \$79 million across Wodonga for a treatment plant, with \$11.6 million in the Wodonga sewage pipeline and associated works. We need to make sure that we are taking account of what future growth and projections look like. The catchment management authorities have been engaging with communities, and that is the sort of work which they are calling for to be done with input from the community. That includes work with local councils and with people who are proposing to develop and to accommodate that expansion. We do want to see our regional communities thrive, and essential and trunk infrastructure is a big part of that work.

**David DAVIS** (Southern Metropolitan) (12:05): I have listened very closely to what the minister has said, and that has drawn me back to a comment made by Guy Wilson-Browne from North East Water. He is the planning and infrastructure general manager, and he is reported as saying more state government support is needed to keep up with demand. So I ask: will you provide the additional required support to water corporations? If so, when? And if not, why not?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:05): Thank you, Mr Davis, for quoting the representative from North East Water, the general manager of water and water infrastructure, Guy Wilson-Browne, who will be delighted to see his name in *Hansard* on two occasions in one question time. We do know, in particular for the purpose of your question, that ageing water infrastructure across the three towns in question has reached capacity, and this follows the authority indicating support for the Alpine Shire Council for a proposed 82-lot development in Tawonga South. Again, this is a process that aligns with the pricing processes undertaken by the independent Essential Services Commission. Water pricing is guided by a range of considerations, including forward projections on modelling and on growth, and North East Water has encouraged anyone planning to put forward a development application in these regions to have a conversation with them first so that they can continue to investigate short-term improvements over the next 12 months. Again, they are words directly from Mr Wilson-Browne’s mouth.

**The PRESIDENT:** I acknowledge a previous member of this chamber, Marg Lewis, in the gallery.

### Child protection

**Georgie CROZIER** (Southern Metropolitan) (12:07): (718) My question is to the Minister for Children. Minister, in question time yesterday you said in relation to your investment in disrupting sexual exploitation:

We know that it is working ...

You went on to say a few other things. Minister, my question to you is: how do you know? What basis and what metric are you relying on to make this assertion?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:07): I thank Ms Crozier for her question. As I said yesterday, protecting vulnerable children in our child protection system is absolutely our top priority. We know that children who are in care are vulnerable children, often from very traumatised circumstances, which of course often makes them much more vulnerable to those who seek to prey on them.

As I said, we have invested in sexual exploitation practice leads. We are working across the agencies, across the department and across the police to disrupt those who prey on vulnerable children, those who engage in this abhorrent activity. The investment that we made in the 2023–24 state budget builds on previous actions, and it provides, as I said, the money for those sexual exploitation practice leads. It also ensures that we have extra services in rural locations. It ensures that we have extra services in our after-hours. That additional capacity and capability to better enable detection and the sharing of intelligence regarding sexual exploitation amongst agencies, amongst the department and amongst the police really is leading to a disruption of this type of activity. Of course, as I have indicated before, those children who are preyed on are more than just a statistic. Each and every child is an individual, and their best interest is at the heart of the government, ensuring that we have in place those services and those programs that lead to the disruption of this type of activity.

From the discussions that I have had with the police minister and with the police and that the department has had with the police, our indications are that this work is leading to a disruption of sexual exploitation of children in care. I know that the secretary of the department recently had a meeting with the police commissioner and they had a discussion to this end as well.

The disruption of sexual exploitation, of preying on these vulnerable, traumatised children in care, is an absolute priority of this government. It is why we are investing in it, and it is why we are working to ensure that children in care are protected from sexual exploitation.

**Georgie CROZIER** (Southern Metropolitan) (12:10): It is a very serious issue, and you did say you are working with various lead agencies and the like around this issue. You could not rule out yesterday – you could not guarantee – that there was not sexual exploitation happening within the child protection sector. You have just said that there is disruption of this activity. Can you provide to

the house information to back that up? You are claiming that your investment is working, but we are just hearing words. We are not seeing that it is actually working as you could not guarantee that this exploitation was not taking place and you alluded to the fact that there was serious concern around this sexual exploitation going on within the child protection system.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:11): I thank Ms Crozier for her question. Sadly, tragically, I cannot guarantee that there are not paedophiles out there in the community who will continue to prey on vulnerable, traumatised children, be they in care or otherwise. I wish all of us could guarantee that, but I do not think anyone in this place, whatever their role, will ever, sadly, be in a position to do that. What I can tell you is our government is working across agencies and within the child protection system to ensure that children in care are protected as far as is possible from this type of predatory, disgusting behaviour of paedophiles in our community. What I do want to call out again, though, is the insinuation. When you say ‘in care’, Ms Crozier, so many of the children we are talking about are in care, but those who are preying on them are paedophiles out there in the community. The reflection on our workforce in the way in which you asked your question is disgusting.

#### **Ministers statements: Diwali**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:12): I rise today on the occasion of Diwali to share the steps we are taking to improve cultural inclusivity within Victoria’s corrections system. Diwali, the Festival of Lights, symbolises the triumph of light over darkness, knowledge over ignorance and good over evil. It is a time of joy, homecoming and reflection for millions around the world, including our vibrant Hindu community right here in Victoria.

I was pleased to recently attend the wonderful Diwali dinner hosted by the Premier, along with several colleagues in this chamber and in the other place. Of course not everyone is able to celebrate Diwali in such a joyful manner with friends and family, such as those in custody. This year the Hindu Council of Australia and Corrections Victoria delivered Diwali sweets to Hindu people in custody across 12 correction centres. This was part of the steps we are taking to improve access to Hindu pastoral support for people in custody. This reflects the Allan Labor government’s commitment to ensuring that every Victorian, regardless of faith, has the opportunity to observe their cultural traditions. It is a small yet meaningful step as we strengthen our chaplaincy services to support people of faith within the justice system. By promoting a culturally inclusive corrections system we are fostering a sense of belonging and respect and offering pathways to find meaning and hope. That is an important part of a modern corrections system that promotes rehabilitation and reduces the risk of reoffending, because that makes us all safer in the long term.

I would like to thank the president of the Hindu Council of Australia, Victorian chapter, Makarand Bhagwat for his dedication towards making Diwali a brighter and more inclusive occasion for Hindu people in custody in Victoria. May this Diwali bring light, hope and renewal to all those celebrating, no matter where you are.

#### **Country Fire Authority Winnindoo brigade**

**Melina BATH** (Eastern Victoria) (12:14): (719) My question is to the Minister for Emergency Services. In October 2020 the government announced that it would build a new fire station at Winnindoo, a tiny brigade between Rosedale and Heyfield. Four years later not only has the work not begun but the brigade has been advised that the station will not be completed until 2026. Why does it take this Labor government six years to build a fire station for a one-truck brigade?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14): I thank Ms Bath for her question and the opportunity to again thank our CFA volunteers around the state, who put their lives on the line to protect others each and every day.

We have invested more than \$22 million to ensure that our CFA brigades have modern, fit-for-purpose facilities to protect the community, and we are continuing to work with the Country Fire Authority on the Winnindoo fire station so that it meets the needs of locals in that area. The Winnindoo community is well served in case of emergency by its hardworking brigade and surrounding supporting brigades in Rosedale, Heyfield, Cowwarr and Toongabbie. They work collectively to protect their respective communities. The Community Safety Building Authority is progressing the design of the new Winnindoo fire station in collaboration with the CFA and indeed involving the hardworking Winnindoo fire brigade volunteers.

**Melina BATH** (Eastern Victoria) (12:15): Thank you for your response, Minister. The land for the Winnindoo station has been donated by a local farmer, who is a former captain. The current station has no toilet, no kitchen facilities and no change rooms, and you have been talking about providing for the volunteers. Minister, why do volunteers have to suffer inadequate facilities because Labor cannot manage money?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:16): I thank Ms Bath for her question; it is an important question. I can confirm that the original budget allocation for the project was based on cost estimates prior to COVID-19. We all have experienced –

*Members interjecting.*

**Jaelyn SYMES**: I am giving you an answer. The budget required to complete the build has increased significantly. Back to my answer to the previous question, the CSBA is working with CFA and the local members on plans to meet their needs.

#### Community legal centres

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:16): (720) Attorney, last sitting week in Queen’s Hall we heard from community legal centres about the essential services they are providing across the state. But we know that community legal services have a funding crisis, and while we understand that a funding decision is pending from your federal colleagues, my question today concerns Victorian state funding to the sector. Most services have to cobble together a patchwork of short-term grant funding. This means they spend a disproportionate amount of resources on an endless HR loop of advertising and recruiting, losing both time and expertise. Attorney, given we all want state funds to work smarter, will you commit to ensuring Victorian community legal centres receive funding on a rolling five-year basis rather than a short-term grant merry-go-round?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:17): I thank Mr Puglielli for his question and his support for and interest in the community legal sector. I think it was a great expo that we had last week and a great opportunity for members to engage with the CLCs from their various regions. There is a CLC in every sector, and as you have identified, they work incredibly hard. It is a service that I am particularly supportive of. I fight very hard for their funding, and I am engaged in federal negotiations at the moment and hoping to have some news on that in coming weeks in relation to state government funding. I am always a strong advocate for CLC funding in the state budget process, and I will continue that advocacy.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:18): The other funding dynamic is the fragmentation that occurs, because it is convenient for different government departments to have announcements about specific issues; however, it is a highly inefficient way of dispersing funding. We should be empowering community legal centres to provide services to whomever walks through their doors, not be constrained to providing services to those people who happen to have a predefined set of circumstances corresponding to a media release. This fragmentation impacts on their ability to deliver vital legal services to people in the community experiencing hardship. Attorney, will you commit to streamlining this by ensuring more core funding is provided that includes covering the real cost of running an organisation rather than funding by media release?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:19): Mr Puglielli, there is some credit to the way you have articulated your question, but I would not want to disadvantage CLCs from being able to attract funding from a range of sources. I would like to point out that I am very proud that Victoria provides more funds for CLCs than any other state in the country. I have my regular round table. All the CLCs come together for a round table – I think that is next week or the week after – where we will discuss these important issues.

In terms of the funding that I provide, I can confirm that I do not do it because of a press release, I do it because CLCs are really good, and they deserve the funding to support Victorians.

#### **Ministers statements: housing workforce**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:20): I want to commend our hardworking housing officers and Homes Victoria relocation staff. They are working so hard to make sure that residents have the correct information when it comes to Australia’s largest urban renewal project, the redevelopment of Melbourne’s 44 old high-rise towers. Housing office staff take a great deal of pride in the work they do with residents. Many of them are actually part of the communities that they serve, and many of them have been doing this work for decades. Since the announcement of the relocation process commencing for the towers in Flemington, in North Melbourne and now for the towers and walk-ups at 139 Highett Street in Richmond and 259 Malvern Road in South Yarra, our hardworking staff continue to run regular pop-ups in the foyers of the old towers, to have information trolleys moving around the estates every Friday between 10 and 12 and to engage in one-on-one conversations with residents, including with interpreters and legal representatives or support people as they require them, through phone calls, texts and doorknocks and of course over a cup of tea and a bikkie. It has been a privilege to visit with and talk with the housing staff and Homes Vic staff who are making this happen.

This is hardly the harassment that has been alleged in various stuntmongering activities being undertaken. We have seen on multiple occasions that there has been an effort to capitalise on the fear that vulnerable residents have in the face of change, not just as it occurs in this context but change at large, which is often a very confronting thing for all of us. This is not about politics or about gaining Instagram likes, it is actually about making sure that people are empowered and able to access the information that they need to be able to make decisions that work for them. Housing officers and Homes Vic staff work so hard to provide that care that people deserve and will continue to do so now and into the future. My thanks and respect to them.

#### **Bushfire preparedness**

**Joe McCRACKEN** (Western Victoria) (12:22): (721) My question is to Minister for Emergency Services. Minister, due to the closure of the timber industry the ownership of heavy machinery such as dozers, front-end loaders and graders is diminishing. During the fires in January and February this year, particularly around the Mount Cole area, firefighting efforts relied on this machinery and the skilled operators to combat the blaze. Minister, in the preparations for the upcoming fire season, are these workers still available and will your department be contacting them for assistance?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:22): I appreciate the question, Mr McCracken, but the more comprehensive answer would come from the Minister for Environment because it is about the partnership with FFMVic and that workforce and the transition plan, and he will be in a much better place to give you details. I can answer like that, or I can refer the answer to Minister Tierney to go to Minister Dimopoulos. That way we would be able to give you a very comprehensive update on the machinery and the workforce transition package.

*Members interjecting.*

**The PRESIDENT:** The minister's answer is that it does not fall inside her portfolio in the complete manner, compared to another minister. Therefore, Mr McCracken, do you want to rephrase and direct that to the Minister for Environment?

**Joe McCracken:** I am happy if you are going to pass that on to the Minister for Environment.

**David Davis:** On a point of order, President, the minister did not say that this was not related to her portfolio or a part of her portfolio, she actually said it would be better answered, but it may be that she could answer it to the extent that it is relevant to her portfolio, and that would be quite reasonable given that those dozers and that heavy equipment are in fact used in fire activities.

*Members interjecting.*

**The PRESIDENT:** Order! I kind of get you. You debated a little bit, but I hear what you are saying.

**Harriet Shing:** On the point of order, President, it was only two days ago in this place that you gave some guidance to the house about the fact that an answer to a question which indicates that there cannot be an answer provided to the question is in fact an answer to the question. On that basis Mr McCracken has also indicated that he is happy for that matter to be provided through the standing orders to the Minister for Environment to answer.

**Georgie Crozier:** On the point of order, President, I know Mr McCracken is trying to be helpful to the minister, but the question goes to firefighting efforts. That is a direct responsibility of the Minister for Emergency Services, and therefore –

*Members interjecting.*

**The PRESIDENT:** Order! The bottom line is an answer – and it can be an acceptable answer – can be that the majority of the responsibility for the question that has been asked is not in their remit, and then they can sit down and that is an answer. I think what the minister was trying to do was be helpful to the chamber, so rather than just doing that to Mr McCracken and sitting down and that is the end, she was saying, 'You would be much better served if you directed the question to another minister, and then you would get a response.' If the minister is in this chamber, you will get a response straightaway, but if the minister is not in this chamber, you will get a written response within two working days. So if Mr McCracken wants to direct the question to the Minister for Environment, there will be a follow-up. If Mr McCracken wants to direct the question to Minister Symes, I think her answer would probably stand. She believes it does not fall within her remit, and that is an answer.

*Members interjecting.*

**The PRESIDENT:** I thank everyone for their help. Now Mr McCracken is in the hot seat. Mr McCracken, how do you want your question to be addressed?

**Joe McCracken:** To the extent that the minister can respond to the question within the bounds of her portfolio, I am happy for her to respond, and the remainder of the question I am happy for her to pass on to the relevant minister.

**The PRESIDENT:** That was very impressive, but it will be one or the other. I will call the minister on the question.

**Jaelyn SYMES:** Mr McCracken, I was briefed recently at Summer at a Station. That invitation was extended to all members of Parliament. I am not sure if you attended; I think you did. It would have been a great opportunity to ask FFMVic officials there in relation to the provision of the equipment, because it falls within that remit. But what I can say is that at the annual Summer at a Station it was confirmed that every effort has been taken to ensure our agencies are prepared for this year's upcoming summer season, including FFMVic and their provision and procurement of relevant equipment.

**Joe McCracken** (Western Victoria) (12:28): Thank you, Minister, for that response. What is the backup plan if there are no heavy machinery operators – timber workers, for example – in close proximity and at short notice? Do you have a backup plan? Because they were used quite heavily in the early part of this year to combat the fires.

**Jaelyn Symes** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:28): As with my answer to Mr McCracken’s first question, which I again confirm would have been better addressed to the Minister for Environment, I repeat that the annual Summer at a Station briefing confirmed that preparedness for this year’s fire season is complete. Our agencies stand ready to respond.

### Waste and recycling management

**Moira Deeming** (Western Metropolitan) (12:29): (722) My question is for the minister representing the Minister for Environment. I would like to begin by offering my thanks and congratulations to the EPA and the Victorian government on a wonderful development that happened at the beginning of October this year. It was this: the Victorian EPA have now updated section 1828.2 of their guidance to include clear thresholds for PFAS in soil so that it can be tested and categorised as safe for certain uses. This gives certainty to the waste and recycling industries by defining clean fill and category B and A fill, and it helps to protect our environment and reduces the amount of PFAS finding its way into our food. My question is: will the environment minister, along with the Minister for Water and the EPA, establish PFAS thresholds for other well-known sources of PFAS contamination which are currently still entering the general economy unchecked, such as organics, recycled aggregates and biosolids from wastewater, which are applied to farmland and enter into our food products?

**Gayle Tierney** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:30): I thank Mrs Deeming for her question. That matter will be referred to the Minister for Environment, Minister Dimopoulos, and as per the standing orders I know he will respond to you within the prescribed times.

**Moira Deeming** (Western Metropolitan) (12:30): I have long lobbied for an objective, holistic and comprehensive framework for PFAS and PFOA testing and threshold guidelines because that is what we need to manage and reduce exposure to these substances in our food and in our environment. But noting that this new PFAS testing guideline for soil that we have just introduced in Victoria this year has been in place in New South Wales since 2016, can the minister also please assure me that Victorians will not have to wait yet another eight years for the next round of PFAS guidelines?

**Gayle Tierney** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:31): Again I thank Mrs Deeming for her supplementary question, and it will be referred to the Minister for Environment.

### Ministers statements: child protection

**Lizzie Blandthorn** (Western Metropolitan – Minister for Children, Minister for Disability) (12:31): I rise to update the house on how the Allan Labor government is reforming the child protection operating model. At the outset, while those opposite run down our child protection workforce, I want to acknowledge the dedication of the Victorian child protection workers seen every day in their continued delivery of critical services across the state. They undertake challenging work, and it is the role of each of us in this place –

**David Davis**: On a point of order, President, ministers statements are not an opportunity to attack the opposition. That is where she began, and I think she should retract it.

**The President**: There are a number of rulings, and people who have been here for a while have probably heard those rulings and understand those rulings, that answering questions is not an opportunity just to hop into the opposition. There is nothing around ministers statements. I prefer that



statements are heard in silence, but if someone does provoke a response then it is pretty hard for that to be in silence.

**Lizzie BLANDTHORN:** Our child protection workers undertake challenging work, and it is the role of each of us in this place to acknowledge, support and thank them for the contribution they make to keeping children safe and families strong. It is essential that the operating model is strengthened in a way that supports child protection workers in their efforts to do the best for our children, whose needs are ever more complex.

While we appreciate all of Dr Bach's contributions to improving the child protection and family services system, the operating model, also known as CPOM, was in place when he was an adviser to Minister Wooldridge. The system and our workforce have changed since 2012; indeed Dr Bach is on a whole new career path. As just one example, though, we have funded 1180 child protection practitioners since coming into government, an increase of 85 per cent, and now we are implementing a more contemporary child protection operating model, which reflects the significant growth of the workforce, responds to current challenges and demands and gets the best outcome for children, families, their carers and child protection practitioners. There will be more senior staff under the new structure and more frontline practitioners supporting children and families than ever before, and this model will support increased staff supervision and retention as well as more robust case planning and risk assessment that addresses the increasing complexity of children and families. The Department of Families, Fairness and Housing undertook a formal consultation process between July and October 2024 with child protection practitioners to seek their advice –

*Members interjecting.*

**Nick McGowan:** On a point of order, President, I cannot hear the minister praising Dr Bach.

**The PRESIDENT:** I think it is actually a well-timed point of order. I did say that I expect statements to be heard in silence, whether they are members statements or ministers statements. But if some people might be provoked by what the person is saying, it will invite interjections and it is very hard to call for order. There is a lot of noise coming from both sides of the chamber, and particularly this side, which was not helping the minister.

**Lizzie BLANDTHORN:** As I was saying, there will be more senior staff under the new structure and more frontline practitioners supporting children than ever before. The Department of Families, Fairness and Housing undertook a formal consultation process with child protection practitioners to seek their advice and feedback between July and October 2024, and I thank the workforce for their engagement and their feedback during this process. Preparation has commenced and the implementation of the new model is being phased in from early next year. It is this side of the house that backs those essential workers that support the best interests of our children.

### Country Fire Authority

**Bev McARTHUR** (Western Victoria) (12:35): (723) My question is to the Minister for Emergency Services. Minister, Victoria invested heavily in upgrades to the CFA fleet following the devastating Ash Wednesday fires in 1983. That was more than 40 years ago, yet much of the equipment delivered in the following years is still in operation. A CFA group officer in my electorate tells me that three of the six brigades in his area have tankers over 30 years old. The original lifespan for trucks was 25 years, yet thanks to budget cuts in recent years there are 474 CFA trucks older than 26 years and 230 more than 31 years old. Some brigades in Victoria are operating two-wheel drive 30-plus-year-old vehicles with single cabs, so volunteers are riding into dangerous bushfires on the back of the truck. Minister, is that good enough?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:36): I thank Mrs McArthur for her question. I can assure you that safety is the number one priority of the CFA, and to make a claim that there are firefighters driving into fire in unprotected vehicles and unsafe

conditions is frankly false. Your characterisation that firefighters drive into the middle of fires is actually just a little bit inflammatory, but it gives me a great opportunity to put some facts on the table.

I again and again love meeting with CFA volunteers. They are fantastic, salt of the earth people that are there to protect their communities each and every day. This year's budget committed \$18.6 million to deliver 15 replacement urban response pumpers to the CFA. The CFA is also rolling out 48 heavy tankers and two light tankers, funded as part of the CFA capability program. The heavy tankers that have recently been delivered include to Mildura, Ballan, Creswick, Daylesford, Miners Rest, Wendouree and many other brigades. When I go and visit these brigades that are the beneficiaries of brand new trucks what regularly happens is their existing truck moves to perhaps a smaller brigade and it becomes an extension of the fleet. You do have some older trucks in the fleet, because they do not decommission them if they are safe, if they are functional and if they can be useful to other brigades in the state. I want to also thank the hardworking mechanics who are out there each and every day, going around the state ensuring those trucks are fit for purpose. If there are any trucks that are unsafe, then they are decommissioned. They are not sent to fight fires with firefighters on them.

In relation to the CFA base budget for fleet vehicle replacements, it is around \$13 million per year, and we will continue to invest and back our CFA volunteers.

**Bev McARTHUR** (Western Victoria) (12:38): Thank you, Minister, for that response. It is no comfort at all to my CFA volunteer and their over-30-year-old trucks, but anyway. My supplementary question is: the current rate of replacement of CFA trucks will see 40-year-old vehicles in operation in the near future. CFA volunteers thought the fire services levy would allow investment to replace the fleet, but they have been sadly disappointed. The recent massive hike in the levy adds insult to injury. The farmers paying a \$1100 levy for their properties are the same volunteers being sent out in substandard equipment. As the volunteer said to me:

You would not accept a 30 year old car to drive around in why should volunteer's accept a 30+ year old truck to drive towards a bushfire.

Minister, do you accept that inadequate equipment is a serious contributor to CFA volunteers feeling undervalued and the exact reason why volunteer numbers have collapsed?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:39): There is a little bit wrong with your question, particular the end of it. Volunteer numbers are going up, and I have outlined that numerous times. We are looking at operational numbers of around 33,500 this year. They are on the up. If you continue talk them down, who is going to want to go and join brigades, when you are continually talking negatively about our CFA?

But what I want to confirm is vehicle safety and ensuring they are appropriately –

*Members interjecting.*

**Sonja Terpstra**: On a point of order, President, Mr Davis was aggressively pointing, and I would ask that he not aggressively point in the chamber.

**The PRESIDENT**: I uphold the point of order. I do not know if I would term it aggressive, but pointing –

**David Davis** interjected.

**The PRESIDENT**: Actually, Ms Terpstra, that is another timely point of order, because I have noticed that during recent weeks there has been a lot of pointing from all directions – not just any one direction – during contributions. I uphold the point of order that members should not be pointing at other members while interjecting or making contributions.

**Sheena Watt:** On a separate point of order, President, with respect to the noise in the chamber from those opposite as the minister was giving her response. I know some on this side were very interested to hear about our substantial support for volunteers.

**The PRESIDENT:** I uphold that point of order as well. Can the minister be heard in silence.

**Jaclyn SYMES:** I can reaffirm that vehicles in the CFA are subject to annual testing and fire-worthy inspection by qualified technical staff. They ensure that they are in working order and they are operational and, most importantly, that they are safe. It is the CFA's focus that vehicle safety is the number one priority, to ensure that they are appropriately equipped and fit for purpose, and that is regardless of age. I will give you a list of the VESEP grants in your area as a great opportunity to go and talk about the investment in the – *(Time expired)*

### Victorian Water Register

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:42): (724) My question today is for the Minister for Water. Last week, just as the Goulburn to Murray Valley trade season opened, the Victorian Water Register collapsed, leaving 45,000 megalitres of water, worth around \$105 per megalitre, unable to be traded between systems. This has caused much frustration and anger within the irrigation community. This exact same problem happened 12 months ago at the opening of the trade season. Can the minister explain why the Victorian Water Register keeps collapsing?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:43): Thank you, Mrs Tyrrell, for that question. We did see an interruption to the management and the operation of the system; you are quite right. This is where again we want irrigators and people who hold licences to be able to access the trading arrangements in a way that is not vulnerable to disadvantage in the market by which water trades occur. I have made it very clear that we need to make sure that not only is any interruption to the system remedied as soon as possible but we understand where and how adjustments can be made to trade to ensure that we do not see any further amplification of disadvantage.

I also want to make sure that we are really clear that the role of DEECA in this is important. DEECA is going to provide, and has been providing, further documentation to people who are part of the market on how the new process will work, and there are two webinars – in fact one today and another at a later date – to explain this new approach. We also want to make sure that we have proposed rescheduling that is explained very clearly to people as part of this process. But again, it is a problem that we have seen an interruption to the trade, such that there has been difficulty for people in accessing the trades. I want to see, again, that we are making sure we have got those relevant rules in place, sufficient clarity to understand how they operate and a good understanding of any loss or deficiency that may occur where that system is interrupted.

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:45): I thank the minister for her answer. It has been reported that the minister's department has spent \$26 million on a new efficient Victorian Water Register, yet there has been no sign of this being up and running. Can the minister inform the irrigation community when these new efficient water register will be up and running?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:45): Yes, I can, Mrs Tyrrell. Further to the action that I set out in the answer to your substantive question, DEECA has postponed the Goulburn to Murray trade opening to 14 November. This then means that we can use that new randomisation approach that has been designed to take pressure off the Victorian Water Register and also to ensure that when we do have any congestion points created by that first-in-first-served approach the impact of that is effectively neutralised. We want to make sure that DEECA can provide reliable trade facilitation services, and that then goes to the webinars that I referred to in my substantive answer. I would urge people to continue to engage with DEECA, particularly on the way in which they are experiencing the water trade register engagements, so that we can continue to make those improvements over time.

**Ministers statements: regional housing**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:46): This government recognises the importance of regional housing. That is why we recently announced almost \$75 million towards more than 20 projects through the Regional Worker Accommodation Fund. Our investment is unlocking around \$250 million in key worker housing across the state and delivering over 1000 bedrooms for key workers.

I have visited several of these fantastic projects already, from the Latrobe Valley Village in Newborough, ensuring vital care economy workers considering the move to the Latrobe Valley can be assured of comfortable accommodation – and I thank the team for hosting me there last Sunday – to Colac Area Health and Timboon and District Healthcare Service making it even easier to draw vital healthcare workers to western Victoria. In Castlemaine Don Smallgoods will build eight brand new dwellings, supporting more than 32 key workers. This will meet a critical need, providing more suitable affordable accommodation for food manufacturing workers rather than having them live in temporary accommodation, because staff do not just need decent jobs, they need places to live. This is just one way the Allan Labor government is backing regional housing. Our shared building surveyors pilot, announced in Murtoa, will also support rural councils to speed up housing approvals.

The government is slashing stamp duty on off-the-plan units and townhouses, backing in new planners through the regional planner cadetship program and delivering the \$1 billion Regional Housing Fund alongside the Regional Worker Accommodation Fund to boost supply. This government is backing innovative solutions to regional housing so that our regional economies can continue to thrive.

**Written responses**

**The PRESIDENT** (12:48): Can I thank Minister Tierney, who will get both questions from Mrs Deeming answered in line with the standing orders by the Minister for Environment.

**Bev McArthur**: On a point of order, President, the minister in relation to my question quoted a figure of 33,000 operational volunteers. The CFA's own site tells us that there are 28,854. Would she like to correct her answer?

**The PRESIDENT**: It is not a point of order.

*Constituency questions*

**Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (12:49): (1208) My question is to the Minister for Education in the other place. Minister, how is the Victorian government supporting students in eastern Victoria to learn Indonesian? Indonesia is one of Australia's most important regional partners, with over 1 million Australians visiting the country each year. Recently Scotch College became the latest school to suspend the teaching of Bahasa Indonesia, shutting off opportunities for students to navigate employment as Asian countries become increasingly important to Australia's economy. In eastern Victoria there are over 25 schools that teach Indonesian, including Mount Eliza Secondary, Sale College and Fish Creek and District Primary School. There have also been a number of cross-cultural exchanges between Indonesia and Gippsland, with Indonesian lake managers and journalists visiting the region to learn more about their respective fields. I was lucky enough to learn Indonesian when I was at school, and with Asia being so important to Australia's future, students in eastern Victoria should get the same chance that I did to learn this amazing language.

**Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (12:50): (1209) My question is for the Minister for Emergency Services. Minister, when will you release the results of the review into emergency management volunteer consultation? Fifteen months ago I spoke in the adjournment to ask the minister to reverse her decision to abolish the volunteer consultative forum for emergency services volunteers.

Abolishing the volunteer forum sent the message that the government thinks it knows best and does not need to listen to volunteers, and the minister leaving in the middle of this question shows that is right.

**Harriet Shing:** On a point of order, President, Ms Lovell’s assertion that the Minister for Emergency Services leaving the chamber in the course of her constituency questioned suggests a level of interest in her question is, frankly, disingenuous and unparliamentary.

**The PRESIDENT:** I do not think there are any rulings against commenting on someone entering or leaving the chamber. It is a bit undesirable, because people will come and leave the chamber all the time. If we have people pointing that out – it is not something that I would not frown on, but there are no rules on it, so I will ask Ms Lovell to continue.

**Wendy LOVELL:** Implementing the reforms to emergency management that the flood inquiry report said were necessary will require drawing on the long experience and wisdom of our emergency services volunteers. The minister finally replied in March this year, after eight months of waiting, to say that Emergency Management Victoria was leading a review into volunteer consultation. This review and its findings must be released so that emergency volunteers in my electorate can have clarity on how the government intends to engage and consult with its volunteer base in the future.

#### Northern Metropolitan Region

**Samantha RATNAM** (Northern Metropolitan) (12:52): (1210) My question is to the Minister for Transport Infrastructure. Earlier this month close to 100 concerned residents in my electorate came together and called on the government to reconsider the proposed location of a new sky rail station between Hope and Albion streets in Brunswick. Residents are confused by the decision to place this new station in one of the densest sections of the Upfield rail corridor, where it will be bounded by many overhanging apartment buildings. Residents may literally be able to reach out and touch the station from their balconies, and the proximity of the light and noise will create significant disruption for this community. All these residents want the level crossing removal project to go ahead and have proposed a viable alternative to this location, where it would not disrupt existing housing. Minister, will you listen to this community and engage in genuine consultation?

#### Southern Metropolitan Region

**Ryan BATCHELOR** (Southern Metropolitan) (12:53): (1211) My question is to the Minister for Ports and Freight: can the minister please provide an update on the redevelopment of the Hampton pier? More and more people want the opportunity to call our bayside communities home, and for the fishing, boating, and water sports enthusiasts among them not only are we building more homes but we are building a new pier at Hampton. After several months of consultation and technical studies, designs for the new Hampton pier have been finalised, the tender is out and a contractor is expected to be appointed later this year – all part of the Allan Labor government’s \$18 million package for maintenance and safety of piers and jetties across the state. The old Hampton pier was an icon of the community, but after 150 years it was falling down and desperately needed to be replaced. That process is well underway. The old pier has been demolished, the new pier has been designed and it will be rebuilt soon – all part of this Labor government’s investing in community facilities in the bayside area.

#### North-Eastern Metropolitan Region

**Richard WELCH** (North-Eastern Metropolitan) (12:54): (1212) My constituency question is for the Minister for the Suburban Rail Loop. The Labor government and the minister’s SRL project had a confusing start to the week when it was publicly revealed that the evictions of businesses and households have been delayed by nine months. Notwithstanding the fact that you cannot simply tell a business owner to extend their business nine months, or not, in a given location and the incredibly difficult financial and forward planning issues that creates for them, it also would imply that the project itself is running nine months late already, before it has barely started. My question to the minister is:

why has there been a delay of nine months in completing the evictions via the compulsory acquisitions, and will the Suburban Rail Loop East be delivered in 2035 as promised?

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

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:55): (1213) My question today is to the Minister for Transport Infrastructure. I have heard reports and seen photos of a number of waterways in my region that are being polluted by clay that is seemingly being churned by the northern works of the disastrous North East Link toll road around the M80 and Watsonia North. These works are causing severe clay and sediment pollution in the Plenty River from the Yando Street drain after rain as well as further south in the Banyule Creek, which has also been flowing yellow with clay. Minister, clay pollution can have a serious impact on the health of our waterways. This mega toll road is already causing so much environmental damage. What urgent action will you take to prevent clay and sediment from this project continuing to pollute our waterways?

#### **Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (12:56): (1214) My question is to the Minister for Housing. Why is the Labor state government seeking to destroy Victoria's property market and make the rental crisis even worse? Labor has already implemented more than 130 rental reforms and yesterday announced another six hurdles. The media release states that Victoria is leading the nation, but they are leading the housing market in Victoria off a cliff. It is already hard enough to find a rental in Bendigo and regional towns. Currently the rental vacancy rate is just 0.66 per cent in Greater Bendigo. Endless reforms to the Residential Tenancies Act 1997 and changes to regulations are making it even harder for landlords and investors to continue to own properties and make them available for rent. Many homes are being left empty, while the rate of people who are homeless continues to rise. Recently I met a lady who runs a business and owns several properties as a landlord who was close to tears. She cannot afford to do the renovations required to meet the revised standards but does not want to evict the families. In her words, Victoria is now a 'no-go zone', and she knows many businesses and investors leaving the state.

#### **Northern Victoria Region**

**Georgie PURCELL** (Northern Victoria) (12:57): (1215) My question is for the Minister for Agriculture. Last week a constituent walked into the dollar store down the road from my electorate office in Woodend and noticed they were still selling glue traps, advertised as killing rats and mice. Believe it or not, using glue to trap animals until they literally die of fear is illegal. It has been since the Animal Justice Party secured it in regulations in 2019, but lack of enforcement is allowing lizards, birds and even possums to continually become trapped in unregulated traps across my electorate. Insect glue traps are still able to be sold as long as they have a cage or barrier to prevent larger animals from becoming stuck, but noncompliant traps without these guards are being purchased and hung in fruit trees, where microbats are dying with alarming frequency. I am told that reports through the appropriate channels are being consistently dismissed. My constituents want to know when the minister will act to ensure that the sale and use of illegal traps in Northern Victoria will have consequence.

#### **Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (12:58): (1216) My question for the Minister for Police concerns the troubling and recently tragic rise in crime in Geelong streets. Stats from the year ending 30 June 2024 were released last month. I had planned to raise the 10 per cent rise in car theft and the skyrocketing retail robberies, which exploded from 1087 cases in 2023 to 1536 in 2024 – a 41 per cent increase – but these numbers now seem trivial after the fatal stabbing last weekend of 20-year-old Corio barber Jayme Sykes. One local business owner said:

I'm not surprised that something has happened, there was a glassing last weekend just around the corner, it's happening all the time ...

And:

The cops are doing nothing about it ...

Minister, what are you doing to get a grip on the spiralling crime on Geelong streets, which last weekend so tragically cost a young life?

#### **South-Eastern Metropolitan Region**

**Rachel PAYNE** (South-Eastern Metropolitan) (12:59): (1217) My constituency question is for the Minister for Roads and Road Safety. My constituent is a resident of Frankston South, and as part of their commute they regularly drive along the Frankston Freeway. In the stretch of road along the Frankston Freeway between Frankston-Dandenong Road and Cranbourne-Frankston Road they consistently observe rubbish, including old mattresses and dumped furniture, long grass and excessive weeds. This is a danger to public health, the environment and driver safety. It is also a source of shame for my constituent when driving visitors around the area. Their attempts to raise the issue with VicRoads have been unsuccessful, so my constituent asks: will the minister ensure the Frankston Freeway is cleaned up and regularly maintained as a matter of urgency?

#### **South-Eastern Metropolitan Region**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (13:00): (1218) My constituency question is to the Minister for Housing. My office was recently contacted by two Sri Lankan constituents with challenges in speaking English who are facing eviction from their rental home today – not tomorrow but today. My staff made inquiries of your department, whose staff, I note, were very helpful; however, they advised that the category that these people fell into was the sixth lowest category on the department's seven-level priority list. This means they have essentially no chance of being helped ever. This local example is but one of tens of thousands of real examples of Victorians let down by you and your government due to its mismanagement. This includes the gross financial mismanagement of major projects here in Victoria, which has resulted in tens of billion dollars in taxpayer dollars being wasted in major project blowouts. Minister, when will you actually sort out the complete mess you and your government have made of the public housing system in Victoria?

#### **Western Metropolitan Region**

**Moira DEEMING** (Western Metropolitan) (13:01): (1219) My constituency question is for Minister Pearson in the other place. As part of the Victorian government's Level Crossing Removal Project, Newport's Champion Road level crossing is scheduled for permanent closure by 2026. Critical concerns expressed by the community include the loss of direct access. Champion Road has been a vital connection between Newport and Williamstown, and its closure will redirect traffic onto other roads, increase travel times and cause potential congestion on Mason Street and Melbourne Road. Impact on local businesses – many businesses rely on Champion Road's accessibility. The change in traffic flow may reduce foot traffic, harming local businesses' livelihoods. Lack of community consultation – groups like Keep Champion Road Open feel there has been insufficient consultation and are calling for greater engagement and additional studies before a final decision is made. Will the minister investigate designs for dual-purpose rail or road bridge designs that incorporate the pipelines and a trial closure of Champion Road to assess the full impact before making this permanent decision, so as to collect data on traffic, businesses and daily life and allow for community feedback?

#### **Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (13:02): (1220) I would seek from the Minister for Energy and Resources some figures about my electorate. I would seek from her assistance with the government estimates over the forward estimates period of their intended number of gas disconnections in each of the following municipalities – Boroondara, Whitehorse, Monash, Kingston, Bayside, Port Phillip, Glen Eira, Stonnington and the City of Melbourne. It would be very helpful for

me to understand the impact on those in my electorate who wish to maintain gas. It is true that the gas ban that is proposed by government is undemocratic. It will have very significant impacts on individual households, and I want to understand how many will be disconnected by this government in the forward estimates period.

### **Northern Victoria Region**

**Rikkie-Lee TYRRELL** (Northern Victoria) (13:03): (1221) My constituency question today is for the Minister for Public and Active Transport. Since the introduction of the VLocity trains to the Shepparton line my constituents have noticed a decrease in train capacity. Some mornings, by the time the train reaches Broadford the train is full and the V/Line customers are forced to stand in the aisles on the carriages. This poses a danger to those standing during an unexpected incident or emergency as well as causing them discomfort in having to stand for long periods of time. The congestion also makes it hard for conductors to make their way down the carriage to check tickets, and passengers struggle to make their way to amenities and doorways. All this could be avoided by simply adding extra carriages to meet the passenger demands of the service.

It is a well-known fact that many people travel on the morning and evening trains to and from northern Victoria to get to work, appointments and entertainment in the city. My constituents ask: will the minister instruct V/Line to add extra carriages to train services on the Shepparton line?

### **Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (13:04): (1222) My constituency question is to the Minister for Transport Infrastructure, and I want to point the minister and the chamber to revealing comments by the Labor member for Thomastown today in the Legislative Assembly, where she said:

[QUOTE AWAITING VERIFICATION]

The outer suburbs, which I represent in the electorate of Thomastown, the infrastructure is not there –

She goes on to say:

and in fact, even if infrastructure was funded today, it would take years and years to build.

I tend to agree with the member for Thomastown. The electorate of Thomastown has no infrastructure, because it has been very poorly served by the Labor Party. Even the Labor member for Thomastown agrees: this government has not funded infrastructure in the electorate of Thomastown. I ask the Minister for Transport Infrastructure to come out to Thomastown and meet with local residents groups who want Wollert rail and who want Craigieburn Road east duplicated and maybe pause the \$216 billion Suburban Rail Loop in the eastern suburbs and start funding infrastructure in Thomastown.

**Sitting suspended 1:06 pm until 2:12 pm.**

### ***Bills***

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

*Second reading*

**Debate resumed.**

**Tom McINTOSH** (Eastern Victoria) (14:12): What the Labor government has shown in energy is leadership, and what Victorians need to keep energy prices down in their homes, in their businesses, in their schools and in their hospitals is leadership. We know the only thing those opposite know about leadership is the revolving door that they send people out once they have had 12 months in the chair. That is the only thing they know about leadership: cutting people down and kicking them out of their party's leadership position. The consequence of this is the Liberal Party have no plan on energy.



**David Davis:** On a point of order, Acting President, this is a bill about the building industry and the gas industry. It is not a bill about the opposition, and the member here seems to be heading out on a frolic to attack the opposition. He should return to the bill and not do that.

**The ACTING PRESIDENT (Bev McArthur):** I will uphold the point of order. Mr McIntosh, can you please stick to the point?

**Tom McINTOSH:** I absolutely will. I was talking about leadership in energy policy, and perhaps if there was not so much frolicking in and around leadership I would not have it drawn to my attention. What Victorians need, as I have said, for low prices and for guarantee of supply, is a clear plan. The reason why I was raising the lack of focus on policy by those opposite – their attention being drawn to other things more internal – is that they do not do the work to bring up the policies and create the plans that industry can clearly get around and understand, that Victorians can clearly get around and understand. When you do not have targets, when you do not have a pipeline of work to get to your targets, to get to your goals, you cannot achieve them. That is exactly what we saw the last time those opposite were in power, four years of nothingness, and that is exactly what would happen again. That is why –

**David Davis** interjected.

**Tom McINTOSH:** We are here talking about energy, Mr Davis. That is why they come up with harebrained ideas like \$30 billion nuclear power stations, because they do not do the work, they are lazy and they take pot shots from opposite.

We know what else the Liberals will do: they will cut jobs right across the board. We know the Liberals hate workers. Their economic policies are to drive down wages. They do not want to see the prosperity of all Victorians, with every generation having a better quality of life than the one before. That is not in their interests. It is cheap politics, it is nasty politics and it is negative politics, and Victorians see that and know it. They see it in a variety of policies. They see it in housing: negativity and ‘No.’ They see it in energy: negativity and ‘No.’ They see it in building: negativity. It does not matter what it is, it is the same outcome from the Liberal Party.

If they ever, God help us, get their hands on the levers, we will see nothing but inaction, and living quality for Victorians will go backwards. Wages for Victorians will go backwards, and energy supplies will go backwards. And do you know what will happen? They will get to the end of their four years of doing nothing, much like Dolittle and Naptime, and they will look around and go, ‘Gosh, this century we’re in, energy demand is going up. I don’t know why. There’s something called the internet, with data centres that draw more energy.’ There are going to be residents of Victoria saying, ‘We want to power our homes for the devices and the technologies that we need and we want.’ And what are the Liberals going to turn around and say? They are going to go, ‘My God, where are we going to get our energy from?’ And they are only going to have one option, and that is to rip up Victorian farms and frack them. They will have no option due to their inaction, their lack of planning, their lack of policies, their internal divisions, their negativity and their nastiness. Their divisiveness will lead to them needing to rip up Victorian farms because that is the only way they will be able to meet their blind ideologies.

We know that Victorian farmers and Victorian shoppers, anyone who goes to the supermarket or the grocery store, will want the world-class agricultural products that this state generates, gives to our residents and exports around Australia and around the world. But those opposite will be very, very willing to rip up those underground water aquifers and poison them, poison the soil and degrade the capacity of our farmers to provide for Victoria, our nation and the world. They will not care, because their meaninglessness and nothingness with their policies and plans will leave them in a void where they have no other option but to go after farmers, whereas on this side we have got clear plans that are seeing us deliver the cheapest wholesale energy – electricity and gas – of any state on the east coast. We have the cheapest retail electricity and gas of any state on the east coast, and that is because of a

pipeline of policies working towards targets that industry can clearly understand and residents can understand. It is about getting out in front and laying the pathway we achieve.

We have seen solar uptake across this state – one in three homes, 3 gigawatts on our rooftops – and residents know it is the cheapest form of power. If only you lot could get your heads around it. I asked Mr Davis earlier in the debate: what is your plan? What percentage of your electricity generation will be renewable? He cannot answer, because he has got no idea and no plan. You guys know what you are against, and you know that you can come up with some idea for 30 years time in the never-never for a nuclear reactor that is just selling workers a pup. We have coal workers who need jobs as our coal stations close, not coal workers being left waiting for a decade in limbo. It is negativity. It is nastiness. You are selling Victorians a pup, and Victorians know that another four years of the Liberals would be like the last four years, with inaction, indecisiveness, downward pressure on workers' wages, loss of jobs and, worst of all, ripping up farms for fracking.

**Melina BATH** (Eastern Victoria) (14:19): Well, that was a fairly large load of claptrap that we were just subjected to. Clearly the lunchtime break did not bring about any clarity to Mr McIntosh's mind or sense to his words. I am quite pleased to rise today to speak on the Building Legislation Amendment and Other Matters Bill 2024, a bill that is overwhelmingly uncontroversial except for clause 38, which the Nationals, along with the Liberals, oppose. We will seek to amend it to enable this bill to come to a level of decency, unlike the level of contributions we have heard from the Labor members today.

There are some parts that I would really like to pick up on and share with the house. We had Ms Watt provide some context around the SEC. The SEC was an absolute bomb in the coal region of the Latrobe Valley. Even the rusted-on Labor voters did not like it. It was a bomb. What do we have now in the Latrobe Valley? The Premier came and said the SEC is going to revolutionise the universe – apparently – and create 59,000 jobs. How many jobs has it generated in the Latrobe Valley right now? There is one job in the GovHub at the moment for the SEC. This is what we hear in the rhetoric from a tired and rusty old Labor government. This is what the reality is.

Once you work through the spin doctors in the Department of Premier and Cabinet, once you work past those, there is a huge conflict in the Labor government. We have Treasurer Pallas, who is undoubtedly pro hydrogen, with the hydrogen energy supply chain project, being part of that energy mix. We have got Lily D'Ambrosio who is absolutely all over the shop. She is at odds with her federal counterpart in Ms King. Ms King has said she supports gas as part of Australia's economy. She supports it. Not only that but earlier this week, on Tuesday, we had legislation that was supported by the Nationals and the Liberals. It was about creating a reservoir for the resource of natural gas. Indeed this government pushed that through, and we supported that as a small element of security for a very important resource in terms of gas, not only for electricity and the flexible power source that it can be when times and peaking situations require it to come online but when there is not any wind blowing and the sun has gone to bed, then the gas can come on. It is also used as feed stock and as a source in my patch in the Latrobe Valley for Australian Paper.

In this bill again the Premier is all over the shop. The Premier said recently on radio, 'Victorians can keep cooking with gas.' Well, they cannot keep cooking with gas on this clause and this bill.

**David Davis:** Clause 38.

**Melina BATH:** That is right – clause 38; it is always in the detail. This bill is about implementing Victoria's *Gas Substitution Roadmap*, but it includes a prohibition on new gas connections. The Premier has signalled that Victorians can cook with gas, but clause 38, Regulations, reads:

- (fb) prohibiting a person from carrying out plumbing work in connection with installing or replacing a reticulated gas appliance or a reticulated gas appliance in a class of reticulated gas appliance in an existing building or a building under construction or in a building in a class of existing building or a class of building under construction;”.

I thought it was important to actually put on record what this bill does.

Clearly the Premier – and she is good at this – spins something out so that it makes the headlines in the papers, and lo and behold the reality is far from that. My colleague is a working man. He was a plumber all his life in the Latrobe Valley until he came into Parliament. I think it is very important to put his comments in the lower house on record. He said that this legislation wages a war on the plumbing industry and restricts their ability to repair or replace gas appliances, a task critical to maintaining safe and functional gas connections. What this government is doing is taking away choice. This government is taking from Victorians the choice to make their own decisions about what energy they are going to use in their homes.

We heard a very good contribution from Mr Welch in relation to infrastructure. It was also a very good contribution around the lack of choice and the fact that this government is completely directing Victorians – reaching into their homes and directing them on how and with what they will live – but also the cost impost of implementing a new change. When this bill comes in, you will not be able to replace your gas reticulation services. Here it is: it can prohibit a person from carrying out plumbing work. It is going to do that. It is going to create more costs in a cost-of-living crisis, more imposts on Victorians who can ill afford them.

I am interested also in the discussion that we have heard in this place around Gippsland and indeed, as I said, that recent legislation that has gone through. Of course Gippsland has provided essential gas resources for 55 years, with good, high-paying jobs in our regions.

**David Davis** interjected.

**Melina BATH:** And cheap gas. We had the cheapest gas around. Exactly. We certainly know that there is no plan for central Gippsland in this transition. We see the demise of the Latrobe Valley Authority, which has put out very little other than some nice glossy brochures and paid for government-loving bureaucrats to paint a picture but with no recommendations and no actions. That is what we see on that side, and that is what Victorians are facing.

As I said, we see the Labor government's Treasury is at odds with its Minister for Energy and Resources. We also see that households are facing increasing bills under this legislation. It has been reported only recently that households using gas in Victoria could face an additional \$138 over three years to implement these hikes in fees. We see AusNet, the supplier, and certainly the supplier in my Eastern Victoria Region, with 688 customers, cite that Victorian government policies are encouraging electrification. We are not against electrification by any stretch. What we are against is the lack of choice and the fact that the government is reaching into homes and putting a throttle on people's purses and lifestyles. This ban on new connections will increase service costs and infrastructure upgrades.

We also know that the government has come out; we heard from Ms Watt, who wanted to talk about homes. Well, that is not going to serve people, particularly in my patch in Eastern Victoria Region, when you have got inner-city high-rise buildings with one and two bedrooms. Clearly, as we saw in the Westpac Housing Pulse survey back in March, only a quarter of buyers in Melbourne are actually looking for apartments and units.

They are peddling a line. The line does not serve all Victorians. The line is going to compromise people who want to upgrade their own homes, and the Nationals certainly will not be supporting this bill.

**Jacinta ERMACORA** (Western Victoria) (14:30): I am very pleased to speak on the Building Legislation Amendment and Other Matters Bill 2024. This bill addresses three main issues: firstly, it introduces essential amendments to support Victoria's *Gas Substitution Roadmap*; secondly, it clarifies the enforcement powers under the Building Act 1993; and thirdly, it streamlines building legislation and related acts.

**David Davis** interjected.

**Jacinta ERMACORA:** I was waiting for you to come in, Mr Davis.

As gas prices continue to rise, the Allan Labor government is helping Victorians reduce their reliance on expensive fossil gas, easing cost-of-living pressures on families and businesses. Switching to electric appliances saves Victorians thousands of dollars each year on energy bills. Converting an existing home from gas to all electric will save the average family \$1700 per year. I am sure some of my colleagues have also mentioned this. If you add rooftop solar, you could save \$2700 per year.

The *Gas Substitution Roadmap* outlines how we will use energy efficiency, electrification, renewable hydrogen and biomethane to drive down bills and cut carbon emissions. In December 2023 we updated the road map to outline the next steps in Victoria's transition from expensive fossil gas to cheaper, more modern electric appliances. At the time we announced that options to progressively electrify all new and existing residential and most commercial buildings would be investigated. We are doing that through a regulatory impact statement process which will enable Victorians to have their say on Victoria's energy transition. This bill will enable that consultation.

Those across the aisle will tell you that we are banning gas appliances and barbecues. This is the usual scaremongering and nonsense we have come to expect from the Liberal Party. It is a tired old script. Perhaps they are so busy fighting with each other in court that they have not had time to come up with a new scenario.

The Allan Labor government is responding to the threat of global warming by working in consultation with communities and businesses to develop solutions together, and that is what this bill is about. We are enabling the 'what' in the *Gas Substitution Roadmap* and creating a mechanism for deciding the 'how' by consulting with Victorians through the regulatory impact statement process. The *Gas Substitution Roadmap* is a highly credible, deeply researched and detailed pathway for Victoria to manage the transition to a low-carbon economy. It is a tribute to the painstaking work being done by Minister Lily D'Ambrosio and her office and team of staff.

We have some of the most ambitious climate targets in the world. These targets are legislated, providing confidence and security for businesses looking to invest in technologies and approaches that support the transition to a low-carbon economy. Victoria has reached 38 per cent renewable energy, and this bill assists in the next steps to our target of 95 per cent by 2035, with a goal of net zero emissions by 2045. We are decarbonising at the fastest rate in the country. Since this government was elected in 2014 we have cut emissions by more than any other state. This data shows that the Victorian government is determined to take action on climate change. There are some in this chamber that will argue that we are not taking action, that Labor is not, but we are. There are others that would argue that we should not take action at all and that we should stick with fossil fuels.

I just want to apply a little bit of – I googled this a second ago – deductive reasoning to some of the arguments I have heard from those opposite. Basically we know that there is declining use of gas in this state, and that is essentially because of what market forces have done to the prices – nothing to do with government policy – so if we supported in any way the construction of a gas reticulation network into long-term future subdivisions, it is highly unlikely to even be used. I think you opposite us would be saying to us, 'Why are you doing that?', and yet that is exactly the opposite of what you are arguing for us to do. It does not make sense to build what would be an asset that is stranded. In accounting terms new gas reticulation would be a stranded asset. The logic of what you are arguing against us really does not make sense. There is no logical infrastructure argument in support of not doing it.

Our pathway, our road map, to decarbonisation, provides incentives; it is not forcing, not Stalinist, not banning and not tearing out perfectly functional systems. It is not any of those things. It is purely an incentive program to support the transition from gas – an expensive fossil fuel – across to electricity, which is renewable and affordable. I really want to state just how illogical the argument is against this strategy, because the cost of not doing this is far higher than the cost of an orderly, government-supported transition process.

Despite what the scaremongers across the aisle will try to tell you, gas cooktops in homes, gas appliances in existing commercial buildings and industrial, agricultural and factory facilities will not be impacted, nor will the use of LPG. There is nothing better than enjoying a barbecue in the backyard with friends and family. Victorians will absolutely continue to do that, and they will continue to do that with LPG gas, with woodfired barbecues and with electric barbecues – whatever you want.

**David Davis:** Not connected to the reticulated gas. You can't do that – that is going to be banned.

**Jacinta ERMACORA:** I have already answered that argument.

**David Davis** interjected.

**Jacinta ERMACORA:** Google 'deductive reasoning'. Converting an existing home from gas to all-electric will save the average family, as I said, \$1700, and then if you add solar, \$2700, so that is a very, very positive thing. The government will release draft regulations for consultation in December 2024, followed by an extended public consultation period. Transitioning from gas to electricity will save Victorians thousands of dollars each year on energy bills. It will slash emissions and maintain the reliability of supply for industries that require gas. That is what this is all about: lower power bills, taking action on climate change and securing Victoria's energy. And the bonus added value to this strategy is that we are building a renewable net zero economy in this state. Because we are doing it first, we are building that economy in the skill sets at TAFE and universities, in the workplaces, in trades, in the construction industry and in the operational side of many businesses. That will put this state at the forefront of the transition. Everybody else will be coming to us to learn how to do it. The jobs created in this scenario are also very, very important. We are going to continue to work with Victorians to tackle climate change for the benefit of all Victorians, whatever spurious objections the Liberal Party try to throw up.

The bill also contains important provisions to fill a gap in the Building Act 1993 that hinders municipal building surveyors from addressing hazards to life, health and safety. Recent decisions on the powers of municipal building surveyors in the Supreme Court of Victoria and the Victorian Court of Appeal have highlighted a gap in the regulation of building works under the act. This bill will enable building surveyors to issue orders to require owners to take actions that are necessary to remove or reduce circumstances that pose a danger to life, health and safety. That is gobbledegook for giving the regulators more teeth when it comes to building surveyors. Surveyors will also be given greater clarity as to when they can issue a building order for minor works. The government has also consulted with local government stakeholders on these changes. The Victorian Municipal Building Surveyors Group and the Municipal Association of Victoria are supportive.

Finally, the bill seeks to boost the effectiveness of the Victorian Building Authority (VBA) and the Architects Registration Board. The building reform program is coordinating government action to deliver systemic reform, informed by reports such as the building system review expert panel reports, the *Building Confidence* report and the red tape commissioner's report. Building reform programs will make sure that homes are built to the highest standard and that Victorians have stronger protections when building or renovating their homes.

The government has already started work on delivering building reforms recommended by the building system review expert panel, including through the Building Legislation Amendment Act 2023, which commenced on 1 February 2024. The 2024–25 budget builds on this with a \$63 million reform package. This includes work to increase access to domestic building insurance, deliver reforms to support the use of modern methods of construction and develop and deliver a new legislative model.

This package will also strengthen the Victorian Building Authority to deliver a regulator that Victorians can trust. The new CEO and now commissioner Anna Cronin has been leading a program of rapid reform at the regulator. The budget funding will boost the VBA's inspectors and auditors by 50 per cent, funding improved technology and intelligence to better protect consumers. The building

regulatory system has not been comprehensively examined since the early 1990s, and hasn't the world changed since then?

Since that time there have been significant changes in design, in innovation and in community expectations around the sustainability of homes. Several high-profile building failures in Australia and around the world have reduced the public's confidence in the building regulatory system. That is why the reforms that we are doing in that space are so important. I just want to close by saying how confident and positive I am about the transition and that the conflation of issues and facts by the opposition does not work logically.

**Evan MULHOLLAND** (Northern Metropolitan) (14:45): I rise to speak on the Building Legislation Amendment and Other Matters Bill 2024. Labor's war on gas continues today as part of this bill. We know that this is a cost-of-living issue. Do not be fooled by the innocuous name of the bill. This bill is simply not an omnibus or a tidy-up; this is part of their agenda. This bill gives the government the power to implement their attack on the cost of living of all Victorians, particularly those in my electorate who want to build themselves new homes in the growth areas and want to have choice in the energy that they provide. We know that this tired Labor government knows that this is unpopular, so they have to find new ways to sneak in powers that they want to give themselves.

I was interested to read a few months ago, in September, a *Herald Sun* article with the headline 'We're cooking with gas'. It says:

Exclusive: Premier's major policy reversal as state grapples with dwindling power

Victorians can cook with gas for as long as they like after the state government excluded residential and commercial kitchen stovetops from its net zero road map. And laws will be introduced to parliament to encourage ... offshore gas storage projects to boost dwindling supplies ...

I could have sworn we just heard from Ms Ermacora and Mr McIntosh that there is no gas available; I could have sworn that they mentioned that. We see this policy reversal. We know this government knows that gas is popular. Why would Jacinta Allan have made the decision that she did? And do not think we do not know the background. We know that the Treasurer rolled Ms D'Ambrosio on this and common sense prevailed, but it still appears that Ms D'Ambrosio is pulling the strings in the background when it comes to legislation and that someone has snuck in a regulatory power that would give the government the power at any time it decides to ban gas connections. This is not something that this government can be trusted with, because we know that their ambition is to ban gas. You do not put together a *Gas Substitution Roadmap* if your intent is not to ban gas holus-bolus. You do not create regulations in legislation that give you the ability to ban gas if you are not intent on banning gas stovetops in people's homes. We have got the Premier on one hand saying she is excluding it from the road map so you can still cook with gas and on the other hand you have got legislation that says, 'We're giving ourselves the ability to ban gas.'

I was listening intently to some of the contributions. I know Mr Galea knows that you cannot cook many a meal on an electric stove. It is simple: people would like a choice. I know many commercial operators in my electorate, like the Bamboo Cafe Restaurant in Campbellfield, are having massive gas increases. They are quite worried about the government's anti-gas agenda because you cannot cook Middle Eastern food on an electric stove. On a commercial scale it is next to impossible, and they know that. I would love to invite the Minister for Housing out to Bamboo in Campbellfield so that we can have a conversation. Perhaps we can show the minister over a meal how important gas is.

*Members interjecting.*

**Evan MULHOLLAND:** Mr Galea would know that you cannot cook a succulent meal at the Shark Fin Inn on an electric stove. It requires gas. You cannot cook a succulent Chinese meal on an electric stove at a commercial level, and we hear that all over town. This government is intent on banning gas because this government both discriminates against our multicultural communities and discriminates against people living in growth areas. I had a meeting recently up in Kilmore with my

good friend and colleague Annabelle Cleeland. We met with a large round table of real estate agents from my electorate and hers, and they reported that many potential buyers were pulling out of new home builds because of the inability to connect to gas. That is directly as a result of this government denying choices to our multicultural communities who want to live in growth areas, who want gas connections.

The government say they are all for gas cookers. Jacinta Allan says she is all for gas stovetops – she is cooking with gas – for everyone except if you live in a growth suburb. They are denying choice for people that live in a growth suburb. The government is not cooking with gas. They are banning connections to new homes, and they have given themselves the power through this legislation to continue to ban gas stovetops in existing homes. That is what the government is doing. It is discriminating against people that live in our growth areas because of its anti-gas agenda.

*Members interjecting.*

**Evan MULHOLLAND:** ‘There is no gas in Victoria.’ Well, your federal colleagues disagree with you. Madeleine King disagrees with you. This government is all at sea when it comes to gas policy. We have a *Herald Sun* article one day saying that we are cooking with gas and the Premier has got a new agenda and is pro gas stovetops, and then literally the next week this legislation is introduced in the lower house, completely undoing the Premier’s policy reversal on this issue. As I said, we know Ms D’Ambrosio was rolled by the Treasurer in regard to this issue. Reality has struck in regard to the gas shortages we are going to face in the future, and Mr Davis has spoken about that as well. But it appears that Ms D’Ambrosio is still sneaking things into legislation to give herself and this government the ability to ban gas in the future.

We did see some stark warnings today:

Households using gas are set to be hit with extra charges worth up to \$138 ...

And more pain lies ahead, with pipeline operators signalling the need to speed up their cost recovery systems – paid over time through bills – because of declining customer numbers.

The consultation with the industry seems not to have been there. The Housing Industry Association said that the legislation does, however, have the effect of allowing regulations to be made that could implement a complete prohibition on the use of reticulated gas for any type of building. This does mean that a government, without further reference to the Parliament, could in future make regulations which go well beyond the expected measures in the Victorian government’s *Gas Substitution Roadmap*. The Australian Pipelines and Gas Association chief executive Steve Davies said:

These draconian measures will not have any impact on improving gas supply for Victorians in the short-term, and will instead have the opposite effect through chilling investment in new production ...

Why would any energy company invest in delivering much-needed gas supply for Victoria – as they tried to do on Tuesday with their other bill –

when the state government is openly trying to destroy the business case? It is completely counterproductive.

This Bill creates an economically unviable situation where the state government is essentially telling the 60,000 Victorians businesses on the gas network that they don’t want or need their business anymore.

This is what the gas industry, the pipelines and gas association, think of this government. I was intently listening in to the debate in the lower house, and I took a bit of offence on behalf of my constituents to the second-reading debate in the other place by the member for Laverton. The member for Laverton told a funny story of living in New South Wales and Canberra and not knowing how to use a gas stovetop until she was parachuted into Melbourne’s west. She even talked about her love of a Thermomix, or a ‘Thermie’, as her preferred way of cooking. She clearly does not know much about her own constituents – in the outer north I do not know many that can afford a Thermomix, which retails for over \$2000. So that was very interesting. My constituents in the outer north, and I assume those in the western suburbs as well, want access to cheap and affordable energy, which gas provides. They do not want to live on air fryer food, as the member for Laverton suggested and wanted to suggest

to us all. I would hazard a guess that the good people of Laverton want choice in their energy mix. If they can afford an air fryer, or a ‘Thermie’, then that is up to them, but they should have that choice, particularly in new estates.

I note that when I go around our multicultural communities – and I do that a lot – this issue is constantly raised with me. People are pulling out of getting a house-and-land package and trying to get into an existing house that has a gas connection. I know that I have colleagues that attend the same functions and hear the same things. If this government wants to go ahead and introduce a bill which gives it the power to ban gas, go for it. I will be letting every single one of our multicultural communities know that it was the Labor Party that introduced this to ban gas, and I have been letting them know that it is the Labor Party that has banned gas connections to new homes. It is the Labor Party that is discriminating against our multicultural communities in growth areas. The Premier is cooking with gas. She is saying that everyone that lives in an existing home can cook with gas, but if you are moving to a new house-and-land package you cannot.

**Harriet Shing:** On a point of order, Acting President, Mr Mulholland may be relying upon the value and the weight of his words such that he is not able to use a prop. I would also encourage him –

**Evan MULHOLLAND:** I was reading off the –

**Harriet Shing:** No, you weren’t. You know you weren’t reading. To that end, Acting President, I would ask that you require him not to rely upon garnishes to add to the value of his contribution.

**The ACTING PRESIDENT (Bev McArthur):** I will ask the member to read from his props.

**Evan MULHOLLAND:** I am more than happy to. This is a sneaky ideological attack on the hopes and dreams and household budgets of my constituents in the outer north, many of whom, as I was saying, have pulled out of buying house-and-land packages because they cannot get gas. I was at a community meeting the other day in Beveridge in the outer northern suburbs – I know Mr Erdogan has probably never been there before – with our Liberal candidate for McEwen Jason McClintock, and many people brought up the fact that many of the new houses that are going into Beveridge cannot get a gas connection. Many of the communities are multicultural communities – and to our Indian community and our Hindu community I want to wish a happy Diwali again. They are opting against new home builds because they prefer a gas connection. This Premier is saying to those communities, ‘You don’t have a choice. You don’t have a choice in your power source. You don’t have the choice to get gas; you must get all electric.’

That is wrong. It is discrimination, and we on this side of the chamber are calling it out. It is not good enough. It is discrimination against our multicultural communities. It is denying them the choices they want to make. The government is attempting to ram through its new power to ban people from connecting to gas under regulations, and as night follows day, Lily D’Ambrosio is going to use it. She will, because she describes it as fossil gas. All this petulant language from the Minister for Energy and Resources is unbecoming. I know our federal colleagues disagree with her on it. The Treasurer disagrees with her on it. She ought to cease it, and this bill ought to be opposed.

**Michael GALEA (South-Eastern Metropolitan) (15:00):** I rise to speak on the Building Legislation Amendment and Other Matters Bill 2024 today. Today is Halloween, and what a jumpscare it is that we are hearing from members opposite. It is all doom and gloom and full sirens on full alarm, full panic mode it seems – anything of course to deflect from their own internal machinations. Just as the Liberal member for Brighton was trying to scare people inside a hotel by creepily looking through the windows – I am sure Mr Southwick has a recording of that particular encounter – here we have another scare campaign today by the members opposite, including my good friend Mr Mulholland.

What do we have today? We have a few amendments before us, and I will get to them in just a moment. But it is a jumpscare that is being put forward by members opposite, in the vein that Mr Mulholland’s close ally and fellow NIMBY Mr Newbury likes to partake in. Perhaps you might like to join him



outside various hotels in the Southern Metropolitan Region, Mr Mulholland, and you can tell people that they do not deserve the option of living in a part of Melbourne or indeed Victoria where they wish to do so.

We know on this side that these building reforms are one very small but very important part of our broader housing strategy, which is to provide meaningful and affordable housing options to all Victorians, especially those millennials and generation Z Victorians who have for too long been locked out of the housing market. Those opposite will block and block and block – I have yet to hear Mr Mulholland call out Mr Newbury. In fact he is all too keen to bring up statements from Labor members from 10 years ago, but I direct his attention to the comments made by Mr Newbury just last week or indeed the comments made by Mr Pesutto, the Leader of the Opposition, just a few months ago when he said on radio – conceded in fact – that he had no real plan in place of our proposal for activity centres. He basically said they can all live in the outer suburbs.

It is no small wonder then that so many of the outer suburban seats completely rejected what was put on offer by the Liberal Party at the last election. Indeed they will most likely do so yet again. If you continue to say to people in the outer suburbs that they should be taking almost all of Victoria's housing growth because you want to protect some nice backyards in Camberwell, as Mr Davis suggests, I look forward to seeing what those generation Z Victorians and what those millennial Victorians will have to say back to you, because what counts is your actions in this place. You can talk all you want about supporting development and you can walk out the door when you do not like the uncomfortable truth being told to you, but if you do so, all you are doing is putting your head in the sand and ignoring the genuine aspirations of young Victorians.

Every Victorian has a right to live in the place that they wish to live in, whether that is in the inner city, in the middle suburbs or in fantastic outer electorates such as mine in the south-east, where we have vibrant multicultural communities. Perhaps you want to live in regional Victoria in our booming regional cities. Mr Davis and I have the privilege of being on a committee which has this year been travelling around Victoria hearing firsthand from regional communities and hearing stories of enormous growth, of enormous demand and of oversubscription of Airbnbs and hotels. There is huge demand for housing in regional Victoria, and whether it is in the regions, whether it is in outer metropolitan Melbourne in those new growth areas that I am so proud to represent or whether it is in the inner city, you should have the right to have an affordable house that is not going to break the bank.

We have seen from the Liberal Party the same blocking tactics, indeed the same tactics that we see from the Greens too: 'All fine for housing, just not here' – just not in the locations where it actually might be convenient, where we already have three train lines running through, such as at Camberwell Junction, just not in those places where people might be closer to the jobs and services that they need. It is very important. This is not a government that is saying to people, 'You must live in one particular place.'

We have heard from the opposition today about choice, but the choice that they are offering young Victorians is no choice at all. They are saying to young Victorians, 'The only choice you have is to live in one part of Melbourne.' They are not giving young Victorians the choice to live in the inner city unless they are on an extremely high income, and that is completely unfair. It is going to hold our economy and our state back, and it is holding, most importantly of all, young Victorians back. But that is exactly what the Liberal Party stand for. No matter what Mr Mulholland says in this place about supporting yimbyism and development, he has to stand by his contributions in this place and he has to stand by his colleagues, and he has yet to call out the disgraceful antics of those such as Mr Newbury and Mr Pesutto and others in the Liberal Party who shamefully rail against development in their affluent communities because they do not want the wrong sort of people moving in. They do not want, as Ms Lovell said, people that cannot afford the right type of sneakers to live in their neighbourhoods. That is outrageous. This side of the house is a government that supports the aspirations of all Victorians – of all busy working Victorians – especially those millennials and gen Zs who are trying

to get into the housing market. That is why I find those remarks by those opposite so incredibly outrageous.

As well, speaking of jump scares, we have heard the rather ridiculous assertion that this is a sneaky bill and that there are sneaky provisions in this bill that we are trying to sneak through today. It is quite bizarre to be here in the state's great democratic forum openly debating and openly discussing a bill – indeed a bill that was presented following a press conference, and not a secret press conference. Jacinta Allan was not talking to a closed room with a door in front of her but talking to journalists –

**Harriet Shing** interjected.

**Michael GALEA:** I am sure David Southwick was recording it too in fact; yes, you are right, Minister Shing. I am sure that many journalists were recording it, and indeed Mr Southwick was no doubt there recording it in the background as well. It was a press conference that was public and that was, believe it or not, broadcast and reported on by the press, who were there, which is what tends to happen in these press conferences. Mr Mulholland may not have many journalists attend his press conferences, but generally when the Premier of Victoria presents at a press conference she does in fact have a large coterie of journalists there to report on that. That is the way in which press conferences work. Indeed the way in which debates in this place work is that a bill is put forward, it is robustly debated and all members have the opportunity to debate on it, all members have the opportunity to engage in questions in the committee of the whole, which I am sure many will in just a matter of minutes, and all members have the opportunity to vote indeed in a way which is not only broadcast online for all of Victoria and, should they wish, the world to see but also broadcast and recorded in history and for posterity in *Hansard*.

I am sure that in generations to come any perhaps aspiring law student or other person who for whatever reason happens to find themselves reading contributions such as this in *Hansard* will be looking at those contributions from the likes of Mr Davis, Mr Mulholland, Ms Bath and Mr Welch and of course the ever illuminating Mrs McArthur, and I am sure they will scratch their head and say, 'What on earth are these people thinking?' It will be just the same, as Mr McIntosh referred to, as 100 years ago when we were transitioning off whale oil. Really, that will be the exact same impression that these people will have when they read the outrageous contributions of members opposite in this place today.

I understand Mr Mulholland said that you cannot cook Middle Eastern food on electric cooktops.

**Harriet Shing:** Go to Rumi in Brunswick – entirely electric.

**Michael GALEA:** Yes, Minister Shing. You have stolen my thunder. I understand that there is a restaurant in Brunswick, which indeed is in Mr Mulholland's own electorate – it is within the tram tracks; I am not sure if you will find Mrs McArthur there – named Rumi, as I understand, that uses entirely electric induction to cook Lebanese food. I would invite Mr Mulholland to get out into his own electorate and try some places such as that restaurant, Rumi. So again, we have a number of outrageous assertions. This is a bill that is going to provide those regulation-making powers that will enable the regulations to be drafted for public consultation as part of a regulatory impact statement. The whole point of that is to do what we call consultation. I know those opposite do not have much of a sense of what consultation means, but I know other members of this place do. Indeed Mrs Tyrrell, from One Nation, understands what consultation means. She put forward a motion just a few weeks ago in this place for us to do an inquiry on it, and that is going to be looked into quite extensively by the Environment and Planning Committee. But consultation is basically what this bill is set up to do. It is set up to have that engagement, to have that consultation, with Victorians in the inner city, in the regions and in the outer suburbs such as mine, including all of those wonderful, diverse multicultural communities that I know Mr Mulholland and I are very proud to represent in our respective regions. It is absolutely about that consultation process.

What we see here from Mr Davis's amendment is in fact a delaying tactic. We are seeing an attempt to push this into a committee in order to – well, I am not actually quite sure what Mr Davis intends to do with it, but we may find out in the committee stage. What we really know is that this is about a delay tactic, because if you were genuinely keen to hear from Victorians, if you were genuinely keen to partake in that consultative process, you would partake in the consultative process that is outlined in this bill, not use a committee as a delaying function, like the Liberal Party always does, to push back on any action that achieves meaningful reform on climate change and meaningful cost-of-living benefits for Victorians as well, for that matter. That is what we have seen from the Liberal Party. It is what we saw from a federal Liberal government that had 19 different energy policies. The chaos and dysfunction that was caused in the energy sector as a result of a federal Liberal government has only been superseded by the antics of the current Victorian Liberal Party and whichever backbencher will be putting their hand up for the leadership next. We have seen delay after delay after delay and tactic after tactic after tactic to oppose any meaningful action, as my colleagues Mr Batchelor and Mr McIntosh here in front of me have repeatedly outlined in their contributions. What we see in this delay tactic is more of the same – more of the same old, tired Liberal Party. They have no ideas, they have no drive and they have no ambition. All they know how to do is say no, and that is what they are doing here today.

I also wish to include some time in my contribution to discuss Dr Mansfield's amendment. As I say, this is a bill that is here to outline a clear regulatory process and to do so in a way that is consultative with the Victorian community. But we do have what is, I am afraid to say, a rather outrageous amendment here –

*Members interjecting.*

**The ACTING PRESIDENT (Jeff Bourman):** A little bit of peace-ish and quiet-ish, if you would not mind. We have all had our chance to speak. Can we just let Mr Galea move on without any assistance.

**Michael GALEA:** by the Greens party, which is before us today. I understand that this amendment was not moved in the Legislative Assembly but it was foreshadowed there. However, it is being put forward today. It is an amendment which would actually –

**David Davis** interjected.

**Michael GALEA:** I am surprised to hear you barracking in favour of this, Mr Davis – an amendment which would actually ban the use of personal woodfired heaters in houses. That is something that is very concerning. Admirable though it may be in terms of a climate goal and for the health reasons that Dr Mansfield outlined in her contribution, it is incredibly concerning to see any attempt by the Greens to make it harder for people to provide their own heating. It may be fine in the inner-city areas that we are in; however, in the outer suburbs and in regional Victoria there are people that rely on their personal woodfired heaters for heating. It is a very, very dangerous thing to be taking that away from people or to be looking to take that away from people. To be including this in the bill would be a troubling thing indeed. Members from across the Labor Party would be quite concerned to have to be saying to their constituents that that would no longer be an option in places like the Dandenong Ranges, in Gippsland and I am sure in other parts of regional Victoria. I am not sure whether any Greens members were actually at the Environment and Planning Committee's inquiry hearing in Emerald, but they would have heard about the extensive issues of energy resilience that we are seeing with the increased effects of climate change in areas such as that, just as they are seeing in areas such as Mirboo North. I would be very, very concerned to be seeing that pursued as policy as well.

As I said, this is a straightforward bill. It is one that is opening the door to those consultations that are required to take place in order to continue what is this government's clear agenda of addressing our climate targets, doing as much as we can to tackle the very, very serious and very real issue of climate

change and doing so in a way that is taking Victorians with us and ensuring that their cost-of-living needs and their other concerns are listened to as well. Those amendments aside, I do very much support this bill, and I commend it to the house.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (15:15): Well, it has been a wideranging discussion here today. We have had contributions that have ranged from discussions around Middle Eastern food, succulent Chinese meals, access for people entering the property market to be able to enjoy a range of options as to how they cook and heat their houses and the work that we are doing as part of the *Gas Substitution Roadmap* and Australia's most ambitious renewable energy targets. There is a lot in this to unpack.

I am looking forward to a committee stage which will enable us to have some further discussions about what this bill actually does. There appear to be a number of misapprehensions about the bill itself and the process which it enables rather than what is represented as foregone conclusions on the application of regulations down the track as they may be made. Again, this is an opportunity for us perhaps to correct the record for a number of those opposite who seem to be of an understanding which is not reflected in the law, in public statements, in consultation or in the engagement through opposition briefings and other materials that have been provided to date.

There are also a range of other matters around reshaping the building system, around the Victorian Building Authority and around the work for setting up processes and regulations for strengthening consumer protections and oversight of new builds. We will continue this work, and we will continue to do it in consultation and discussion with communities. Again, another misapprehension that we are seeing across the board is that where announcements are made they are presupposed or represented as foregone conclusions when in fact this is, as has occurred in recent announcements around activity centres, the start of discussions and consultations. Peering through a window does not actually support a conclusion that decisions have been taken, and it is unfortunate that we have seen the growth of an approach in fearmongering and in mis- and disinformation that has caused people to receive inaccurate information – information which is perhaps also going to adversely impact the decisions that people are making about matters essential to their own lives, whether that is buying a home, whether that is the location of their choosing, whether that is processes around building permits or whether that is the operation of the law across the state.

With that I would commend the bill to the house, noting of course that we do not support the amendments being proposed and that we are looking forward to a speedy passage following an opportunity to discuss the clauses further.

**Council divided on motion:**

*Ayes (21):* Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (16):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.**

**Read second time.**

*Referral to committee*

**David DAVIS** (Southern Metropolitan) (15:24): I move:

That this house requires the Environment and Planning Committee to inquire into, consider and report, by 26 November 2024, on the Building Legislation Amendment and Other Matters Bill 2024 and examine the

cost impacts of the bill on Victorian households and businesses, its impact on greenhouse gas emissions and its impact on the reliability and security of Victorian energy supplies.

This motion is a straightforward referral for a short sharp inquiry. This is a highly contentious point, and it is our view that hearings and a short inquiry, with a report to the Parliament, would be reasonable. It would not stop the bill passing this year. It would enable proper examination, and it would in that way flush out many of the unsatisfactory assurances we have heard from government.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (15:25): The government will not be supporting this proposal to refer the matter to a committee inquiry. Mr Davis refers to this as a short, sharp process which might enable the matter to be acquitted and brought before the Parliament again by the end of this year. The challenge that we have is that there is a pattern of proposed referrals that come from the opposition when in fact the purpose appears to be, if nothing else, an attempt to kick the can down the road.

The process which is facilitated by this bill is proposed to commence in December, and that would then enable a process of detailed consultation. This is not about foregone conclusions; it is to establish a basis upon which information can be sought and can be received about a range of scenarios, intentions, impacts and community views. On that basis, the government does not support the referral of this matter to a parliamentary committee.

**Council divided on motion:**

*Ayes (16):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Katherine Cosey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Motion negatived.**

**Committed.**

*Committee*

**Clause 1 (15:31)**

**David DAVIS:** If it is convenient for the minister, we have a couple of sets of questions, if I can put it that way. They could be asked on clause 1, but we might also have some questions on clause 38. But other than that, it is relatively straightforward.

The first question is with respect to the government's plans, the *Gas Substitution Roadmap* on gas and the government's plan to unwind gas connection numbers: does the government have a set of estimates and some associated modelling as to how many connections will remain and over what period the government will reduce the number of gas connections? Further, what will be the requirements thereby for gas across the Victorian networks?

**Harriet SHING:** Mr Davis, there is a fair bit in what you have asked. Perhaps we might be able to get some detail for you on the relevant kind of cascading approaches that you have set out in that question and give that to you in the course of this discussion, noting your preliminary remarks about the interaction between clauses 1 and 38, if you are amenable to that.

**David DAVIS:** It would also be helpful to understand the government's price estimates for gas and what that will mean for consumers. We have seen gas prices rise according to the St Vincent's tariff tracker between 2022 and 2023 by 22 per cent, the biggest rise in Australia according to the

St Vincent's tracker material. It would help us if the government was able to give forecasts of gas prices going forward.

**Harriet SHING:** Modelling of future gas network availability and pricing is actually a highly uncertain process. A better approach is to develop a range of scenarios that could in fact occur – and I referred to this in my sum up – and then have a range of actions that should take place in each scenario. Again, I do not want to perhaps create an expectation that we can provide that detail because of the volatility of modelling, which is not unique to this particular scenario. But when we talk to the pricing and to the changes, and this was referred to in a number of the contributions made by members on their feet in the course of the second-reading debate, we are talking about the typical residential customer in Victoria now paying over \$500 more for gas than they did two years ago. That is an increase, as you have heard, of more than 30 per cent. This is a consequence of geology, Mr Davis. We simply do not have the same new gas supplies available to us. You know, Mr Davis, from –

**David DAVIS:** I don't think that's right. You've chosen not to develop those.

**Harriet SHING:** Mr Davis, you know from time that we have spent in a previous parliamentary inquiry on the question of onshore unconventional gas extraction and fracking that there are a range of challenges around the processes to be undertaken, the impact, the lack of social licence and, overall, the quantum. The chief scientist – and I know that you have views about this – has been very clear about the fact that gas supplies here in Victoria are not of a scale that would mean that this proposal around ongoing gas availability is something that stacks up. Rather, it would be irresponsible of government to continue to assume the availability of a resource which, based on expert technical hydrogeological and engineering modelling, is simply not there.

**David DAVIS:** I can see that we are just going to have to agree to differ on a number of points. Yes, we did enjoy that very large inquiry that looked at unconventional gas approaches, but I am referring to onshore conventional gas and indeed conventional gas potentially available in the 3-mile zone, as seen in fact this week with the bill going through the Parliament. So it is not true to say that there is no conventional gas available.

Perhaps I will expedite things by way of a statement. We do not accept that the riding instructions for the chief scientist were suitable at the time, and we do not think that this actually got to the question of how much conventional gas is available in Victoria. I should record for the chamber that all of my discussions with industry suggest that there is significant conventional gas available onshore in Victoria. As I said, the bill that went through this week is a case study, although offshore in the 3-mile zone of Victoria's responsibility, that conventional gas is able to be recovered relatively straightforwardly and added to our supplies. The truth of the matter is the government has not sought, encouraged, facilitated and fostered the addition to the gas supplies, but in any event it is also true that there will likely be import terminals. Port Kembla will almost certainly proceed, but it is likely ones here will too. There are, I think it is true to say, cost issues with import terminals, but leaving that aside, there will be additional gas supplies, and some of them in Victoria itself will add usefully to the grid. But probably this is not the time to engage in a long debate on this matter.

**Harriet SHING:** Mr Davis, as I know you are a fan of market-led economic movement I will perhaps put it in these terms: if we did have commercial quantities of gas that were not reliant upon government subsidy, we would have a far greater level of industry interest, engagement and activation than we have. The market is sending very strong signals to us that, notwithstanding the fact that there may well be gas – there is gas – it is simply not of a quantity to deliver a commercially viable enterprise.

Mr Davis, to take us back to that unconventional gas extraction inquiry, the minority report which I issued alongside my colleague Mr Leane actually began with a quote from Tony Wood of the Grattan Institute:

The question is not have we got gas, but, at what price?

The market is telling us, Mr Davis, that the cost of the gas, as you and I know from discussions that we have had around onshore gas, is simply not there in a way that creates the right circumstances for industry to set up, because it knows or has reached a conclusion that a long-term investment in the necessary infrastructure will not stack up.

Mr Davis, if in the alternative you are suggesting that there should be government subsidy for the delivery of gas in commercial quantities, then that is something perhaps that you might wish to flesh out a little more. But as a standalone private enterprise we are not seeing those market signals that indicate the level of interest which perhaps you might be representing here.

**David DAVIS:** I will make one further comment and just say that the reason there is no interest from the private sector is because it has had a clear and negative signal from government for a number of years, and the government has laid out the fact that it sees no future for gas. It has not facilitated. In fact it was not available to be done until 2021, but even beyond that the government has made it very clear it is not interested. Whatever the signals from the market, there is a regulatory and political hurdle when you talk to resources firms in this state. This is actually a broader thing than gas; I might even say Victoria is not a welcoming place for firms to do business. They have options, and they have choices around the world and around the country. Victoria has made itself very inhospitable for energy firms, and they say that quite openly. Whatever the market signals the minister refers to, there are government and regulatory signals which say, ‘Stop, wrong way, go back,’ and that is what they do.

**Harriet SHING:** If you are talking about signals and about creating market conditions, as you just have in relation to gas, what I would say in response to that is the level of interest around renewable energy from industry and from business is extraordinary. We are seeing record investment into renewables. That is being led by the signals, which we have talked about already, created by the market, by regulation, by ongoing investment and by the work around transition. When you talk about market interest, when you talk about appetite from within the market and industry and the representations that you have made around Victoria being a place to do business, I would suggest to you that you would be well served by talking with developers and with businesses that are associated with renewable energy, because they will tell you a very, very different story about the economic, financial and profit-driven principles that underscore their decisions to do business in Victoria.

**David DAVIS:** With vast subsidies.

**Harriet SHING:** Mr Davis, I will take you up on what you have just said: ‘With vast subsidies.’ If you are going to represent that it is subsidies that pave the way for the delivery of energy, then by extension you are saying that there should be subsidies made available for the delivery of gas. If the market is not telling us that gas is an attractive option here in Victoria for the delivery of this energy source into the network, then you are relying upon subsidy to create those conditions. It strikes me that we have a situation where your reasoning is applied to one scenario but not to another, and on that basis I will leave the rest to you as editorial.

**David DAVIS:** I do feel duty-bound at this point to say that there are vast subsidies for low-emission technologies. There is no question of that. They are very available to be seen if you go and read the papers of the national regulators. But leaving that aside, it is about the regulatory signals beyond that, and the resources sector is punished by this government, including the gas sector. It is not welcome in Victoria under this government, subsidy or otherwise.

**Harriet SHING:** I think we have probably reached the end, but we do have banter and a history of banter, Mr Davis. I would like to think that we can cover off some useful ground with this opportunity that we have to talk about the renewable energy road map, gas substitution and our work to transition from one form of energy to another.

Mr Davis, I think for you to create the narrative that you have almost infantilises the gas industry, and I would suggest that the sector is well equipped to advocate for the sort of investment that it is seeking, but it is not advocating for the investment. We are not seeing the market-driven interest that you are

saying is the basis for your argument that the *Gas Substitution Roadmap* is built on faulty ground. The market is not telling us this because the market is not coming forward for the purpose of transition.

Mr Davis, you and I could spend at least 15 dinner parties on this conversation. We might be better served continuing to other parts of the bill.

**David DAVIS:** I will move on to the next part but note that under a different government the regulatory hurdles would not be so steep and the signals coming from government would be very different. Embracing an industry and encouraging it is not necessarily about subsidies. Sometimes it is about removing roadblocks, and that is what many would do.

I did want to ask the minister some questions here specifically about what will happen under this set of proposals. The government has some policy documents, as we have referred to: the *Gas Substitution Roadmap*, an Orwellian name for a document when it is actually about banning gas. But leaving that aside, my question is: can the Victorian government promise Victorian industry that it will not incur additional costs as a result of the decision to force homes off the gas network?

**Harriet SHING:** Mr Davis, this is about establishing a process for engagement and for consultation, and this was covered in the second-reading debate. It is really important that, in correcting mis- and disinformation, people are in a position to understand what it is that this legislation does. It creates the basis upon which a regulatory impact process can be undertaken. That is being undertaken not with foregone conclusions, because then it would not be genuine consultation. It is being undertaken under the overarching process of the *Gas Substitution Roadmap*, as part of navigating the path to net zero emissions. It is about those scenarios and the changes that are geared towards cutting energy bills and ensuring reliability.

There has been a wide range of discussion and consultation with major users, who support getting households off gas. We do see market demand for other sources of energy. Solar, for example, is the cheapest form of renewable energy, and in Victoria we know that there is enormous appetite in the domestic market for solar energy, including as that relates to ongoing challenges around connection and around access to electricity supplies in areas that might be impacted, for example, by storms.

Major users support us getting households off gas. We have got a really significant and careful dual-focus approach to reduce household demand on gas and to increase transitional supply, so we are really working very hard on reducing that demand in a way that benefits Victoria's large gas users. But for you to suggest that this is about effecting a ban is not correct. We want Victorians to have their say on transition, and that is where the regulatory impact statement with options for electrification for Victorian buildings will be prepared for public consultation.

**David DAVIS:** With respect, the minister did not respond to the question that I asked, which was: can the government promise Victorian industry they will not incur additional costs as a result of the decision to force homes off the gas network? The minister tried to use different words than 'force them off', but she did concede that there would be less homes connected. As that occurs, will businesses pay more? That is the question I am asking.

**Harriet SHING:** Mr Davis, I will restate what I said in my closing and the sum up and also to an earlier question. This bill provides those regulation-making powers that enable regulations to be drafted for public consultation. This is about making sure that a regulatory impact statement is developed with options for electrification of Victorian buildings. It is also important to make it clear that no decision is being made on how we will phase out our reliance on gas. The mandate is there in terms of the *Gas Substitution Roadmap* and the work that we are doing, and we recognise that it is really important to provide adequate opportunities for industry and for the public to have their say on this process as part of the transition that will save Victorians thousands of dollars each year on energy bills.



Mr Davis, again, I just want to talk about the global impact of transition and electrification. I think HSBC produced a report that refers to around \$3 trillion every year being spent on electrification. This is what is happening. We are seeing global market movements toward renewable energy at a scale and at a pace that is indicative of market appetite and the growing nature of interest in renewable energy industries.

We are about to commence a process, pending passage of this bill, that will enable us to investigate the ways that we can put downward pressure on prices, and because we will reduce demand we will also be in a position to support those large gas users who must use gas. There are a few elements to this, but it is very much about making sure that when we deliver those lower power bills and we take that action on climate change and we secure our energy future, we are doing so in a way that has enabled Victorians to have their say on this transition through the regulatory impact statement process and options from there.

**David DAVIS:** We had a long-winded way of the minister –

**Harriet Shing** interjected.

**David DAVIS:** Well, the minister did not actually give us any guarantee that the Victorian gas industry will not incur additional costs in this way. That is the first point I would make. I have a further question in this particular theme: has the government assessed the potential cost implications for different industries, including manufacturing, that rely on gas as a critical energy source?

**Harriet SHING:** Mr Davis, again I will come back to a point that I made earlier. This is a bill which creates, in this part of the bill, a process for the transition and a regulatory impact statement engagement that has the effect, as we talked about earlier, of reducing demand and therefore putting downward pressure on prices.

We are not banning gas for industrial users, nor does this bill effect any ban. We need to be clear about that. When we are talking about certain users – that is, high-heat users – gas is an important part of their functions, and those users need to be able to continue to utilise gas for an extended period. Not every part of the economy, Mr Davis, is going to electrify at the same pace or to the same scale. We want to make sure we are focused on getting households not only using less gas but also having access to other forms of energy that put downward pressure on household bills and improve reliability. If we think about gas-powered generation, for example, it would be ridiculous to tell those high gas users that they cannot use gas right now. What we are undertaking, however, Mr Davis, through this bill, is that regulatory impact statement process, which would be enabled by this bill to conduct that consultation and to enable those conversations to continue.

This is not, Mr Davis, an opportunity, I would hope, for you to misrepresent what I am saying as being about effecting a ban – it is not. Mr Davis, should you seek to misrepresent this, I will correct you, because this is purely a process to enable a regulatory impact statement with options for electrification to be developed and prepared for public consultation, and regulation-making powers that enable those draft exposure regulations to be published. This is about Victorians being in a position to have their say about energy transition. This is the process, Mr Davis.

**David DAVIS:** I just note that the minister did not answer the question of whether they had undertaken assessments of the potential cost implications for different industries. Now if they have, I am happy for her to come back and say they have, and I would be interested in the detail of those. If they have not, that is just a fact and we understand where we are. My further question is: what support mechanisms, if any, does the government plan to implement for industries that may face increased costs?

**Harriet SHING:** Mr Davis, the whole point of a consultation and an exposure draft of regulations is that you do not go into it with foregone conclusions. Again, for you to represent that the absence of foregone conclusions effects a ban is not accurate, and for you to do that misrepresents what this bill

is doing. If this is how you might propose to conduct consultation, then that might be a reflection on your understanding of the term, but consultation and discussion, the work of regulatory impact statements and the process whereby those regulation-making powers are developed as draft exposure documents is about making sure that we have feedback and input from industry and from the community. I mean, we have also just funded \$1.6 million, Mr Davis, to industry for feasibility studies to electrify.

They are two points that I would like to make, but for you to talk about an absence of pricing information giving rise to a conclusion that a ban will operate as a consequence of this bill is misleading, and I would absolutely refute it because, as I said, this bill is purely about developing a regulatory impact statement with options for electrification and then to enable draft exposure regulations to be published to have an opportunity for Victorians to have their say on transition. Again, we can spend all afternoon this, Mr Davis, but I would like to perhaps get into the bill as it actually applies and not perhaps as you may want it to apply.

**David DAVIS:** Just let us record that the minister did not answer about support mechanisms. Let me ask this further question: if costs do increase for some of these sectors, will the government offer compensation or financial relief to the affected sectors? It is a very legitimate question, Minister.

**Harriet SHING:** Mr Davis, I do not want to underestimate for a second the impact of transition on industry. Electrification is a significant challenge for industry – nobody is disagreeing with that proposition – but this bill does not go into that. Industrial facilities, Mr Davis, are carved out. This is a process of engagement with Victorians around the regulatory impact statement and options to be developed for electrification for public consultation.

**David DAVIS:** I will just record again that the minister has not fully or adequately answered this, but I do not want to take all day.

I will ask a further question on a slightly different topic: does the Victorian government stand by its cost for electrification modelling as illustrated in the SEC electric home planner given the real doubts that have been raised by industry, or by the sector, on these matters?

**Harriet SHING:** Which clause are you referring to?

**David DAVIS:** This is an overarching point in clause 1, in the objectives. The government has electrification modelling out there for an SEC electric home, which clearly is relevant to this bill in the sense that you are trying to move people from gas to electric.

**Harriet SHING:** Mr Davis, we stand by our modelling.

**David DAVIS:** How has the government accounted for potential increases in electricity demand and corresponding impacts on supply costs?

**Harriet SHING:** Well, Mr Davis, the gas industry has said that all new electric homes actually cost less to run than gas homes. That is information from the gas industry, Mr Davis.

**David DAVIS:** If you think of a street and you think of removing gas from some of those homes and an increase in electrical usage in that street – people moving their hot water or their heating or other appliances from gas to electricity – there will be an increase in electricity demand and a corresponding impact on the supply costs. Has that been examined and accounted for? When I look at the government's modelling for the SEC electric planner material, there is nothing in there about the supply increases.

**Harriet SHING:** It has been accounted for, Mr Davis. On the earlier point around the cost of running an all-electric home being cheaper than a gas home, you may be well served to look at the Boston Consulting Group report.

**David DAVIS:** I've read that.

**Harriet SHING:** You have read it? Terrific. All right, so you will know the reference that I am talking about. Our maximum electricity demand capacity is 10 gig, Mr Davis, and in winter it is 8 gig. So electrifying Victoria's gas load actually increases winter demand.

**David DAVIS:** In a particular street there will need to be increased capacity to get the electricity to the homes. What steps has the government taken to look at these supply costs?

**Harriet SHING:** Are you talking about three-phase power and that sort of thing?

**David DAVIS:** Could be three-phase, could be just increased capacity.

**Harriet SHING:** If I do this under the umbrella of a three-phase power situation, that might assist. We know that all-electric homes, including those with EVs, do not need upgrades to three-phase power. That is again something which has been put as a claim by the gas industry, and that is something which has had as a claim the effect of falsely overestimating the costs of getting off gas. Some Victorians, if they can afford it, may very well upgrade to three-phase power, and that is a matter that is entirely up to them and their choice. As you have often said, choice is important. But for a typical Victorian home it is not actually necessary, and we should be really clear about that if we are concerned about keeping costs low. We want to make sure that we can provide information which assists people to make good decisions but also to help them to understand what will not change and what will not be required as a consequence of a move to being an all-electric home.

**David DAVIS:** Again I am just going to, on some of these, agree to differ in the sense that the material I have seen does not support many of those points that the minister made.

I am not going to drag this out. I am going to ask another question: is there independent verification of the SEC electric home planner's assumptions and conclusions, and if so, who has conducted it?

**Harriet SHING:** Mr Davis, again, this bill is about creating a framework for a regulatory impact statement. It is not about forgone conclusions, it is about the putting of a range of scenarios that can then be assessed by reference to how we can transition away from our reliance on gas. We can provide information as a consequence of legal process which you may wish to avail yourself of. You have done so in the past. We stand by our analysis of the founding principles of this process around the *Gas Substitution Roadmap*, and we will continue to do this work, which will be guided by, informed by and improved by that input that we will receive when Victorians have their say on the transition. But importantly, Mr Davis, no decision has been taken on how we will phase out our reliance on gas, so we need to provide really ample opportunity for industry and the public to have their say on this process, and that is exactly what this bill does.

**David DAVIS:** Again, I am not going to drag this out, but I take that to mean that there is no independent verification of the SEC electric home planner's assumptions and conclusions.

I will just stop there and ask the next question: can the Victorian government guarantee that total emissions will decrease as a result of this policy?

**Harriet SHING:** That is our objective, and the objective is underpinned by the emissions targets that we have set – nation-leading emissions targets. They are the things that have underpinned all the work being undertaken by the Minister for Energy and Resources and Minister for Climate Action in the other place. We know a few things about transition and substitution as they relate to the process set out in this bill. We know, for example, that all electric homes reduce emissions from day one compared to dual-fuel homes. So, Mr Davis, we will continue with the work to apply an evidence-based approach to a reduction in emissions over time, which is consistent with the work set out in our energy and emissions reduction targets and in the policies for which we have a mandate.

**David DAVIS:** I thank the minister for her answer but note that she did not provide that guarantee. I will ask a further question on this: given that Victoria's electricity grid currently relies on coal, what assurances does the government offer that electrification will not inadvertently increase coal use?

**Harriet SHING:** Mr Davis, we know that all-electric homes reduce emissions. We also know, Mr Davis, that the proportion of energy derived from coal-fired power across the grid – and it is a grid across the eastern states – is decreasing. We know also that the transition away from coal-fired power is complemented by a range of measures developed in and based in renewable energy. In an existing home, 22 per cent lower emissions than the equivalent dual-fuel home in 2025, for all-electric; and 37 per cent lower emissions than the equivalent dual-fuel home over 10 years, from 2025 to 2034. But, Mr Davis, this is not what the bill is about. The bill is about creating the framework by which a regulatory impact statement can be developed, by which consultation can occur, by which scenarios can be investigated and tested and by which draft regulations can then be informed.

**David DAVIS:** I thank the minister, but I notice that she did not provide that guarantee. Can the government guarantee that carbon dioxide emissions linked to coal will decrease, because last financial year emissions from brown coal fired power increased, not decreased?

**Harriet SHING:** Again, Mr Davis, I am really struggling with the question of how this is relevant to the bill. What I would say, though, is that when we are talking about coal-fired power generation and we are talking about emissions, it is the older coal-fired power stations which are significant contributors to emissions. The dirtiest coal-fired power stations in Australia are the oldest. A transition away from coal-fired power generation and the development of renewable energy and battery storage within coal-fired power environments such as the Latrobe Valley are about reducing emissions over time. We also know that this is something we need to continue to do in partnership with the industry, including as that industry embraces renewable energy.

**David DAVIS:** Again, we are not quite there, but how will the government ensure that increased electricity demand is met with renewable or low-emission technologies rather than fossil fuels?

**Harriet SHING:** Mr Davis, the answer to that question is set out in every policy framework, objective and underpinning basis for the targets, which Minister D'Ambrosio in the other place has gone to in extensive detail not just with the Victorian community and with industry but with other jurisdictions. This is about a mix of energy sources being able to meet demand, complementing that with storage and increased capacity, and then increased development of domestic supply and battery storage to ensure that homes can effectively look toward, if they so choose, being entirely reliant upon rooftop solar.

Mr Davis, I know from my own experience that installing rooftop solar and installing a battery puts me in a position to not just provide my household with energy certainty, particularly when that relates to storms and to power outages, but it is also able to deliver energy back into the grid. That is why Solar Victoria has been such a big part of the work that we are doing. The energy efficiency programs which have been about bringing down household costs whilst at the same time delivering healthier environments for households, whilst at the same time reducing the emissions produced as a consequence of fossil fuels, are having an impact. Mine is not the only household, this is happening across hundreds of thousands of households, and we are continuing to create the conditions whereby that is an option which people are overwhelmingly preferring.

You are in a position, Mr Davis, where the work that you are doing to block and to oppose transmission infrastructure to deliver these renewables might be seen as a greater fetter to the delivery of renewables than to any of the other matters that you have referred to. Again, that is possibly a reflection on you and on the process of questions here for the purposes of this bill.

**David DAVIS:** I can see that the minister does not really want to answer these questions and is going around the block on every occasion. Perhaps the minister might be able to provide some clarity to the chamber that Yallourn will close in 2028 and Loy Yang A by 2035.

**Harriet SHING:** This is completely irrelevant to the bill, Mr Davis – completely irrelevant.

**David DAVIS:** With respect, it is not, because if those power sources are our majority sources in those times and we have moved to an all-electric model and closed off our gas network, actually at that point we will be generating more carbon dioxide emissions, but I will let the minister's answer stand.

Will the Victorian government admit that its gas policy over the past decade has actually added to the state's supply crisis and that that has resulted in higher prices for households – families, that is – and industry?

**Harriet SHING:** Mr Davis, I am not going to entertain a narrative of an afternoon of gotchas. We are going to continue with the work that we are doing to deliver on the most ambitious renewable energy targets, emissions reduction frameworks, support for renewable energy and support for the uptake of domestic consumption of renewable energy, including through rooftop PV. We are going to do that carefully, we are going to do it thoroughly and we are going to do it through processes like the regulatory impact statement and draft regulations development process which are foreshadowed and sought to be established in this bill.

**David DAVIS:** Returning to an earlier matter that I raised about the electricity into local grids and networks, what measures has the government taken to ensure that the electrical grid, particularly local grids, can handle the increased demand from households moving off gas?

**Harriet SHING:** When we talk about structural upgrades of electrification for homes and what the costs are of this, there will be costs associated with getting off gas. However, this is where the programs, initiatives, rebates and supports that we have in place are intended to reduce emissions, to reduce the requirement for electrical upgrades, because we are helping people to select the mode of delivery that is right for them, and to make sure that we have a framework that is easy for us to understand as consumers, as households, as tradespeople and as home owners and a regulatory perspective that is consistent. We want to make sure that Victorians have the opportunity to save money, because we are reducing the state's dependence upon gas, which you acknowledge has gone up by about \$500 for Victorian households.

**David Davis:** Because you haven't got the supply for it.

**Harriet SHING:** Well, Mr Davis, you are talking about supply and demand, but supply is not able to be delivered when the gas is not there, and industry's lack of appetite is telling us that the gas is not there in a way that makes it viable. If, for example, you are actually now saying that you back the initiatives around delivery of renewables, then I would welcome an opportunity to hear it here first. Rather than telling us, for example, why we cannot do this and why it should not happen and the things that you here say – that industry should be supported to continue with gas, including with subsidy, for example – we would like to be able to deliver this in a way that does not happen despite you but happens with you.

**David DAVIS:** I will just make the point that we will ask the questions. The opposition will ask the questions of the minister on the government's bill, rather than the government suggesting what questions we might ask. If I can just continue on this point about local infrastructure, is there an estimated cost for infrastructure upgrades of local networks, and if so, what is that cost?

**Harriet SHING:** Mr Davis, the regulatory impact statement that is being proposed to be developed will consider the costs and benefits of requiring existing gas appliances in homes and relevant commercial buildings to be replaced with electric appliances when the current appliance reaches end of life, and today we are debating legislation to enable that consultation to occur.

**David Davis** interjected.

**Harriet SHING:** If you had actually read the *Gas Substitution Roadmap*, Mr Davis, you would know all about this.

**David Davis** interjected.

**Harriet SHING:** Feel free to quote from the *Gas Substitution Roadmap* then, which you have read. If you actually wanted to join with us in this work and to stop blocking, it would be really wonderful to welcome you on board this process for community engagement and discussion rather than presupposing an outcome, which again may be the way that you do consultation but which is not the way that it is being undertaken by this government.

Minister D'Ambrosio has been tireless in her advocacy and effort to do the hard work that will secure our energy future. Today's bill is another example of that work, but today's bill, for avoidance of any doubt, is about creating the process whereby that consultation can occur, and today's bill is about making sure that we are providing the best possible options for transition to renewable energy.

**David DAVIS:** Again, I could press on these matters, but I do not think it will serve any useful purpose. In that circumstance I will just record that there is no serious information being provided on these local infrastructure upgrade costs – none at all. That is a concern, but let us move on.

I also ask: what safeguards will be in place to ensure that electrification will not lead to higher carbon emissions in regions outside of Victoria?

**Harriet SHING:** Mr Davis, I am not sure whether I heard you correctly or not. Did you say outside Victoria? So you are asking about what would happen in other jurisdictions?

**David DAVIS:** No. I am asking about the impact of what we do and what the impact would be in that respect.

**Harriet SHING:** Mr Davis, if I have understood you correctly, you are asking about other jurisdictions beyond Victoria as affected by Victorian legislation.

**David DAVIS:** Yes.

**Harriet SHING:** So that is a yes. The last time I looked, Mr Davis, you were a Victorian member of Parliament and I am too, and we are in the Victorian Parliament debating Victorian legislation.

**David DAVIS:** Indeed. In this context I ask: has the government considered the potential for increased electricity imports from coal-reliant states during peak demand? If you look at your NEM, you will see exactly – I will show you and you will see exactly what I am explaining.

**Harriet SHING:** Mr Davis, we could go around in circles around spot pricing and the way in which the grid operates. I do not need to see what you are showing me on your internet of things. Spot pricing and the work that the Australian Energy Market Operator has undertaken is a driving force behind Minister D'Ambrosio's work on pursuing our targets, reducing our emissions and transitioning Victoria to renewable energy.

Mr Davis, I would like to talk about what this bill enables, which is a process for consultation around the development of a regulatory impact statement – a process which is intended to be guided by Victorian input. So if you are suggesting to me that we should be using a process established under Victorian law to hear what it is that someone in Queensland has to say, then I think that that is possibly something that ignores the application of this law to the state that you were elected to represent.

**David DAVIS:** Let me ask in another way. Noting that carbon dioxide emissions are a national and international challenge – it is not just here – what collaboration exists with other states to coordinate renewables use and manage cross-border emissions impacts, if any?

**Harriet SHING:** Well, it is a national energy grid, Mr Davis. There is ongoing work that the Minister for Energy and Resources and Minister for Climate Action does all the time. That is the portfolio. Mr Davis, that has nothing to do with this bill.

**David DAVIS:** I will ask a further question in this pattern. How will the government respond if it becomes evident that electrification is leading to carbon leakage into other states?

**Harriet SHING:** Mr Davis, again, if you are talking about impact on other states and you are not interested in proceeding with a consultation process with Victorians about a regulatory impact statement process and a range of scenarios as that will relate to Victoria, then that is revelatory because, again, you are here to represent Victorians. You are here to make sure that communities are engaged in the processes that are of relevance to them – in this instance the transition away from coal-fired power fossil fuel to renewable energy as part of our targets, our goals and our objectives and the mandate for those things. It would be great to have you on board, Mr Davis. This might be something that you are assisted by in formulating a cross-party position on, because what we are doing is working. Minister D'Ambrosio has put in years of effort to lead the way for a transition to renewable energy. This is part of that work. This bill enables that work to continue.

**David DAVIS:** Let me be clear. Again, I am not going to press on. I could continue with many questions in this vein, but if the end result of forced gas network closures and forced removal from the gas network is that more electricity is sourced interstate from coal-fired sources, that will not achieve the objectives that are being discussed and the objectives that the government, and the chamber understands that the government, might want to achieve. But it is legitimate to ask questions about whether the government has considered unintended consequences of some of its actions here. I will leave it with that at this point and allow others to respond with questions.

**Harriet SHING:** This is a process of consultation, Mr Davis. This is not about foregone conclusions, it is about how we might transition under the mandate that we have, the targets that we have set and the goals that are clearly understood as part of leading Australia to a renewable energy future. We are going to continue that work, and the consultation process is about understanding a range of impacts. That is why it is called a regulatory impact statement, Mr Davis. We will go on with that work, and this planning bill – it is a planning bill – will be part of that work and part of the planning for engagement and consultation in good faith with Victorians.

**David DAVIS:** I will desist, but I will just ask one further question. Will the so-called consultation process contain examination of these potential unintended consequences?

**The DEPUTY PRESIDENT:** Minister? No?

**Sarah MANSFIELD:** I just have a few questions on clause 1. These new powers are a necessary tool to phase out gas, but the Premier a few weeks ago promised not to use them on gas cooktops. I am just wondering if you can provide some context for making that announcement.

**Harriet SHING:** This is about providing people with more time. The process which has been proposed to be established is about making sure that we can understand what impact looks like, and the information that we have is that cooking accounts for only about 1 per cent of Victoria's gas usage. It will not make any difference to emissions, particularly where there is work happening to further reduce emissions through other means. We want to see that there are those incentives to reduce overall gas usage, for example, where a space heater is replaced, because that is a far more gas-intensive, gas-hungry appliance. A hot-water unit is another example. Even where you might have an electric fan within that or an ignition within that, they are still really, really energy intensive because they heat up all the water whether it is used or not, and that happens time and time again.

**Sarah MANSFIELD:** I certainly understand that cooktops are not necessarily the most substantial contributor to our emissions, but they have other impacts like impacts on health. The childhood asthma risk in particular is well documented. It also means that households may still need to maintain a gas connection for one appliance – a missed opportunity, but I will move on. How exactly do these regulatory powers to ban new gas connections differ to the existing ban on new gas connections to buildings requiring planning permits? There is an existing ban on new connections to buildings requiring planning permits. How do these regulatory powers differ?

**Harriet SHING:** This is about two different provisions. The existing regulations are in the planning provisions and these are in the Building Act 1993, so there are two processes involved in that. Both of them sit under the Minister for Planning's remit, and also there is a distinction. Not all development requires a planning permit. That is where the building planning permit distinction has come in, and this is about providing some clarity in that space.

**Sarah MANSFIELD:** It has been almost a year since Victoria introduced that ban on new gas connections that we were just referring to. What impact has this had on gas levels, and how has the building industry responded to this reform?

**Harriet SHING:** The building industry does support this work. The Property Council of Australia has backed it. We have got a boom in all-electric developments. Where we do provide those incentives for people, for example, to move into induction cooking, that is something which is helping to prompt that change. We want to make sure we are creating the conditions for households, including through subsidy, to make that move and to do so with the time that they need to be able to adjust to it.

**David DAVIS:** I move:

1. Clause 1, page 3, line 17, after "appliances" insert "except for gas cook tops, gas cookers or other gas cooking appliances".

This is an objectives clause amendment, and I intend to move this now but also to further test the matters around clause 11 later.

**The DEPUTY PRESIDENT:** This amendment does test all your other amendments, Mr Davis, but you are still entitled to move them.

**Harriet SHING:** We do not support this amendment. The purpose of this legislation, as I have taken you through, Mr Davis, is to have a conversation with Victorians through a consultation process about the future of gas use in the state. That is what we are doing. The Premier and the energy minister have been really clear around what we are doing and what this round of reforms will do, to go to Dr Mansfield's questions earlier. We will also be making sure that we continue to implement our policies in a way that stays resolute to our commitments – the commitments which have been endorsed by Victorians – as our transition to renewable energy continues.

**David DAVIS:** Just to fully explain for the benefit of government members in particular, this amendment 1 that is being tested here says:

- Clause 1, page 3, line 17, after "appliances" insert "except for gas cook tops, gas cookers or other gas cooking appliances".

The government sets up a broad regulatory head of power in clause 38 and the objectives that match it in the front of the bill. The broad regulatory head of power enables them to do anything at all in Victoria with reticulated gas – absolutely anything they want – in an established property, in a new property. Reticulated gas – knock your socks off: 'We can pass any regulation we like whatsoever.' It is an extraordinary, a draconian and an undemocratic power. It is extreme. If the government wanted to use a modest step, it could do that, and this softens it in line with the government's own statements. The minister, the Premier and the planning minister have said that gas cookers and gas appliances will not be banned. They have said that. So our amendment is faithful to the government's published and stated announcements.

If the government is serious about protecting gas appliances, it will vote for our amendment. I understand the Greens will not vote for it because they have a different view. That is fair enough. But the government's own stated view is: 'We will not ban gas cooktops and appliances.' That is what they have said. Well, we have put it into words to test their bona fides on it, because I think the government speaks with a forked tongue on this. I do not think they are being honest. I think they want to ban gas cooktops and gas appliances. I think they want to ban the choices of people – that is what they want to do. The Greens think that is a good idea, and that is their policy principle. We have a



different view. The government is in an entirely different position. They are untruthful and sneaky and not to be trusted on this. That is my view, and the Greens might even agree with me on this. If they are true to their word that they are not going to ban gas appliances and cookers, let them vote for it. If they are not true to that, we will see, and we will know that what they are doing is deceitful.

**Council divided on amendment:**

*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, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendment negatived.**

**Sarah MANSFIELD:** I move:

1. Clause 1, page 3, line 17, after “appliances” insert “or prohibiting the installation or building of solid fuel burning appliances”.

I explained during my second-reading contribution why these amendments are a sensible idea and the background to solid fuel burning appliances. They contribute to emissions and have significant health impacts. I will not repeat the statistics and those reasons, but I do feel I need to explain this amendment and correct some misinformation that was promulgated by Mr Galea earlier, which is a bit disappointing because it suggests that this amendment was not fully read or understood. It is also particularly ironic given that Labor MPs have just spent the best part of this day criticising the opposition for spreading exactly the same type of misinformation about this bill, so I will explain it.

Our amendments perform exactly the same function as this legislation does for gas. They just add solid fuel burning appliances like wood heaters. This is enabling legislation that would allow regulations to be made. In and of itself our amendments do not ban anything. Our amendments do not ban a single thing. They would enable regulations to be made so that, for example, if you were building a new estate on a greenfield site, those houses maybe could not have an indoor wood heater. You could maybe have that as a regulation. You could potentially ban the highest emitting types of wood heaters being installed in new buildings. That is the sort of thing that this legislation would enable. It would enable regulations to be made. It does not ban anyone with a current wood heater from using it. It does not impact anyone’s energy security. It does not prevent people from having an outdoor fire pit or anything else. I just wanted to make that really clear.

**Bev McArthur:** What about a smoking ceremony?

**Sarah MANSFIELD:** That is disgraceful. The amendments do not do anything the government of the day does not want to do. All this does is create the ability for the government to regulate solid fuel burning appliances just as they are seeking to do for gas appliances. It is the same concept. We think this is a really sensible amendment. It is surprising that the government has not thought of it itself, but we really encourage the government to consider accepting this amendment. Solid fuel burning appliances contribute to emissions. They have health impacts just as gas appliances can. This is really just an identical function applied to another type of appliance that we think should be potentially phased out, but in and of itself it does not do anything. It just allows for regulations to be made.

**Harriet SHING:** This amendment is not enforceable or implementable as far as the process goes that you have outlined, for the very fact that it does not involve plumbing. Plumbing is the nexus here for gas and the *Gas Substitution Roadmap*. That is what has underpinned the work here, and solid fuel burning or woodfired heaters, which are the subject of your amendment, are not covered by the

contemplation of the bill because they do not have that plumbing interface, so the government will not be supporting this amendment.

**Sarah MANSFIELD:** It is my understanding that plumbers are often involved in installing flues, for example, for wood-burning appliances. I understand that the government will not be supporting this amendment. I just thought I would point out that it does relate to plumbing.

**David LIMBRICK:** The Libertarian Party do not seek to limit the uses of renewable energy, including wood.

**David DAVIS:** The Liberals and the Nationals will oppose this amendment. We understand the Greens bring this in good faith, and we understand their ideological position on this, but I also pick up Mr Limbrick's point. Wood is a renewable source of energy. This seems to me a bridge too far.

#### **Council divided on amendment:**

*Ayes (6):* Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Samantha Ratnam

*Noes (30):* Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

#### **Amendment negated.**

**The DEPUTY PRESIDENT:** That tested all of the Greens amendments. Mr Davis's amendments have been tested, but he does still intend to move his amendments to clause 38.

**David DAVIS:** I ask the minister: will she confirm that when the matters around this bill came to cabinet, cabinet was not informed about the gas-specific clauses?

**Harriet SHING:** Mr Davis, it will not surprise you to hear today, not for the first time, that I do not intend to talk about cabinet matters. That is something that, no matter how much you try to cajole a response from me, you are not going to get.

#### **Clause agreed to; clauses 2 to 37 agreed to.**

#### **Clause 38 (16:54)**

**David DAVIS:** I move:

2. Clause 38, line 24, before "prohibiting" insert "except for connecting reticulated gas for the purposes of a gas cook top, gas cooker or other gas cooking appliance,".
3. Clause 38, line 31, before "prohibiting" insert "except for the installation or replacement of a reticulated gas appliance or class of reticulated gas appliance that is a gas cook top, gas cooker or other gas cooking appliance or class of gas cook top, gas cooker or other gas cooking appliance,".

Clause 38 is a very broad clause. It gives huge powers, as I have said, to regulate anything around reticulated gas. Again, this implements the Premier's statement that gas cookers and appliances will be protected. If the Labor Party members agree with the Premier, they should vote with this clause, which will entrench the protections she says will apply. If you do not vote with this, it will indicate that your intention is not to support the protection of gas appliances.

**Harriet SHING:** Mr Davis, that is a spectacular example on a Thursday afternoon of specious reasoning. We will not, as you well understand from our discussion of these matters on clause 1, be agreeing to your amendments.

**Council divided on amendments:**

*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, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendments negatived.**

**David DAVIS:** Clause 38 establishes regulations. It is a very broad head of power. It says:

prohibiting a person from connecting reticulated gas, or extending the capacity of an existing reticulated gas connection, to an existing building or a building under construction or to a building in a class of existing building or a class of building under construction;

It says further:

prohibiting a person from carrying out plumbing work in connection with installing or replacing a reticulated gas appliance or a reticulated gas appliance in a class of reticulated gas appliance in an existing building or a building under construction ...

As you can see, this is a very, very broad clause. This gives a huge head of power to the minister. I have little trust that the regulatory impact statement process will fairly or reasonably ensure that industries are not overrun with this and that the choices of households both who wish to construct and who wish to do something to an established premises will be protected, and for that reason we will vote against this clause. We think it is excessively wide.

**Harriet SHING:** Thanks, Mr Davis, for that. If you have little faith or trust in a regulatory impact statement process which is facilitated by passage of this bill, then you may wish yourself to get involved. In addition to that, going back to the points about the market and market signals, just for avoidance of any doubt, Mr Davis, last year gas demand from households fell by 13 per cent, so we are actually seeing significant change. It is about providing people with the opportunity to be part of the work that we are doing and the work that we will continue with our mandate to do from here.

**Council divided on clause:**

*Ayes (21):* Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (16):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Clause agreed to.****Clauses 39 to 63 agreed to.****Reported to house without amendment.**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:04): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.***Third reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:05): I move:

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

I want to thank all of the advisers and staff who have contributed to providing advice, information, consultation and engagement on this process.

**Council divided on motion:**

*Ayes (21)*: Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (16)*: Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.****Read third time.**

**The PRESIDENT**: Pursuant to standing order 14.28, a message will be sent to the Assembly informing them that the bill has been agreed to without amendment.

**Roads and Road Safety 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) (17:13): I am pleased to speak on the Roads and Road Safety Legislation Amendment Bill 2024. From the outset I will say that the opposition will not be opposing this bill.

The work that we do here in Parliament can seem sometimes a bit disconnected from the real world and our electorates and the issues that are raised in our communities, but not today, because we do need to have confidence in our roads. Roads are just about the biggest issue that is raised with me and a regular complaint, whether it be the condition of the roads; the traffic; frequently in the growth areas of Melbourne, the fact that roads have not changed in 20 years despite tens of thousands of homes going in around them; the severe lack of investment in the maintenance and the duplications – but mostly the condition of our roads.

We know, as I was discussing yesterday on Mrs Tyrrell's excellent motion, Labor cannot manage money, and it is all Victorians who are paying the price through the deteriorating condition of our roads. I will go through a few fun facts just to remind everyone once again. Victoria's road maintenance budget remains 16 per cent below what it was in 2020. The budget papers reveal a 96 per cent reduction in the level of maintenance undertaken on regional roads in 2023–24. Nearly 400 kilometres of roads are speed-reduced due to poor pavement conditions, and I know this to be the case on Watson Street in Wallan, in my electorate, which is just about permanently speed-reduced due to a lack of investment. Almost 2000 Victorians have lodged claims for vehicle damage due to the roads in the last three years. These might seem like abstract numbers or statistics, but they are not; they are a lived experience for many. I know it is a big issue in my electorate. Almost 1000 people have signed my petition to fix potholes in Wallan. Wallan spreads over two electorates, in the seat of

Kalkallo and the seat of Yan Yean, and particularly our growth suburbs are really neglected when it comes to the state of our roads. I know I have got regional colleagues that will say the same thing about regional Victoria and the state of our roads, and it is not good enough. We see the government claiming a road maintenance blitz recently – the same road maintenance blitz they announced the year before and the year before that around the same time. It is not good enough.

Just to turn to some of the specifics of the legislation, it is something of an omnibus bill with a number of different road and road safety aspects to it. It allows enforcement of no-truck zones in the inner west of Melbourne through the use of new types of traffic cameras. It clarifies the validity of the new digital drivers licence under the Road Safety Act 1986. It makes changes to arrangements for custom numberplates, including allowing an up-front fee for ongoing periodical change, as well as transfer fees. It makes minor amendments to administration and infringement notices under a range of acts and includes other minor amendments about the use of language relating to accessible parking permits.

I will just go to the point, because I do want to get this on the record. The legislation also clarifies the arrangements around the digital drivers licence – the one that many Victorians had been waiting ages for. There was once a time when Victoria was a nation leader in innovation, but it is fair to say this has not been the case for the digital driver licence, unfortunately, and it is quite a shameful record for those opposite. No disrespect to anyone from South Australia or South Australians, but it is a sad day when it was only introduced in Victoria in May of this year and residents of the City of Churches could do so in 2019.

When it comes to both digital government and I guess outward-facing customer services and digitisation of services, the Victorian government has a long way to go. I was reminded of this yesterday, seeing the COVID report, because we know the government leaves a lot to be desired when it comes to the digitisation of government services. During the pandemic they were incorporating the use of fax machines because the systems did not speak to each other. Of course we remember the disaster that was the regional travel voucher scheme, where many could not get even get onto a website and got blocked off. Many we were waiting a long time to get their payments for ones they had received. Meanwhile New South Wales had digital drivers licences, but they also had Dine and Discover vouchers that worked directly with the business owner rather than going through the wash of government, having to scan and send invoices and receipts and use fax machines and whatever else this government does. It is like they have not discovered technology. They are averse to technology.

The way this government works usually is that their idea of good government is what works best for the public service, not what works best for people. Getting departments out of the way to work together to focus on a better customer experience for every Victorian is not something the public service is very good at. You only have to look at Service NSW and what Dom Perrottet, Vic Dominello and Gladys Berejiklian were able to do in terms of digitisation of government services and how high the satisfaction level for Service NSW is – over 90 per cent. I suspect Service Victoria would not have that same level of satisfaction because it is clunky. You go into an app, and you do not want it to take you to a separate browser once you are in the app. Each department wants their own branded website, so the UX is very bad because the app has to take you to separate departments. Of course they are not going to relinquish their own websites and access to those. Again, this government is just focused on what works best for the public service and not what works best for the customer.

It is good that we finally have digital drivers licences. It was long promised. They were slow off the mark. Shamefully we were beaten by South Australia to the punch and beaten by most other states as well. We know that a digital drivers licence is simply a function of your hard copy plastic licence and is linked directly to it in real time. If these licences are cancelled, suspended or otherwise dealt with, that will appear on the digital drivers licence. The bill introduces definitions for digital drivers licences and learner permits. I know that P-plate and learner permits are coming; I believe this summer they will be made available in digital format. This bill does allow for that, whilst the drivers licence provisions are effectively retrospective.

In an era when many people are somewhat fond of or addicted to their phones, this clarification in the legislation is most welcome. The bill clarifies that a user of a digital drivers licence is compliant with the law by displaying their phone to a police officer. That is to say, they are not required to hand over the device itself – a small but welcome clarification. Other aspects of this legislation include some amendments to custom numberplate legislation which allow the operator of the VicRoads joint venture to charge either an up-front fee or a periodic fee for custom plates. What this legislation does is allow them to do one or to do both if they choose to. There is the introduction of a framework to allow the charging of fees for the transfer of custom plates. Credit where credit is due: this Labor government really know how to squeeze Victorians for even more money to pay for their skyrocketing debt. There is always a new fee or a new charge to help fund the Treasurer's debt legacy or to help fund anything when the Premier overrules him on new spending.

The final provisions in the bill include a couple of other minor changes with respect to the wording of disability access permits and also some changes to the way fines are dealt with, in particular that fines and associated costs are refunded if a person has been granted an extension of time to deal with that infringement notice. It is not just the fine itself. If you have been given an extension of time, you will also be refunded any additional charges that you may have incurred in that. That applies to a number of different pieces of legislation which the opposition do oppose. While we are on the topic of fines – and of course we are on a roads bill – I just want to speak on the issue of roads in the north but particularly narrow roads. It is something that I have sought the action of the Minister for Planning on, and I know in the western suburbs and in the northern suburbs quite a big issue that we are finding at the moment is how narrow some of the streets in new estates are. So narrow are some of the streets that buses cannot get through into suburban streets like they used to. So narrow are some of the streets and so void of public transport are some of these areas that buses cannot get into the estate, but each household has well over two cars, meaning that the cars have to park on the street. The problem is when you have a narrow street that is only about 1½ lanes wide, you will have cars blocking the street or receiving fines for something that is not their fault, because it is a narrow street.

Often residents are forced to park on the nature strip. I have been told of countless examples where a garbage truck could not actually get into a street, because of the narrowness of the street and the parking situation. In the City of Hume many residents have been fined for parking on their nature strip. This is usually where people live at the residence and have parked on the nature strip to allow other traffic to and from that area of the street. In compliance with the existing law, Hume City Council, for example, has been making a lot of money on fines, fining people for parking on a nature strip outside of their own home.

The government has not provided any public transport to these areas, so of course they have more cars. But these have also been very poorly designed new estates where they want to squeeze every space with new houses and squeeze in space for the roads – and we are talking about roads today. I was very, very pleased to see a motion passed at Hume City Council by my friends Sam Misho and Joseph Haweil, who put forward a motion dealing with these narrow streets that if someone gets a fine – and they cannot stop them from getting a fine, as they are obligated by law to fine someone for parking on their nature strip – but lives at that house and appeals that fine, it will then be withdrawn on appeal.

Here we have a city council responding to an issue that is I think largely a state government issue because of the negative impacts of both the lack of public transport and the lack of planning that has gone into a lot of these new estates. I know that they have invested quite a bit into indented parking in some of these new estates, cutting out some of the nature strips so that people can park on their street, which is a good thing. It has caused a hell of a lot of issues. My office is in Meadow Heights, where many people have come in and spoken to me about the estates, particularly in Roxburgh Park but also in parts of the new areas of Greenvale and Craigieburn where this is quite a big issue and something that I have directed to or sought assurances from the planning minister on. We have had this long and quite delayed announcement of 10 years of new precinct structure plans, and I want to know from the

planning minister in terms of the new PSPs if we are going to keep having the same issues. Of course when we are talking about new PSPs, they are boasting about releasing 180,000 lots over 10 years and think it is a good thing and want a pat on the back. But the Liberals and Nationals released over 200,000 lots in four years. That put a real handbrake on increasing costs for new homes and stabilised the rental market across Victoria, so it is quite clear that the Liberals have the better options when it comes to housing affordability in this state as well.

I just want to get back to the bill. As I flagged, the introduction of no-truck zones itself was facilitated by legislation a number of years ago. The purpose of this legislation I understand is to provide a framework on the introduction of no-truck-zone cameras. There are a few issues that are still to be cleared with that. We understand that these cameras will be placed on existing road infrastructure where possible, whether that is traffic lights or other signage, and they will be able to show things instantly to the National Heavy Vehicle Regulator, who will be in charge of policing and regulation of these no-truck zones. They have been that for some time, but one of the challenges is that they have literally physically had to be there to catch trucks in the act of going through these no-truck zones. These cameras will hopefully make that a far more efficient process. I know my good friend and colleague the member for Gippsland South engaged with the Maribyrnong Truck Action Group, which is a little far from his electorate, and he advises that they support this aspect of this bill.

There are exemptions for those operating in prescribed circumstances that will of course allow trucks to go through these streets that are designated no-truck zones if they have a legitimate reason for being in those streets. Whether they operate from a premises in those areas, whether it is for supermarket deliveries or whether it is for a truck delivering equipment or materials to a building site, they will be able to do so. The question we have and share with the sector is: how will this actually work in practice? Understandably, the drivers and operators do not want some kind of system where they are constantly required to prove to officers of the National Heavy Vehicle Regulator why they are where they are at any given moment. Ideally, some kind of system is put in place to inform the regulator so that they are already aware that this truck is doing a supermarket delivery or this truck is taking materials to a building site. The government does like to say that there is a truck ban and that there are going to be no trucks, but in fact there will still be trucks in parts of the inner west.

I want to go to a flagged amendment from my colleague Mr Ettershank. I appreciate him briefing the opposition on that amendment. It is something we spoke to I think a few months ago now in this chamber. The Liberals and Nationals have always understood the apparent unfairness of current road laws for genuine medical cannabis users, particularly when it comes to losing your licence. The issue is complicated by the current testing technology, which does not test for impairment and makes it hard to distinguish a medicinal user from an illicit cannabis user. Our position has always been about ensuring safety on the roads. That must be the starting point, so we will not oppose these amendments, as they seek to provide equity to at least give medical cannabis users their opportunity for a day in court and the opportunity to keep their licence, which is I think pretty fair.

It would also give magistrates the same discretion they have in most other cases. We are a little bit concerned about the haste in which this decision is being made, particularly by the government, who is apparently supporting the amendment. The Parsons consultation report was only tabled yesterday, as were these amendments. We would have, with the fullness of time, preferred significantly more time to consider that report and consult with the community and experts and come to a position more fully informed. We support the government trials seeking a better understanding of the impacts of impairment on driving and look forward to seeing the results, but in the meantime we will not stand in the way of these interim changes, which allow magistrates some discretion.

Again, it would have been nice to consider it in a broader context with a bit more time to go through our proper consultation processes. I suspect we may have landed on the same position, but it is always good to have the time to give proper thought when amendments come to this place. But, as I said, we will not be opposing this. I can see definitely, both at an opposition and a personal level, the fairness argument to these amendments and what we are trying to do here. I personally know many – it seems

like it is growing – people who use medicinal cannabis and understand the predicament a lot of them are in where they are not recreational users but are medicinal users for a specific purpose. So I think there is a fairness argument to this.

As I said, in regard to the Roads and Road Safety Legislation Amendment Bill 2024 we will not be opposing this, but I would like to particularly thank my colleague Danny O'Brien, who is the Shadow Minister for Roads and Road Safety and a great advocate for our roads, particularly holding this government to account for the neglect of our roads that we see. I might leave my contribution there. As I said, we will not be opposing this bill.

**John BERGER** (Southern Metropolitan) (17:38): Before I begin, I would like to touch upon what I said the other evening during the adjournment. The community of Auburn South Primary School will be struggling through this tragedy for some time, and we have a responsibility to all Victorian children to keep them safe on their way to school and on their way back, no matter what.

I also want to pay tribute to all the hardworking truck drivers of Victoria. As the former secretary of the Transport Workers' Union, I am deeply aware of how integral and at times dangerous their line of work is. I would also like to thank the Minister for Roads and Road Safety in the other place for bringing this bill into Parliament, proposing many critical amendments to our existing road safety legislation.

This bill affects every Victorian across the state with changes to registration laws and changes to infringement administration and processes as well as more specific legislation for the inner west arising from the West Gate Tunnel project, trucks and the freight industry. All in all, this is an excellent bill, and I am proud to speak in support of it today.

There are multiple facets to this bill that aim to improve road safety both in the inner western suburbs of Melbourne and across the board as well as enshrine into legislation provisions regarding digital drivers licences. There are numerous legislative changes that are made to achieve these many aims, and they are as follows. This bill is designed to make several key changes to the Road Safety Act 1986, the Road Safety Camera Commissioner Act 2011, the Melbourne City Link Act 1995, the EastLink Project Act 2004, the West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, the North East Link Act 2020 and the Marine (Drug, Alcohol and Pollution Control) Act 1988 to improve safety and livability for Victorians, whether they be motorists, truck drivers or pedestrians. More specifically, these are:

- (a) to amend the **Road Safety Act 1986** –
  - (i) to provide for the enforcement of no-truck zones using camera systems; and
  - (ii) to make various amendments in relation to registration number rights, including to allow the regulations to provide that a fee is payable for the transfer of registration number rights; and
  - (iii) to modernise language in relation to accessible parking; and
  - (iv) to provide for the refunding of additional fees and costs that have been added to an infringement fine or penalty in circumstances where that fine or penalty is refunded; and
  - (v) to make provision for digital driver licences; and
  - (vi) to make other minor and miscellaneous amendments; and
- (b) to amend the **Road Safety Camera Commissioner Act 2011** to make a consequential amendment to that Act; and
- (c) to amend the **Melbourne City Link Act 1995**, the **EastLink Project Act 2004**, the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**, the **North East Link Act 2020** and the **Marine (Drug, Alcohol and Pollution Control) Act 1988** –
  - (i) to provide for the refunding of additional fees and costs that have been added to an infringement fine or penalty in circumstances where that fine or penalty is refunded; and
  - (ii) to make other minor and miscellaneous amendments.



Parts of this amendment bill intend to improve safety on our streets in the inner western suburbs following the opening of the West Gate Tunnel in 2025. We are at the seven-year mark of this project, and we are close to reaching the end, which I hear the inner-west residents are incredibly excited about. As the member for Sunbury in the other place aptly pointed out, over 200,000 vehicles rely on the West Gate Bridge for their commutes and any incidents that occur on these roads can seriously disrupt our road networks. The completion of the West Gate Tunnel will be a significant step in expediting the commutes of many thousands of Victorians each day without them dreading a traffic jam, leaving them running late on their way to work. Not only that, we can also see the creation of over 6000 jobs and 9 hectares of new public open space – a pretty good bonus.

The West Gate Freeway will boast increased lanes, from eight to 12, with two tunnels under Yarraville. The western suburbs matter to the Allan Labor government, as evidenced by our \$1.8 billion investment into road upgrades, completed in 2021 and covering the suburbs of Point Cook, Truganina, Tarneit, Laverton North, Hoppers Crossing and Werribee, as well as into strengthening bridges and structures and resurfacing and maintaining key roads across Melbourne's western suburbs. We have removed bottlenecks and improved safety across eight roads; facilitated better connections to interchanges on the Western and Princes freeways; created better walking and cycling connections, including three walking and cycling bridges over major roads along the Federation Trail; and strengthened seven structures, primarily bridges, including through the installation of new safety barriers and corrosion protection works.

Now we are focused on improving safety, health and livability in the inner west through the road law changes. In line with the Allan Labor government's commitment to removing trucks off the road, the completion of the West Gate Tunnel Project will expedite the commutes of thousands of Victorians each day. We are ensuring not only safety but improved livability, access to amenities and health outcomes for residents of the inner west by introducing 24-hour truck bans on local streets.

Enforcement of these rules will come through the \$10.2 million investment of the 2024–25 state budget in 24/7 camera surveillance, with reporting on the number of trucks on the roads of the inner west for the first five years of the truck ban enforcement so that local communities have access to data demonstrating the tangible impact of this regulation. This will ultimately serve to remove an estimated 9000 trucks from the streets each day, improving air quality, noise pollution and health outcomes for residents and families. Without the construction of the West Gate Tunnel, we would be seeing an increase from 11,000 motorists on the roads each day in 2016 to a staggering 34,000 in 2050. These new camera systems will have vehicle detection recognition that will be able to distinguish between cars and trucks with high accuracy, tested over 18 months throughout the smart camera trials. To reassure any potentially concerned inner-west residents, truck drivers with legitimate business and clear destinations in streets of the inner west will be exempt from these regulations. This will ensure that households and local businesses can still receive goods and deliveries, and it will keep our industries and homes running.

This West Gate Tunnel will support our freight industry through the 42-year partnership with the Port of Melbourne that was recently announced, moving more trucks off the roads across the west and generating millions of dollars into our economy. Specifically, this will be through the leasing of the 29-hectare former Melbourne market site to the Port of Melbourne until 2066 and by storing containers from shipping companies at the Port of Melbourne rather than multiple smaller sites across the west. This will redirect truck trips through the inner west and further support our no-truck laws in this region. This site at its peak potential could increase the capacity of the port by an additional 1 million 20-foot containers per year.

As with this 42-year partnership, the Allan Labor government is investing in a long-term plan for motorists that is going to benefit generations to come. I am really proud of this partnership. It will also facilitate the provision of a dedicated rest space for truck drivers for when they need to take a break and re-energise. This is crucial for the safety of our hardworking truck drivers and Victorian motorists sharing the roads. The Allan Labor government is committed to occupational safety across all

Victorian industries, and truck drivers on our roads are no exception. We have said time and time again of truck drivers that their office is the road. We also know that one of the greatest risk factors for injuries and fatalities on the road is motorist fatigue. That is why it is important that the government has invested in providing this dedicated rest space, and I am incredibly pleased that the safety of our truck drivers has been factored into consideration through this project development.

An achievement of the Allan Labor government that I know many people in our communities are excited about is the rollout of the digital licences, a more convenient way to keep and show legal identification on your phone in a state that is increasingly digitised. It is also a pretty useful way to show your identification if you have lost your physical card and are waiting for a replacement in the mail. Over 900,000 Victorians have access to a digital drivers licence on their phone as of September following the statewide rollout.

The bill, through amendments made to the Road Safety Act 1986, will provide clarity and certainty to drivers on the road that their digital licence will be recognised as a legal identification document on the roads and at the pub. It will be specified that if a driver is requested to produce a drivers licence to a police officer, handing over their digital licence on their phone will be considered valid. They are updated in real time, allowing for the accurate display of an address or a licence status change, so the validity and provisions such as sight can be properly verified. Any phone handed over to police with the intention of producing a drivers licence cannot be confiscated, retained or destroyed as per the Road Safety Act 1986 in order to protect the privacy of Victorians, but this will not preclude the police from doing so under other laws when there is the reasonable suspicion of a criminal offence.

In 2022 the Allan Labor government entered into a 40-year partnership with a consortium of Aware Super, Australian Retirement Trust and Macquarie Asset Management for the purpose of a joint venture: the operation of the former VicRoads registration and licensing business. This partnership has already generated \$7.9 billion up-front for Victoria, and it will deliver more efficient and upgraded customer service and plate services for Victorian motorists. Through amendments made to the Road Safety Act 1986, provisions will be created for the sale of registration number rights for an up-front fee or a periodic ongoing charge. To support the latter option, these amendments will stipulate that certain rights can be suspended under regulations if this periodical charge is not paid. Due to legal obligations and the financial responsibility that comes with registration number ownership, this bill will also introduce a minimum age at which an individual can have a registration number sold to them. This will be set at 16 years of age, when a person can register a vehicle under their name in line with the minimum age requirement to obtain a learners permit.

Finally, a number of minor amendments to the EastLink Project Act 2004, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Melbourne City Link Act 1995, the North East Link Act 2020 and the West Gate Tunnel (Truck Bans and Traffic Management) Act 2019 will be made through this bill to improve the processes of administrating infringement notices and ensure fair process by clarifying that all fines and associated costs will be refunded if an extension on paying has been extended to an individual. With the cost-of-living crisis affecting countless Victorians, having these provisions in place is critical to ensure that fines do not drive vulnerable people into poverty. Fines disproportionately affect groups such as our First Nations people, socially and economically disadvantaged people and people with a disability, so having these extensions properly administered so these people do not incur unnecessary financial costs through this amendment is incredibly important.

The Allan Labor government is committed to improving transportation across Victoria. Not only are we delivering the West Gate Tunnel project, but we are also delivering the North East Link; the removal of 80 level crossings; the Metro Tunnel, with five new stations – Arden, Parkville, State Library, Anzac and Town Hall; and the Sunbury and Pakenham–Cranbourne direct rail connection. We are providing funding from a pool of \$210 million to support 79 local councils in road maintenance across the state, with up to \$2 million available for crucial works.

The City of Greater Geelong have completed the first of their works through the safe local roads and streets program – the installation of a roundabout and raised pedestrian crossing in Clifton Springs – and Brimbank is going to see the commencement of works to build speed humps over three roads, slowing the speeds of motorists on a 1.5-kilometre stretch of road. This is an ambitious program that has already seen tangible results for Victoria on the road, and I am looking forward to its completion across all councils in 2027. I would like to thank the Transport Accident Commission, the Department of Transport and Planning, the Minister for Roads and Road Safety in the other place and all local councils involved for their dedication to road safety.

We have invested \$1.5 million in 2024 into our community road safety grants program to fund education initiatives on road safety, from Mildura in the north-west through to the Bass Coast in the south-east, adding to a total of \$6.4 million in the past five years. We are facilitating programs such as campaigns and education targeting vulnerable and at-risk drivers, cyclists and pedestrians; addressing motorist fatigue and high-risk behaviours on roads through roadside signage and community awareness; and providing education for newly arrived migrants as well as learners and probationary drivers on road safety and programs to prevent driving under the influence of drugs and alcohol.

Last year works were completed on upgrading five intersections along one of the busiest corridors in Melbourne's inner northern suburbs, on Sydney Road between Park Street in Brunswick and Bell Street in Coburg, installing early-stage signals and pedestrian crossings, improved traffic lights, pedestrian safety signage and accessibility improvements. Through this joint venture between the Victorian and Australian governments we have improved road safety in one of the busiest areas of the state.

I am incredibly pleased with all the work that has been done to improve our roads and commutes across our state by the Allan Labor government, and this bill will serve to facilitate even greater safety measures for all Victorians on our roads. I am proud to stand here today and commend this comprehensive and deeply necessary bill to the house.

**David ETTERS HANK** (Western Metropolitan) (17:53): I rise to make a contribution on the Roads and Road Safety Legislation Amendment Bill 2024. The bill before the house seeks to make a number of amendments to the Road Safety Act 1986. It imposes a 24-hour truck ban in the inner west, using cameras to detect noncompliant heavy vehicles driving in no-truck zones, it provides certainty around the validity of digital drivers licences and learners permits, it clarifies contractual arrangements for the sale or transfer of registered numberplates and it improves the administration of infringement processes.

We will also be moving an amendment to this bill, which I will talk to in a moment. Firstly, let me commend the government for delivering on the 24-hour truck ban. As I have raised in this place previously, communities in the western suburbs, particularly in Footscray and Yarraville, have long called for a truck ban to mitigate the pollution and noise generated from the ever increasing heavy traffic vehicles in the west. The 24-hour truck ban as part of the West Gate Tunnel Project will remove an estimated 9000 trucks from local streets each day. Needless to say, the community are happy and relieved at this important change. The truck cameras are also a great piece of world-leading technology, and I suspect many members will look longingly at my region and wonder when they can get truck cameras installed in their electorates. It is actually quite a startling reversal of electorate benefits. We do not often get to claim such wins in the west, so this one is very, very welcome, and I commend the minister and her staff for the work that they have done on this important initiative.

Moving on to Legalise Cannabis Victoria's amendments to the bill, under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

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

**David ETTERS HANK:** Since the beginning of our parliamentary tenure, Legalise Cannabis have advocated for medicinal cannabis patients to be treated like any other person on legally prescribed

medication who is not impaired when driving. This amendment is an interim step while the government considers broader reform, particularly in the context of the closed-track driving trial.

In 2016 Victoria became the first Australian state to approve the use of medicinal cannabis. Unfortunately, our road laws were not amended in conjunction with this reform, so it remains an offence under sections 49(1)(bb) and 49(1)(h) of the Road Safety Act to drive with cannabis, or more specifically THC, present in oral fluid. I will use those two terms, THC and cannabis, interchangeably during this speech. As these sections do not distinguish between medicinal and illicit cannabis, medicinal cannabis patients will be captured by a positive roadside test. These offences were created and inserted into the Road Safety Act in 2003, well before medicinal cannabis became lawful in Victoria. This was back when a positive test for cannabis could only mean illicit cannabis, but now lawful medicinal consumption is being captured by those same sections and subject to the same penalties. This is not the case with any other medication, where the Road Safety Act provides a defence, so a driver taking opiates or sedatives, for which there are both licit and illicit markets, has a right to their day in court. They have access to judicial discretion, a right enjoyed by any other Victorian taking a legally prescribed medication. But no such right exists for unimpaired medicinal cannabis patients who test positive to the presence of THC.

So how does the current law work? Under section 50(1E) of the Road Safety Act, if a medicinal cannabis patient tests positive, a magistrate must – and I say ‘must’ – cancel that driver’s licence for six months for a first offence and 12 months for a subsequent offence. The only exception is if a driver receives an infringement notice for drug driving, in which case they will have their licence suspended rather than cancelled, and it will be returned once the suspension period has ended. However, if a driver’s licence is cancelled, the driver will have to apply in court to be relicensed. They do not automatically get their licence back. They must apply to a court for another licence when the disqualification period ends. But first they must successfully complete a drug driving behavioural change program, a program solely designed for illicit drug users and recidivist drink drivers, where they are treated as criminals. They must literally go to those sessions and commit to not taking their legally prescribed medication. I am told this is excruciating for the patient and the program supervisors alike. They must then attend court to apply for a licence eligibility order court hearing and then attend that hearing at least 28 days later. If the order is granted by a court, the person can then attend VicRoads to apply for their licence to be reissued. Wait times and fees apply at each step, as well as a gruelling pile of paperwork. This is for people taking lawfully prescribed medicine.

And there is more. Despite no alcohol having been involved in the driver’s actions, a relicensed driver will be given a Z condition on their licence, so they cannot have any alcohol in their system when driving for the next three years – any alcohol whatsoever. It is punitive in the extreme – and, again, these people are taking a lawfully prescribed medicine. They are obeying the law. This conundrum was mentioned in the consultation paper on our proposed amendment, which was tabled yesterday. Former magistrate Tony Parsons consulted with legal experts, one of whom observed that:

[It] is an odd situation to have a legal right (to take prescribed medicinal cannabis) then if you comply strictly with the obligations that come with that legal right, you can still be guilty of an offence.

The government has long recognised the need to resolve this issue and is undertaking a controlled closed-track driving trial to look at the effects of cannabis on driver performance. The trial will conclude sometime in mid-2026, and we may see some legislation in the next term of Parliament, in 2027 or thereabouts. For the thousands of medicinal cannabis patients in Victoria who risk losing their licences every time they drive, this is just too long to wait. What our amendment proposes is an interim solution for those Victorians which will operate until the completion of the trial and any consequential legislative outcome. It amends the act to allow discretion for a court in deciding whether to cancel or disqualify the licence of a person who is found with THC in their system if it is prescribed medicinal cannabis and it was taken in accordance with the doctor’s prescription. This only applies to the offence of driving with the presence of THC, not where impairment is alleged. Under the new provision, the court is given discretion to apply the penalty of loss of licence. It may, rather than must, cancel a

drivers licence. Currently a magistrate has no choice but to cancel or suspend a drivers licence irrespective of any context or mitigating circumstances. The court is denied any discretion other than the quantum of the fine.

To be clear, what our amendment does not do is make it legal to drive with THC in your system. The amendment does not make any changes to what the offence is or to roadside drug-testing programs. It is still an offence to drive whilst impaired. It is still an offence to drive with THC present in your system. It will be the driver's responsibility to demonstrate that they hold a valid prescription from a prescribing health professional – for example, the actual prescription or the current container in which the cannabis was dispensed by the pharmacist or a signed letter from the prescribing doctor. If they can and there is no evidence of impairment, a magistrate may look at all the facts of the individual case and then consider whether to suspend or cancel the drivers licence. It allows the magistrate to exercise some discretion, something that they do every day, and it allows you to have your day in court, nothing more. Patients on legally prescribed medication deserve that.

I have spoken before about the far more impairing drugs that we do not test for. We hear from so many medicinal cannabis patients who were previously prescribed opioids and benzodiazepines but stopped taking them, some of them suffering horrendous withdrawals because of the terrible side effects. The phrase 'zombie-like' has been used by many – by more than a few people – to describe the effects of being on these incredibly strong medications. These people found medicinal cannabis provided incredible relief in treating their conditions without the harmful debilitating effects they experienced when using opioids and benzos. Some of these same people are being forced to revert to using those harmful impairing drugs rather than risk losing their licence. It is simply not fair. Our amendment calls for judicial discretion in this matter, and to those who may be opposing the amendment – and I thank you, Mr Mulholland, for your indication of support for this amendment; it is greatly appreciated, as is the support of the government – and to any who do indicate that they are opposing this amendment, I ask: are you doubting the judiciary's ability to decide this issue? One thing that came out loud and clear from Mr Parsons's excellent consultation process is that the judiciary is expected to exercise this sort of discretion on a daily basis, just not for medicinal cannabis patients.

As I said earlier, we do acknowledge the government progressing this issue through its closed-track driving trial, but we may not know the results of the trial until 2026, and there may be no legislative change until the next parliamentary term. We simply cannot leave people who legally consume medicinal cannabis without a remedy until then. They have been waiting for too long already. I remind members that this amendment seeks an interim measure only, and we urge you to support it. Broader reform might be reconsidered once the closed-circuit driving trial is completed.

Once again, may I just reiterate that we applaud the Allan government for moving to address this issue, and we appreciate their support through this process. I commend the bill to the chamber.

**Gaelle BROAD** (Northern Victoria) (18:06): I rise to speak on the Roads and Road Safety Legislation Amendment Bill 2024. Roads and road safety are certainly very important issues, and we know with Melbourne Cup coming up it is just a good reminder to everyone to drive safely on our roads.

Since I was elected to Parliament less than two years ago, I have raised the issue of roads in this chamber more than 50 times. The Nationals continue to raise this issue because we know that building quality roads that connect our state and keep people safe is very important. We know that businesses rely on our roads and families rely on roads, getting to and from numerous activities across the state, particularly if they are involved with sport. I certainly know a lot about that. Work, centres – we had CatholicCare Victoria come into Parliament yesterday and talk about their services. They are located all across the state, so they certainly rely on the roads to get around and help people in all sorts of different ways, including the homeless and refugees.

We know produce is important, getting it to and from market, and there are a lot of heavy vehicles now out there, and this bill talks to the trucks that are on our roads. I remember having a round table with a number of freight truck drivers with Senator Bridget McKenzie in Bendigo, and they raised a number of issues. They talked about the lack of waste disposal available to heavy vehicles and the poor toilet facilities along many of the transport routes. They talked about the number of female drivers coming now to work in the industry and the lack of facilities that are available to them. They also mentioned that WorkCover for the freight industry had jumped by 82 per cent – really, what a jump. It is extraordinary, the costs that they are carrying, and of course that all flows on to people, as produce needs to travel. It adds to the cost of living at the end of the day.

We have 165,000 heavy vehicle drivers licensed in Australia, but Victoria is 3000 to 5000 short, so there is certainly a need for more people to become truck drivers. They talked about the need to recognise it as a qualification, a recognised skill, because anyone who sees these large vehicles knows they are not easy to drive, and it is certainly a very important industry that deserves recognition and attention to the issues that I have raised here today.

We hear from locals time and time again. They are frustrated at the poor condition of roads right across regional Victoria in particular. I remember before the election handing out a brochure and mentioning that with the Nationals it has always been a priority to have roads right at the top, and a lady said, ‘If you’re going to fix roads, I will certainly be voting for you.’ I think that is just reflective of so many people across this state.

We know that roads are in poor condition, and it is not just because of the floods. We had devastating floods, as you would be aware, back in October 2022, that did cause a lot of damage. I have been involved with the flood inquiry and heard from councils right across the region of northern Victoria that talked about the frustration particularly with the disaster recovery funding arrangements, and I have raised that in this chamber a number of times. It does not permit betterment funding. Victoria’s agreement under the DRFA with the Commonwealth does not permit betterment funding as part of that. It is only building back to the same standard, not building back better. That is something that local councils have continued to highlight, how important it is that we build our roads back better so that we have more resilient infrastructure, because those connections get cut off very quickly during the floods. That is certainly something that we need this government to address.

I remember visiting the National Transport Research Organisation. It is a state-of-the-art facility in Port Melbourne. They were doing work with a whole lot of soil testing samples for New South Wales, for Queensland, because it is important that when you construct a road you are taking into account the soil conditions, the climate of the area and the local varying conditions. You change the recipe of the road depending on the area where the road is going. They highlighted the important work that they are doing. The lack of Victoria’s interest in doing that extra work is something that needs to be – well, there is a lot of work that needs to be done.

We have seen in Victoria state government roads falling apart very soon after they have been redone. I have seen roads that look like patchwork quilts just after being redone. Just last Friday I was at the Bendigo show, and a gentleman who had taken a recent road trip to see Lake Eyre told me that he could not believe how smooth the roads were in other states compared to ours. I have heard the same from so many other people who have travelled to Queensland, to South Australia and to New South Wales. They wonder why our roads are so bad. The government appeared to be proud to report that they are patching 700 potholes a day, but the fact that maintenance workers are having to patch 700 holes a day just shows how Labor is failing to manage Victoria’s roads.

When you look at just a few of the state government’s key responsibilities, there is certainly a real mess in Victoria now. Our roads, as I have mentioned, have thousands of potholes, but if we also look at our health services, they have thousands of people waiting for treatment. If you look at our housing crisis at the moment, thousands of people are in need of a home. Then if you look at our police services, we have over 1000 vacancies in the police force. It is the same in our education system; in our schools

we have over 1000 vacancies for teachers. They are working extremely hard to keep up with the demand.

I have walked on roads, and I am not an engineer, but I will tell you what, I could see my footprint when I walked across, and I thought that is probably not a good sign. I think the National Transport Research Organisation talked about just adding that extra bitumen, that additional cost, to make roads 30 per cent stronger, and they would require less maintenance. They cost more in the short term but less in the long term. This government is not thinking long term. They are desperately trying to tax their way out of debt and cut services. We have seen in the last decade 55 new or increased taxes since they came to office. We have seen tax after tax after tax and cut after cut after cut of services.

The state budget shows that Labor cannot manage money. The Premier's track record on managing major projects speaks for itself. The Premier said this week that she is a builder. She is certainly busy building the biggest debt in Australia, the biggest debt we have ever seen with no plan to pay for it. Our interest payments just keep going up. There will soon be \$26 million every single day. That is just extraordinary. The financial outlook is grim – \$188 billion of state net debt and recent warnings from the global rating agencies for a further credit rating downgrade for Victoria. This state government chooses where to spend our money. They do not seem to be spending it on roads, but they do like to spend billions on the Suburban Rail Loop. We have seen 650 employees. This was incredible. This came out today: 102 executives with the Suburban Railway Loop, sharing \$33 million in salaries. That is an average of \$322,000 for a salary. The Suburban Rail Loop is certainly a gravy train – there is no doubt about that – yet it is a project where we do not really know where the funding is coming from for that. Meanwhile under Labor we have seen a massive decline in road maintenance funding.

It is incredible to see the government's recent announcement of a road blitz. The so-called blitz is nothing more than a reannouncement of the funding provided in the state budget in May, and Labor has padded out the funding numbers by including flood recovery works. So a nice little bit of spin there – it was not new money or a new program, just the recycling of Labor's annual maintenance blitz media statements that have done nothing to fix our roads.

I certainly know from the RACV – I will not list them all, but there were a lot of roads from the 7000 people that did that survey – that many of those worst roads in Victoria are of course in Northern Victoria, in the electorate I represent. This region covers 100,000 square kilometres. There are many roads falling apart, and I, along with many other people, am very tired of the 40-kilometre-per-hour zones that are put alongside the road, suggesting that everyone slows down because the roads are that poor. I have had so many people raise the issue of the edges of roads with that significant drop-off that just makes it incredibly dangerous for vehicles travelling on the roads, let alone the potholes that are causing significant damage to vehicles.

I will wrap it up there. I did want to mention, though, that often we hear attacks from those opposite about privatisation, but it is worth noting that Labor recently abolished Regional Roads Victoria and they are planning to sell off the government-owned road repairer SprayLine Road Services. That is certainly worth a mention.

I do want to acknowledge, as Mr Mulholland did, Danny O'Brien, who is the Shadow Minister for Roads and Road Safety. I tell you, if any member of Parliament thinks they have had plenty of photos taken by potholes, Danny has had so many photos taken with potholes because there are many, but he does an incredible job advocating for improved funding for road construction and maintenance right across this state. It is clear Labor cannot manage money, they cannot manage projects and regional Victorians are definitely paying the price.

**Michael GALEA** (South-Eastern Metropolitan) (18:17): I also rise to speak on the Roads and Road Safety Legislation Amendment Bill 2024, which will deliver on the government's commitments to improving road safety, modernising our transport systems and providing safer, more efficient services to the people of Victoria. This bill will amend several acts, those being the Road Safety Act 1986, the

Road Safety Camera Commissioner Act 2011, the Melbourne City Link Act 1995, EastLink Project Act 2004, West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, the North East Link Act 2020 and the Marine (Drug, Alcohol and Pollution Control) Act 1988. It also reflects the government's focus on keeping promises and addressing challenges in innovative ways.

I will briefly mention the four key areas which this bill sets to achieve. Firstly, it will introduce 24-hour truck bans in the inner west to protect the health and safety of residents; secondly, it will roll out digital drivers licences, bringing convenience and security to the digital licencing system; third, it will reform custom plate policies to offer greater flexibility to drivers and vehicle owners who wish to use custom plates; and fourth, it will update administrative processes by adopting inclusive language to ensure fairness and respect.

In addition, I note that my colleague Mr Ettershank has tabled an amendment on behalf of his party, which is to address the very important issue of providing added supports for people who drive whilst taking medicinal cannabis. I would like to take the opportunity to thank Mr Ettershank and Ms Payne for their constructive dialogue and their work on this policy. We know of course that a few months ago those members brought a motion into this place seeking to commission a report, an inquiry, into this very issue and into the way in which the current law requires magistrates to give very strict rulings when it comes to people who face court as a result of having THC levels detected.

I understand there has been a report tabled in the Parliament this week following extensive work by Mr Tony Parsons and indeed Dr Hamish McIntosh. Mr Parsons is a very, very appropriate person to have led this review, as he was the supervising magistrate of the Drug Court division here in Victoria and has probably more experience than perhaps anyone else in this state when it comes to this issue. I note the rigorous work that has gone into this report, and I take this opportunity as well to thank both Mr Parsons and Dr McIntosh, noting just briefly from the report that a number of stakeholders – 18 high-level Victorian stakeholders – were consulted and canvassed over three key areas, including the confidence in the current state of the science whilst driving; confidence in the judiciary in their exercise of discretion, should this proposal be adopted; and confidence in the proposal to contribute to a meaningful reduction in harm for individuals who are prescribed medicinal cannabis and drive. The central recommendation of this report is that it found that the majority of stakeholders generally support the proposed reform to allow a discretion about orders against drivers licences for people prescribed medicinal cannabis should they be prosecuted for driving with cannabis in their oral fluid.

I am pleased to say that the government will be supporting the amendment brought forward today by the Legalise Cannabis Victoria party, acting on the recommendations of Mr Parsons's and Dr McIntosh's report, noting as well the ongoing closed-track trial, which Mr Ettershank also made reference to. That is ongoing work, and it is important that that ongoing work continues. But it is quite right and it is quite appropriate that, whatever the outcomes of that trial may be and whatever other discussions that may lead to, we act here to implement what is a very sensible reform which is going to benefit a great many Victorians and hopefully provide some measure of confidence and some measure of security to those Victorians who are prescribed medicinal cannabis and who do, for quite natural and understandable reasons, need to drive. I am very happy to be speaking here today in support of that amendment, along with other colleagues, and by the sounds of the room hopefully with a reasonable surety that we will see that pass as part of this bill today.

In the time I have left, noting that I will be cut off at some point in the next few minutes, I will briefly mention some of the other reforms that this bill achieves. I do wish to take the opportunity to thank Minister Home and her staff for working extensively and of course the department for bringing together the bill before us today, which does achieve some very good things. The first amongst them, as Mr Ettershank noted, and Minister Stitt is no doubt passionate about too, are some significant reforms about these 24-hour truck bans in the inner west, which will protect the health and safety of residents in that area. This is not an issue that is new to this chamber. It is one that I recall reading about many, many years ago, many years before I was elected.



It is one more consequence of this government's investment in major infrastructure projects. It is the level crossing removals and the Metro Tunnel that are allowing us to provide more turn-up-and-go train services. It is the West Gate Tunnel that is allowing this government to now be at a point where we can be implementing these truck bans, which will make a huge difference obviously to the amenity of residents of the inner west but also, very importantly, to the health and safety of those residents as well, with less trucks, less noise pollution, less actual pollution and less risk of dangerous collisions. Touching upon the important subject which Mrs Broad mentioned, which is road maintenance, we hope to see some improved road maintenance outcomes in those localised areas of the inner west, another benefit of having a transformational project such as the West Gate Tunnel come into fruition.

Another key reform is digital drivers licences, which will considerably assist Victorians in their ease of use and their ease of dealing with VicRoads and Victoria Police when needed and in other situations as well. There was a very successful trial which has now led to the rollout of digital drivers licences, and this bill will ensure that these licences are formally recognised under the Road Safety Act 1986. Drivers can display their digital licences to police or other authorities without having to hand over their phones. Officers can request that drivers refresh the display to confirm that the licence is up to date, but the drivers retain control of those devices. It will also assist people venturing out to pubs and clubs and wherever else you may be required to show ID. I do note that there are a few venues that still do require those physical licences, but I also note that work is being done with those sorts of venues to ensure that they will be able to be compatible with the new forms of identification, with digital drivers licences.

This is a reform that will greatly ease as well as modernise the process and indeed improve the security of the drivers licensing system for Victorians. Now, another thing that I was interested to see in this bill was custom licence plates. I do not have custom licence plates myself. I am not sure if any members of this chamber maybe have custom licence plates. Mrs McArthur, perhaps you have some good ones?

**Bev McArthur:** No, I'm lucky to have a plate at all.

**Michael GALEA:** I am disappointed to hear that. I thought you of all people might. But we can discuss some suggestions over the dinner break, which we are certainly having tonight, Mrs McArthur. We can discuss some suggestions of what you might like to take up. Currently those require up-front payments. In future, though, this will be able to be operated –

**Bev McArthur:** I can see MG though.

**Michael GALEA:** MG would be a terrific one. You might love to drive a licence plate that says MG, Mrs McArthur.

**Bev McArthur:** That would be good for you, Mr Galea.

**Michael GALEA:** Oh, and me. I think you would like it more. By allowing people to subscribe rather than pay those one-off payments this will, again, ease those cost-of-living pressures on people who do choose to take up custom plates, making it more accessible to people as well, which as I am sure you will agree, Mrs McArthur, can only be a good thing.

The bill will also implement a number of administrative changes in terms of the language, improving the fairness and making it more accessible to people as well. Outdated terms such as 'an injured or disabled person' will be replaced, for example, with 'a person with an injury or disability' and various other minor reforms along with that.

Very, very briefly, taking up from Mrs Broad's comments, whilst this bill is not particularly about road maintenance, and I had the opportunity to speak much more extensively about this in my contribution yesterday on Mrs Tyrrell's motion, it is certainly true that this year we are investing a record \$964 million in a road maintenance blitz right across Victoria. Indeed it comes on top of the

fact that over the past 10 years we have averaged \$736 million a year in road maintenance funding, much of which recently has been required, yes, to repair those flood-affected roads.

**Bev McArthur** interjected.

**Michael GALEA:** But indeed in the previous four years of Liberal government that average figure was \$493 million, which given how much, Mrs McArthur, you talk about road maintenance, I am sure you join me in being most aggrieved with your former colleagues here in this place who were happy to support what was almost half as much spending on road maintenance as the Allan Labor government is delivering. God forbid that if your colleagues, Mrs McArthur, were to get in again, we might see that number slashed again and even less road maintenance taking place across Victoria.

This is an important bill for the four key policy reforms that this delivers, but I am also very pleased, as I said, to be speaking in favour of the amendments put forward today by Mr Ettershank, which will make driving a whole lot more accessible and less discriminatory for people who do use medicinal cannabis, and that is very good thing. I commend the bill to the house.

**Sitting suspended 6:28 pm until 7:33 pm.**

**Bev McARTHUR** (Western Victoria) (19:33): No surprise – I am always happy to talk about roads, because in this state they are a disgrace. Looking through the bill, part 2, division 1 is enforcing no-truck roads in parts of Melbourne’s inner west. This seems fairly uncontroversial, but I would like to hear from the minister how they will manage emergency events where unplanned road closures elsewhere mean that trucks will be forced to use these routes. Also, for those firms located within the area or for others requiring exemptions, how will this work? The legislation says that this is possible in prescribed circumstances, but I very much hope this will not create an onerous regime where fines will be issued and operators will have to apply for individual waivers for each occasion.

But my main problem with this is the rhetoric which surrounds it. It is all about taking trucks off our streets. The first thing to point out is that just means moving them to other streets. It is hard not to draw a comparison with Geelong here. It is all very well that massive infrastructure spending in Melbourne allows trucks to be taken off the streets, but what about Geelong? Bellarine link is an essential infrastructure project connecting Portarlington highway and the Bellarine Highway to the Geelong Ring Road. It would remove heavy traffic from the city, ease congestion in the CBD, add resilience and capacity to the local road network and bring substantial economic and quality-of-life benefits to Geelong. It really would take trucks off our streets, but it seems when those streets are not in Melbourne it is not quite the same priority.

This government is very focused on fixing roads and expensive road infrastructure inside the tram tracks of Melbourne, but outside the tram tracks it is a whole other matter, despite the fact this is practically the definition of sound public spending – investment in enabling infrastructure which would improve the lives and permanently enhance the economic productivity of Geelong. Four million dollars was allocated for planning in the 2016–17 budget, but since then things have seriously ground to a halt. It is not just drivers and the Geelong economy which suffer. For seven years residents and property owners have been left in limbo. They cannot develop or sell their properties, and businesses and road users do not know whether this important infrastructure will ever get built. The decision and the funding have not arrived, unlike the \$26 billion blowout of Melbourne’s North East Link. Incredibly, my constituent was recently told by the Department of Transport and Planning staff that there is no project team working on the Bellarine link at the moment, and there are no timelines confirmed for when further works will be completed. Perhaps Labor are banking on the fact that their destructive efforts with manufacturing and the economy will put all the businesses needing trucks out of business, and that would definitely be a saving on road building.

The rest of this division of the bill is related to raising money. That is of real interest to this government, second only to spending it. It is good to see they are embracing joint venture partnerships when it suits them – that is, when they can sell off an asset to get a much-needed lump sum. I do not object to the

details relating to numberplate registration. Perhaps there is somebody somewhere roundabout that needs to look at new plates or should have looked at new plates. Looking further through the bill, part 2, division 5, deals with digital licensing. We know about this in Western Victoria Region. In May last year the government announced the pilot for the statewide rollout would be conducted in Ballarat. However, a month later, when they decided to get in touch with Ballarat motorists, they managed to send 57,000 emails with the wrong surnames and addresses – another government IT success! It reminds me of the same department's IT failures relating to wire rope barriers. The fact that this billion-dollar project was over budget and over time hardly surprised anyone, but what I wanted to know was how effective the barriers were at preventing crashes and injuries and how much they cost to maintain, both periodically and in response to crashes. This is surprisingly difficult to ascertain. The Victorian Auditor-General's Office explained why: the Auditor-General's report showed VicRoads had no proper asset records and could not show key information about the location, installation date, state of repair and maintenance schedule of their own barriers. This should have been the most basic information. How could VicRoads and then the Department of Transport and Planning begin to quantify the success or otherwise of the program if records were not maintained on the number of accidents at each site and on the frequency and cost of accident repair and routine maintenance? VAGO certainly agreed. Recommendation 6 of their report required a fix to this shocking failure. It took three years for it to happen – three years from the date of the report and many more years since the installation of the barriers. I will certainly be interested to ask soon what the asset register says about the kilometres of barriers currently lying broken in regional Victoria, unrepaired and now useless.

We also suffer from speed restrictions out in the country continually, because you cannot fix the roads or even repair them for a couple of months before they are back in a shocking state of disrepair. We have got 400 kilometres of speed restrictions across Victoria. That might be fine in a suburban street, but on a long journey it is very different. Some of the roads in my electorate have had speed restrictions on them ever since I have been in this place. A resident in Vite Vite driving to Skipton would add an extra 30 hours in their car per year if the speed restrictions remained in place.

The roads are in such a bad state in my electorate that the other day I was told by a constituent that the RACV had to tow away four cars in one afternoon because of the damage incurred due to poor roads, potholes especially. It is a shocking situation, it is a dangerous situation, in country Victoria. We have got school buses driving on poor roads. We have got milk transports driving on shocking roads. The damage incurred by the transports is also considerable, and that just adds to the cost of doing business in Victoria. That is to say nothing of the issue of roadside vegetation, where it seems the boffins in the transport department think that roadsides should be conservation zones or biodiversity zones or wildlife corridors. Actually, they should be safe places for motorists. Breeding animals on roadsides is actually not a very productive outcome, because, funnily enough, they do not know how to look right, left and right again. If they do not get caught by a vehicle, they will get caught by a wire rope barrier. We need to actually have a situation where we see it as very important that roadsides are safe places, not wildlife corridors, conservation zones or biodiversity zones. That is ridiculous.

In any case, we are here to speak about this Roads and Road Safety Legislation Amendment Bill 2024. All I can plead for from this government is: get a better system where you actually build roads that last; have a guarantee on the construction so that they last longer than my toaster guarantee; and where the repairer does some work, make that also subject to some sort of guarantee or contract, because that is not what is happening now. Councils actually repair and build roads way better than the government. In the meantime you have sold off or you have scrapped Regional Roads Victoria – what is that all about? – and you are doing away with the surfacing business, and yet we are here with this Roads and Road Safety Legislation Amendment Bill. I understand that the coalition are supporting the amendment of the cannabis party to allow medicinal cannabis to be incorporated into the rural road situation. I will leave it there.

**David LIMBRICK** (South-Eastern Metropolitan) (19:44): I also would like to speak on the Roads and Road Safety Legislation Amendment Bill 2024. With no offence to the advisers and writers of the bill, I will confine my comments to the amendment by Mr Ettershank. Suffice to say that the Libertarian Party will be supporting this bill and the amendment.

When medical cannabis was legalised in Victoria – and to my mind this was undoubtedly a good thing and credit is due to the government for taking this bold move in a previous term of government before I was here – there was an oversight, and the road rules were not changed and inadvertently a grave injustice was created. This amendment today will go a small way to correcting that injustice. To give a stark example of this injustice, I will outline a case. I met a man; his name was Paul. This was back in 2022, and we ended up doing some media with him about his story. Paul is a 40-year-old man, and he is a veteran. He served his country and like many veterans he suffered physically and mentally during his service, and he was injured. He suffered PTSD and many other conditions, and as with many veterans he was prescribed many different pharmaceuticals to try and help his condition. These of course had bad side effects, and he thought, as he lived in Victoria and medical cannabis was available to him, that he might try it as an alternative to help with his symptoms. Luckily enough, he was able to obtain great benefit from taking medical cannabis daily and this was a life-changing thing for him, it is my understanding. It provided a great benefit for him.

However, one day, in Carrum I think it was, there was a car accident. He stopped on the side of the road behind the cars in front of him that had had the accident – he did not have the accident – and he was waiting on the side of a high-speed road, and up behind him a ute was travelling very fast and rammed into the back of his car while he was stationary. It was a very serious accident, but luckily no-one was seriously injured, although the cars were all very badly written off, I think. No-one was seriously injured, but of course as with most serious accidents the police and emergency services arrived, and the police asked him if he had been drinking and he said no, he was stone-cold sober. But being a very honest man, he said to the police officer that last night he had had some medical cannabis.

His honesty was punished. The police officer came back – he was just doing his job; I am not necessarily criticising the police officer. He tested him using an oral swab test, and that was positive, because the unfortunate thing about cannabis is that it is quite different to some other drugs, like alcohol, for example, in that it stays in the body for a very long time. And unlike alcohol testing, where blood alcohol concentration is very highly correlated to impairment – which is the real thing that we want to stop on the roads; we want to stop people being impaired, so that they do not cause harm to other people – we have a technological problem with cannabis testing, or THC testing, which is the active drug within cannabis. We have a technological problem in that our drug tests do not test for impairment, they only test for the presence of the drug in your system.

So we have the situation where we have an injustice, where we have someone who has served our country and who is stone-cold sober being punished and losing his licence simply because he took medicine that was prescribed by a doctor, and this is wrong. What this amendment does is effectively provides a defence for people like Paul. If they are charged with the offence of drug driving, then it gives discretion to the magistrate to effectively take into consideration the fact that they were taking prescribed medicine. That is a defence that is available to them, and the judge can decide to let them off. I still feel that this does not solve all the problems, and I know that the government and Mr Ettershank would agree with me on this. That is why the government is doing these trials. But this does provide somewhat of a comfort to people who want to take this medicine and be able to drive.

I have spoken to I do not know how many – dozens, probably hundreds actually – people who are medical cannabis patients, and they are terrified of driving. They are terrified of being pulled over. They are terrified of losing their licence. Most people seem to take their medical cannabis at night. They do not drive while they are impaired, but they are scared of losing their licence. Even worse, some people who are prescribed very powerful drugs – like opioids, like benzodiazepines, which are very addictive and also impair driving significantly – are able to get off these drugs and use cannabis, but people are reluctant to do that, because they know that if they get pulled over by a policeman and

are tested, they will lose their licence. I feel that it is an awful situation where you have people that are taking very harmful drugs to help their condition and they are scared of an opportunity to take a far less harmful drug, like cannabis, to attempt to treat their condition. And they are too scared to do that because they do not want to lose their licence, especially people that live in regional Victoria, where losing your licence can be catastrophic to your lifestyle and your employment. It is very difficult to travel in many places in regional Victoria and people depend on their cars.

The Libertarian Party is very supportive of this. It is something that we have been pushing for as well for many years now. I do think that there are gaps here, and I know that the government and Mr Ettershank would acknowledge that those gaps exist. Some of those gaps I will point out now. One of them is it is only valid if you have a current prescription. I think that that is a bit harsh. I think that if you have a drug that has been prescribed by a doctor and your prescription happens to have run out, I do not think that that should be a reason to lose your licence if you were still taking the drug in accordance with directions. Also – I do not want to speak for him, but I am sure Mr Ettershank would agree with me here – I do not believe that cannabis should be illegal at all. People who take it recreationally and are not impaired should not be punished either, because after all the whole point of punishing people for drug driving or for driving while they are under the influence of alcohol is to prevent harm to others.

As I spoke about yesterday, Libertarians do believe that when people pose harm to other people, that is a valid intervention of the state. However, when someone is sober yet has drugs in their system, they do not pose a risk to other people, and therefore it is an unjust intervention of the state and there is a problem with the law – there is an unjust part of the law. We have had this injustice for long time now, and I am glad that we are going some way to alleviating that, to fixing that, and I hope that we can totally fix it eventually. Ultimately I hope that we will get a technological solution that will solve this once and for all. I know that there are lots of technologies being tested at the moment, such as eye tracking and that sort of thing, but these technologies are not ready for the market just yet. I hope that eventually there will be a technological solution that will solve this problem and be able to test properly for impairment.

**Tom McINTOSH** (Eastern Victoria) (19:54): I am very happy to stand and speak to the Roads and Road Safety Legislation Amendment Bill 2024, following on from my colleagues Mr Berger and Mr Galea. I want to acknowledge the minister and her staff for the work they have done to bring this forward and congratulate them on that. There are two items in this bill which I would just like to note that I think the Liberals are allergic to: new infrastructure and new technologies.

The West Gate Tunnel Project will deliver a vital second crossing in our state. It is going to unlock productivity for generations of Victorians to come. It is going to slash travel times and give a dedicated route to the port, which is incredibly important. Importantly for local families around Frances Street, Somerville Road, Buckley Street, Moore Street, Blackshaws Road and Hudsons Road, it means we will be able to ensure that trucks will not be on those roads, making life quieter and safer for local families. This legislation enables that new technology, those smart cameras, to identify trucks that are there when they should not be.

Of course, we are going to be mindful of trucks that need to be there. I think I overheard Mrs McArthur saying that this was going to hurt manufacturing, and while I was in my office and heard that on the TV I did not recall Mrs McArthur making a big noise when they tore apart the auto-making industry and manufacturing there. Anyway, I am glad she is thinking about it now, but this legislation is one step ahead of that. The other great thing it does is around digital drivers licences, which are an incredible thing. I love my digital drivers license, as do 1 million Victorians. It is a great thing to have your identification, proof of age and drivers licence on your mobile phone, and the fact that over a million Victorians are using and loving it is fantastic. This bill will make minor changes to the Road Safety Act 1986 to formally recognise digital drivers licences as documents for the purpose of the act.

Again, I want to congratulate the Minister. This is fantastic on many levels for our state, as is the second crossing, as are new and emerging technologies, as is the productivity that flows when we make these investments, and I thank you for the opportunity to make my contribution.

**Trung LUU** (Western Metropolitan) (19:56): I rise to speak on this Roads and Road Safety Legislation Amendment Bill 2024. While on this side of the chamber we do not oppose this bill, I must emphasise that the Allan Labor government has a poor track record when it comes to maintaining our suburban roads and railways. This bill addresses an amendment in relation to no-truck zones, pollution, safety infringements, road safety cameras and the various truck bans among other amendments in this bill. Although this bill is not about road maintenance, as Mr Galea pointed out earlier during this evening, I do want to emphasise that with those amendments that I have read out – well, roughly some of those – there is a strong connection between the road condition, the road infrastructure, how these amendments are implemented, how these amendments are enforced and how these amendments are connected to the road itself. So while I am going to touch base on those amendments, I will have some words in relation to the road conditions in my electorate and across the state.

Poor road conditions pose a significant risk to drivers, as dangerous roads can lead to tragic outcomes, so it is our responsibility as parliamentarians to ensure that every Victorian can commute to work and return home safely. Unfortunately, the number of fatalities on the road has increased rather than decreased in recent times. One of the most effective ways to improve road safety is by investing in better road infrastructure. Better roads mean less truck bans, time zone restrictions, accidents, infringements and fines and better road management. So in relation to that, my constituents in my electorate are frustrated by the delay of our government in planning to maintain the poor condition of suburban roads in my region. In addition to poor road maintenance and the poor condition of roads, the budget for road asset maintenance has seen a 16 per cent reduction since 2020, allowing the roads to continue to deteriorate. This will affect, in relation to all these amendments, how it has been carried out, how it will be implemented and how it will be enforced. The budget paper obviously reveals significant neglect by the Labor government regarding our roads, and the road resurfacing and reconditioning projects in 2023 and 2024 declined by exactly 90 per cent across the state.

In relation to the roads themselves being in this poor condition, bridges requiring urgent repairs and buses and trains which are overcrowded, our public transport is struggling due to underinvestment to meet growing demand. This bill does not provide the solutions that people in the west need. It fails to tackle the inequality of funding for roads in my constituents' experience. While we support the development of the no-truck zone cameras in Melbourne's inner west in this bill, this measure alone is insufficient with such poor road infrastructure in the west. That is why there was a need for this enforcement to take place in the first place.

Truck traffic in the west has been steadily increasing over the years. When the western interstate freight terminal was cancelled in recent months because of the government's poor management of funds, spending \$400 million with no results, this meant there were more trucks on suburban streets in my inner-city electorate every day. Residents in Footscray and Yarraville report up to 2000 trucks travelling on a two-lane local road daily. This will affect the condition of the pollution in the inner suburbs, as mentioned across the chamber earlier this evening. This bill's focus is on heavy trucks, enforcing regulation through cameras; however, it fails to address the root problem: the lack of viable alternatives for freight transportation across our great state.

Those opposite would like to believe that putting up a few cameras will solve the problem, but without viable alternatives to freight transport, such as rail, truck numbers will continue to grow in the inner suburbs. The government is focusing on enforcement instead of investment in better road infrastructure. My constituents in the west are wondering: what is the government's real intention? Is it to reduce the massive debt because of their Suburban Rail Loop?

When we discuss traffic management and road safety it is essential to prioritise prevention over enforcement. This bill fails to address the deeper issue at hand. We must address the root cause of why a no-truck zone is a good idea. Penalising operators is only a temporary solution to a much bigger problem. Freight transportation should be moving volume from our roads to the rail network. This transition is essential to reducing urban air and noise pollution, which has a significant impact on the health of residents. In recent times the City of Maribyrnong has raised the issue of air quality for its residents. Residents living along truck hotspots such as Somerville Road, Francis Street, Moore Street, Hyde Street, Whitehall Street, Williamstown Road and Napier Street in my electorate are expressing their frustration and demanding action on this issue. While these amendments are a temporary fix, we need to look at alternative solutions.

In closing, the western suburbs still lag behind the rest of the state regarding road infrastructure and the poor road conditions it has sustained over the years. Residents of the west deserve better than slow zones and potholes. Residents of the west will no longer tolerate being treated as second-class citizens. The west demands this Allan government allocate a fair share of the road funding for our residents. This chamber should allocate resources towards helping to improve roads, buses and trains and enhance connectivity for the west. We are not opposing this bill. I hope this temporary fix will be only temporary and there will be a better long-term solution moving forward.

**Katherine COPSEY** (Southern Metropolitan) (20:04): I rise to speak on the Roads and Road Safety Legislation Amendment Bill 2024. The Greens will be supporting this bill. First, a major section of the bill implements a 24/7 camera enforcement and enforcement process for truck bans in the inner west. As we know, there have been truck curfews and bans in place for years, but various attempts at enforcement have failed so far. The communities in the inner west have suffered for decades from thousands of trucks thundering through their neighbourhoods, resulting in excessive truck noise, pollution from petrol and diesel emissions, local streets that are unsafe to walk, cycle or drive and the adverse health impacts from all of those. I want to commend the minister and the team for tackling this issue more substantively than previous efforts. The bill provides new powers to use camera technology and enforcement mechanisms to the National Heavy Vehicle Regulator. If the new system works in the way it has been explained to me and my team, we hope this will substantially improve the quality of life for communities in the inner west.

I want to take a moment to recognise the more than 20 years of advocacy by community groups to get to this point, especially the Maribyrnong Truck Action Group, MTAG. My Greens predecessors in this place Colleen Hartland and Huong Truong also spent years raising this issue. I also recognise the years of hard work done by Janet Rice and by Maribyrnong council's Bernadette Thomas and Simon Crawford in the local community for so many years.

As another part of the solution to get trucks off residential roads in the inner west, I do note and commend the government's purchase of the 29-hectare old Melbourne Market site on Footscray Road to be used as empty container storage, a practical measure that will reduce the need for many empty containers to travel back and forth through the inner west.

The Greens have two simple amendments for this bill. I ask that those amendments be circulated now.

**The ACTING PRESIDENT (Jeff Bourman)**: We might get you to continue, Ms Copsy. There will be a slight delay in the circulation of the amendments

**Katherine COPSEY**: Not a worry; we can come back to that. These amendments will be asking for public reporting. Given that there is a sad 20-year history of multiple failed attempts to enforce the longstanding truck bans, communities want to be assured that this time the Department of Transport and Planning and the National Heavy Vehicle Regulator will start doing the enforcement work that is required to get trucks off inner-west roads. Amendment 1 in my name will require annual reporting of the camera enforcement scheme – namely, the number of heavy vehicles detected in the no-truck zone and the number of offences for which an official warning was served, an infringement notice was

served, a court proceeding was commenced or exemptions were given. Public reporting of these numbers will be welcomed by the community.

There remains a missing middle of data, which amendment 2 seeks to address. This is the number of fines actually paid and the number of fines that the regulator withdraws. Without these figures the public reports will be incomplete, and in our opinion it will leave the government open to more criticism from the local community about how effective this solution actually is. We suspect there will be a substantial number of fines that the regulator withdraws.

The second change that the substantive bill allows is the rollout of digital licences. This builds on a recent trial and marks an advancement in how we interact with our licensing systems. For those who prefer electronic options, it will make it easier for Victorians to manage their licences, and it is good to know that the option to have a physical licence will still be available to those who prefer an actual card to keep in their wallet. The bill also allows an increase in the cost of custom numberplates. I will make the point that if Labor had not followed the neoliberal path of privatising this service some years ago, those additional fees would be generating revenue for the state. The modernisation of the language for accessible parking permits is very welcome. Using more inclusive language not only reflects our commitment to accessibility but also fosters a greater sense of belonging within our community.

Lastly, the bill amends the fines process for the EastLink Project Act 2004, the Melbourne City Link Act 1995, the North East Link Act 2020 and the West Gate Tunnel (Truck Bans and Traffic Management) Act 2019 to allow that all fines and associated costs are to be refunded if a person has been granted an extension of time to deal with an infringement. I note that this is a welcome reform, but it falls short of what the Victorian fines reform advisory board recommended in 2019, which was:

... that the *Melbourne City Link Act 1985* and the *EastLink Project Act 2004* and other relevant or new Acts, should be amended to provide toll operators with own motion powers to withdraw tolling-related infringement fines.

This removes the necessity of Victoria Police having final arbitration of that decision and would allow a higher degree of discretion with regard to people who are experiencing financial hardship.

I will take this opportunity to say that Victoria is sadly lagging behind other states in fines reform. Four years ago New South Wales enacted a number of equity reforms across the infringement system. In that state anyone can now choose to pay fines in instalments, have more time for a fine to be reviewed and, for those on benefits, have fines automatically reduced.

As I stated earlier, the Greens will be supporting this bill, and I will speak further to our amendments during the committee stage.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (20:11): I also rise to speak on the Roads and Road Safety Legislation Amendment Bill 2024. I understand, for starters, that this bill is going to be addressing the issue of having our licences more accessible – electronically, through our phones et cetera. It is just a shame that it has taken this government such a long time to explore some of the more modern options, given that South Australia has been doing this since 2017 and New South Wales since 2019. As has been mentioned already in this chamber, some of the reforms with infringements are also lagging behind in Victoria. But that is not what really draws my attention – it is actually what this bill does not do. If we are going to be talking about roads and road safety legislation, one has to wonder why our roads are actually not safe and why this legislation is not addressing some of the issues that are actually being caused because our roads are not being properly maintained by the Allan Labor government.

Recently the RACV invited Victorian motorists to take part in the 2024 *My Country Road* survey asking about the safety of our roads in regional Victoria. The survey was conducted because of the numerous complaints about potholes and poor road conditions, arguing that safe roads prevent and minimise road accidents. They are interesting, the road accident statistics, and I would like to just clarify what some of these are and how these relate to the bill potentially. A total of 289 people have



lost their lives on Victorian roads. This is an 8.6 per cent increase. Twenty-three more lives were lost from July 2023 to the end of June 2024 than in the previous 12-month period. Of the lives lost, 117 – that is just over 40 per cent – were drivers, 67 were motorcyclists, 56 were pedestrians, 41 were passengers and eight were bicyclists. There were 267 fatal crashes on Victorian roads. This is 20 more than the 247 fatal crashes that took place in the previous 12 months. For every 100,000 people, 4.18 lives were lost in road accidents, and there were more than three fatal crashes for every 100,000 people. Areas with the highest number of lives lost were Casey, Greater Dandenong, Kingston and Monash. They are all up there with some of the country areas. These are areas that I represent in the south-east. More than 7000 people responded to this survey.

What I notice is that this legislation that is going through, this amendment bill, does not tackle any of the concerns that motorists and the local Victorian people are addressing on a day-to-day basis, which are potholes and poor road conditions. These are the things that are at the top of the list for Victorians. These are things that are causing blowouts to cars and tyres. These are the things that are causing some of our road accidents. Yet there is nothing in here that actually adequately addresses this. This is going to be about how we reroute trucks in western areas to serve local Labor MPs. This is about having no-truck zones. I am sure some of the residents in those areas will be very happy for that, but I must say it is interesting that there is a little bit of self-interest in this particular amendment bill. It also makes a number of minor amendments, and as I said, the new digital drivers licence is going to be clarified under these. Again I come back to the fact that our roads are in disarray. In fact just outside my office is a massive pothole that somebody made some attempt to cover over recently, and it has sunk again, within less than a week, to be at least an inch deep. There is nothing in here that addresses these road issues for local Victorian people. I think it is particularly bad in regional Victoria, and all Victorians at different times have to travel to regional Victoria. Something like this is just not enough, and there is a lot of self-interest in this without actually looking at what is impacting local Victorian people. What is more, we have large amounts of money being spent or being said to be spent, and nobody knows exactly when that is going to take place. I think with regional Victoria it is \$675 million that is going to be going on a road maintenance blitz. With our 55 new or increased taxes that means that taxpayers are going to be paying even more to be able to fund these things. In fact we now have a debt of about \$190 billion. The last time I looked it was \$26 million a day that we are paying just in interest.

Whilst I am very happy to speak on the legislation, I cannot help but notice what this amendment bill omits, and that is any future regulation of how money will be spent on delivering roads for people so they can actually drive on them and so that maintenance is done in such a way that will allow Victorians to drive safely. There is nothing about that. There is nothing about the fact that when those cracks develop and those roads are not fixed they actually become more expensive to maintain. There is nothing in here that addresses issues that Victorians deeply care about.

**Wendy LOVELL** (Northern Victoria) (20:17): I rise to speak on the Roads and Road Safety Legislation Amendment Bill 2024, and I will keep my remarks rather short. I could go on and on and on forever about roads in this state. We spoke about roads yesterday, so I have made quite a contribution on a number of roads in my electorate already this week in Parliament. This bill particularly looks at things like introducing no-truck zones in the inner west of Melbourne. I am actually very happy for the people in the areas where these no-truck zones will be because I grew up in Williamstown. I know the traffic in and around the west of Melbourne, and I know how dreadful it has been, particularly for those people who live in Francis Street. I have friends who live in Francis Street, and it has been horrible for them over a number of years. But now we are going to have the West Gate Tunnel, and there are going to be additional no-truck zones in those Western suburbs areas to keep trucks out of residential areas. That is great for the people of the west, but we need some of those no-truck zones in country Victoria as well.

The West Gate Tunnel is the reason for these no-truck zones being implemented. The West Gate Tunnel is a 4-kilometre toll road that links the West Gate Freeway at Yarraville with the Port of Melbourne and Docklands. The West Gate Tunnel started as a project called the West Gate distributor.

Does everybody remember that? Labor committed to that project in 2013 as an alternative to the east–west link, which they had decided to cancel. They said the West Gate distributor would allow 5000 trucks a day to bypass the West Gate Bridge and go straight to Port Melbourne, and they estimated the cost to be \$680 million – just \$680 million. Labor said they would fast-track that project after winning government. In 2014 Daniel Andrews promised:

[QUOTE AWAITING VERIFICATION]

It will be built within the first term of a Labor government.

Well, here we are, almost in the second half of the third term. That was 10 years ago that he said that. Ten years later the bridge bypass project is still not finished, and of course we know why – because the Westgate distributor was changed to be the West Gate Tunnel, and the budget was multiplied to be eight times more expensive. It was to be \$5.5 billion. Since then the tunnel project has been riddled with notorious cost blowouts and massive delays and was massively mishandled by the then Minister for Transport Infrastructure Jacinta Allan. The original construction cost of the West Gate Tunnel was calculated to be \$5.5 billion, by 2019 it had blown out to \$6.2 billion and by 2022 it had blown out to \$10.2 billion. The tunnel is now \$5 billion over budget and scheduled to be completed three years after the original date. I do not know that anyone actually does believe that it will be finished next year, but that is what the government keeps saying. There is no light at the end of this tunnel; it is just a black hole, a black hole of debt that Victorian taxpayers will be paying off for decades.

The West Gate distributor and then the West Gate Tunnel were conceived as projects to get trucks off the West Gate Bridge, which is perpetually congested. Labor decided that taking those 5000 trucks off the road and bypassing the bridge to get straight to the port was worth spending \$10 billion. Now they are spending \$10 billion on a 4-kilometre tunnel to take 5000 trucks off the road.

Compare that to the value they would have got if they had invested in a bypass of Shepparton. What an idea that would be. We have only been talking about that for 30 years – bypassing Shepparton and getting trucks out of the CBD of Shepparton. In fact, last millennium we decided on the route for that, and there was to be land acquired and there was to be 10 years of habitat re-establishment for some wildlife, but we still have not seen any commitment to building the bypass of Shepparton. The bypass of Shepparton, for the full 36 kilometres of that four-lane bypass, was estimated in 2016 to cost \$1.3 billion. What a bargain compared to the West Gate Tunnel.

There are very large truck movements in and around Shepparton. In fact 25 per cent of all of the state's trucks are registered in the Greater Shepparton district, and they proudly carry our agricultural produce and manufactured goods from the Goulburn Valley out to the rest of Victoria and to the port to go around Australia and overseas. By 2031, 2300 heavy vehicles a day will travel up the Goulburn Valley Highway and through Shepparton. Over 30,000 vehicles a day use the east–west Midland Highway to travel across the causeway between Shepparton and Mooroopna. And again, we need those trucks out of the CBD. The north–south trucks are going via an alternate route, but there are problems with that alternate route that I will talk about later.

But the east–west trucks are still going right through the middle of High Street, Shepparton – 30,000 vehicles a day across the causeway. They need to be taken out of the Shepparton CBD. With those numbers it is clear that Shepparton should be at the top of the list for regional cities that need a bypass to take heavy vehicles around its town centre. The bypass would reduce fuel use and carbon emissions, cut the time and cost of product transportation and make the town centre safer for the residents of Shepparton.

The estimated cost for stage 1 of the Shepparton bypass – the Shepparton people broke it down into stages because we did not think we were ever going to get that full \$1.3 billion for the 36 kilometres to be done at once – which would have provided us with a second river crossing and the opportunity to also have an east–west bypass of Shepparton, taking the trucks out of the CBD on the Midland Highway, was just \$260 million in 2016. The federal government actually committed \$208 million to

deliver stage 1 of the bypass, but the project never got off the ground because state Labor were not interested in funding that bypass or in providing a safer environment for the people of Shepparton.

During the 2022 floods the single existing river crossing was flooded. The causeway was cut off by floods, and the towns of Shepparton and Mooroopna and all the towns on the Mooroopna side of the river, on the western side of the river – Tatura, Ardmona et cetera – were cut off from Greater Shepparton. They were cut off from the hospital and from services. People were unable to get into town for medical treatment or other vital supplies. Some even had to be airlifted to the hospital. So it is vital that we get a second river crossing in Shepparton, and it is vital that our bypass is funded. Is there a better picture to illustrate Labor's neglect of the region than having to airlift people to hospital because the Labor government was too stingy to build the first stage of the Shepparton bypass?

While it was spending over \$10 billion on a tunnel in metropolitan Melbourne – and that is only one of several Melbourne tunnels that Labor is building – a second river crossing in Shepparton would have been incredibly useful for a rapid and efficient emergency response during the floods and also for the vital east–west connections across Victoria. The whole of Victoria was cut off because the Midland Highway could not be accessed between Shepparton and Mooroopna. The crossing that would have been provided by stage 1 of the bypass would have enabled those connections to be open and freight to continue to move throughout our state.

The Goulburn Valley Highway, which is the north–south portion that needs to be bypassed out of Shepparton, actually runs right past the Kialla West Primary School. We know that there was a dreadful accident at the Kialla West Primary School in which a family was injured, and one of those children – that was over five years ago – still has treatment today for some of the injuries that were incurred in that accident. But just past the Kialla West Primary School you turn right onto the Shepparton alternate route. There are another two schools on there already: the Orrvale Primary School, which is only a few metres off to the side on Channel Road, off Doyles Road; and on the northern section of that alternate route on Grahamvale Road, the Grahamvale Primary School. I spoke about that in Parliament this week and about the need for the government to acquire additional land at Grahamvale Primary School, which is landlocked, so that they can actually have a safer drop-off and pick-up point for parents and students.

**Tom McIntosh:** On a point of order, Acting President, I was a little bit distracted, but I am just trying to get the relevance to the bill here?

**Wendy LOVELL:** I was talking about having no-truck zones and the truck zones in Shepparton where we could use no-truck zones as well.

**Tom McIntosh:** So you are looking to have cameras?

**The ACTING PRESIDENT (Jeff Bourman):** Thanks, Mr McIntosh. That was not a point of order, particularly that last bit. But we were talking about roads – that is close enough.

**Wendy LOVELL:** As I said, the government needs to acquire additional land for the Grahamvale Primary School so that they can move their teachers parking out to the back of the school and they can free up the space at the front of the school to have a much safer drop-off and pick-up point for students and for parents during those busy times, so that cars are not parked on the side of a truck route and we do not have students mixing with trucks.

We are about to have a fourth school established on that truck route as well with the Shepparton south precinct plan allowing for an additional school, so there will be four schools on the alternate route through Shepparton. This is the reason we need to get going on the Shepparton bypass immediately – so that we can move those trucks away from the eastern side of Shepparton where those four schools are located across to the western side where the new bypass will go and get the trucks out of High Street as well so that we have much safer shopping centre. During the state election we had our pre-poll just near a pedestrian crossing on High Street, and the amount of trucks that locked up their wheels

as they came up to that pedestrian crossing, because they did not realise they were going to have to stop in the middle of town, was frightening.

We need the bypass funded, and we need the government to look at that now. Rutherglen is another town that could do with some no-truck zones through the middle of their town. The Murray Valley Highway runs right through Main Street in Rutherglen, and Rutherglen have also been advocating for a bypass of their town. Their town is a historic town. It was built in the days of the gold rush. It was built in the days of the horse and cart. We had one death there, a tragic death of a local, this year, and we have also had three other major accidents in Main Street. There are some safety improvements that are going to be made with pedestrian crossings et cetera, but longer term the people of Rutherglen desperately need this government to start planning and to get on with providing a bypass of Rutherglen.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (20:31): It has been a very wide-ranging debate here this evening which has traversed areas of Victoria that have not actually come anywhere close to the inner west. It has really been the uniting factor of roads and of trucks. But that notwithstanding, this is an important bill, particularly as it relates to the use of video analytics and the identification of heavy vehicles and potential offences that are appropriately flagged in order to ensure that we are removing trucks from the inner west. Making sure that we have better public health, better amenity and reduced vehicle movement throughout those growing communities is really important. It is also important to note that there are specific carve-outs and exemptions for, for example, trucks that are using the local area, and that there is capacity for that to be considered as part of the assessment and removal of any fines or infringement notices that might otherwise be issued.

We want to make sure also that the technology that we are using is able to distinguish trucks from other vehicles. This is not dissimilar to the sort of human interface that requires us to identify every picture in a grid that might have a motorcycle on it. This technology will enable us to distinguish between vehicles of one size and another to the extent that they fall within the definition of trucks for the purposes of this ban. It goes well beyond the signs, and it will ensure that we do have that 24-hour truck ban delivered across Francis Street, Somerville Road, Buckley Street, Moore Street, Blackshaws Road and Hudsons Road – again, places where communities live, areas where people want to be able to move around and to do so safely. We do know that the intersection between heavy vehicles and people, cyclists and other road users is often an area of significant risk to safety.

Custom plates were another area that was covered in the debate here today. I have been racking my brains trying to think of something creative with seven letters in it, and the only thing I can think of is OLVOLVO, which would not attract any of the sort of, well, prestige that something like FERRARI would. In any event there are specific approaches to addressing the value of numberplates and the way in which those custom plates can be addressed in being facilitated through the introduction of periodical charges and transfer fees for registration number rights.

Digital drivers licences – they are something which has been exceptionally popular for a range of reasons, and good reasons. They enable people to move around and show a digital ID which is data protected. We do have integrity of that information to guard against cybersecurity risk. And we have recently ticked over 1 million digital drivers licences, so that is about 20 per cent of eligible drivers. We want to make sure also that we do have an opportunity to make minor changes to the Road Safety Act 1986 to formally recognise those digital licences as licence documents for the purpose of this act. Essentially, this makes a clarification or puts to bed any issues around ambiguity as it relates to the standing of the digital drivers licence itself.

We have some miscellaneous amendments around inclusive language updates and infringement fees and what that looks like as far as the delivery of better access to information under the fines review and reform acts and legislation. So it is fair to say that there is a lot of work in this bill that goes to the detail of a better interface between the regulatory framework and the operation and use of our licence system and the road network itself. We also want to make sure that we are in a position to talk about

other matters canvassed by this bill, namely the distinguishing features between presence and impairment as they relate to prescription cannabis.

I am looking forward to the committee stage of this bill. There are some elements of it which really do warrant recognition as the culmination of many, many years of work, a lot of careful discussion in the areas of policy and public health and safety, a careful balancing of rights under the law and the addressing of some longstanding inequities that have been identified as areas that can be improved, where done so, in a measured and evidence-based fashion. On that basis I commend the bill to the house for the purposes of the second-reading debate.

**Motion agreed to.**

**Read second time.**

*Instruction to committee*

**The ACTING PRESIDENT (Jeff Bourman)** (20:36): I have considered the amendments on sheet DE03C, circulated by Mr Ettershank. In my view these amendments are not within the scope of the bill and require an instruction motion pursuant to standing order 14.11 to be considered.

**David ETTERS HANK** (Western Metropolitan) (20:36): I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Road Safety Act 1986 to provide for discretion for a court in cancelling or disqualifying the licence or learner permit of a person who commits an offence against section 49(1)(bb), (h) or (i) of the Road Safety Act 1986 if it relates to the use of a prescription drug which is a legal medicinal cannabis product.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (20:37): It is not the government's usual position to support an instruction motion unless there is an urgency or a compelling justification to do so. I do want to put on the record that Mr Ettershank and Ms Payne, along with their staff, have engaged with the government in good faith on their proposed amendments. We do thank them for the work that they have undertaken and their efforts in producing a report on their proposal, which Mr Ettershank tabled in this place yesterday. Because of these efforts and again a very careful and positive engagement, government offered to find a legislative pathway that allows the reform to be proposed to the Parliament in a timely manner. It is the view of government that the proposed reform did not warrant a separate piece of legislation, given the discrete and niche changes proposed. So the advice therefore is that the proposed amendment is out of the scope of the bill, hence the instruction motion, which the government supports.

**Evan MULHOLLAND** (Northern Metropolitan) (20:38): The opposition's standing practice is to support instruction motions, so we will be supporting it.

**Motion agreed to.**

**Committed.**

*Committee*

**Katherine COPSEY**: I would like the amendments in my name to be circulated now.

**Clause 1** (20:40)

**Katherine COPSEY**: Minister, I have spoken to the purpose of my amendments, and the amendments that I have circulated in two parts this evening. We have had some constructive conversation with your office in formulating these amendments, so thank you very much to you and your team for engaging with my office on these. I have a question in relation to the second of my amendments, which relates to public reporting of the number of fines actually paid and the number of the fines that the regulator withdraws. I wonder, Minister, if you would mind speaking now to what the government's position is in relation to reporting that, and if it is not supported, why?

**Harriet SHING:** Indeed it has been a very productive and collaborative engagement with your office and your team, and this is indeed the purpose of these discussions, particularly as they relate to multiple amendments. I will address the second component of your amendments. Perhaps we can move to the first and the government's position on that, which is I think clearly understood by you.

We support really strong reporting for the enforcement of truck bans in the inner west, and we have worked with you, as you know, to arrive at the first amendment. That provides a suite of metrics that give some real transparency to the community. That will help government to assess the effectiveness of those truck bans, but good reporting actually means reporting on figures that are relevant and that are reliably produced. The number of fines paid within, for example, a one-year period is not in and of itself a good indication of how the truck ban enforcement is actually operating. Fines can in a practical sense often be deferred or delayed, sometimes up to months or years at a time. This can occur for a number of reasons, so information cannot necessarily be consistently sourced in a meaningful way across a reporting period.

However, we will be reporting on the total number of infringements issued, which will measure the total instances of trucks breaching in the no-truck zones, and we will be providing data on the number of infringement notices taken to the Magistrates Court and the outcomes of such proceedings. That enables us to have a really clear picture of how those infringements are being issued and what happens when they are contested.

We also need – and this is something which I know you and your team appreciate – to protect the discretionary powers of the National Heavy Vehicle Regulator to make those really expert decisions as to whether an infringement is withdrawn, for example, for extenuating circumstances. That is again where that discretion has a role to play in all of the circumstances of a particular application for withdrawal. In most of the cases where we do see the discretion being deployed the National Heavy Vehicle Regulator will issue a written warning, and we will be reporting on the number of written warnings that are issued by the regulator.

We do support the really strong rollout of those truck bans in the inner west, and we believe in fact that the first amendment that you have proposed is the most appropriate way to do that. I am happy to provide you with some further detail on fines paid and fines withdrawn if you would like for the sake of the record and this committee stage. Please do stop me if I am going over ground that has been well traversed with you already, but the management of fines and infringement notices is generally the responsibility of Fines Victoria, as many people would know. As such, the Department of Transport and Planning and the National Heavy Vehicle Regulator do not actually hold information about the status of infringement notices once they are registered with Fines Victoria. In most cases those fines are paid in full when they are due, but there can be a range of possible outcomes that flow from that. If the infringement is not contested, recipients can enter into a payment plan, which is available in a range of different configurations, subject to approval of the director of fines reform, or they can refuse to pay. If those fines are not paid, further fees might be added or an enforcement warrant might be issued. The enforcement of the non-payment of infringement fines is within the scope of Fines Victoria and the Sheriff's Office in Victoria. I suspect that there are a number of people around this chamber or who are following along at home who may have had experience firsthand with the way in which this system operates.

However, the status of an infringement notice, such as whether or not it has been paid or contested, is not a relevant factor to assess the efficacy of the use of those cameras and that enforcement in the no-truck zone areas. We will be reporting on the total number of infringements issued, which will measure up the total number of instances of trucks which have been breaching those no-truck zones, and we will also provide data on the number of infringement notices taken to the Magistrates' Court and the outcome of those proceedings, so in an instance where, for example, a fine is contested, additional fees are added, the Sheriff's Office becomes involved or a warrant is issued.

On the matter of fines withdrawn, the National Heavy Vehicle Regulator really does need to be able to have those discretionary powers to decide whether there are extenuating circumstances in place such that an infringement notice should be withdrawn. Reporting on these numbers might give rise to industry flouting the system; for example, where the exercise of discretion forms the basis for a reading into the number of infringements withdrawn as essentially a guide on statistical likelihood of what it might mean to get out of a fine. In most cases where that discretion is invoked the National Heavy Vehicle Regulator, as I said, will issue a written warning, and we will be reporting on the issuing of written warnings issued by that body. That may provide you with a little context in relation to your second amendment, Ms Copsey. Just for avoidance of doubt, the first amendment that you have proposed for reporting, we do support that amendment. As the second amendment stands, on those fines paid and fines withdrawn, we will not, for the reasons I have just outlined, be supporting that amendment.

**Katherine COPSEY:** Thank you, Minister, for that comprehensive answer; it is much appreciated. You mentioned the discretionary power of the national regulator to withdraw fines, and you have mentioned extenuating circumstances. Are there any other grounds on which the national regulator can withdraw fines?

**Harriet SHING:** The types of exemptions are still being decided in partnership between the Department of Transport and Planning and the National Heavy Vehicle Regulator, so this is intended to be done by way of prescribed regulation, and we do want to make sure that we can continue that work to understand the best way in which that process can be pursued. The work that we will do around exempting specific vehicles – it is like garbage trucks and Coles and Woolworths trucks, trucks which are very clearly in an operational function when in those areas where the truck bans are in operation.

We are looking at those big A-doubles and those big B-doubles for the purpose of understanding what truck movements look like through those no-truck zones and making sure that we can identify those vehicles. If you have got a large container vehicle that is coming from the port, for example – a Coles truck, a Woolies truck or a garbage truck that is stopping, for example, to collect household waste – that would then be a relevant part of understanding how they do belong and do have a place on local roads, as distinct from an A-double, a B-double or a container carrying heavy vehicles. That is the sort of thing that is intended to be addressed by this bill, because the fundamental starting point for removing heavy vehicles from the roads is that vehicle – that type of vehicle – which has been compromising safety and amenity and air quality, impacting on the environmental experience of people who call that part of the world home.

**Katherine COPSEY:** Yes, just to confirm the government's intent here: by and large, unless there are extenuating circumstances, the government intends for the National Heavy Vehicle Regulator to regularly apply fines to heavy trucks that are not performing an operational function in local streets and are flouting the truck ban.

**Harriet SHING:** The short answer is yes, but I also just want to say that there will be really extensive engagement, as has already occurred with the Maribymong Truck Action Group in the lead-up to those cameras coming online. This is also about what that community and social licence looks like for the purpose of operationalising this bill. Again, it is about extenuating circumstances relating to the primary purpose for that truck being on a local road as distinct from taking a path which will not have it go through those streets where it will in fact amplify problems that have been identified by residents in the community.

**Katherine COPSEY:** I will ask all my questions at clause 1 – I only have two more. With regard to the increased fees for custom plates, how much additional revenue do you expect to be raised through this, and will the state benefit from any of that additional revenue or will 100 per cent of that go to the private contractor?

**Harriet SHING:** I know that I was a bit lighthearted about it when I did the sum-up – about personalised plates and the fact that I can really only think of OLVOLVO as being an example of a seven-digit custom numberplate. This is about payment for a periodic fee for new custom plates, and this is also something which in the bill provides for the imposition of a new fee for transfer of those registration number rights. The fee is essentially to recover the costs associated with recording the transfer of the rights to the new owner. This is about making sure that we do have an opportunity to not only spread fees across a longer period but also make sure that we have an opportunity for those high-value plates to have, for example, a fee that reflects their value if it is to be sold at auction. If, for example, you have a less prestigious plate than FERRARI – if you do have an OLVOLVO, for example – a periodical fee might then likely be more appropriate. That is kind of like a Netflix subscription, if that helps to make any sense of it.

**Katherine COPSEY:** Finally, with regard to fines reform, which I touched on in my contribution to the second reading, why hasn't the government implemented the Victorian Fines Reform Advisory Board recommendation from 2019? I referred to this recommendation earlier. It is that:

... the *Melbourne City Link Act 1995* and the *EastLink Project Act 2004* and other relevant or new Acts, should be amended to provide toll operators with own motion powers to withdraw tolling-related infringement fines ...

removing the necessity of Victoria Police having final arbitration on that decision and allowing a higher degree of discretion with regard to people in financial hardship. Why hasn't that been addressed in this bill?

**Harriet SHING:** Ms Copsey, this is something which is way beyond my wheelhouse in the context of this particular bill. That might be something that you can most usefully direct to the Attorney-General, as it falls within the scope of her work there. I am very happy to perhaps have a conversation with her and indicate that you have raised this, for the purpose of a response that she might be to provide. But what I would say is that this is not within the scope or the contemplation of this bill, I am afraid.

**David ETTERS HANK:** I am happy to move:

1. Clause 1, page 2, after line 14 insert –

“(va) to provide for discretion for a court in cancelling or disqualifying the licence or learner permit of a person who commits an offence against section 49(1)(bb), (h) or (i) of the **Road Safety Act 1986** if it relates to the use of a prescription drug which is a legal medicinal cannabis product;”.

**Evan MULHOLLAND:** I have just got a couple of quick, friendly questions for Mr Ettershank. Could you explain to me how your amendment will work in practice?

**David ETTERS HANK:** The nature of the amendment is by its essence very modest and very simple. Basically, as the law currently stands, a person who is found to have THC in their blood, for example, at a roadside blood test, is automatically found guilty, and upon appearing in court the magistrate must impose a suspension of six months for a first offence and 12 months for a subsequent offence. All that this does is that where a driver who is picked up can demonstrate that they have a current script for medicinal cannabis, they have the right to appear before a magistrate and use a new clause, which provides those magistrates with discretion. In that situation if the court is satisfied that the person was unimpaired and that they did have that current script, then the magistrate is free to exercise that discretion.

**Evan MULHOLLAND:** Does your amendment change the way that police operate in the field when someone tests positive for THC?

**David ETTERS HANK:** No, other than if the police themselves choose to change their operating procedures.

**Evan MULHOLLAND:** How will an impairment be interpreted? Is there a definition in law?



**David ETTERSHANK:** No.

**Evan MULHOLLAND:** When will the trials be concluded and the results publicly available?

**Harriet SHING:** The road minister announced the trial some time ago. This would be a trial involving 70 drivers, I think. It is not yet confirmed in terms of exact timeframes, but it is looking like around the middle of next year, 2025.

**Evan MULHOLLAND:** No other questions from me. I just state that we will not be opposing this amendment.

**Jeff BOURMAN:** I actually will be opposing Mr Ettershank's amendment but surprisingly not because I necessarily disagree with them. For a long time I have seen a problem. Obviously I have had some practical experience, not in the using part. The problem I see is right at the moment Victoria Police are not trained or equipped to actually determine it without a person having a severe amount of impairment or a machine to determine impairment. What we see is that the field sobriety tests in America are not done widely here. I heard Mr Ettershank on the radio earlier today. I made a call to a serving police officer who knows the traffic laws very well, and they had not heard of it being rolled out. I am not saying it has not, but I think we have put the cart before the horse here. If there was a mechanism to determine impairment before it went to court so that police officers actually had a proper way of determining whether a driver was impaired or not or just had THC in their blood, I would actually support this. But without that I think we are putting the cart before the horse. It ends up just being in front of a magistrate in the end with them making a decision on maybe some observations by the police officer. I just think we are doing this a little early. I think a more appropriate way would be to roll out a proper impairment test so that people are not unfairly targeted for just having THC in their blood.

**The DEPUTY PRESIDENT:** Is that just a statement or did you want an answer?

**Jeff BOURMAN:** Yes, that is just a statement.

**David ETTERSHANK:** I thank Mr Bourman for his comment. I do not think it is particularly material to actually what is before the chamber in terms of this amendment. I also think it is factually incorrect, but we can resolve that later on.

**Katherine COPSEY:** I just want to make a brief statement on Mr Ettershank's amendment as well. The Greens support this amendment, and we welcome this step forward. The amendment provides for a magistrate to have discretionary powers to allow a driver with a medicinal cannabis prescription to keep their licence if that person is tested and cannabis is shown to be present. This is a very sensible interim step providing discretionary powers for a magistrate. We also support the review clause contained within the amendment. These amendments, compared to the task that lies ahead of us in relation to drug law reform, are modest in scope and ambition. But it is an important step forward, nonetheless. We congratulate Legalise Cannabis and the government for the productive discussions, clearly, that have led to this step.

The Greens look forward to the findings of the Swinburne University of Technology's closed-track study on cannabis and driver impairment when that is released, and we trust that those findings will likely mirror many other similar studies, demonstrating beyond doubt that prescribed medicinal cannabis does not necessarily impair a person's ability to drive.

We have got, as I said, a lot more work to do in the drug law reform space. The Greens have been on record for decades in support of drug law reform. Regarding cannabis, our current policies include legalising and regulating the sale and consumption of cannabis in Victoria. Our plan has been costed by the Parliamentary Budget Office, which found that if cannabis was regulated and taxed at a rate of 30 per cent, broadly how we deal with alcohol sales, it would generate \$1.21 billion in revenue over 10 years. Our policy is a recognition that decades of prohibition have failed and it is clear that low-

level drug offences unnecessarily drive up prison populations at great cost to both the state and the community.

The issue that has been identified through presence testing is having a real impact on individuals and community members at the moment, when in fact there is, in many cases, potentially not a great ill that is being avoided by people having their licences removed and in fact it is contributing to continuing stigma and difficulties for users of medicinal cannabis that are manifestly unwarranted. We congratulate Legalise Cannabis for this important step forward, and we look forward to, as Mr Bourman noted in his contribution, further progress on making sure that it is actually impairment that we are looking to measure. As you said, Mr Ettershank, there is more work to be done on that. We hope it happens soon. The Greens will continue to advocate for an evidence-based public health approach to this policy area.

**Harriet SHING:** Mr Ettershank, I have got a number of questions for you in relation to the amendment, and once that is concluded I will make a couple of remarks before I sit down. Obviously we have been clear about the amendment being acceptable to government. I put that on the record in the course of the instruction motion contribution I made earlier. I would be keen on understanding who you consulted with in the development of this proposal. Obviously this matter has been carefully considered in the Parsons process, in a range of other reports and inquiries and in a range of other jurisdictions. This is not a subject matter that is being newly traversed; rather it has a very, very extensive history that has, again, formed the basis of much of your advocacy not just since being elected but well prior to it.

There is the consultation in the development of this particular proposal, the work around the distinguishing features between presence and impairment – you and I have spoken about that in a range of different contexts from contractual through to industrial through to public safety as it relates to roads – but then also who has the onus of proof in establishing the presence of THC is as a result of medicinal cannabis. Again, there is an intricacy there, particularly where it may overlap with recreational use or use beyond what the volume of use prescribed has been or the way in which that use has taken place.

**David ETTERS HANK:** I thank the minister for her question. Could I first of all just acknowledge that we did not undertake the consultations. Following the resolution of the Legislative Council in July the task of consultation was put forward, and I would just like to acknowledge the extraordinary work undertaken by Mr Tony Parsons and his colleague –

**The DEPUTY PRESIDENT:** Mr Ettershank, sorry, you are not supposed to comment on the gallery.

**David ETTERS HANK:** My apologies – the extraordinary work that was undertaken in the consultation process. By way of identifying who was consulted, broadly the consultees were drawn from five discrete pools: in terms of the judiciary there were, firstly, the Honourable Justice Lisa Hannan, the Chief Magistrate of the Magistrates' Court of Victoria, and secondly, Judge John Cain, the State Coroner of the Coroners Court.

From within the legal fraternity there were Colin Mandy SC, vice-president of the Victorian Bar; Sarah Keating, the honorary Treasurer of the Victorian Bar; Sally Flynn KC, chair of the Criminal Bar Association; Sam Andrianakis, a consultative member of the Criminal Bar Association; Adam Awty, the chief executive officer of the Law Institute of Victoria; Donna Cooper, the general manager of policy, advocacy and professional standards of the Law Institute of Victoria; Jarrod Behan, the co-chair of the criminal law section of the LIV; and Amity Mara, the manager of policy, advocacy and projects at the Fitzroy Legal Service.

From the law enforcement community there was Mr Wayne Gatt, the chief executive officer of the Police Association Victoria.

From the medical and social sphere there were Dr Jill Tomlinson, the president of the Australian Medical Association Victoria; Lewis Horton, the policy manager of the Australian Medical Association Victoria; Mr Jarrod McMaugh, the state manager of Victoria for the Pharmaceutical Society of Australia; Ms Juanita Pope, the chief executive officer of the Victorian Council of Social Service; and Chris Christoforou, the chief executive officer of the Victorian Alcohol and Drugs Association.

On the policymakers front, there was consultation with Mr Marcelo Vidales, the head of Road Safety Victoria, Department of Transport and Planning.

I would also note that the Chief Commissioner of Police Mr Shane Patton was invited to consult. He declined, and I believe he stated publicly on ABC radio that change in this area is the responsibility of government and the responsibility of the police is to enforce the law.

Minister, I think there was a second part to your question.

**Harriet SHING:** Thank you, Mr Ettershank, for that extensive list. Again, this is an area where ongoing discussion has been part of the process to inform the trials of road safety and road use in those areas which are, again, contained for the purpose of understanding what driver behaviour looks like in circumstances where there is medicinal cannabis use. I also note that that has been a longstanding process of discussion and engagement which may well include additional people or organisations beyond the scope of that work. The second question I had was in relation to the onus of proof and who bears that onus to establish the presence of THC as a consequence of medicinal cannabis.

**David ETTERS HANK:** The proposed amendment does not in any way change the elements of the offences or the standard of proof for proving the offences. It remains an offence to drive while impaired, and it remains an offence to drive with THC in your system. All this amendment does is introduce sentencing discretion for someone found guilty of having THC in their system. It is expected that the driver would have the ability to demonstrate to the police officer or subsequently to a magistrate that they have a current medicinal prescription. This might take the form of a prescription, a letter of authority from the prescribing doctor or the container in which the medicinal cannabis was dispensed, which includes dates for dispensing as well as the expiry date for the prescription, along, obviously, with matching and relevant ID.

**Harriet SHING:** Further to that point, who will establish, then, in the context of the materials and considerations relevant to use and in the application of principles to the defence that might be applied in the exercise of a discretion by a magistrate, that the medicinal cannabis in question has been taken in accordance with the prescription? Again, how is that link created between prescription use in accordance with the prescription as administered – to the point that you just made earlier – and how will that inform decisions around the validity or the application of a defence, as distinct from other circumstances where cannabis may have been used and may then have also constituted a basis for impairment for consideration by the courts or by police?

**David ETTERS HANK:** I fear my answer will be significantly shorter than your question. Prima facie proof is that the person has a current script, that any explanation given is consistent with the directions on the script and that there is no evidence to the contrary.

**Harriet SHING:** Thank you, Mr Ettershank. You do set quite a clip in terms of the pace at which I should be proceeding with this committee stage. I will head straight into the next one. Will the driver be required to drive not only in accordance with the prescription but also in compliance with any additional instructions that may apply? There was an example of this not in relation to medicinal cannabis but another drug being used by a driver on, I think, the interview just after you appeared on radio this morning, Mr Ettershank. So if, for example, the doctor prescribes a period within which someone should not drive, I would be keen to understand the application of those rules and any waiting periods, for example, that may have an impact if they are not followed according to the directions of a treating practitioner.

**David ETTERS HANK:** This amendment empowers a magistrate to take someone's licence but also gives them discretion not to. If it is apparent on the facts of the case that the driver has not acted in accordance with, for example, the doctor's wait period, I would expect that in those circumstances the magistrate may take their drivers licence.

**Harriet SHING:** I am also after some detail on whether consideration will be given to medicinal cannabis users – patients – being required to maintain, for example, a zero blood alcohol status. Again, a combination of factors can contribute to impairment. It is not simply the use of or the ingestion of or exposure to one substance that may well give rise to impairment. Again, we know that concentration span and capacity to respond to imminent risk is affected by a range of factors on our roads, so it is speed, it is fatigue, it is mobile phone use and distraction, and to that end I would be interested in knowing whether, in this example, consideration is relevant for the purposes of a zero blood alcohol reading.

**David ETTERS HANK:** It may be that this question of blood alcohol or other extenuating circumstances may arise from the findings of the successful completion of the government's closed track driving trial. However, in terms of what we have put before the chamber, this is very simple: it is simply an interim measure that purely addresses judicial discretion.

**Harriet SHING:** Yes, the progress of those trials will be something which no doubt we will all be watching very carefully and for good reason. Finally, Mr Ettershank, which may come as some relief to you, I am keen to understand whether this discretion will undermine the purpose of these offences in the context of road safety, again, where the primary purpose of road safety is to minimise, mitigate or otherwise reduce to zero, where that is possible, risk to safety of road users or to people adjacent to road and related environments.

**David ETTERS HANK:** I will keep it fairly narrow. The answer is, simply, absolutely not. It does not affect what is an offence or how the offence is constructed. Just remember that giving a court discretion not to take a licence does not mean that they will not take a drivers licence when it is appropriate to the facts of the case. They absolutely will.

**Harriet SHING:** That is very, very helpful, and thank you for answering the government's questions in this regard. Again, it underscores the importance of the work that has been done and the careful nature of the way in which it has been prepared. Again, I reconfirm the government's support for the amendment as you have put it and gratitude to everybody who has been involved in its preparation.

**Amendment agreed to; amended clause agreed to.**

**Clause 2 (21:18)**

**David ETTERS HANK:** I move:

2. Clause 2, line 6, omit "subsection (3)" and insert "subsections (2A) and (3)".
3. Clause 2, after line 8 insert –  
“(2A) If Division 6 of Part 2 does not come into operation before 1 March 2025, it comes into operation on that day.”.
4. Clause 2, line 9, after “this Act” insert “(other than Division 6 of Part 2)”.

**Harriet SHING:** We are fine with that, Mr Ettershank.

**Amendments agreed to; amended clause agreed to; clauses 3 to 9 agreed to.**

**New clause 9A (21:19)**

**Katherine COPSEY:** I move:

1. Insert the following New Clause to follow clause 9 –

**9A New section 99D inserted**

After section 99C of the **Road Safety Act 1986** insert –

**“99D Reporting incidence of camera detected no-truck zone offences**

- (1) As soon as practicable after the end of each calendar year elapsing during the reporting period, the Minister must cause to be published on the Department’s Internet site the following information in respect of that year –
- (a) the number of heavy vehicles detected in a no-truck zone by a prescribed no-truck zone camera; and
  - (b) the number of alleged camera detected no-truck zone offences for which an official warning was served; and
  - (c) the number of alleged camera detected no-truck zone offences for which an infringement notice was served; and
  - (d) of the alleged camera detected no-truck zone offences for which a proceeding was commenced in a court, the number within each of the following classes –
    - (i) a penalty was imposed;
    - (ii) a community correction order was imposed;
    - (iii) any other sentence was imposed;
    - (iv) the accused in the proceeding was found not guilty of an offence against section 65BA(1);
    - (v) the proceeding was withdrawn or dismissed for any reason; and
  - (e) the number of alleged camera detected no-truck zone offences to which an exception under section 65BA(2) applied; and
  - (f) the prescribed matters (if any).
- (2) In this section –
- camera detected no-truck zone offence* means an offence against section 65BA(1) detected by a prescribed no-truck zone camera;
- community correction order* has the same meaning as in section 3(1) of the **Sentencing Act 1991**;
- official warning* has the same meaning as in section 3(1) of the **Infringements Act 2006**;
- reporting period* means the period of five calendar years commencing on 1 January following the day on which this section comes into operation.
- (3) This section is **repealed** on the seventh anniversary of the day on which it comes into operation.”.

The function of this amendment, as I spoke to briefly during my second-reading contribution, is simply to require public reporting of the camera enforcement scheme. Amendment 1 requires public reporting on an annual basis of the number of heavy vehicles detected in the no-truck zone and the number of offences for which an official warning was served, an infringement notice was served, a court proceeding was commenced or exemptions were given.

We have sought to have this public reporting because we know that these truck bans have been campaigned for for many years by the community. We believe it will provide comfort to know that this enforcement is occurring. It will also, we believe, lead to efficacy of the enforcement scheme as it is seeing the number of vehicles that are being fined, and in addition it will enable us to monitor trends over time in a public sense, which we hope will be very welcomed.

**Harriet SHING:** I apologise – I am about to disappoint you with a little bit of detail here. Thank you, Ms Copsy, for moving this amendment. We do support, as I indicated earlier, this first amendment that you have proposed.

The legislation is essentially about upholding the promise and the commitment that we have made to communities in the inner west. Obviously, we have growing communities. We have density, but we

also have issues around heavier vehicular truck movements, which have been the subject of a lot of advocacy, and strident advocacy, over many years, for example, from the Maribyrnong Truck Action Group. We want to make sure that we are taking trucks, those heavy vehicles – again, not your Coles or Woolies trucks, not your garbage trucks but those bigger A- and B-doubles and container trucks – off local residential roads. So trucks will be banned, as I said in my sum up, on key roads – Francis Street, Somerville Road, Buckley Street, Moore Street, Blackshaws Road and Hudsons Road. They are not just names on a map; they are areas that people live in, work in and cross routinely. This is about road safety and about peace and amenity. This is something that we know will improve safety, it will reduce noise and it will improve air quality. As we know, there are many studies around the impact of poor air quality for people in and around those inner west areas where those truck movements are densest.

But we also know that a ban is only as effective as its enforcement, so that is where we do need strong reporting, and you quite rightly pointed that out. It has been, I think, and again to my point earlier, a really productive exercise to work with you to ensure that the first five years will have yearly reporting that details the full picture of trucks in the inner west, and that is a really important part of that change and what it looks like in terms of reporting, to understand what the impact looks like and what the exercise of enforcement looks like. We will report on the total number of trucks travelling in no-truck zones, the number of trucks in breach of those no-truck zones, the number of infringements issued and the number of infringements taken to court.

I went to the detail in amendment 2 that you proposed as to why fines withdrawn or otherwise not pursued within a certain time was not a feasible process, but we know that not all trucks should be banned from local streets. Again, we have talked about that earlier, but we want to make sure those exemptions are carefully worked through, again, deploying really contemporary technology in order to understand the distinction between those larger vehicles and the smaller vehicles that are there for a purpose related directly to that area where they are travelling. We will report on the number of those trucks so that the community has some really robust data that demonstrates how the truck bans are working, and so we do support your amendment 1. Thanks, Ms Copsey.

**Evan MULHOLLAND:** The Liberals and Nationals will not be supporting this amendment.

**New clause agreed to.**

**New clause 9B (21:24)**

**Katherine COPSEY:** I move:

2. Insert the following New Clause before Division 2 of Part 2 –

**‘9B Reporting incidence of camera detected no-truck zone offences**

After section 99D(1)(c) of the **Road Safety Act 1986** insert –

- “(ca) of the alleged camera detected no-truck zone offences for which an infringement notice was served, the number within each of the following classes –
- (i) the infringement penalty was paid;
  - (ii) the infringement notice was withdrawn for any reason;
  - (iii) a proceeding was commenced; and”.

As I stated earlier, we thank the government for their support in relation to the further reporting that we have sought. The Greens will be pursuing this second amendment, which would have the effect of publishing along with that reporting the number of fines actually paid and the number of fines that the regulator withdraws. The purpose that we are seeking to move this amendment for is again for the comfort of the community, so that they know that the enforcement mechanism is working as planned and that trucks that do the wrong thing, essentially, are receiving fines. The reason that the Greens are seeking the information around the number of fines that the regulator withdraws is because if there is a systemic pattern of withdrawal of a significant number of fines, we think that that would point to a

gap in the scheme that the government would wish to rectify. I understand the minister's comments earlier – we may have a different view on the effect of this amendment – but nonetheless the Greens think it would be a useful amendment that would support not only the viability of the enforcement but also the community's confidence in that enforcement. On that note, I want to thank the Maribyrnong Truck Action Group for their liaison with my office and their support and communication in helping us to develop these amendments.

**Harriet SHING:** Thanks, Ms Copsey. We have gone through this detail in the course of discussions on the earlier clause. Again, thank you for putting the rationale for this process and what it seeks to achieve. The government will not be supporting this amendment for the reasons that have already been stated. I am happy to go over them again, but you were here in the chamber, so I suspect you do not need to be subjected to that additional detail a second time.

**Evan MULHOLLAND:** For similar reasons to the government's, the Liberals and Nationals will not be supporting this amendment.

**New clause negatived; clauses 10 to 42 agreed to.**

**New clauses (21:27)**

**David ETTERS HANK:** I move:

5. Insert the following New Division to follow clause 42 –

**'Division 6 – Use of a prescription drug which is a legal medicinal cannabis product**

**42A Definitions**

In section 3(1) of the **Road Safety Act 1986**, in the definition of *drug-driving infringement*, after "(1E)" insert "or (1F)".

**42B Provisions about cancellation and disqualification**

- (1) In section 50(1E) of the **Road Safety Act 1986**, for "On convicting" substitute "Subject to subsection (1F), on convicting".
- (2) After section 50(1E) of the **Road Safety Act 1986** insert –
- "(1F) If an offence under section 49(1)(bb), (h) or (i) is in relation to the use of a prescription drug that is a legal medicinal cannabis product by a person in accordance with a prescription or other authority, on convicting the person, or finding the person guilty of an offence under section 49(1)(bb), (h) or (i) –
- (a) subsection (1E) does not apply; and
- (b) the court may, if the offender holds a driver licence or learner permit, cancel that licence or permit and, whether or not the offender holds a driver licence or learner permit, disqualify the offender from obtaining one for –
- (i) in the case of a first offence, a period not less than 6 months; and
- (ii) in the case of a subsequent offence, a period not less than 12 months."

**42C Previous convictions**

In section 50AA of the **Road Safety Act 1986** in item 4 of the Table, for "and (1E)" substitute ", (1E) and (1F)".

**42D New section 58BA inserted**

After section 58B of the **Road Safety Act 1986** insert –

**"58BA Review of amendments made by Division 6 of Part 2 of the Roads and Roads Safety Legislation Amendment Act 2024**

- (1) The Minister must cause a review to be conducted of the operation of the amendments made to this Act by Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.
- (2) The review must be commenced after the second anniversary of the commencement of Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.

- (3) The Minister must cause a copy of the review to be laid before each House of the Parliament no later than 3 years after the commencement of Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.”.

Just briefly, this clause simply puts in a statutory review provision for the amendment. I might just use that as emblematic of the extremely productive discussions we have had over an extended period with the government, with a number of ministers, and can I also add to that today with Mr Battin and Mr O’Brien from the other place. Can I just say that in all of these discussions, the candour and the shared spirit to resolve what I think we all recognise is a very thorny problem has resulted in an outstandingly good outcome, and Legalise Cannabis really appreciates the collaboration and the support in addressing that issue.

**Harriet SHING:** Thank you, Mr Ettershank. I do not want to say that we are trading platitudes tonight, but we do support the work that you have done in relation to the review period, and again, it is an important process that we have just undertaken in order to see those safeguards into the bill as amended and to see that that will interface with the work of the trials and the way in which we can have a process of education as well as introduction and implementation.

**Evan MULHOLLAND:** You will often see the Liberals and Nationals moving statutory reviews as part of different pieces of legislation. We think it is a good way of making sure we have got something right or we can fix things along the way. Likewise I know our team, Danny O’Brien and Brad Battin both very much appreciated having the opportunity to chat things through. So we will not be opposing this.

**New clauses agreed to; clauses 43 to 51 agreed to.**

**Reported to house with amendments.**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:31): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:31): I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The DEPUTY PRESIDENT:** Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

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

*Introduction and first reading*

**The DEPUTY PRESIDENT** (21:31): 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 amend the **Dairy Act 2000**, the **Food Act 1984**, the **Meat Industry Act 1993** and the **Seafood Safety Act 2003** and for other purposes.’



**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:32): 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) (21:32): 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 Agriculture and Food Safety Legislation Amendment 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**

The Bill seeks to:

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

#### **Human rights issues**

The following rights are relevant to the Bill:

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

#### ***Right to privacy***

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

#### ***Information sharing***

Clause 26 of the Bill substitutes s 57 of the Meat Industry Act to amend the confidentiality requirements in the Act so that official persons, such as current or former members or employees of PrimeSafe, or current or former inspectors, may disclose information that they received about a person when exercising a power or performing a function under the Meat Industry Act or the Seafood Safety Act, in certain circumstances.

Accordingly, by allowing for the disclosure of what may be personal information, clause 26 engages the right to privacy under s 13(a) of the Charter.

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

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

### ***Right to a fair hearing***

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests.

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

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

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

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

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

The exercise of these powers occurs without a hearing, and is therefore relevant to this right. I am satisfied, however, that the fair hearing right is not limited, because the existing provisions of the Seafood Safety Act (s 14(1)) include written notice requirements of the ground for the decision to exercise the Authority's mandatory power. Further, section 18 of the Seafood Safety Act affords adequate procedural fairness before a licence may be suspended or cancelled, including notice requirements and an obligation to afford a reasonable opportunity to the licensee to make written submissions in the event their licence is to be cancelled or suspended. The licensee or applicant will also have a right of judicial review of the decision. Finally, a seafood safety licence is a privilege that is voluntarily applied for and attracts special responsibilities and duties. The ability to suspend or cancel a licence due to a failure to comply with its requirements and conditions is an important regulatory function that protects the integrity and safety of the seafood industry.

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

***Right to be presumed innocent***

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

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

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

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

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

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

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

Should the right to the presumption of innocence in fact be limited by these provisions, I am of the view that any limitation is reasonable and demonstrably justified, in that it is a proportionate measure to the legitimate purpose of the offences, which is to ensure the compliance of bodies corporate with food safety standards and to protect public health and safety. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where regulatory offences may cause harm to the public.

**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) (21:32): I move:

That the bill be now read a second time.

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

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

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

**Amendments to the Meat Industry Act**

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

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

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

**Amendments to the Seafood Safety Act**

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

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

**Amendments to the Dairy Act**

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

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

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

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

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

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

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

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (21:33): I move:

That debate be adjourned for one week.

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

### **Duties Amendment (More Homes) Bill 2024**

#### *Introduction and first reading*

**The PRESIDENT** (21:33): 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 amend the **Duties Act 2000** to introduce a temporary concession from duty for newly constructed dwellings in strata subdivisions and for other purposes.'

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:33): 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) (21:33): 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 Duties Amendment (More Homes) Bill 2024:

In my opinion, the Duties Amendment (More Homes) Bill 2024, as introduced to the Legislative Council, is compatible with the human rights as set out in the Charter. The provisions of the Duties Amendment (More

Homes) Bill 2024 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.

**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) (21:34): I move:

That the bill be now read a second time.

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

The Duties Amendment (More Homes) Bill 2024 amends the Duties Act 2000 to introduce a new temporary off-the-plan land transfer duty concession for purchases of eligible apartments and townhouses, for contracts entered into from 21 October 2024 for 12 months. The new concession will be available to off-the-plan purchasers of dwellings within a strata subdivision, and will allow purchasers to deduct 100 per cent of the construction costs incurred on or after the contract date, for the purposes of determining the dutiable value of the purchaser's property.

The new concession will encourage more off-the-plan purchases of apartments and townhouses by providing a land transfer duty benefit to purchasers, including investors, who are not eligible for existing off-the-plan concessions that are currently available for first home buyers and owner-occupiers. The existing off-the-plan concessions for first home buyers and owner-occupiers will continue to apply. The new off-the-plan concession will be available for a 12-month period commencing from 21 October 2024.

I commend the bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (21:34): On behalf of my colleague Mr Mulholland, I move:

That debate be adjourned for one week.

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

**Education and Training Reform Amendment Bill 2024**

*Introduction and first reading*

**The PRESIDENT** (21:34): 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 amend the **Education and Training Reform Act 2006** in relation to regulatory and enforcement matters and for other purposes.'

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:34): 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) (21:35): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Education and Training Reform Amendment 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**

The Bill aims to expand and strengthen the regulatory powers of the Victorian Registration and Qualifications Authority (**VRQA**) and streamline administrative processes for the VRQA, other entities in the Education and Skills and TAFE portfolios, the entities the VRQA regulates, and school principals.

The Bill will amend the *Education and Training Reform Act 2006* (the **Act**) to:

- increase maximum penalties for carrying on or conducting an unregistered school or school boarding premises;
- expand the scope of matters in relation to which the VRQA may accept an enforceable undertaking from certain providers;
- allow the VRQA to consider whether an applicant for registration or re-registration as a registered training organisation (**RTO**) under the Act, or a high managerial agent of the applicant, has ever failed to comply with the Child Safe Standards, regardless of whether the VRQA is the integrated sector regulator for the applicant;
- enable the VRQA to issue a notice to produce or notice to comply to entities that it has reasonable cause to believe are required to be regulated;
- remove the show cause process that the VRQA is required to comply with where cancellation of the registration of a non-Government school or non-government school boarding premises is voluntary, or where the school or school boarding premises has ceased to operate;
- clarify the VRQA's information sharing powers;
- provide that school principals may nominate other persons to make work experience arrangements and structured workplace learning arrangements to relieve the burden on principals;
- standardise provisions in relation to board appointments; and
- standardise the resignation requirements for Governor in Council appointed members of various boards.

**Human Rights Issues**

The following rights are relevant to the Bill:

- Privacy and reputation (s 13)
- Fair hearing (s 24)
- Presumption of innocence (s 25(1))
- Protection from self-incrimination (s 25(2)(k))

Ultimately, in seeking to strengthen the compliance and enforcement powers of the VRQA in respect of schools and other entities with required standards, including the Child Safe Standards, the Bill promotes the protection of children under s 17(2) of the Charter.

***Rights to privacy***

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

*Information sharing*

Clause 34 of the Bill substitutes new s 4.9.4, and inserts new ss 4.9.4A and 4.9.4B into the Act, which clarify the VRQA's information sharing powers, putting beyond doubt that the VRQA may disclose to specified persons or bodies any information that is relevant to the performance of functions of the specified persons or bodies without first receiving a request in writing. New ss 4.9.4A and 4.9.4B set out respectively that the VRQA may request from specified persons or bodies, information relevant to determining if schools or school boarding premises are complying with the relevant minimum standards for registration under the Act, and the Secretary may disclose information to the VRQA, a Commonwealth Department, or a body equivalent to the VRQA in another jurisdiction, where that information pertains to a breach of, or failure to comply with a government training contract for a RTO. These powers are already provided for in the Act at current s 4.9.4.

While these information sharing provisions engage the right to privacy in the Charter, given that personal or sensitive information, including related to children, may continue to be shared between agencies under these powers, I am of the view that the right is not limited. Any disclosure of information is pursuant to a properly circumscribed law that is precise and not arbitrary. The information that must be shared must be relevant to limited and legitimate purposes pertaining to the regulation of education providers, and the provisions are a reasonable measure that seeks to ensure that providers meet legal obligations, including minimum standards that foster a safe learning environment for children and young people. The VRQA must also act compatibly with the right to privacy and give proper consideration to privacy when determining the scope of an information request made pursuant to these provisions.

I am therefore satisfied that clause 34 is compatible with the Charter.

*Notices to produce*

Clause 51 of the Bill amends s 5.8.10 to expand the scope of the VRQA's powers to issue a notice to produce documents or information. Clause 51 provides that the VRQA may issue a notice to produce to a person, body or school if the relevant document or information is required for the purposes of determining whether that person, body or school is required to be registered or approved under the Act. The VRQA may apply to the Magistrates Court or County Court under current s 5.8.11 for a declaration that the person or body has failed to comply with the notice to produce without reasonable excuse. The Court may then make orders requiring the person, or body, to pay a civil penalty or granting an injunction.

The expansion of powers relating to notices to produce in the Act is relevant to the right to privacy, as these amendments may require personal information, including information relating to children, to be produced by a person, school or other body. I am of the view, however, that the privacy right under the Charter is not limited by clause 51, as notices to produce will be issued pursuant to a properly circumscribed law, to regulated persons and entities for the specific and legitimate purpose of ensuring that relevant persons, bodies or schools are properly registered under the Act and are therefore appropriate institutions to be providing education and other services to children and young people.

*Fair hearing*

Section 24(1) of the Charter relevantly provides that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

*Notices to comply and notices to produce*

Clause 54 of the Bill amends s 5.8.18 of the Act to expand the powers of the VRQA to give a notice to comply to a person or body if they reasonably believe that the person or body is conducting a school or school boarding premises, or providing relevant education services, while not registered or approved to do so under the Act. Clause 55 amends s 5.8.19 of the Act to provide that the VRQA may then apply to the Magistrates Court or County Court for a declaration that the person or body has failed to comply with the notice to comply. The Court may then order that the person or body pay a civil penalty or grant an injunction. Clause 58 of the Bill expands the offence in s 5.8.22 of the Act of 'failure to comply with a notice to comply' to apply to persons or bodies to whom notices to comply may now be issued.

The notice to comply provisions of the Bill, along with the notice to produce provisions outlined above, are relevant to the fair hearing right, as they may impact a person's rights by requiring them to 'do' or 'not do' a certain thing, and in the case of notices to produce or notices to comply, may be imposed unilaterally on a



person. Consequences of non-compliance with these measures also include court-ordered civil penalties and injunctions following an application by the VRQA, and criminal liability may attach for failure to comply.

However, in my view, the fair hearing right is not limited by these provisions. This is because procedural fairness safeguards are already included in the Act, and which operate together with the mechanisms expanded by the Bill. These include judicial supervision of the enforcement of notices to produce or comply, appeal rights to VCAT under s 5.8.32 of the Act, and the provision under s 5.8.24 of the Act of an official warning in respect of a breach of a notice to produce or comply, or the possible commission of an offence. The Act also has detailed content requirements for notices to produce and comply, including in relation to the conduct that has prompted the issue of the notice, and the potential penalties or enforcement action that might be taken for non-compliance. Further, if the VRQA applies for a court order following non-compliance with a notice to produce or notice to comply, current s 5.8.23 of the Act provides that the VRQA must not commence criminal proceedings for offences under the Act for failure to comply with the notice.

I am therefore satisfied that the compliance and enforcement mechanisms expanded by the Bill are compatible with the fair hearing right under the Charter.

#### ***Right to be presumed innocent***

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

#### ***Failure to comply offence***

Clause 58 of the Bill amends s 5.8.22 of the Act to extend the offence of ‘failure to comply with a notice to comply’ to any ‘person or body to whom a notice to comply is issued, which has been expanded by clause 54 of the Bill. This offence also contains a reasonable excuse defence and current s 5.8.22(2) provides that it is a reasonable excuse if the person took all actions that were reasonable for them to take in the circumstances, and believed on reasonable grounds that they were unable to comply with the notice. Subsection 5.8.22(3) then provides that a reasonable excuse would include taking the action specified in the notice would tend to incriminate the person.

By creating a ‘reasonable excuse’ defence, the expansion of this offence is relevant to the right to the presumption of innocence, in that it places an evidential burden on the accused, by requiring them to raise evidence of a reasonable excuse, namely that they took all actions that were reasonable, and believed on reasonable grounds that they were not able to take the relevant action to comply with the notice to comply.

However, this offence does not transfer the legal burden of proof. As it is a summary offence, s 72 of the *Criminal Procedure Act 2008* will apply to deem this an evidential burden. Once the accused has pointed to evidence of matters that may establish a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused.

Accordingly, I do not consider that an evidential onus of this kind limits the right to be presumed innocent and clause 58 of the Bill is therefore compatible with the right to be presumed innocent under s 25(1) of the Charter.

#### ***Right against self-incrimination***

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

#### ***Notice to produce***

As outlined above, clause 51 expands the VRQA’s power to issue a notice to produce information or documents under s 5.8.10 of the Act. The compulsory production of documents or information may interfere with the right against self-incrimination, as a person might be forced to provide information or documents that might contain incriminating material.

At common law, the High Court has held that the protection accorded to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are brought into existence to comply with a request for information. The compulsion to produce pre-existing documents that speak for themselves is in strong contrast to testimonial oral or written evidence that is brought into existence as a direct

response to questions. Accordingly, any protection afforded to documentary material by the privilege is limited in scope and not as fundamental to the nature of the right as the protection against the requirement that verbal answers be provided.

Importantly, the relevant offence provision in the Act, s 5.8.15, contains a ‘reasonable excuse’ exception or defence, and expressly provides at subsection (3) that it is a reasonable excuse for a person not to produce documents or information if they would tend to incriminate them. Accordingly, a person may decline to provide documents or give information where doing so would tend to incriminate them.

In view of the protection against self-incrimination in current s 5.8.15 of the Act (and maintained by clause 51 of the Bill), and given the limitations of the privilege against self-incrimination at common law as it relates to pre-existing documents, I am of the view that the right against self-incrimination is not limited by clause 51 of the Bill.

**Hon Gayle Tierney MP**  
**Minister for Skills and TAFE**  
**Minister for Regional Development**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:35): I move:

That the bill be now read a second time.

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

Today, I introduce a Bill to amend the *Education and Training Reform Act 2006* (Act) to improve the regulation of schools and other educational institutions across our state.

The Bill contains a suite of reforms to the Act, including to strengthen the compliance and enforcement powers of the Victorian Registration and Qualifications Authority (VRQA). By providing the VRQA with the powers it needs, we are making it harder for unregistered or non-compliant schools to fall through the cracks to help ensure students get the safe and high quality education they deserve.

The Bill will also allow school principals to nominate others to make work experience arrangements and structured workplace learning arrangements, easing the administrative burden on principals and allowing them to focus their energy on running schools.

This Bill will specifically amend the Act to:

- (a) remove the show cause process where cancellation of the registration of a non-Government school or non-government school boarding premises is voluntary, or the school or school boarding premises has ceased to operate; and
- (b) increase the maximum penalties for carrying on or conducting an unregistered school or school boarding premises; and
- (c) clarify that the VRQA may share information, including documents, with a prescribed person or body without receiving a written request; and
- (d) enable the VRQA to issue notices to produce and notices to comply to a person, body or school that the VRQA has reasonable cause to believe is required to be regulated; and
- (e) expand the scope of matters in relation to which the VRQA may accept an enforceable undertaking from a non-school senior secondary and foundation secondary provider, an institution approved to provide courses to overseas students, or an institution approved to operate a student exchange program; and
- (f) amend various references to ‘days’ in various parts of the Act to improve consistency of terminology; and
- (g) enable principals to nominate other persons to make work experience arrangements and structured workplace learning arrangements in accordance with any Ministerial Order; and
- (h) standardise and streamline provisions relating to the appointment, fixing of remuneration and fees, and resignation of members of boards; and
- (i) allow the VRQA to consider whether an applicant for registration or re-registration as a registered training organisation (RTO), or a high managerial agent of the applicant, has ever failed to comply with the Child Safe Standards, regardless of whether the VRQA is the integrated sector regulator for the applicant; and

- (j) make various minor and technical amendments to improve the operation and clarity of the Act.

### Summary of the Bill

#### *Issuing notices to produce and notices to comply*

The Bill will give the VRQA the power to:

- issue a notice to produce a document or information that the VRQA reasonably believes is necessary to determine whether a person or body is engaging in conduct in respect of which they are required to be regulated by the VRQA under the Act; and
- issue a notice to comply to a person or body that the VRQA has reasonable cause to believe is required to be regulated by the VRQA under the Act, requiring the person or body to either apply for registration or approval under the Act or cease engaging in the relevant conduct.

These powers provide the VRQA with the ability to adequately deter providers, including schools and school boarding premises, that it has reasonable cause to believe are required to be regulated from operating without registration or approval. Currently, the VRQA does not have the power to require such providers to produce information or documents, which potentially puts the health, safety and wellbeing of students in attendance at risk. By filling this gap, the Bill will help ensure providers such as schools and school boarding premises which should be regulated are being regulated.

#### *Increased maximum penalties for unregistered schools or school boarding premises*

It is an offence to carry on or conduct a school or school boarding premises unless the VRQA has registered the school or school boarding premises under the Act. Unfortunately, the maximum penalties for these offences in the Act are far lower than they should be, at only 10 penalty units. They do not provide adequate deterrence, and there is little value in prosecuting these entities for such a small maximum penalty.

The Bill will increase the maximum penalties to 120 penalty units for an individual and 600 penalty units for a body corporate. This will bring these penalties in line with penalties for similar offences under the *Education and Care Services National Law Act 2010* and the *Children's Services Act 1996*.

#### *Principals nominating others to make work experience and structured workplace learning arrangements*

The Bill also amends the Act to allow the principal of a school to nominate another person or class of persons to make work experience and structured workplace learning arrangements for students in accordance with any Ministerial Order.

School principals are currently required to approve every work experience and structured workplace learning arrangement for students at their schools. This is administratively burdensome, especially in larger schools and schools where a majority of students undertake either work experience or structured workplace learning. We know school principals already have a heavy workload, and these amendments will go some way to help alleviate that.

In allowing school principals to nominate others to make these arrangements, the Bill will provide schools and school principals with the freedom to approve these arrangements in a way appropriate to their school's individual circumstances. Not only will this alleviate some of the workload challenges faced by school principals on a day-to-day basis, but it will also allow for decisions to be made by staff members with the closest knowledge of matters relating to work experience or structured workplace learning, and the circumstances of each individual student.

Ultimately, the Bill seeks to improve the operation of the Act to make sure students are getting the best education in a safe and supportive environment, and streamlines and simplifies administratively burdensome processes.

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (21:35): I move:

That debate be adjourned for one week.

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

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

### *Introduction and first reading*

**The PRESIDENT** (21:35): 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 amend 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** and for other purposes.’

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:36): 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) (21:36): I lay on this 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 Transport Infrastructure and Planning Legislation Amendment 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**

The main purposes of this Bill are:

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

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

#### **Human rights issues**

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

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

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

an approved project (section 167). Clause 26 substitutes section 186(1) of the MTPF Act to empower a project authority or authorised person to enter, occupy and use a road for the purposes of an approved project or any purpose connected with the approved project.

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

#### *Right to privacy*

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

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

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

#### *Right to property*

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. 'Property' under the Charter includes all real and personal property interests recognised under the general law, including contractual rights, leases and debts. A deprivation of property will not be limited to situations of forced transfer or extinguishment of title or ownership but will extend to any substantial restriction on a person's exclusive possession, use or enjoyment of their property.

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

However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law'. For a deprivation of property to be 'in accordance with the law', the law must be publicly accessible, clear and certain, and must not operate arbitrarily. A broad, discretionary power capable of being exercised arbitrarily or selectively may fail to satisfy these requirements. In this instance, the interference will not be arbitrary, but governed by a clear and accessible process set out in the Bill and subject to reasonable conditions. For example, prior to exercising entry powers to undertake surveys or investigations

under new section 201QO, the owner or occupier must, unless their consent has been obtained or in the event of an emergency, be provided with seven days' notice of the entry (subsections (3)-(5)). Strict time limits and other conditions apply to entry powers (subsections (6)-(7)) to ensure that the interference with a person's property is the least restrictive possible whilst also ensuring the necessary functions are carried out.

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

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

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

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

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

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

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

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

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

#### *Right to freedom of movement*

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

To the extent that the powers under sections 165P, 167, 186(1) and 201QO are concerned with public land, powers of occupation, use, works and investigations may, depending on the circumstances of the occupation, use, works or investigation, interfere with the right to freedom of movement where they exclude public access to public places. As discussed in relation to cultural rights, the public authority, when considering such matters

as whether to acquire certain land or designate a specific project area, will pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including the right to freedom of movement under section 12 of the Charter. That is, the project authority will have to consider whether the exercise of its powers in respect of certain land, excludes public access to public places, and if so, the countervailing interest for doing so and whether the impact of such decision is justified and appropriate in the circumstances.

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

#### ***Extinguishment of acquired easements***

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

#### ***Right to property***

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

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

#### ***Road declaration amendments***

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

#### ***Right to property***

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

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

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

#### ***Community asset agreements***

Clause 25 inserts new section 185D which empowers the project authority to enter into an agreement with a Council or a public authority for a community asset. A community asset may include activity-related infrastructure such as basketball courts, play equipment and skateparks, as well as bins, bus stops, car parks,

furniture including park benches, retaining walls, pedestrian bridges, crossings, footpaths and signs. An asset could also potentially include other things that are not activity related, such as gardens, landscaping, drainage, lighting and fencing. The new provision would apply with respect to unreserved and reserved Crown land. An agreement may relevantly provide for rights and obligations in relation to the community asset, including liability and ownership of the asset to be transferred.

*Right to property*

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

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

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

**Identification of ‘authorised persons’**

*Right to privacy*

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

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

**Hon Harriet Shing MP**  
**Minister for Housing**  
**Minister for Water**  
**Minister for Equality**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:36): I move:

That the bill be now read a second time.

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

**Overview**

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

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



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

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

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

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

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

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

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

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

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

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

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

To achieve these outcomes, the Bill modernises the definition of 'non-transport infrastructure' in the *Major Transport Projects Facilitation Act 2009* so that it is compatible with the requirements and needs of delivering major transport projects and precincts around major transport projects. These components could include open spaces and parks and gardens, which are not an obvious fit within the existing definition but which are essential to a harmonious urban environment. The amendments to the definition also allow the infrastructure to be separated by unrelated buildings which is likely to occur in infrastructure developments in a precinct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Conclusion**

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

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

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (21:36): I move:

That debate on this bill be adjourned for one week.

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

**Harriet Shing**: On a point of order, President, before I adjourn, in relation to the Roads and Road Safety Legislation Amendment Bill 2024, I just want to put on the record a correction around the dates for the road safety trial for medicinal cannabis. I am advised that the results of the trial will be made available in the middle of 2026 and that the first test drive actually took place on the track today. I just want to put that on the record for the sake of clarity, if I may. I am not sure the extent to which that fits within the standing orders, but I thought it important to be able to clarify the matter as soon as possible after I became aware.

**The PRESIDENT**: I am sure it fits somewhere.

#### *Adjournment*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (21:37): I move:

That the house do now adjourn.

#### **Parenting support**

**Sonja TERPSTRA** (North-Eastern Metropolitan) (21:37): (1242) I rise to make an adjournment request this evening for the attention of the Minister for Education, focusing on enhancing supports available for pregnant students within the Victorian public school system. Victoria's public school system serves a large population of female students, with an estimated almost 330,000 currently enrolled in the system. While the teen pregnancy rate is steadily declining, certain areas still experience higher levels of disadvantage, which can create additional challenges for young mothers in completing their secondary schooling education. The Allan Labor government and the Department of Education, alongside Commonwealth support programs and partners like the South East Local Learning and Employment Network, already provide meaningful assistance to young parents. However, expanding policies to offer further wraparound services will assist and ensure that these students receive the support that they need directly within the public school system. Additionally, the Department of Education requires pregnant students to obtain a medical certificate to attend school past 34 weeks of pregnancy. Whilst well intentioned, a measure such as this may inadvertently pose obstacles for students seeking to complete their education. Similarly, the need for medical certification during time off during the VCE can disproportionately affect female students managing medical conditions such as painful periods or endometriosis.

The action I seek is for the minister to consider a review of the current Department of Education policies to ensure better support for pregnant students and for young parents, specifically by looking at information and data collected on a regional basis to identify pregnant students – perhaps as a reason for school non-completion – but also for the purposes of helping to inform tailored region-specific support for students and also expanding resources and support options within public schools for pregnant students and young parents and reviewing policies regarding the requirement to provide

medical certificates for attendance at 34 weeks of pregnancy and beyond. We want to make sure that there is equitable access for education for all students in Victoria regardless of their pregnancy status, and we want to reinforce our commitment to addressing systemic disadvantage and fostering positive outcomes for every young person.

### **Non-emergency patient transport review**

**Georgie CROZIER** (Southern Metropolitan) (21:40): (1243) My adjournment matter this evening is for the attention of the Minister for Health, and again, it is an issue I have raised in the house on a number of occasions around the non-emergency patient transport review that has been undertaken by the government. The final report was given to the government almost 12 months ago. I have met with non-emergency patient transport providers. They are becoming increasingly concerned that there is still silence from the government about the outcomes of the review that was undertaken. Now, we know that the ambulance system is in crisis, and in fact today when the Department of Health's annual report was handed down the statistics in that did not show a pretty picture. Patient transfers within 40 minutes were just at 64.9 per cent where the target is 90 per cent, and that is just one metric that is demonstrating the enormous strain on the system. We know that the non-emergency patient transport providers do a terrific job in supporting not only patients but Ambulance Victoria in the work that they carry out right across the state.

When I have spoken about this in the past I have had responses from the minister saying the government are taking their time to fully consider the final report. Well, as I said, the report has been with the government for almost 12 months, and I think the time is up. We need to see what is going on, because these providers that are a critical part of the health system are very concerned about the ongoing uncertainty of the government's delays in releasing the review. They are unable to plan ahead and make decisions regarding workforce and other resource allocations which involve significant costs. And as they have explained to me, they do not know whether they can further invest in vehicles and equipment or staffing, and it is really putting a huge strain on some of these providers in their ability to conduct the work that they need to do in future months and years to come. So the action I am seeking again from the minister is for her to not delay the release of this report. Release it so that these providers and the systems, the ambulance system and patient transport system, can have some understanding about what the government is proposing to do.

### **Animal welfare**

**Georgie PURCELL** (Northern Victoria) (21:42): (1244) My adjournment matter is for the Minister for Agriculture, and the action that I seek is for the minister to implement a breeder liability scheme for breeders to be responsible for vet bills where an animal they sold is found to have a congenital illness. People all over Victoria are purchasing animals off Gumtree, Trading Post and Facebook only to later discover the animals are not at all as they were described and are suffering from severe health issues, despite representations about health, vet checks and breeding lineage. The work of the Animal Law Institute, a community legal centre who represent owners in legal proceedings against breeders, have shown that in many cases the health issues are congenital, meaning that they are either hereditary issues or a result of negligent breeding practices. The most common conditions identified are heart murmurs, hip dysplasia, luxating patella and liver shunt. New owners are then faced with unexpected veterinary costs ranging from \$10,000 to \$30,000 to save their new family member, who was advertised to them as being in perfect health. With the inadequate regulations and frankly non-existent enforcement, the breeder and the advertising site get off scot-free, never having to pay a cent of the vet fees that they knew the owner would incur and often not being charged with breaching consumer laws.

Another issue on these sites is that people are posting without being a registered breeder and are falsifying registration and microchip numbers. While this is illegal, the government is doing absolutely nothing about it, nor are the sites proactively verifying advertisements. Not only this but Gumtree, who supposedly self-regulates, is actually profiting from these ads by making breeders pay an insertion

fee for each post. It is no wonder that their site is littered with dishonest and illegal breeders' ads. One particular family purchased a puppy from Gumtree for \$2000 where it stated the puppy was vet checked and its parents had been DNA tested, but within days of having the puppy it began showing signs of illness. Upon examination it was determined that the puppy had been malnourished for a significant time when with the breeder. When released from the hospital the puppy had to be syringe-fed, but its health kept deteriorating. Within 20 days of purchase vets advised that the puppy's neurological condition was causing small seizures and that it would not survive a surgery. The puppy then had to be euthanised.

Breeders are profiting from the death and illness of animals every single day in this state, and these sites and the government's lack of regulations are allowing them to do so with absolutely zero consequences. I request that the minister impose a breeder liability scheme for breeders to be responsible for vet bills for congenital illnesses, including initial diagnosis and treatment.

### Royal visit

**Bev McARTHUR** (Western Victoria) (21:45): (1245) My adjournment matter to the Premier concerns the recent successful visit of the King and Queen of Australia and the profound impact this visit had on our nation. The success of King Charles and Queen Camilla's royal tour of Australia was clear: many thousands representing Australians from all walks of life, ages and backgrounds gathered to greet their majesties with enthusiasm and pride across their five-day tour. This warm reception sends a clear message: we are proud of our sovereign, our traditions and our history. Recent polling reveals that King Charles now enjoys a job approval rating of 50 per cent, surpassing that of Prime Minister Albanese, who stands at 44 per cent. Clearly Australians have greater faith in and fondness for our King than our own Aussie leader.

Across more than 30 official engagements in Sydney and Canberra tens of thousands of Australians turned out to welcome their majesties. A particularly memorable moment was the 10,000-strong crowd at the Sydney Opera House, where the atmosphere was filled with patriotism and celebration. I would like to take this opportunity to commend the Australian Monarchist League for their contribution, handing out 15,000 Australian flags, fostering a true spirit of unity in national pride.

On a personal note, I was honoured to provide international commentary during the visit, joining platforms such as BBC World News, *Good Morning Britain*, Sky News UK, the front page of the *Daily Mirror* UK and even radio in Hong Kong.

A remarkable aspect of this tour was the dedication and resilience shown by King Charles and Queen Camilla, who despite their years conducted themselves with unwavering enthusiasm, grace and dignity. The King, showing his deep sense of duty, even paused his weekly cancer treatments to ensure he could meet Australians on his first Commonwealth trip as head of state.

For King Charles this was his 17th official visit to Australia but his first as sovereign, making it especially historic. This tour also had personal resonance, recalling his formative years at Timbertop, the rural campus of Geelong Grammar School in my electorate. His bond with Australia has been shaped over decades, and this visit highlighted that enduring connection.

The action that I seek from the Premier is to ensure that King Charles is personally invited by the Victorian government to visit our state, as is customary, honouring what the royal tour has proven: the enduring value of a constitutional monarchy.

### Severe weather preparedness

**Melina BATH** (Eastern Victoria) (21:49): (1246) My adjournment matter is to the Minister for Education, and the action I seek is for the minister to improve the Department of Education's coordination and delivery of information warnings in relation to extreme weather events, including but not limited to bushfire events.

My constituent Emerald CFA captain Klaus Brodeck has made it very clear that there is a significant inconsistency and lack of coordination by the education department and how it interacts with Emergency Management Victoria. The department of education follows its own fire rating and subsequent warnings, which do not necessarily align with EMV, so captain Brodeck has informed me that there are potentially two opposing directives.

Klaus informs me that there is major confusion in parents, and parents receive mixed messages and are quite often perplexed as to the best outcome for their child on school days. Take, for example, extreme fire days. The emergency management information via the VicEmergency app for a specific area states ‘Leave early. In the event of a fire you must act immediately, and that means leaving your property for a safer location.’ However, taking orders from the department, a school may inform parents to ‘Please send your student to school’ and ‘School is open.’

In addition, an Eastern Victoria Region state school principal who I spoke with today informed me that communication is often poor between the department and the school during any sort of extreme weather event. The centralised department decisions and directives made far away from the individual school can contrast very sharply with the understanding of the principal, who is best placed to read the dynamics, understand their region and understand the needs of the school in an evolving situation. There needs to be flexibility to have more autonomy for the principal and better coordination with local emergency services, including but not limited to the CFA. The role of the education department should be to mitigate risk and enable safe outcomes, not heighten risk. The heavily treed townships of Emerald, Monbulk, Gembrook, Kallista and Cockatoo, to name a few, all have one road in and one road out and are particularly at risk. For a government which spruiks continual improvement, there is much to improve on this issue.

#### **Ballarat community safety**

**Joe McCracken** (Western Victoria) (21:51): (1247) My adjournment matter is for the Minister for Police. It is no secret that the Bridge Street area in Ballarat, particularly near the bus station, has been a hotspot for antisocial behaviour and criminal behaviour for some time. I recently met with a number of constituents in the area who have witnessed and been the victim of some awful situations. Staff members in the supermarkets of Coles and Woolworths face abuse on a regular basis, with workers as young as 15 years old subject to intimidation, swearing, bullying and harassment. Other staff members have seen gangs of youth come into the store, sometimes a dozen, sometimes up to 30, and cause complete havoc by throwing things off shelves, abusing staff, running around the store, disturbing customers and creating an environment that nobody wants to be near. These gangs of youths involve people as young as eight years old who clearly have other challenges in their life for which they need support. When confronted in the store these young people yell ‘Rape!’ or they yell ‘I’ve been touched’ at security guards, police officers and staff, immediately triggering, among other things, a paperwork trail and a legal nightmare for those trying to protect themselves, their stock and the store. Workers are forced to let criminals and youths walk out with literally hundreds of dollars worth of goods for fear of confrontation and, worse, recrimination. It has been reported to me that some staff have been followed to their car or to a nearby bus shelter, property has been graffitied and locals know not to be in the area after dark. Known criminals also frequent the area. One such man – a known burglar who has served prison time – and his gang have been responsible for defecating on a nearby front lawn.

Locals have said to me, ‘Why would anyone go there?’ Why would anyone not go there? They have got food, public transport and public toilets nearby. This is all despite the Ballarat police station being all of 300 metres away from the precinct. However, police feel powerless as well, given Labor’s move-on laws. My request to the minister is: please do something about the safety in the precinct. I will happily convene a meeting. We can meet locals and listen to their concerns. Urgent action is needed before more people, more customers and more elderly are terrorised beyond belief.

### **Mental health**

**Renee HEATH** (Eastern Victoria) (21:54): (1248) My adjournment tonight is addressed to the Minister for Health. Minister, on Tuesday night the report of the Commonwealth inquiry into the COVID-19 response was released by the federal government. The federal Minister for Health Mr Butler described the report as thorough and measured and said, ‘It’s a report that does not pull its punches,’ and he is right. For those who have not read it, I suggest that you do. It makes for sobering reading about the failures of the Andrews government across multiple areas, like hotel quarantine, lockdowns, mask mandates, schools, playgrounds and much more.

However, the report makes special mention about the effects these measures had on the mental health of children and youth, saying it is very likely these impacts will be felt for quite some time. The report highlights increases in depression and anxiety and that 20 per cent of senior students experienced mental ill health for the first time. It also highlights the rise of eating disorders for adolescents caused by restrictions and increased reliance on social media. Indeed the very first action recommended in the report is to address critical gaps in health recovery from the COVID-19 pandemic, including prioritising greater investment in mental health support for children and young people.

Minister, earlier this week you detailed funding for a number of mental health services, and I am aware that other funding was announced in the 2024–25 budget, including \$6.4 million to Orygen – where Mr Andrews was recently made chair – taking their total of state grants to more than \$60 million over the past few years. Minister, in your presentation to the Public Accounts and Estimates Committee earlier this year you stated that the mental health levy will raise over \$1 billion in 2024–25, so my question is not about what has been spent previously. The action that I seek is for the minister to tell us: where is the rest of the \$1 billion that is being raised this year going, and will you be prioritising young people whose mental health was so disastrously impacted by your government’s COVID-19 response?

### **Housing affordability**

**Trung LUU** (Western Metropolitan) (21:56): (1249) My adjournment matter is for the Minister for Planning regarding the development of an activity centre in Niddrie on Keilor Road in my electorate. The action I seek is for the minister to ensure in-person information sessions are held during the consultation period, allowing residents to voice their concerns about the proposed development rather than relying on flyers in letterboxes for feedback. The recent development plan to construct 10-storey apartment blocks in Niddrie along Keilor Road has raised concern among residents about the lack of consultation regarding this significant change in their community.

I recently attended, with my colleagues the Leader of the Opposition John Pesutto, the member for Hawthorn; Mr Evan Mulholland, member for the Northern Metro Region; Mr James Newbury, member for Brighton; and Mr David Davis, member for Southern Metro Region, a committee forum in Niddrie to discuss the plan for building high-rise residential apartments. The local member of Parliament and the minister were also invited, but no government MP or minister attended and no representatives of any department were present. Many residents expressed their concern about property and land acquisition, with some asking how this new housing development can be affordable without compulsory land and property acquisition. Many people were confused about how the government plans to accommodate an additional 60,000 residents in the Niddrie area when public transport and infrastructure are already lacking.

Melbourne is facing a housing crisis and requires more housing solutions; however, apartment high-rise is not the answer. A recent report suggests Docklands, located 15 kilometres from Niddrie and just a short walk from the CBD, has one of the highest vacancy rates in Victoria, with nearly 17 per cent of all apartments using no water at all. If the rest of Melbourne is not inclined to live in high-rise apartments in Docklands, what is the appeal of high-rise living in my electorate in Niddrie?

Can the minister commit to a thorough consultation period, including in-person information sessions with the residents of Niddrie and the Keilor Road precinct regarding their concern about the proposed activity centre, to provide residents with the response they deserve regarding the proposed housing development, ensuring clarity and ensuring that their voices are heard?

### Youth crime

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (21:59): (1250) My adjournment matter is for the Minister for Corrections, and the action I seek of the minister is to address the escalating crisis of juvenile crime in Victoria by: (1) implementing comprehensive reforms to the juvenile system, (2) having stricter accountability for jurors and some consistency in the justice system, (3) improving bail laws – we actually need stricter bail laws, and (4) enhancing support and rehabilitation support services. The juvenile crime in Victoria has been exacerbated by this government's ineptitude and systematic failures within the justice system. This government has failed to develop significant statewide clear consequences for actions with behavioural transformational programs for young people.

In youth work one of the baselines that youth workers use – and I know this from having been one – is consequences for actions. That is one of the things they have to help young people understand. I refer to a recent report by the Community Advocacy Alliance, which is chaired by former Chief Commissioner of Victoria Police Kel Glare, and has as its patron the well-renowned Francis Galbally, who has had 35 years' experience in international business and commercial law. The CAA calls what is happening here in Victoria in relation to home burglaries a 'crime tsunami', which started a decade ago – of course a decade ago is when Labor formed government here. This shows that this government has failed to proactively address this ever-increasing issue. What is missing in the approach to tackling crime in this state is the lack of effective policies and the lack of an adequate investment in juvenile justice, which has contributed significantly to the severity of the current crime wave.

We hear repeatedly how young people are blatantly flouting laws and are breaking into homes, then stealing people's possessions, then are caught by the police, charged, and then they are immediately let out on bail only to reoffend. It is a hopeless cycle by a hopeless government. Youth workers and Victoria Police are desperate for the government to introduce laws to protect the public and make young people accountable for their actions. That is the rule for youth work: teaching consequences for actions. A number of issues impacting crime in this state and the justice system, as I mentioned, include the courts, bail laws and support services, and these are ill equipped to handle the rising number of young offenders. This is leading to increased recidivism and community safety concerns. The lack of accountability and consistency among individual jurists within the juvenile justice system undermines the effectiveness of the system and erodes public trust.

### Mitcham train station

**Nick McGOWAN** (North-Eastern Metropolitan) (22:02): (1251) Maybe because I just do not know when to stop or maybe because I had nowhere else to go last night –

**Bev McArthur**: Not another lavatory, please!

**Nick McGOWAN**: No. I did after we rose last night here in Parliament go to the car park of the Mitcham train station. You would be well within your rights to ask: why on earth am I going to a train station car park at the – I would say it was early evening, although it was probably 7:30–8 o'clock. It was still light. That is the good news. A number of constituents had expressed a concern to me that there were a number of cars that had been dumped there. I was not going to get fussy about whether this is a council issue or a state issue or a federal issue. Those sort of things annoy me when one politician passes the buck to the next.

**A member** interjected.

**Nick McGOWAN**: No, I am not grumpy. This is me happy.



**A member:** No. Fluffy. You're very fluffy this evening.

**Nick McGOWAN:** Fluffy, yes. There is a lack of gel in the hair, I am afraid. The cost cutting on this side of the house has reached new limits. I will speak to my stylist. Unfortunately I am not known for my fashion prowess either, so I have nothing that assists me, but I do digress ever so slightly from the car park in Mitcham at the train station.

A number of my constituents were quite concerned because a number of cars had been dumped there. It turns out of course that this is not the responsibility of the local council, because I did speak with the CEO last night, because I am sure the CEO had nothing better to do with his time either than to speak to me about dumped cars at Mitcham train station. Nonetheless he was able to advise me that that property was actually the property of VicTrack, which, Mr President, you would be glad to know brings me to my question.

**Bev McArthur:** I knew it'd be the state government's fault.

**Nick McGOWAN:** Well, I am not sure the dumping of the cars is the state government's fault, but I will blame them for not having cleaned them up quick enough – that is right. These cars I think had been there for quite some months. There were a number of cars, and for any of those here who do use public transport – and I have been known on occasion to get the bus home from Parliament, although I will not be tonight. You can speculate as to why I have to get the bus home. Nonetheless I have on occasion got the bus home. As it transpires, these cars remained there, and they are the duty and the responsibility of VicTrack and by extension the Minister for Transport Infrastructure.

So of course my question tonight is for the Minister for Transport Infrastructure, and I hope the minister is still in the Parliament, although I am sure they would have left by now because they are not in this chamber. Notwithstanding, I will be writing to the minister tomorrow. I would like those cars removed as quickly as possible, because it is quite clear that they are derelict, that they are unregistered and they have been abandoned.

For those people who do use public transport, there is nothing more frustrating than getting to the car park and every car space is taken and the only car spaces there that could have been used are those with abandoned vehicles. They have been there quite long enough. It is time that they go, and I would like to see some swift action. If the minister can turn their attention to this matter, that would be most welcome. From the constituents of Mitcham and the electorate of Ringwood, we wish you a good night.

### Victims of Crime Assistance Tribunal

**Gaelle BROAD** (Northern Victoria) (22:05): (1252) My question is directed to the Attorney-General. The Victims of Crime Assistance Tribunal, VOCAT, a state government authority, recently sent details outlining proposed changes to the scheme by email, and in a massive breach of privacy included the personal email addresses of over 480 recipients, including victims of crime. The email was sent on Thursday 26 September, and was sent with the subject heading: 'Important information on transition from VOCAT to new financial assistance scheme'. One of those impacted said they felt very violated as it is stressful enough waiting on a hearing and then your details are exposed. They said people were asking to be removed and were cc'ing the whole group – a distressing experience for all involved.

One recipient replied to all on the email chain and reported they tried to contact VOCAT on Thursday afternoon via phone, and after 1½ hours were told 'No comment.' I am advised that VOCAT tried to recall the message, then sent an email that stated that this email was sent in error:

[QUOTE AWAITING VERIFICATION]

We apologise. We are working to recall and contain the message. Please disregard and delete the previous email.

A further email chain included 189 people from the original email chain that was sent from an inappropriate and offensive email address, and they continued to send emails that would have been very distressing for any recipient. I will not go into the details in this forum due to the nature of the content, but I am happy to provide further details to the Attorney-General if needed.

Following this significant breach, one recipient called the information line provided and was advised to head into the local police station to talk to the sergeant on duty. They had to retell their story, and then again, to another acting sergeant – with a further two phone calls from police, again having to retell the story, as the officer from the night before was not on shift. Then there was another call, from the criminal investigation unit – and so it continues.

This error by VOCAT has caused significant distress and anxiety to the recipient and, I expect, to many recipients. This is sensitive information that was entrusted to a government organisation, and the privacy of victims of crime should have been protected. Now victims are having to relive this and deal with the trauma of seeing other people's information as well as being contacted directly by a known criminal. This privacy breach has caused significant stress and trauma to many victims of crime.

As they are the minister with responsibility for this state government authority, the action I seek is for the Attorney-General to outline what action has been taken to offer protection, support and financial compensation to those directly impacted and what steps have been taken to address this issue from a systems perspective to ensure that it never happens again.

**The PRESIDENT:** Mrs Broad, the Attorney has informed me that would be in the remit of the Minister for Victim Support. Are you happy for that action to be sent to that minister, for the victims of crime?

**Gaelle BROAD:** Okay.

**The PRESIDENT:** Thank you. If the minister could send that to that particular minister.

### Upfield rail line

**Evan MULHOLLAND** (Northern Metropolitan) (22:08): (1253) My adjournment is directed towards the Minister for Transport Infrastructure, and the action I seek from the minister relates to the proposed elevation of train stations along the Upfield rail line in Brunswick in my electorate. I know the minister broke his promise to the people of Brunswick to deliver the Upfield level crossing removals by I think 2026 or 2027. It is now after 2030, which is, frankly, clearly a strategy for any seat the Labor Party did not win: to push out projects in those electorates.

It has been reported in the *Age* newspaper that as a result of the government's proposal to consolidate the existing Brunswick, Anstey and Jewell stations into two stations, the residents of the Nightingale complex in Brunswick have concerns around the proximity of the station to their homes, in some cases just metres from their balconies. Prior to media reports on the issue I had been contacted by residents, and I have met with residents who are concerned that the proposal puts privacy screens as high as the third floor and that the station design will not adequately take into account the design of the new building and the need for noise controls. We saw what happened with Keon Park station sky rail in the northern suburbs, where literally this is the balcony, and this is the train platform. That is how much they have botched these level crossings. And the government's response to that was to give people little temporary earplugs; it was not to say, 'Here's some double glazing' or anything else like that.

We saw the Premier visit the Nightingale complex in her first week in office and praise it as former industrial land which has been transformed into quality sustainable housing. It would be a shame if the result of poor planning and design by her government and its departments was that this 203-apartment complex with 350 residents became partly unlivable.

I am informed by a concerned resident that just south of Hope Street there is a block of land which is soon to be developed into an apartment block in the same vein as the Nightingale complex. Moving the station just 180 metres south presents an opportunity for the government to work with developers of this yet-to-be-built housing to design a development and a station. They could be in concert with each other – it sounds like a good idea. Locals inform me that it would have the added benefit of improving links between the new train station and local bus routes. So the action I seek of the minister is to explore this option for the good people of Brunswick.

### **Beveridge train station**

**Wendy LOVELL** (Northern Victoria) (22:11): (1254) My adjournment matter is for the Minister for Transport Infrastructure, and the action that I seek is for the minister to commit to building a new train station in Beveridge as a matter of urgency. The history of rail in Beveridge goes back over 150 years. The original station opened with the rail line in 1872, and then in 1883 the first platform was extended and a second platform added. The station operated for over 100 years before being closed by the Cain Labor government in April 1990, with the platforms demolished in February 1991 by the Kirner Labor government.

At the time of the station's closure, Beveridge was still a tiny country town, but times have changed. The population of Victoria has exploded, and the boundaries of Melbourne have expanded. The formerly small towns dotted along the Seymour–Shepparton rail line are growing rapidly, filled with new families who want a taste of country life while being able to commute into the city for work. The state Labor government has told Mitchell shire that it is required to increase housing by 312 per cent, which is a massive increase for a rural local government area where traffic congestion is already notoriously bad and demand for education and health care is stretching services to capacity. The Beveridge train station is a top priority for Mitchell Shire Council, and it should be a top priority for the Victorian government too. At present, Beveridge residents have to make the journey up to Wallan or down to Donnybrook if they want to catch the train, but both of these areas are also growing and struggling with their own traffic congestion around the stations.

The federal government recently announced that it will spend \$750 million on the Camerons Lane interchange, a crucial piece of road infrastructure for the Beveridge intermodal freight terminal, a transformational project that will create 20,000 jobs. Last week the Victorian government announced that the northern freight precinct, which takes in the Beveridge freight terminal and surrounding lands, will be one of three priority greenfield sites where land will be released for new housing in 2024–25. The current population of Beveridge is about 9000, but it is expected to grow to almost 75,000 by 2041. Such an explosion in population must be managed properly, and that means putting public transport infrastructure in before the congestion becomes overwhelming.

Workers commuting to Beveridge freight terminal or from Beveridge housing developments into the city will need access to the V/Line service that runs through the middle of their area. Driving to Wallan or Donnybrook to catch a train will put enormous pressure on those stations and surrounding roads that are already suffering from congestion. Beveridge needs its own V/Line station. The precinct structure plan for Lockerbie North already contains a space for a potential future train station in Beveridge. The station cannot remain stalled as a mere potential station – it must become a reality before the end of this decade.

### **Suburban Rail Loop**

**Richard WELCH** (North-Eastern Metropolitan) (22:14): (1255) My adjournment matter is for the Minister for the Suburban Rail Loop. Today we had issued the 2023–24 annual report for the Suburban Rail Loop. I like nothing more than delving into numbers, spreadsheets and figures, and I can assure the house that I will be looking very, very deeply at the numbers. But time prevents that, so the first thing I have gleaned from the figures is some strange anomalies. When you are into spreadsheets, the one thing you hate is when things do not add up, and there is something that does not add up around these notorious community grants.

The community grants program is a \$250 million slush fund that the SRL has to dispense at its whim in the general vicinity of the Suburban Rail Loop. So far, according to the annual report, it has dispensed perhaps \$2.6 million of that. I think most of the members here on both sides would be incredibly frustrated about that, because we all know how hard it is for us to get money for our communities – how hard we have to work, the hoops we have to go through, the justifications we need to create to serve our community – and this unelected statutory body can just waft in and show largesse to its own political advantage.

The anomaly in all this is that the first round of community grants closed in May 2022, and according to the website, which was updated in August this year, that is still the case. Round 2 was not opened up. Yet in the annual report we see that in 2023 \$991,000 in grants were issued and in the 2024 reporting period we have \$1.6 million in grants. How can that be if the grants closed in 2022? Also, it says that it had issued 72 grants, yet their website, when you go through the full list of them, has 78 grants listed

My question to and the action for the minister is: can you please provide an audit to clarify whether this is an accounting error – that you have put this under operating expenses rather than grants – that you can reconcile the figures to the actual status of the year and that there is some audit, because frankly, it stinks. Where there is smoke there is fire, and I would suspect that if I do not get a satisfactory answer we should strongly consider referring this to the Auditor-General.

#### **Valedictory statement**

**Samantha RATNAM** (Northern Metropolitan) (22:18): As this will be my last contribution in this chamber, I would like to seek leave to have additional time for my adjournment matter today, please.

#### **Leave granted.**

**Samantha RATNAM:** Thank you very much for this opportunity to say a few final remarks on this my final day in the Victorian Parliament. Thank you, President, for your service to this chamber and all the support you provide all of us. It is not often easy, but we do appreciate your energy and effort with all of us. Thank you to everyone who has stayed back unexpectedly late tonight to watch these final few remarks. I really appreciate all the people in the gallery. I did not expect it to go this long, but I really appreciate your dedication and commitment and friendship. It really means the world to me. To a number of folks I know who are watching online who could not be here given the hour, I am sorry I have kept you so late. But you now have got the full Parliament experience, every last minute of it, as we have often experienced it in this place, and it is not unfamiliar to all of us.

I would like to begin by acknowledging that we are on Wurundjeri land and pay my deep respects to our First Nations elders past and present. I acknowledge that sovereignty over this land has never been ceded and that this institution was responsible for some of the gravest dispossession, genocide and inhumanity perpetrated against First Peoples. As a migrant to this country from another colonised land, forced from our homes because of the aftermath of colonial subjugation, the complexity of this place is not lost on me. Lidia Thorpe, the first Aboriginal woman elected to a Victorian parliament a month after I joined in 2017, helped me really understand the tools of oppression and exclusion colonial institutions use to maintain their power. Just look around this place. Just look down the hallways. It does not reflect our First Nations history at all. It does not incorporate our migrant multicultural community now. There are so many exclusions for everyday Victorians, from how the place is adorned to how we are treated when we enter. If you do not look or seem like you are from this place, you often get over-surveilled, told to behave and policed in a way that others are not. But that has not stopped my team and I from trying to bring as many Victorians as possible into this place to remind them that this is their place too, and the way we make institutions like this better serve the community is for the community to be here, in the meeting rooms, in the hallways and in these seats.

As someone who never thought it possible to have the opportunity to be elected to a parliament, it has been the privilege and the greatest honour of my life to serve the Northern Metropolitan community, the Greens and the broader Victorian community.

[NAMES AWAITING VERIFICATION]

Politics is a collective endeavour and none of us do this alone. I could not have done this over the last seven years without a whole team of incredible people, and I will attempt to name as many as I possibly can. I apologise if I miss any, but do know that every one of you has contributed indelibly to my experience and our collective successes in this place. Some of my earlier staff: Steph Hodgins-May, Alistair, Alex Mack, Xanthe, Mary, Steph, Marlin, Addie, Rhea, Ajit, Lucy, Sebastian, Rose, Matt W, Tim, Matt T, Georgia, AJ, Nick, Domenica, Josie, Claire, Anuska, Madhu and the many interns, volunteers and helpers who have passed through our teams. I have learned so much from all of you, and you have kept me going even in the hardest of times – especially in the hardest of times.

A special mention to my chief of staff Clare Ozich, who is with us here this evening, for the incredible wisdom that I know many of the other MPs in this place, even if they are not from the Greens, have benefited from. The wisdom, the care, the clarity and the absolute solidarity you have given me has been one of the greatest honours of my life to receive. Thank you, Clare.

I would also like to acknowledge all the staff of all the MPs' teams. We might seem to be MPs with our own staff teams, but the Greens work as one big team, and we could not do this work without the support of each other.

To the incredible group of Greens MPs that I have had the privilege of working with, especially this term, and especially my upper house colleagues Aiv, Sarah and Kat, you are formidable and stronger than you know. I am really sad to leave all of you. I have gotten to work with you day in and day out as you are just hitting your stride. But you have my absolute confidence and support.

Ellen, thank you for taking the reins as leader. It is not an easy job, but you have the clarity and the determination to take the Victorian Greens to even greater heights. I cannot wait to see Anasina, who is about to enter this place, demonstrate her innate dedication to community, building community and bringing community along. She will be formidable and a passionate change maker for our communities, and I cannot wait to see all of you soar together.

I also would like to thank some of my predecessors. I want to thank Colleen and Sue, who were here earlier. Some of you worked with Colleen and Sue too, and it was a great honour for me to have them here earlier this afternoon for a farewell event. And I thank my predecessor in Northern Metropolitan as well as the leadership, Greg Barber, for mentoring and supporting me every step of the way in my journey through the Greens. Many of us would not be in this place without their guidance.

I also want to thank all the staff of the Parliament. The clerks – so incredibly helpful and patient with all of us. Thank you for all the help over the many years. The attendants, the security guards, the cleaning staff, property services, IT, parliamentary services and so many more that I cannot name here – you all make this job possible, so we thank you very, very much for your work. I will never forget that the loneliness at times on entering this place many years ago was pierced by Patrick, one of the attendants who always said 'Hi' and struck up a conversation in those early days. It made all the difference.

I would also like to mention my beautiful family, who could not be here this evening because of the hour and also it is Halloween and Malala has had a lot of lollies tonight and needed to have a little sleep, but they are watching. I want to thank the loves of my life Colin and Malala for their unwavering support. I could not do this work without Colin's absolute dedication and love for Malala and love for me. He has made this journey possible with the incredible work he does to support me and keep our house going on sometimes these long nights in Parliament. And a special note to my mum and my incredible family all round for their unwavering support, but especially my mum, who many of you

might have met over the years. She used to come in when I brought my very young baby in here. She would be here from the moment I arrived to the moment we left with Malala so I could be in the chamber. Many of you had the privilege of meeting her. If you want to talk about dedicated, selfless service – if I have learned any of those traits, it is from my mum, so I thank my mum especially.

I want to speak about the highs and the lows. As many of you know, this place is a weird and wonderful place. But to start with the highs, there have been many over the last seven years – passing the first treaty legislation, voluntary assisted dying, firefighters' presumptive compensation, donations reform, pill testing, the container deposit scheme, rental reforms, the windfall gains tax, all the parliamentary inquiries. Those were bills that I got to be part of and a part of the process, and it was a real privilege to be part of this chamber ushering really significant reforms through this place. And there were also parliamentary inquiries that my Greens colleagues and I initiated, including the inquiries into ecosystems decline, far-right extremism, the public housing renewal program and now Labor's demolition and privatisation program, the rental crisis, waste and recycling, renewable energy and more and more to come.

So many Greens policy ideas have become law, and it has been a privilege to see what it takes to make change happen. You have to have the courage to start with and the vision to put the idea forward. You will often get howled down at the start, then you do the work to build the case. The community are often the ones asking for that change and beginning the process, and at times they will bring more and more community on board help the campaign. Ultimately the government of the day yields to that pressure. It can take time, but change can happen and pressure works.

I have learned a lot in my time here. I have learned how power is all too often wielded in the interests of corporations and their profits and that governments need to be pushed and pushed to do the right thing for the community. You just have to look at how long it has taken to get any action on gambling harm reduction, on the pokies. It is no wonder, when you see the millions of dollars in donations being funnelled into political parties, that inaction occurs.

I have learned too that change can take time and that the Greens in Parliament do get results. Passing the pill-testing bill yesterday was proof of that. I am so proud of the role we have played in improving legislation and pushing for progressive reform. Renters have better protections now, but do not worry, we will keep pushing for rent caps. More homes are available for sale or rent because of the changes we negotiated to the empty homes tax and short stay reform. Native forest logging has now mostly, although not completely, ended, and that corrupt entity VicForests is no more.

But we have not won all the fights yet. I am also proud of when we have been unrelenting in our advocacy and refused to back down despite being hounded on all sides. This Labor government has gone on a privatisation bender that will hurt Victorians for years to come. They have failed to take action on the cost-of-living crisis, letting the big supermarkets off the hook. Their ongoing relationships with Israeli defence companies are a deep moral failure at a time the world is witnessing a genocide in Gaza. And the fight for public housing goes on.

One of the things I am most proud of is bringing the voices of the community into this place, and most significantly the voices of public housing residents. We should not be afraid of the community in this place. We should welcome people here. I would also like to thank all the local community voices and groups that I have had the privilege of working with. I cannot name all of them, but here are a few – I also want to note that much of this work was done with my colleague in the lower house the MP for Brunswick Tim Read: residents who have reached out for support and who we have tried our best to help; the Pavilion School; RISE North group; all the local councils we have had the privilege of working with – they are often underestimated and unacknowledged but they do the most important work, and they are still the most important level of government, in my view; Murray Road safety group; Coburg High School; Friends of Merri Creek; Thornbury Primary; Save Preston Market group; Nicholson Street safety group; Merri Creek Management Committee; and the list goes on and on. I

want to thank you for trusting us with asking for help. We have tried our best, but there is more work to be done, and I will certainly be there to continue that work.

I also want to talk about the lows. They say politics can be brutal, but it does not have to be. The brutality I have observed has been the result of power that is concentrated and power that is insecure. Perhaps all groups with power are vulnerable to it, but I am hopeful it does not always have to be this way, and we must strive for change. When this kind of power is not checked and not handled responsibly it becomes unkind and cold. I will tell you that some of the hardest times I had were when I was in pain in this place through a very difficult pregnancy suffering hyperemesis, and I was not afforded any care when the sittings ran very late and the government wanted to extend the sittings past midnight. With no ability to get a pair as a crossbencher, I had to sit here in agonising pain. I was the sole Green at the time here, and I had to represent our party. I took that duty very seriously. Despite pleading for a pairing system that could include pregnant people and parents with young babies, the big parties in this place refused to budge. That resulted in me having to return with an eight-week-old baby, who had hardly left the house until that point; having to keep a newborn here into the wee hours of the morning because she was breastfeeding; and at times not being able to get home in time – multiple times – for feeds, because no-one seemed to care if you did not hold their power.

None of us crossbenchers are allowed to get a pair so that our votes can count, even if we have a sick child, a funeral, a breastfeeding baby, COVID or any other emergency or urgent personal need. The major parties allow their members to pair with each other for these kinds of emergencies but refuse to include us in the system which could mean that we too can get to see a dying parent in their final hours if we need to while doing our duty in this place. I hope this changes in the future so that this place becomes more inclusive and compassionate. I have written the template already for a pairing system; it is ready to go. I hope the Parliament in its remaining term will make it happen.

I am taking all I have learned to the next challenge: contesting the seat of Wills in the upcoming federal election. It was not an easy decision, but I know how Greens in parliaments get results. We need more action from the federal Parliament to take on the big corporations on the cost-of-living crisis, the housing crisis, climate change and so much more. I do not see this next step as a risk, I see it as a responsibility, a responsibility I feel to our movement, our planet and future generations.

As a community we are facing significant challenges. News this week shows the world is on track to exceed 3 degrees of warming, a catastrophic situation, yet here in Australia Labor and the Liberals are owned by the coal and gas corporations, supporting more and more coal and gas projects. The cost-of-living crisis is really hurting and driving people to the brink, yet Labor and the Liberals are failing to take on the price-gouging big supermarkets. In the midst of a housing crisis Labor thinks the answer is giving property developers more tax breaks.

Nothing changes if nothing changes, and I am excited to be part of that change. I do leave this place, however, with some unfinished business. In September last year the former Premier announced plans to demolish and privatise public housing across Victoria. That could mean the end of public housing in Victoria. Our team has not relented on holding this government to account and stopping these disastrous privatisation plans. We have spoken to hundreds of residents, who have told us of their heartbreak and their distress, and because of them and for them this fight is not over. We will never give up. If there is anyone who can stop the bulldozers from destroying public housing in Victoria it is Gabrielle de Vietri, who will be taking on the housing portfolio. I look forward to seeing you at the barricades, my friend. I will be right there with you every step of the way. Everyone in this place must do what they can to stop these public housing communities from being destroyed and decimated and torn apart. They are all of our constituents, they are our friends, they are our neighbours, they are our family, they are our community. So in this, my final adjournment, on behalf of Victoria's public housing residents, in memory of my late aach-chi, my grandma, who was also a public housing resident, I ask the Premier to save public housing in Victoria.

### Responses

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (22:35): This evening we have had 14 adjournment matters raised for the attention of a range of different ministers. They will be referred in accordance with the standing orders.

There was also a matter raised for the attention of the Premier by Dr Ratnam. I just want to respond to a couple of the assertions made in that contribution as it relates to the staff and to the systems that operate here in the Parliament. I want to commend the work that the clerks, that security, that attendants do in making sure that in providing assistance, safety and support for people it is done in a way that is fair, that is non-discriminatory, that is inclusive and that takes account of people's various needs as they arise. The staff and clerks here at the Parliament meet people where they are according to their need in order to assist with aspiration and opportunity, and it cannot go unsaid and unremarked upon that any allegations about unfair or inappropriate surveillance are completely unfounded and have no basis whatsoever in fact. I thank the staff, the clerks, the attendants, security, the PSOs and everybody who does work so hard to make sure that in fact the place where we work, the people's place, the place where we welcome communities from all over the world, is a place of inclusion, and to that end I am grateful for their assistance every single day. The rest of that matter requires no response.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 10:37 pm.**