Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 17 October 2024

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

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

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

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

Party abbreviations

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

CONTENTS

CONDOLENCES
Noel Francis Pullen 3743
PETITIONS
Newhaven Jetty....................3743
Newhaven Jetty....................3743
PAPERS
Papers....................3743
BUSINESS OF THE HOUSE
Notices 3744
Adjournment 3744
MOTIONS
Middle East conflict 3744
MEMBERS STATEMENTS
Noel Francis Pullen 3744
Dussehra festival....................3745
John Bryant 3745
Geelong mental health and wellbeing local 3745
Women Economic Forum 3746
ABLE Publishing Press 3746
Australian Multicultural Organisation Network....................3746
Suicide prevention 3746
South-Eastern Metropolitan Region community survey 3746
Our Lady of Lebanon Maronite Catholic Church 3747
Rural and Regional Journalism and Photography Awards....................3747
Supermarket prices 3748
Debbi Chamberlain 3748
Upfield Soccer Club 3748
Lebanese Al-Kataeb Association....................3748
Assyrian Church of the East 3749
St Charbel Parish, Greenvale....................3749
Nuclear prohibition....................3749
Sailors Grave Brewing 3749
Wilderness Collective 3749
Noel Francis Pullen 3749
Suicide prevention 3750
Government performance 3750
BUSINESS OF THE HOUSE
Notices of motion 3750
BILLS
Health Legislation Amendment (Regulatory Reform) Bill 2024 3751
Second reading....................3751
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
TAFE teachers 3769
Chisholm Institute....................3770
Ministers statements: child protection 3770
TAFE enrolments 3771
Housing....................3772
Ministers statements: victims of crime....................3774
Malmsbury Youth Justice Centre 3774
Avian influenza....................3775
Ministers statements: water policy....................3776
Triple Zero Victoria....................3776
Nazi salute prohibition 3777
Ministers statements: multicultural communities....................3777
Written responses 3778
CONSTITUENCY QUESTIONS
Eastern Victoria Region....................3778
North-Eastern Metropolitan Region 3779
Northern Victoria Region 3779
Western Victoria Region 3779
Northern Victoria Region 3779
Northern Metropolitan Region....................3780

CONTENTS

South-Eastern Metropolitan Region 3780
Northern Victoria Region 3780
North-Eastern Metropolitan Region 3780
South-Eastern Metropolitan Region 3781
Northern Victoria Region 3781
North-Eastern Metropolitan Region 3781
Western Victoria Region 3781
Eastern Victoria Region 3782

BILLS
Health Legislation Amendment (Regulatory Reform) Bill 2024 3782
Second reading 3782
Committee 3783
Third reading 3790
Short Stay Levy Bill 2024 3791
Second reading 3791
Committee 3815
Third reading 3826
Health Legislation Amendment (Regulatory Reform) Bill 2024 3826
Council's amendments 3826
Building Legislation Amendment and Other Matters Bill 2024 3827
Introduction and first reading 3827
Statement of compatibility 3827
Second reading 3830
Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024 3834
Introduction and first reading 3834
Statement of compatibility 3835
Second reading 3840
Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024 3846
Introduction and first reading 3846
Statement of compatibility 3847
Second reading 3851

ADJOURNMENT
National parks 3852
Pakenham road maintenance 3852
Victoria Police 3853
Donnybrook Road duplication 3853
Country Fire Authority resources 3854
Inverloch surf beach 3855
Ringwood East train station 3855
Waste and recycling management 3856
Responses 3857

QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Written responses 3857

Thursday 17 October 2024

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Condolences

Noel Francis Pullen

The PRESIDENT (09:34): I advise the house of the death, on 23 August 2024, of Noel Francis Pullen, member of the Legislative Council for the electoral province of Higinbotham from 2002 to 2006. As a mark of respect I ask members to stand in their places for 1 minute's silence.

Members stood in their places.

Petitions

Newhaven Jetty

Melina BATH (Eastern Victoria) presented a petition bearing 2424 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that on 1 May 2024, the Newhaven Jetty was closed to public access indefinitely and without warning. A sign was erected on the gate citing structural failures that pose a significant hazard to visitors. The jetty is an iconic, historic and well used community asset and the closure is having a detrimental social and economic impact.
>
> **The petitioners therefore request that the Legislative Council call on the Government to commit to providing full funding to upgrade and fix the Newhaven Jetty and communicate a timeline for its reopening to public access.**

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

Newhaven Jetty

Melina BATH (Eastern Victoria) presented a petition bearing 1163 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that on 1 May 2024, the Newhaven Jetty was closed to public access indefinitely and without warning. A sign was erected on the gate citing structural failures that pose a significant hazard to visitors. The jetty is an iconic, historic and well used community asset and the closure is having a detrimental social and economic impact.
>
> **The petitioners therefore request that the Legislative Council call on the Government to commit to providing full funding to upgrade and fix the Newhaven Jetty and communicate a timeline for its reopening to public access.**

Papers

Papers

Tabled by Clerk:

Auditor-General – Responses to Performance Engagement Recommendations: Annual Status Update 2024, October 2024 *(Ordered to be published).*

Melbourne Cricket Ground Trust – Report, year ended 31 March 2024.

Parliamentary Committees Act 2003 – Government response to the Public Accounts and Estimates Committee's Report on the 2021–22 and 2022–23 financial and performance outcomes.

SEC Energy Pty Ltd – Report, 26 October 2023 to 30 June 2024.

SEC Infrastructure Pty Ltd – Report, 26 October 2023 to 30 June 2024.

SEC Victoria Pty Ltd – Report, 25 October 2023 to 30 June 2024.

Statutory Rules under the following Acts of Parliament –

Borrowing and Investment Powers Act 1987 – No. 111.

Royal Botanic Gardens Act 1991 – No. 110.

Subordinate Legislation Act 1994 – No. 108.

Treasury Corporation of Victoria Act 1992 – No. 112.

Victorian Energy Efficiency Target Act 2007 – No. 109.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 81 and 106.

Business of the house

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:54): I move:

That the Council, at its rising, adjourn until Tuesday 29 October 2024.

Motion agreed to.

Motions

Middle East conflict

Sarah MANSFIELD (Western Victoria) (09:54): 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 has been documented by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, as having occurred:

  (a) up until 30 July 2024, Israel carried out 498 attacks on healthcare facilities in the Gaza Strip;

  (b) a total of 747 persons were killed directly in those attacks and 969 others were injured, and 110 facilities were affected;

  (c) as of 23 June 2024, 500 medical staff had been killed;

  (d) as of 15 July 2024, 113 ambulances had been attacked and at least 61 had been damaged;

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

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

(4) calls on Labor to take action including severing military trade relationships with the state of Israel.

Leave refused.

Members statements

Noel Francis Pullen

Ryan BATCHELOR (Southern Metropolitan) (09:55): Noel Pullen was a stalwart for his community, for Parliament and for the Labor Party, and I wish to extend my respects to his family and friends. I was honoured to attend his funeral in Brighton at the end of last month to celebrate his life and achievements. Noel was a predecessor of mine of sorts as a member in this place for the seat of Higinbotham, covering the seats of Bentleigh, Mordialloc, Brighton and Sandringham from 2002 to 2006. Noel's win in 2002 was against all the odds. It was a previously safe Liberal seat in which Labor had not even fielded a candidate in 1999, which was a fact Noel thought was outrageous. He put his hand up and won after a lot of hard work, and he revelled in being the first Labor MP ever to represent Brighton in the state Parliament. His vote, as well as some of his colleagues elected at that election,

was crucial in ushering in the 2003 democratising reforms to which so many owed their subsequent election, but Noel sadly did not. His connection to Labor lasted more than 50 years, and just before his death, months before his death, he was still working as a casual electorate officer for the member for Narre Warren North. He was a friend, a supporter, an advisor and always a great source of local intelligence. Alongside Labor, Noel's other great love was the Brighton Union Cricket Club, which began in the 1960s, and he was a member throughout. The club president recently described him as the club's most illustrious member, and I was proud to join him at a lunch last year. Many in the Labor Party in this house and the Bayside community are grieving his loss. He will be deeply missed. Vale, comrade.

Dussehra festival

Joe McCRACKEN (Western Victoria) (09:57): I rise to speak about the Dussehra festival over in Rockbank, which happened over the weekend just gone. It is an important event in the Hindu calendar, celebrating the victory of good over evil, light over darkness and the hope of justice prevailing over injustice. I was joined by my colleagues from this chamber and the other place and federal colleagues as well. I want to pay particular respects to the committee; Mr Joshi, the president; and Mr Verma, the vice-president; who did a wonderful job putting together a celebration where over 15,000 people attended at the Sri Durga temple, which I might add is the largest in the Southern Hemisphere. I want to acknowledge all Hindus as well, particularly those who live within the Melton area, which is in my electorate of Western Victoria Region. If you were there on Sunday, you would have seen dancing, colour, some awesome live performances, some fabulous food and, more importantly than anything else, a community coming together to celebrate a very important event. As many Hindus were saying on the day, Jai Shri Ram, and I wish everyone from the Hindu community all the best as they continue their celebrations throughout October.

John Bryant

Jeff BOURMAN (Eastern Victoria) (09:58): We lost a great Australian over the weekend. John Bryant was just 19 years old when he was enlisted in the national service in 1967. Within eight months he was in Vietnam with the 3rd Battalion, seeing active duty in the Battle of Coral–Balmoral in 1968, which included 26 days of fighting. Like so many of his comrades, John returned home to an Australia that wanted to forget his service, with health effects, both physical and mental, that he would carry with him for the rest of his life. In the mid-1990s, with his physical health failing, John went to Dargo with a mate to spend some time in the bush with a hound hunting crew. Every aspect of hound hunting was restorative for John: the camaraderie, the self-sufficiency, the challenge and the simple salve of time in nature. John quickly became a part of the deer hunting community. His quick wit, larrikin charm and natural polish soon made him MC of choice for the hunters' dinners and functions. John moved from south-eastern Melbourne to Stratford to be closer to the bush and lived there happily on his small acreage for the past quarter of a century. John also returned to Vietnam, where he travelled regularly, not just confronting his own ghosts but working tirelessly with his former enemies towards a profound reconciliation. Over the past five years John dedicated his life and his life savings to a search for the B-52 crater at the Balmoral battle site that served as a mass makeshift grave. On April 1 this year John's efforts saw the discovery of 20 North Vietnamese soldiers whose families have been able to lay them to rest more than half a century after they left their homes. John's own remarkable journey ended on the weekend; a great Australian from a great generation, may he rest in peace. Vale, John Bryant.

Geelong mental health and wellbeing local

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:00): I rise today to highlight the recent opening of the Geelong mental health and wellbeing hub – a major step forward in mental health services for the region. This five-storey state-of-the-art facility on Moorabool Street represents a new era in how we care for adults experiencing mental illness and addiction, offering a one-stop shop for triage and integrated wraparound care.

Community members and their families will now have easier access to help that they need, and it is in a welcoming environment and a central location. This has been made possible by an $18 million investment by the Allan Labor government and stands as a key response to the recommendations made in the Royal Commission into Victoria's Mental Health System. It is also the culmination of many years of work by Barwon Health's mental health, drug and alcohol services team. This new initiative will save lives and ease the burden on mainstream hospital services. The mental health and wellbeing hub offers telephone, online, walk-in, at-home, education and outreach support, and it is delivered in partnership with Wellways and Wathaurong Aboriginal Co-operative. Importantly, this free service requires no GP referral or Medicare card, breaking down barriers for those who need help. Additionally, it provides opportunities for hands-on placements for those studying allied health services at TAFE and university. This October, this very month, marks World Mental Health Month, drawing attention to the critical work being done to improve mental health and wellbeing within our community. I am confident that this new fantastic hub will play a crucial role in supporting the recovery journey of countless individuals in our community.

Women Economic Forum

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:02): I was honoured to be a guest speaker at the inaugural launch of the Women Economic Forum of Australia 2024, where I enjoyed meeting with young women and old women alike as they talked about what was important to them in terms of the economic situation. I would like to congratulate Dr Sarifa and Dr Hassan Younes on all their efforts.

ABLE Publishing Press

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:02): I would also like to congratulate Dr Sarifa and Dr Hassan Younes on their efforts in the south-eastern region, where they launched the ABLE book launch for our budding and launching writers in Australia. It was a thrill to be able to attend this event in my electorate.

Australian Multicultural Organisation Network

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:03): I also want to acknowledge the Australian Multicultural Organisation Network, AMON, in Cheltenham. It was a great privilege to attend their inaugural event in the south-eastern metropolitan area with our leader John Pesutto. AMON established their network, and it is an effort to be non-political, non-religious and not-for-profit in the organisation. It is in the south-eastern suburbs.

Suicide prevention

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:03): I would also like to talk about Wayne Holdsworth today. He spoke to parliamentarians about the situation with his son who committed suicide. Wayne is a highly respected person in the Frankston area and has been CEO of Frankston & District Basketball Association. His son committed suicide at the age of 17 after sending nude photos of himself to what he thought was another young woman who had sent the same, and over time this situation spiralled out of control because it was actually not a young woman but someone trying to extort money from him. October – *(Time expired)*

South-Eastern Metropolitan Region community survey

Rachel PAYNE (South-Eastern Metropolitan) (10:04): In July this year I sent out a survey to every household in the South-Eastern Metropolitan Region. I wanted to know what issues were impacting the communities that I represent. I am happy to say that we received a great response, and my staff were very busy diligently ensuring everyone received a considered answer. I heard about what impacted people the most: 14 per cent of respondents said they were feeling cost-of-living pressures, 10 per cent were worried about access to healthcare services, 11 per cent said that they felt unsafe in their community, and 8 per cent cited rental affordability and inadequate public transport options as

stressors. People also shared their stories. One that particularly delighted me was a story that came from a former pastor who enjoyed retirement with his wife.

He was very thankful for the work my colleague and I do in this place to further cannabis law reform, telling us that he and his wife consume cannabis most nights to sleep.

I want to extend my heartfelt thanks to everyone who took the time to answer my questions. The insight that I gathered from this mail-out will help me better serve the diverse communities that I am so privileged to be able to represent here in this Parliament. I would also like to thank my staff for all the time and effort they put into responding to people's queries, thoughts and questions. I am really grateful for all the work that they have done.

Our Lady of Lebanon Maronite Catholic Church

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:05): Last month I had the great honour of joining the member for Preston Nathan Lambert on a visit to the Maronite Our Lady of Lebanon church in Thornbury to celebrate the beatification of His Beatitude Patriarch Estephan El Douaihy. It was a truly special occasion, one that showcased the strength and unity of our community. I note that the Premier also visited the Maronite church of Our Lady of Lebanon, and the community really appreciated her visit. I want to thank her for her continued and meaningful engagement with our multicultural communities in the north.

The church of Our Lady of Lebanon is more than just a place of worship. It brings our Lebanese community together, creating a space where they can not only pray but also pass on their culture and traditions to future generations. From Bible studies to offering guidance and counselling, the church fosters deep connections, helping to form familiar bonds within the community here. The church is currently also running fundraisers to send aid to assist people in difficult circumstances in Lebanon. For their very significant and generous donations I want to thank all the Lebanese–Australian businesses that contributed to that fundraising effort.

I want to thank the clergy at the church for their continued leadership and support for the community during these challenging times. I will also take a moment to express my gratitude to Father Johnny Saba, who recently left the parish to begin a new mission. His gracious and warm leadership during his time here touched so many lives, and I wish him every blessing on his new journey.

Finally, a special thankyou to the entire committee of the Saidet Zgharta Association Australia and the former President of the Legislative Council Nazih Elasmar on this beautiful celebration. Shukran.

Rural and Regional Journalism and Photography Awards

Gaelle BROAD (Northern Victoria) (10:07): I would like to congratulate the winners of the 2024 Rural and Regional Journalism and Photography Awards held in Bendigo last Friday. It was great to see journalists from across Northern Victoria acknowledged, including Allan Murphy from the *Sunraysia Daily*; Darren Chaitman from the *Euroa Gazette*; Darren Howe from the *Bendigo Advertiser*; Chris Earl from the *Loddon Herald*; Emma D'Agostino, Danielle Bonica and Josie Taylor from ABC Central Victoria; and Madeleine Stuchbery from the *Weekly Times*.

Media has a very important role. In politics it is to provide transparency in government, and this is a government that loves media headlines. Credit where credit is due, over the last decade they have been really good at it. It is keywords like 'blitz', 'big' and 'free' that still attract plenty of media coverage. Last weekend they spruiked a major road funding blitz using the same media release from the past three years, and plenty of news outlets ran the story without question. Their Big Housing Build is more like a big fail, and despite 60,000 people on the social housing waitlist they seem more focused on demolishing homes than on building them. They like to spruik free kindergarten and forget to talk about the many millions of dollars being spent by local councils and ratepayers trying to deliver it.

At the awards a journalist said this state government is very secretive, and I certainly agree. We are seeing that with the refusal to provide documents about the Commonwealth Games. Journalists have a very important role, and I thank all those who look for the details beyond the catchy headlines.

Supermarket prices

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:08): Foodbank has just reported that over 2 million households in Australia are experiencing severe food insecurity and that 79 per cent of these households did not have the money to buy more food when they ran out. It is an abject failure of the Labor government that there are people in this state who are going for entire days without eating because they cannot afford food. This is despite people trying to buy cheaper foods or going without cleaning and personal care products to bring down their grocery bill or having to dip into household savings to buy the basics. All the while, supermarkets continue to price gouge. They continue to jack up prices on foods that are healthy, nutritious and essential. In low-income households we are seeing this regularly: they are impacted first, they are impacted the worst and often for the longest, which is especially the case right now in this cost-of-living crisis. The Labor government needs to take urgent action to regulate the price of essential groceries so that no-one is left behind, so that no-one is going hungry.

Debbi Chamberlain

Michael GALEA (South-Eastern Metropolitan) (10:10): I am delighted to rise to acknowledge a remarkable local champion. Last week the Cranbourne Girl Guides celebrated Debbi Chamberlain on her 40-year anniversary as one of the group's leaders. Affectionately known as Possum, Debbi has been a mainstay icon of Girl Guides in the south-east over what has been a lifetime dedication to supporting young women and fostering their empowerment. She told me how Girl Guides has been such a reliable, stabilising influence on her throughout all the joys and all the travails of her life. Whenever she needed them, they were there, and she has been such a powerful force for good in so many young girls' lives. Last week Debbi turned up to the guide hall as usual thinking that she was there how to teach the group how to change a tyre, but instead it was a well-deserved surprise party thrown by her group to celebrate her 40 years as leader. I was honoured to attend the event on behalf of the member for Cranbourne and join in with the celebration. It is fair to say that Girl Guides groups are one of our best kept secrets. They are a terrific way for young women to learn skills, forge friendships and give back to the community. Congratulations, Debbi.

Upfield Soccer Club

Evan MULHOLLAND (Northern Metropolitan) (10:11): It was wonderful to attend the Upfield Soccer Club annual presentation night. Congratulations to Wally Hanna and the entire club for another great year and for the growth of one of the most multicultural soccer clubs in the state. I am proud to sponsor this outstanding club and advocate for the support they need in the future.

Lebanese Al-Kataeb Association

Evan MULHOLLAND (Northern Metropolitan) (10:11): It was a pleasure to attend the Australian Lebanese Al Kataeb of Victoria annual memorial service in memory of the founder of the Kataeb Party, the late sheikh Pierre Gemayel and the late president-elect sheikh Bachir Gemayel and all the martyrs who have died for peace, justice, sovereignty and freedom. The service was held at Our Lady of Lebanon Maronite Catholic Church in Thornbury, with Father Johnny Szabo, Monsignor Joseph, all the Antonine Sisters, all the Lebanese political parties and Lebanese charitable and village associations and the local Lebanese community, and I also pay tribute to Father Johnny for his service to the church.

Assyrian Church of the East

Evan MULHOLLAND (Northern Metropolitan) (10:12): I recently joined the federal member for Deakin the Honourable Michael Sukkar MP at the Assyrian Church of the East. Thank you to his grace Mar Benyamin Elya, Father Antawan and Father Maurice for hosting us.

St Charbel Parish, Greenvale

Evan MULHOLLAND (Northern Metropolitan) (10:12): It was a pleasure to attend the St Charbel Parish in Greenvale for their mass, service and procession with Liberal candidate for Calwell Usman Ghani and the Honourable Michael Sukkar. Thank you to Superior Reverend Father Charles Hitti and Father Rami and the entire Maronite community for the very warm welcome. It was an honour to have partaken in the readings, offertory and carrying St Charbel during the procession.

Nuclear prohibition

David LIMBRICK (South-Eastern Metropolitan) (10:12): For years it seemed like there had been no great leaps in space technology, but all of that changed last weekend when a tube of stainless steel as tall as one of the light towers on the Melbourne Cricket Ground, weighing more than 4½ Melbourne trams descended from space to be captured by a pair of oversized chopsticks. All of this happened because of Elon Musk. Suddenly it seems that the prospect of humans becoming a multiplanetary species is not just science fiction. This spectacular demonstration has reignited excitement about space development we have not seen in decades, including here in Victoria. You might be surprised to learn that Victoria has a rich history of involvement in aerospace, including people from our universities designing satellites in the 1960s and another that was launched just last year. But there is something holding us back. One of the most efficient power sources for space travel is something called a radioisotope thermoelectric generator, or an RTG. These are powered by radioactive sources that are prohibited in this state. Just as government bureaucracy allowed SpaceX to overtake NASA, the Victorian government is holding us back, relegating us to spectators. I urge the government to carve out this archaic prohibition so that we can get back into the space race.

Sailors Grave Brewing

Tom McINTOSH (Eastern Victoria) (10:14): Recently I was fortunate to be able to open the brand new Sailors Grave brewery, Dunetown, at Marlo. Gab and Chris's vision means they can brew six times as much beer. They will be able to offer overnight experiences and host big events. It will be a great local tourist drawcard. We have even had the local Landcare down planting out between the dunes and the bush there. It is going to be an incredible site, so congratulations to them both for bringing this vision forward and to everyone who has worked on it – the 60-plus businesses that have got it to where it is. Of course there are going to be more and more jobs going forward.

Wilderness Collective

Tom McINTOSH (Eastern Victoria) (10:14): I also recently visited Mallacoota's Wilderness Collective and the new co-working space. Paris and the executive have this brilliant new building in the centre of town, which means locals can stay and work. Distance is not a barrier to engaging, basically, the cutting edge of world business. It is great to see this support. There are so many entrepreneurs across East Gippsland, as I said, not letting distance be a barrier and so many women coming through amongst those that are doing incredible things.

Noel Francis Pullen

Tom McINTOSH (Eastern Victoria) (10:15): I just want to take the opportunity to acknowledge Noel Pullen. His decency was immense. He was a true believer and an advocate of social justice, of everyone's boats being lifted, of leaving no-one behind. He was an incredible inspiration to many of us. I found great support through him. He was always one to send an email, pick up the phone and lend a word of kindness, and he will not be forgotten. Vale, Noel Pullen.

Suicide prevention

Nick McGOWAN (North-Eastern Metropolitan) (10:15): This time next week we will not be sitting here in Parliament. This morning I had the great honour of yet again seeing Wayne Holdsworth. I met Wayne in the course of this work, being a member of Parliament. It has been my great privilege. In fact I first approached Wayne when a local constituent, Bree, on behalf of her son Patryk, who took his own life, approached my office and sought some assistance. Bree and Stacey did an amazing job at raising money to help prevent youth suicide. Through that I connected with Wayne. Wayne's son on 24 October a year ago took his own life. This year Wayne would like as many Victorians as is possible to turn off their social media for 24 hours on 24 October, so I will do that. It is a small token but the message is a powerful one, and he conveyed that this morning not only to me but to parliamentary colleagues right across all divides, of all parties, who came and met this morning at 8 o'clock to hear from Wayne, to hear the tragedy that he and his family have gone through and that way too many families still continue to go through every day here in Victoria and Australia and worldwide for that matter. His son was sadly a victim of sextortion, and so there is also a very serious conversation any parent can have with their children about being aware of what they do, the consequences of what they do, but also the love and support of those around them and that any problem can be worked through together.

Government performance

Georgie CROZIER (Southern Metropolitan) (10:17): Eighty years ago Robert Menzies convened a meeting not far from Parliament House in Canberra and formed the Liberal Party. Since that time the Liberal Party has delivered many things, but most notably and what Victorians know is that the Liberals are good economic managers. The economic stability that Liberal governments have provided is an anathema to this state Labor government, which has racked up debt. Due to financial incompetence the burden to pay down that debt has landed on hardworking Victorians, who are being taxed at levels never seen before. But it is not only current Victorian taxpayers footing the bill for Jacinta Allan's and Labor's incompetence, it is going to be generations of Victorians who will be paying the price. Labor's 55 new or increased taxes are killing aspiration, killing confidence in business and driving our great state backwards.

It has been Jacinta Allan over the last 10 years who has presided over financial waste and mismanagement, with project blow-outs, corruption rife within state government run infrastructure projects, a health system lurching from crisis to crisis, an energy crisis, an education system that is far from providing students with best opportunities and a community that has never felt less safe. Jacinta Allan has conned Victorians more than once, whether that be the Commonwealth Games debacle or the current appalling plans for dozens of high-rise towers – some 20 storeys and above – that will be built across our suburbs. Jacinta Allan and Labor never went to the last state election telling Victorians that huge swathes of our community will be covered with high-rise developments, and Labor did not tell the community and local councils that they would have no say. But this is Labor – they con, they tax, they blame and they disregard – *(Time expired)*

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:19): I move:

> That the consideration of notices of motion, government business, 278 to 642, be postponed until later this day.

Motion agreed to.

Bills

Health Legislation Amendment (Regulatory Reform) Bill 2024

Second reading

Debate resumed on motion of Enver Erdogan:

That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (10:19): I rise to speak to the Health Legislation Amendment (Regulatory Reform) Bill 2024, and I want to just put on record my thanks to the department and the minister's office for providing information to me about various aspects that needed clarification. I was very thankful for that input that I received. I want to also thank those members of the community that have reached out to me in relation to this very important issue. They have shared their stories and provided their insights, some of which have been widely reported in the media and others that have not. I want to thank them for providing me with the information and their concerns that they have shared regarding various aspects of this bill.

This bill proposes amendments designed to enhance and strengthen compliance and enforcement tools across a number of health regulation schemes, and these will be consolidated under the health regulator. Importantly, where most of the feedback has come from, as I have just mentioned, has been around part 2 of the bill, and what the bill does is it abolishes the Victorian Assisted Reproductive Treatment Authority, or VARTA, and transfers its regulatory functions to the Secretary of the Department of Health. This aspect of the bill has been quite contentious in some areas, and again I want to put on record that Victoria has led the way in reproductive health and that there have been many good things that have come out of VARTA and what it has achieved over many, many years. But as we have moved on, obviously there have been various concerns, and I will go to those concerns throughout my contribution and why the government is moving towards this piece of legislation.

The bill also makes minor and miscellaneous amendments to a number of acts, and whilst, as I said, there are concerns that have been raised – and I will be wanting to raise some of those points in the committee stage – the Liberals and Nationals will not be opposing the government's bill. But we do have concerns around certain elements of the transfer of VARTA's powers to the Department of Health. As many know, I do not like a big, centralised bureaucracy and the department overseeing all things in terms of taking control. Obviously they have a role to play in terms of safety and administering our health system, but I do have concern, and that is why I am proposing an amendment for a three-year review for this piece of legislation to ensure that what is proposed in the legislation is actually being enforced. I am happy for those amendments to be circulated now so members can see them. It is a very simple amendment to the bill, and I thank the government also for the discussions around my proposed amendments.

Amendments circulated pursuant to standing orders.

Georgie CROZIER: The transition of VARTA into the department requires proper management to ensure effective oversight remains and the risk of harm to vulnerable individuals is minimised, and I think that is incredibly important. I note that there are many people who have understood that and that a lot of the information that has come out of the proposed legislation is a result of the Gorton review. Some of those concerns I raised have been around the educational component of VARTA and the publication of data. Many people, as I said, have spoken to me about that.

This bill seeks to improves compliance and enforcement tools. The bill makes amendments to regulatory frameworks in a number of acts. They include cooling towers under the Public Health and Wellbeing Act 2008 – clause 104 deals with that. It includes drinking water under the Safe Drinking Water Act 2003 – clause 110 goes into some detail in relation to that component – and first aid services under the Non-Emergency Patient Transport and First Aid Services Act 2003. I know that there is a review around non-emergency patient transport. I have been calling on the release of that review by

the government. That has not been done, and I say again that that has been some time in the making and it needs to be released. Non-emergency patient transport under the Non-Emergency Patient Transport and First Aid Services Act 2003 – as I said, clause 101 deals with that. It includes pest control operators under the Public Health and Wellbeing Act 2008 and private hospitals, day procedure centres and mobile services under the Health Services Act 1988.

In relation to private hospitals, I note that the health complaints commissioner report was tabled this week, and that shows an increase in complaints from 2016–17, when the last health complaints commissioner was in place. Not that that has got any relevance whatsoever, but there has been this significant increase in complaints – 29.4 per cent of complaints in the public system – whereas in the private system there has actually been a decrease of 3.1 per cent in complaints to the health complaints commissioner. I think that is just an interesting note to take on board around what is happening in our public health system as well as overseeing and making sure that our private health system is operating to the best effect for the Victorian community. But those health complaints within the public health system I think are very concerning – for them to increase as much as they have.

Also, just a couple of other things the bill deals with are the medicines and poisons under the Drugs, Poisons and Controlled Substances Act 1981 and radiation sources under the Radiation Act 2005. The regulation will be centralised in the health regulator with the aim of strengthening compliance and enforcement powers, with graduated steps for appropriate intervention when required, including mid-range remedies and penalties, from low-level guidance and support right through to prosecution. I think that was one of the issues through that consultation, looking at the number of prosecution penalties that were not being totally complied with. That is partly the reason why this bill is in the house today, because the bill gives the health regulator the powers to issue improvement or prohibition notices, accept enforceable undertakings, issue infringement notices and require the production of documents. These new powers have generally been well received by stakeholders as necessary improvements.

The department put out a consultation paper, and it was very detailed. It referred in its consultation paper to one example that demonstrates what these reforms will actually do, or are intended to do, and that is to address the inadequacy of compliance with the current SafeScript system. That was something that was brought in a number of years ago. SafeScript is a clinical tool that allows doctors, nurse practitioners and pharmacists real-time access to patients' prescription records to prevent harm, including death from overdose of high-risk prescription medications. It has more than 36,000 registered users and records around 46,000 prescribing or supply events per day. It is a very significant piece of monitoring that goes on with the numbers of people that are requiring prescriptions.

But earlier this year the Coroners Court held an inquest into the death of a 16-year-old boy who obtained 64 prescriptions from 31 doctors in a year, feigning illness to get opioids and benzodiazepines. That is what is commonly known as doctor shopping, and SafeScript is designed to prevent that from occurring. I think that is a very good example of what SafeScript is trying to prevent – another incident like that sad case. Despite a mandatory requirement for health professionals to check SafeScript, the coroner highlighted a compliance rate of 70 per cent, which showed that the legislation was clearly not operating as intended to prevent doctor shopping by people addicted to dangerous drugs and other medications.

The coroner noted particularly concerning evidence of the extremely low number of clinicians being referred to regulators, described by the coroner as a drop in the ocean considering the number of breaches. Since the obligation for compulsory checks began in 2020, no medical practitioners have been penalised under the legislation, which a Department of Health representative confirmed to the coroner was due to a drafting error. I think that it is incredibly important that that be corrected. It goes on to say that the Department of Health representative told a coronial inquest into the overdose of the boy that I mentioned that:

> At the moment we currently have not ever administered that penalty…

That was the acting director of Medicines and Poisons Regulation when the boy was known to have died. And:

> My understanding is due to the way the legislation has been drafted we are not actually able to implement that penalty.

Hopefully this will go a long way in fixing those errors to enable that to be corrected. The coroner recommended the department improve monitoring and compliance strategies for SafeScript as a priority, including additional enforcement options, which are included in this bill and are long overdue, coming four and a half years since that mandatory check-in began.

The main part is part 2 of the bill, and that is about the regulation of assisted reproductive treatment (ART). As I said at the outset of my contribution, there have been a number of areas of concern. There is a need for specialist expertise, and stakeholders have expressed concern that the regulator will not have the requisite knowledge, expertise and resources to continue providing the level of support needed in this complex space. I think everybody acknowledges that it is a complex and very sensitive area, and that came through in terms of the government's consultation paper but also the feedback from various stakeholders.

Removing mandatory counselling before accessing information from donor registers is one particular area. The issue has generated a great deal of concern from individuals, providers and organisations, including the Australian and New Zealand Infertility Counsellors Association, Australian Solo Mothers by Choice and Monash IVF; they are just some that I am aware of. Some believe replacing mandatory counselling with explanatory material could have devastating consequences for vulnerable individuals confronted with life-changing information. There is scant detail in the bill about what this material will contain and how it will ensure that people make fully informed decisions about whether to undertake counselling. But I do think that those concerns have been taken on board by the government, and I am hoping they will address that.

It is important to acknowledge that people seeking information or contact with a donor parent or child are exposed to a potential minefield of issues, such as finding out the parent or child has died, has serious criminal convictions or has extensive mental health issues. Anyone who has worked in this space will understand exactly those very confronting elements for these individuals that may be either a parent or a donor-conceived child. The feedback includes concerns that, in situations which have such life-changing ramifications, specialised psychosocial counselling is essential as a safeguard against the risk of psychological harm to individuals in this very complex area. I would really reiterate that, understanding that it can cause some very significant issues. Throughout the consultation on this I have spoken to people who have highlighted these issues and their own personal experiences.

Since changes to donor conception laws in 2017 all Victorians conceived through donor treatment procedures can access identifying information about their donors on the central register. This removed anonymity from all donors, including those who donated before 1998 and believed they would remain anonymous. This world-first legislation followed recommendations of the Parliament's Law Reform Committee in 2012. That was under the Baillieu government at the time. I want to commend my former colleague Clem Newton-Brown, the former member for Prahran, who did a lot of work in this area. I remember having meetings with donor-conceived children who were really pushing for these reforms and talking about their individual experiences around medical conditions that they were not aware of. There were some very sad cases throughout that entire debate, so I was very pleased that it was the Baillieu government and the Premier himself who intervened in the case of a 30-year-old woman who was dying of bowel cancer and desperately searching for her donor father. It was an incredibly sad story.

The department's consultation summary states:

> … there was generally support for people being able to choose whether or not they undertake counselling.

I think that is an important element of what this bill is seeking to do – to give choice to people around counselling, because not everybody did think it was necessary. I received feedback and I spoke to a constituent who was a donor in the 1980s and has worked closely with donors and donor-conceived children for over a decade, and he told me that some donor-conceived people and some donors have found the provisions in the act for mandatory counselling to be onerous and unnecessary. He in fact supported the intention to move from mandated to voluntary counselling yet was concerned that the government's ongoing commitments to providing counselling and donor-linking services, in his words, were 'very weak'. Again, I think the government are aware of these concerns, and I would hope that they would be taking them under consideration. It is partly why I have moved for a three-year review to ensure that these aspects that have been raised with me – I have fed back to the government and I know others have as well – will be reviewed and that what is intended to be working around this very important counselling component will be achieved. I do note also that counselling will remain mandatory before consenting to receiving treatment using donated material or consenting to be a donor – I think that is an important distinction here. Requirements for a counsellor to confirm the maturity of a child involved in accessing information will also be retained.

The removal of donor-linking services and the move to replace face-to-face donor-linking services with an online portal have also been questioned, as they may pose risks for donor-conceived people and donors who wish to exchange information. The department and the donor conception registrar will need to ensure that these people are still adequately supported during this process. That may involve sharing health information and other sensitive matters – another area that really needs to be closely monitored.

Can I just go back to the issue around the educational resources. VARTA's educational resources developed over years are highly regarded as the leading source of reliable, current, evidence-based information about infertility and donor conception. I note again the minister's commitment, in her second-reading speech:

> … to continuing to make those available through non-legislated arrangements.

This is another point that needs further clarification to address the risk that research and educational features will cease without funding or a legislated requirement. Certainly we will be exploring that in a little bit more detail in the committee stage.

Currently it is an offence under the ART act to move donor gametes and embryos created from them into or out of Victoria without the written approval of VARTA. This bill replaces the preapproval with a certification requirement in line with recommendation 56 of the Gorton review. This is designed to reduce unnecessary regulatory burden as a barrier to accessing gametes and embryos from outside of Victoria, balanced with appropriate oversight, including new compliance measures. Whilst removing barriers helps to reduce delays and onerous requirements, concerns remain around making guidelines to ensure adherence to the 10-family unit. I note the feedback from the department's consultation that being required to make best efforts to comply with family limits is not rigorous enough. Whilst I was speaking with various stakeholders around this issue, they were also raising with me that in the ACT and New South Wales there is a five-family limit. We have a 10-family limit, and we have got these cross-border issues. That is why the Fertility Society of Australia and New Zealand did make this very point to me as well – or their report, I should say, made this point. Speaking to stakeholders, they were also concerned about it. FSANZ said:

> Differences in donor laws in different states and the lack of a national register means that there is an increasing risk of children of serial or prolific donors unknowingly meeting and potentially partnering and having children of their own as adults.

That is a huge concern, and that is what I want to come back to in a bit more detail. But if I can just go to the issue around data security, a recent report by the ABC revealed a serious risk of donor data being lost or hacked. A KPMG review found the integrity of data held by VARTA was at extreme risk of being compromised with a lack of cybersecurity awareness and security measures in place. Another

report from the health department in 2021 refers to major concerns over ongoing data corruption. I know that that story that I referred to from the ABC and other stakeholders that have contacted me about it and also constituents and a donor-conceived child actually raised it with me – Steph is quoted in that report, and she raised the issue that when she found out she was donor conceived it was quite confronting for her.

I think it is very important to understand the emotion that is around when children have parents who have undertaken IVF and ART and they are absolutely aware of their circumstances. As she said when she was sitting there with her parents and finding out that she was donor conceived, she said it was terrifying to know the information on the database could be lost, and she already thought some of the information she had received may be incorrect. She was questioning various aspects of her own personal make-up. She talked about that storage of data, which is the point I am raising, and she went on to say in this report:

> Admittedly this was 30 years ago but some of that information may have been lost or changed. Knowing that something that's so fundamentally private about me … could be accessed by anyone, or that a computer malfunction could be the reason that I don't get answers is insane.

So that data security issue I think is very, very relevant, and Steph's story is one where she expresses it so well, and she talks about how important the security of health data is. The FSANZ review also raised these concerns as a consideration in the need to implement a centralised system to store, track and access genetic information.

Regarding the consultation process in relation to the bill before us, a number of stakeholders have expressed to me that that consultation lacked a degree of transparency, which was disappointing, and the short timeframe that they had to make submissions was just five weeks. When it comes to consultation I have to say that this government has demonstrated time and time again it does not engage in full, transparent processes, and I think that we need to understand how important that is, whether it is this issue or whether it is other issues around health, the government's proposed plans to amalgamate health services and what they are going to do. They have left local communities in the dark, and you do not want people to feel that they have not understood the full implications of the legislation.

Just returning to the FSANZ review, the Fertility Society of Australia and New Zealand, their comprehensive review of governance and standards in ART and the IVF sector that was undertaken, the draft findings and recommendations were released on 15 September, just a few weeks ago. In this they were talking about governments, and they talked about a 10-year review, a 10-year national fertility road map based on four key pillars, those being governance, safety and efficacy, access, and research and technology. In the governance aspects they went into great detail because they said:

> The primary issue raised in interviews and submissions is that the difference in laws and standards across over 30 pieces of legislation in 9 jurisdictions within Australia significantly impacts children, parents, donors, and the cost of ART in general, and, IVF in particular.

They went on to talk about, as I said and have mentioned before:

> … the lack of a national register means that there is an increasing risk of children of serial or prolific donors unknowingly meeting and potentially partnering and having children of their own as adults … There should be a single national health standard for egg and sperm donation to ensure consistency and safe futures for children conceived by ART in general, and, IVF in particular.
>
> There should also be a single national standard on the rights of children to seek information regarding their genetic parentage.

I really think that is an important aspect of that review, which I have got concerns about. They have a vision to work with state, territory and federal governments towards the establishment of a national regulatory framework, as I said, to ensure that these aspects that they raised that can have wide implications and very serious ones are addressed. I have been reassured by the minister's office that nothing in the bill will preclude further cooperation with other jurisdictions and that consideration of

a national fertility plan will go ahead. I would urge the government to really push ahead with that. Take it to the health ministers COAG and really work towards that, given the implications and given that tremendous body of work that was done, highlighting these issues and looking at those recommendations. As I said, those four key pillars that they highlighted can be worked on and should be worked on at a national level.

In conclusion, my amendment, as I mentioned, requires the minister to instigate a formal review of part 2 of the legislation to commence after three years of operation and be tabled in the Parliament within four years of the commencement of the act. The legislated review seeks to ensure that the department has undertaken proper management in the implementation of its new functions to ensure that appropriate support as well as information continue to be provided to people requiring the services formally provided by VARTA.

As I said, whilst we do not oppose the bill, the Liberals and Nationals are asking for this amendment to be supported so that there is a legislated mechanism to hold the government accountable for these reforms and what is intended in the bill is actually undertaken. I would urge the government to work on that national fertility plan so that we can have those issues resolved at a national level and prevent the potential for very distressing and concerning implications given what I have described in the course of this debate. I look forward to a speedy passage of this bill.

Sarah MANSFIELD (Western Victoria) (10:46): There are two parts to this bill, as Ms Crozier has already outlined. The first part, which supports the centralised health regulator and provides the regulator with some mid-range enforcement tools, is relatively uncontroversial; it makes a lot of sense and is something that we would support. Ms Crozier has already touched on some of those functions that would be centralised. I am not going to go into those any further. As I said, those particular changes we support. It is the second part of this bill that we have concerns with, and that is the part that makes changes to the Victorian Assisted Reproductive Treatment Authority (VARTA).

We have serious concerns about the proposed dissolution of VARTA, particularly given the feedback we received from a really wide range of stakeholders. I spoke with many people representing really diverse interests, sometimes opposing interests, and not a single one of them was supportive of dismantling VARTA, nor were any confident that absorbing VARTA's functions into the Department of Health was the way to go. While there were different views about alternative approaches, it was clear that the one being proposed by the government here with this bill is not the one that they believe should occur. VARTA is actually a gold standard when it comes to assisted reproductive regulation, particularly with respect to regulation of donor conception. Now, it is not often we get to say we have the gold standard model in something. The whole world looks to us when it comes to our model for regulation of assisted reproductive technology and treatment. That does beg the question: why are we looking to change something that is held up as such a gold standard?

VARTA currently have a broad range of functions. They include responsive research into emerging technologies and trends, undertaking public education and producing educational resources, which as Ms Crozier has identified, are extremely well regarded. These are very specialised resources and VARTA plays an important role in bringing that specialised expertise to producing those. One example is a program that I believe may no longer be running but was called Time to Tell, which supports the parents of donor-conceived children with the process of letting children know early that they are donor conceived – a very complex area. VARTA was well placed to provide education and support in this space. They also had the role of maintaining the donor register, which is again highly sensitive work and quite different to other registers that may be maintained by the health department. They also played a role in counselling and donor linkage support, which is really valued, as we heard from stakeholders, because it is independent from assisted reproductive treatment providers. That independence is something that is really valued, as well as the expertise and high level of qualification of the counsellors that were provided by VARTA.

Some stakeholders remarked that, if anything, VARTA needed to be strengthened and given more teeth for it to effectively regulate the predatory behaviours of some assisted reproductive treatment providers. Mid-range enforcement tools are one thing, but sometimes tough measures are necessary to ward off sinister and inappropriate behaviour. Most other states and territories do not actually have a specialised regulator. It is not a reason to get rid of ours. In fact many, as I said, in Australia and overseas look towards VARTA as a leader in the field and are considering developing their own version of VARTA. There was recently a national review of ART, which Ms Crozier has already referenced, and that made a range of recommendations, including potentially establishing a national donor register and streamlining relevant legislation. Across the country there are dozens of different pieces of ART legislation. It is an incredibly confusing and sometimes conflicting space when it comes to regulation and legislation, and there is substantial scope to streamline this to develop some consistency between jurisdictions. Obviously that is a piece of work that needs to take place at the federal level, in partnership with states and territories. The federal government has yet to respond to this report that has recently been provided, but it seems that it is particularly premature to start up a whole new system in Victoria when it is quite possible that there will be wholesale changes to ART at a national level.

The reasons that we have been provided by the government and by the department for abolishing VARTA have been unconvincing. We still have not received a really solid reason for why this needs to occur. Centralising regulation is one thing – we can understand why, for many of the other areas that this bill deals with, that makes sense – but getting rid of a specialised authority that is so well regarded and absorbing its functions across the Department of Health is quite another thing. Specialist services have value, even when what they oversee is an increasingly normalised part of our society. Rainbow families, single mothers by choice, donor-conceived people, people with chronic diseases or certain genetic markers – the impact of this Parliament's decision today will be most keenly felt by those groups. I have heard from many constituents who found out they were donor conceived later in life, a revelation that had a profound impact on their sense of identity and raised many questions for them about their family, their romantic relationships and, importantly, their own medical history. While for many this experience was incredibly traumatic, many also told me that without VARTA the days and months after learning about the nature of their conception would have been so much more difficult. For these individuals who have contacted me and so generously shared your deeply personal stories, I thank you.

There has been a growing acceptance and use of ART, which has enabled so many to have children who otherwise might not have been able to. While we have made great strides in this space, particularly when it comes to destigmatising the use of donor gametes for those who are seeking to conceive, it is clear that for those who are donor conceived there is much more work to do. The Gorton review of assisted reproductive treatment was tabled in 2019. That was a review of the Victorian ART legislation, and it recognised much of the complexity that exists in the ART space and identified many areas that require reform. To this day many of the recommendations remain to be implemented, and given that the ART legislation is before us now it would have been an opportune time to fulfil some of those recommendations.

It is curious to note that the government has cherrypicked some components of the Gorton review for implementation. In some instances, though, with this legislation before us they are implementing changes that either were not recommended by Gorton or actually go against the recommendations in the Gorton review. This legislation only removes mandatory counselling for people who are seeking information via the donor register, something Gorton did not actually address because it was outside the scope of that review. Gorton instead recommended the removal of the requirement for mandatory counselling for all ART, something this legislation does not address and that the government has repeatedly failed to deal with. The requirement for mandatory counselling for all ART is absolutely

outdated, and the government has failed to explain why it refuses to change this. With respect to where the functions of VARTA should lie, there is an explicit statement in the Gorton review that says it:

> … does not consider that it would be desirable or appropriate for the Department of Health and Human Services to take on all of the functions currently performed by VARTA.

That is on page 166 of the Gorton review.

A key recommendation was that whichever entity undertook the regulatory and other functions of VARTA, it would need to be able to command the confidence of the sector and the public. I think that is really what is really critical here: it needs to be able to command the confidence of the sector and the public. From the significant amount of feedback we have received from a broad variety of stakeholders, including from the sector and the public, it is clear that they do not have confidence in the Department of Health to hold these functions when it comes to regulation and the other functions undertaken by VARTA. Perhaps that confidence could be gained over time with further consultation and engagement, but that work has clearly not been done, from the feedback that we have received.

From all those working in the field the resounding feedback was that the government have already made up their mind to abolish VARTA, and there was little that they could do or say that would change the government's course of action here. Yet how these functions are going to be effectively transferred to the department and then executed has been surprisingly vague. We have very little information other than, 'Look, the department is able to do this. We run other programs. We run education. We'll take on education. We'll outsource the counselling. We'll find some counsellors. We'll set up a donor registrar. We'll have a regulator. We'll let the regulator manage this.' Very little assurance has been provided on a whole host of issues related to this space in order to gain the confidence of all of those who have an interest in seeing this work well.

We believe that it is so important to get these changes right that we feel that the bill cannot proceed as it is without further engagement with experts in this field. That is why we will be moving a reasoned amendment. I move:

> That all the words and expressions after 'That' be omitted and replaced with 'this house refuses to read this bill a second time until an expert panel comprised of representatives from the legal sector, specialist counsellors, people with lived experience of donor conception and assisted reproductive technology, and people with other relevant expertise has examined the implications of the dissolution of the Victorian Assisted Reproductive Treatment Authority and that the findings of this panel are tabled in both houses.'

This amendment is a simple one. We believe that this further round of genuine consultation to look at what model would work best could result in, I think at the very least, some assurances to key stakeholders and members of the public around any new arrangements, and it may provide scope for some other model where perhaps some of the current functions of VARTA are retained. This is something the government I am aware was not keen to do. We believe that at the very least VARTA could have been maintained and allowed to continue with their education, information and counselling roles. However, as I said, the government was not willing to consider this as an option. We think further consultation with relevant experts would be really valuable before proceeding with such a significant decision. We will have some further questions in the committee stage, but I may leave my contributions for the moment at that.

Jacinta ERMACORA (Western Victoria) (10:59): I am pleased to speak on the Health Legislation Amendment (Regulatory Reform) Bill 2024. The bill amends the Assisted Reproductive Treatment Act 2008 to abolish the Victorian Assisted Reproductive Treatment Authority (VARTA), which will provide for employment of a donor conception registrar. The Assisted Reproductive Treatment Act 2008, or ART act, is an exceptionally important piece of legislation when it comes to assisting and protecting those seeking, receiving or involved in donation in the reproductive health sector. Victoria has led the way in Australia when it comes to assisted reproductive treatments. Victoria was the first state in the country to provide legislative safeguards for people undertaking assisted reproductive treatment through the Infertility (Medical Procedures) Act 1984. Victoria was the first

Australian state to give people born via donor treatment access to information about their genetic history. It is an amazing thing and one to be very proud of that Victoria has led the way in so many medical and health-related fields, whether it be assisted reproduction treatment, euthanasia, medicinal cannabis and so on. With the amendments in this bill, the Allan Labor government continues to lead the way and modernise and ensure a fit-for-purpose regulator that will utilise their skills and expertise to protect and support Victorians involved in assisted reproductive treatments.

As a result of recommendations made by the Gorton review, functions that are currently being performed by VARTA in the regulation of assisted reproductive treatment will be transferred to the Secretary of the Department of Health. In this regard there is an element of normalisation, as this is becoming a familiar and regular part of the health system in Victoria. There are always medical advancements, as there are across all fields of health, and this is just simply another field of health in Victoria.

New compliance and enforcement powers are introduced through legislation, as well as new offences. The amendments in this bill ensure that the legislation aligns with other health regulatory schemes and addresses issues specific to the sector. This bill sees the introduction of the donor conception registrar, which will be located within the Department of Health, and this will be administratively separate from the regulatory functions. That makes sense. Presently, counselling before information is accessed from registers or contact preferences are lodged is mandatory. The amendments in this bill will change this to voluntary, and this is about respecting the rights of individuals to make informed choices about their own needs. Counselling before consenting to treatment or to being a donor will remain mandatory.

The act will continue to ensure that people are given all relevant information via the donor conception registers. Access to essential resources is still available to ensure that people can make properly informed choices. As part of the amendments within this bill, a requirement is added that will ensure that the donor conception registrar provides a person with information where that person is making an application to registers for information or is a person whose information may be released from registers. This is done so that should any issues arise, a person may navigate them in an easier manner.

In this set of amendments there are funding plans to have an appropriate organisation who has counsellors who are qualified within this area to deliver culturally safe counselling to anyone who may be accessing the registers and wants to access counselling while doing so.

During its years of operation VARTA has been instrumental in providing high-quality education and in promotion of research and consulting. Most of these functions are currently legislated. The bill will remove these functions from the legislation. However, the Allan Labor government recognises the great importance of these functions and the resources developed by VARTA over time and will ensure that these resources are delivered through non-legislated arrangements.

The Allan Labor government will continue to ensure that the welfare and best interests of those born as a result of assisted reproductive treatments, those seeking or receiving ART and those involved in donor conception are upheld as intended by the act when it was first legislated. We have seen over the years significant advancements in medical treatments and technology, as well as changing social attitudes towards fertility treatments. It is becoming quite normalised. This bill reflects those advancements and changes in societal thinking. We also acknowledge that due to the very specialised field that assisted reproductive treatment fits into, there are and will be issues that are uniquely only found within this particular medical field. Some of these issues may require legal protections. Through these reforms there is recognition that a regulatory agency is the most appropriate support option for anyone impacted by issues arising that are not necessarily required to be legislated functions of the act. This gives greater flexibility to the regulatory agency responding to these issues.

Many women have experienced heartbreak through miscarriage and stillbirth. That is why we want to make the act as clear of red tape as possible, to remove confusion and stress where it need not be, particularly where there is already likely a significant amount of stress. As part of the Gorton review

a recommendation was laid out that there be a reduction of unnecessary red tape, particularly when it comes to donor gametes or embryos and their movement in and out of Victoria. The bill makes amendments to remove the requirement to have preapproval to move donor gametes or embryos – and I do know a particular family who are having embryos sent to the UK for testing, and I am sure this will be a positive thing even though they have already been through the process. The bill retains the safeguards and existing requirements already set out under the act. These simple amendments will alleviate stress, provide greater clarity and reduce any delays in the movement of gametes and embryos, with those requirements being counselling, consent and provision of information to registers.

The Allan Labor government is serious about ensuring all Victorians have a health system that works for them. This bill is one that will see the Assistive Reproductive Treatment Act modernised and brought up to today's social expectations for fertility treatment. It ensures that those seeking treatment, receiving treatment or going through the donor process can do so with clarity, safety and less red tape. It means that those who are seeking treatment or receiving treatment during what is likely to be a very stressful time can do so without added burdens and roadblocks impeding their dream of having a baby. This bill is just another step in the right direction to making Victoria's healthcare system in all its forms one of the best in Australia, and I commend this bill.

Wendy LOVELL (Northern Victoria) (11:07): I rise to speak on the Health Legislation Amendment (Regulatory Reform) Bill 2024. This bill will amend the Assisted Reproductive Treatment Act 2008 to abolish the Victorian Assisted Reproductive Treatment Authority, VARTA. It will also provide for the employment of a donor conception registrar, transfer certain functions and powers from VARTA to the secretary and the donor conception register, further provide for donor gametes or embryos produced from donor gametes to be brought into and out of Victoria, remove mandatory counselling requirements for accessing information on the donor conception register and further provide for regulatory and enforcement matters and the service of documents.

It will also amend the Drugs, Poisons and Controlled Substances Act 1981 to further provide for the amendment of the poisons code, regulatory and enforcement matters and the service of documents, and it amends several other acts to provide for regulatory and enforcement matters and to make minor miscellaneous amendments. Some of the other amendments it will make are to the regulatory frameworks in the following acts: the Public Health and Wellbeing Act 2008, where it will make amendments to regulations for cooling towers; the Safe Drinking Water Act 2003, where it will make amendments to the regulation of drinking water; the Non-Emergency Patient Transport and First Aid Services Act 2003 to amend regulation for first aid services; the Non-Emergency Patient Transport and First Aid Services Act 2003, again, to make amendments to non-emergency patient transport regulations; the Public Health and Wellbeing Act 2008 to make amendments for regulations regarding pest control operators; and also the Health Services Act 1988 to make amendments regarding private hospitals, day procedure centres and mobile services.

I particularly just want to talk a little bit about non-emergency patient transport because that has been a big issue in my electorate over the past few weeks. Patients who require dialysis have been notified of changes to their transfers to and from the hospital for dialysis. Previously these transport services were provided by Ambulance Victoria. Ambulance Victoria would organise a taxi to make sure that dialysis patients could be at the service to receive their dialysis, which they need to do around three times a week. This is not a service that they can opt to put off or to go to less regularly. It is a life-saving treatment that they must access when it is needed, and that is up to three times a week.

Previously the patient would arrange these transfers through Ambulance Victoria – Ambulance Victoria organised the taxis and paid for the taxis. But at the end of last month, patients in rural and regional Victoria were advised that they would no longer get that transfer and they would have to make their own way to and from dialysis, whether that be by driving themselves, asking friends or family to drive them or arranging their own taxis. This has proved to be very difficult for many, many patients because family and friends work and may not be available to do these transfers on a regular basis. We know that patients who do go for dialysis often report being dizzy and confused after

treatment and it would be dangerous for them to be on the road driving themselves. It is also dangerous in rural Victoria that patients are driving themselves long distances on very unsafe roads, because this government has not maintained the roads. They certainly do not want to be driving on pothole-ridden, unsafe roads at 100 kilometres an hour after treatment if they are not feeling particularly well, and it does take a lot out of patients when they undergo dialysis.

The other option is to organise a taxi. Well, taxis may cost patients hundreds of dollars a week. If we look at dialysis that is provided in Shepparton, people come from as far away as Cobram and Euroa to access those services. To have a taxi to and from Euroa or Cobram three times a week on a regular basis would be hundreds of dollars. Publicly subsidised taxi services are limited. They are limited to up to $60 for each fare, and it is only half of that cost – 50 per cent of up to $60. This would never cover the cost of their taxis, and it certainly will not provide for those who have to travel vast distances. The taxi services could be more than their income for the week, or more than their pension for the week, to travel to Shepparton from Cobram or Euroa or other areas within regional Victoria just to access their life-saving treatment.

This is very short-sighted of the government. We know that Ambulance Victoria have been forced to make this change because their budget was cut by $20 million in this year's state budget. We know that there have been cuts to health services right throughout country Victoria and health services are desperately trying to make ends meet to provide their basic services. This government cannot manage money, and because it has got the state finances in the state that they are now, it is clawing back funding from health services, from vital services and life-saving services like dialysis for those who need that service.

The patients that require these services deserve more respect from the government than what they have been given – just a letter to say, 'This service would end. You're on your own. Get to the hospital. Use your family, your friends. Use a taxi, whatever.' It is not a solution. The government must come up with a far better solution than this. What we have seen, too, is that those who actually require medical assistance do still qualify for transfer by Ambulance Victoria, but these services are now being provided by ambulances, which is taking an ambulance and the paramedic crew that man that ambulance off the road. They are not available to attend an emergency patient while they are transferring someone to and from the hospital for dialysis. Often they will wait. It is very difficult to know when a person who is on dialysis is going to finish their appointment and be ready to go home, so we have ambulances now ramped outside the dialysis clinic waiting for people to finish their dialysis to drive them home. It is going to compound the problem we have with ambulance services in country Victoria as well, because there will be less ambulances available to assist those who need the urgent provision of an ambulance because they are now acting as transport services for some dialysis patients – very few dialysis patients. These services used to be provided by taxis and could still be provided by taxis if the government could only get its act together.

The government must order Ambulance Victoria to restore the full suite of services to dialysis patients that they were being offered up until the end of September. People say it is not a cut, that it is just applying the criteria more strictly or applying the criteria and working to the letter of the criteria maybe and there has been no change, but there has been a change, because people who got a service last month are no longer getting a service this month. That is a cut to their service, and this government must realise that they are cutting vital health services to regional Victorians by applying a stricter criteria to who can be transported to and from dialysis services. It is particularly impacting country Victorians who have to travel vast distances, so if the government would like to provide more dialysis services that are closer to people's homes, that would be fantastic. But if they cannot do that, they must provide the patients with transfer to and from their dialysis.

Sheena WATT (Northern Metropolitan) (11:18): Acting President, thank you for the opportunity to rise today to contribute to the Health Legislation Amendment (Regulatory Reform) Bill 2024. This bill before us is designed to improve and modernise health regulation in Victoria, ensuring that the health system remains robust, consistent and adaptable to contemporary challenges. This bill will

deliver comprehensive reforms across various health sectors. It aims to enhance the overall safety and wellbeing of all Victorians, particularly those accessing services such as assisted reproductive treatment (ART). The Victorian government, under the leadership of the Allan Labor government, is dedicated to improving health regulation to address evolving risks, advancements in technology and shifting community expectations. Through this legislation before us in the chamber, the government intends to ensure that all Victorians can enjoy the highest attainable standards of health and wellbeing at every stage of life.

I know that it has come up a number of times about reproductive technology and of course changing expectations and technological advancement in this place. I have had the opportunity then to talk on my contributions to women's health and women's reproductive health in particular through the Women's Health Victoria board and all the associated organisations. So can I just take a moment to acknowledge and thank Women's Health in the North, as well as all the women's health organisations right across state. I know that they play such a critical role in myth busting and providing information and connection and referrals to what are really essential services in our community. So thank you to those organisations and thank you to the leadership of Women's Health Victoria. I had the good fortune of spending that time surrounded by some of the very best in women's health in our state. I did take some time throughout that appointment to learn a lot about changing expectations and changing access to reproductive technology in our state, and I learned lots about the LGBTI community and their hopes and dreams and aspirations for starting a family, but also lots about single folks that just want to have a family and cannot. Thank you to each and every one of those people that reached out to me throughout my time on that board and shared with me some of their aspirations and hopes for beginning families.

Also, can I just take a moment to acknowledge some new mums in my world that are now enjoying the absolute delights and pleasures and sleepless nights of parenthood thanks to assisted reproductive technologies. I am so delighted. So much of that technology that is now celebrated right across the world began right here in our state, and that is something that is not lost on us. It also means that we as a state are on the very forefront when it comes to moving with the technology of the times, and that is what this bill before us does.

The bill establishes a new health regulator which has some responsibilities for overseeing our health regulatory framework. These frameworks cover areas including medicines, poisons, private hospitals, day procedure centres, first aid services and safe drinking water. I will say that it importantly introduces a consistent set of compliance and enforcement tools for the health regulator, enabling a really graduated and health-based and proportionate approach to health regulations. Some of the new powers conferred to the health regulator include improvement notices which require regulatory entities to rectify noncompliance, prohibition notices which can stop certain activities that may pose a health or safety risk, information or document production notices which allow the regulator to request information for compliance monitoring and infringement notices which impose fines for specific noncompliance in forcible undertakings where entities agree to take corrective action. These tools are designed to equip the health regulator to respond effectively to breaches of the law, both reactively and proactively, and align with best practice in health regulation. We have come so far in just a few years in ensuring that the system can prevent and minimise risks to public health and safety.

I will take a moment to acknowledge the introduction and incredible work of Safer Care Victoria. They are certainly a really important part of the Victorian health landscape now, and anything that helps to prevent and minimise risks to public health and safety is of course welcome. That is why I think having this new health regulator on board will further strengthen our health system here in the state.

Importantly, I will also say that we have important reforms to the regulation of assisted reproductive treatments following recommendations from the Gorton review. Responsibilities for regulating assisted reproductive treatment will be transferred from the Victorian Assisted Reproductive Treatment Authority (VARTA) to the health regulator, and this transfer aims to improve compliance and enforcement of ART providers and simplify access to donor conception registers. I have had the

good fortune to enjoy the trust of a great number of people who have shared what they view to be their challenges with the donor conception registers and how they are used and the information is managed. So I am pleased to see that we have looked to implement some improvements.

I have got to tell you it is an incredibly challenging time for families and for folks that are wanting to start a family and needing to access assisted reproductive treatment. I am reminded, in fact, of someone who is a good friend to those of us on this side of the chamber, and that is the member for Dandenong, who has so bravely and boldly shared her story of her hopes to bring a child into the world. Now we have got the good fortune of having met her son, but it took a little while to get there. I just want to acknowledge and thank Gabrielle Williams for sharing that in the hope that we all understand a little bit more about the enormous challenges of assisted reproductive technologies and treatments. For me, I learned a lot from Gab during that time about just how challenging it can be, and I am eternally grateful to her for sharing that and know that she inspired a great number of women to be much bolder in telling their stories about their challenges. That is why I was so pleased to see that we have got legislation before us that I hope makes life a little bit easier for those going through what can be a very, very challenging time. Hopefully they all experience at the end of it the enormous joy of parenthood, but I know that that is not always the case.

I am getting a little bit emotional thinking about the folks in my world that have had the good fortune and sometimes not good fortune of assisted reproductive treatment. I know that after that come some questions for families about donors and donor conception registers and what that looks like for the future of their families. So I was happy to see that in this bill the management of these donor conception registers will now fall under the responsibility of a new donor conception registrar, which will be located under the Department of Health, and this move aims to ensure that information on donor-conceived individuals and in fact donors themselves is handled securely and effectively.

The requirement for mandatory counselling before accessing information on donor conception registers will be made voluntary, which I think is extraordinarily good. This provides more flexibility for individuals seeking information while still ensuring that support remains available through government-funded counselling services.

Ms Ermacora spoke a little while ago about some barriers to obtaining donor gametes from interstate or overseas, and they will be reduced by replacing VARTA’s preapproval process with a certification process aimed to reduce delays for those seeking to start or grow their families while maintaining safeguards.

I do have more to say, but I have taken up some time talking a little bit more about the very real and lived experiences of folks in my world and across Victoria of accessing assisted reproductive treatments. If it is okay with the chamber, I might leave my remarks there and take a moment to end by thanking the Minister for Health for this important work and lending to it my wholehearted support. I commend this bill to the house.

Renee HEATH (Eastern Victoria) (11:29): I rise to speak on the Health Legislation Amendment (Regulatory Reform) Bill 2024, a bill that was created and is situated within the Department of Health. This body consolidates oversight across a range of critical issues and is now responsible for regulating medicines and poisons, ensuring drinking water is safe, controlling tobacco and e-cigarettes and overseeing food safety, child safety, radiation safety, pest control and other risks.

The primary purpose is to update and strengthen our health regulation systems, and it is argued that current frameworks are outdated and lack appropriate mid-range penalties, which limits our ability to address noncompliance issues effectively. This bill addresses the issues by introducing enhanced compliance and enforcement tools. There are a couple of key changes. The first one is health regulation compliance. The bill amends regulatory frameworks across several sectors, including cooling towers, drinking water, first aid services, non-emergency patient transport, pest control, private hospitals and medicines. It creates more extensive graduated compliance enforcement powers to ensure penalties

are proportionate – for example, the ability to issue improvement or prohibition notices, enforce undertakings, issue infringement notices and require the production of documents.

Then there is a second area which we have heard a lot of concern about, which I share, which is the changes to the assisted reproductive treatment, or ART. These changes I believe are problematic, and they do present potentially devastating issues. The bill proposes to abolish the Victorian Assisted Reproductive Treatment Authority, or VARTA, and transfer its responsibilities to the Secretary of the Department of Health. This includes the regulations of ART services and the management of donor registers. While the move is intended to streamline the process, and I acknowledge that, it also eliminates mandatory counselling before accessing donor information and removes some legislative requirements for public education and research, something that I think is of vital importance. The transfer of VARTA's regulation to a new donor conception registrar within the department and replacing mandatory pre-approval requirements with a certification process for moving donor gametes and embryos is removing the legislative mandate for public education and research, which was previously undertaken by VARTA. So there are some serious concerns around this change, which we have heard from both my Liberal colleagues and also Dr Mansfield. The decision to dismantle VARTA or centralise ART regulation under a government department raises significant issues that need urgent attention, and I think there are some questions that the government most certainly needs to answer.

The push to centralise all IVF-related matters within government departments contradicts the recommendations that were made from the Gorton review. This review explicitly advocated for maintaining an independent regulation body to ensure rigorous oversight and best practices in the IVF and fertility industries. The Gorton review stated that this final report sets out a renovation plan; it does not propose a radical overhaul or a complete rebuild. So to me this raises a critical question: why is the government pursuing a complete overhaul that the review warned against? While the government denies that this action is related to cost cutting, it has not allowed any stakeholder oversight into the reasons or made available public submissions in relation to this bill. If it is not budgetary purposes, then what is the reason, and what other reasons would cause this government to wind up a world-class, world-first and well-performing statutory body? Stakeholders say that this move would drive industry standards backwards by decades, creating the same problems that VARTA was established to solve.

VARTA has a critical role and history. It was established in 2009 under the Victorian Assisted Reproductive Treatment Act 2008 to provide an independent not-for-profit statutory authority for ART regulation. VARTA provides independent information and support for individuals, couples and health professionals regarding fertility, infertility and ART, and it works in the best interests of children born. Its role has been pivotal in ensuring that ART services adhere to the highest standards of care and ethical practices. VARTA's independence has allowed it to be effective in mediating between IVF clinics and the government and has ensured accountability and transparency. VARTA's success has been recognised internationally, and this demonstrates its effectiveness. It has been a global model for ART regulation in both the US and the UK. The removal of this independent body jeopardises the quality of care and critical supports that are needed for everybody involved in ART.

Stakeholders do not understand why this bill was introduced at a time when other states are seeking to strengthen IVF regulations. Victoria is winding back the standards, and nobody understands why. Within the IVF industry, Queensland has been referred to as the wild west. It is known for its lack of strong regulation, and Victorians often bypass this state's strict requirements by heading over the border. But Queensland's low regulatory standards have raised concerns of incest among donor children, as sperm donors have donated hundreds of times.

In 2007 there was a paper published called *Revisiting Old Ground in Light of New Dilemmas: The Need for Queensland to Reconsider the Regulation of Assisted Reproductive Technologies*, which highlights the need for a statutory authority – the Queensland Bioethics Advisory Committee, or QBAC – similar to what was formed in Victoria. The functions of QBAC would have included an advisory role in relation to bioethical issues to both government and medical organisations and

institutions, a responsibility to monitor advanced ART as well as acting as an educational resource for the community. This is exactly the model that was created in Victoria through VARTA, which the government is now seeking to dissolve, and I think that raises many questions.

There is a risk of decreasing IVF clinics' regulatory accountability in donor selection. One of the significant concerns about centralising ART regulation is the involvement of IVF clinics in the regulatory process. IVF clinics driven by profit motives may prioritise financial gains over ethical considerations. Under the oversight of VARTA, donor providers do not receive monetary compensation. These ethical implications were highlighted as far back as 1984 in the Demack review, which says:

> … the range and complexity of the issues of an ethical character which have been or are likely to be thrown up by changes in medical technology, and the public policy implications of these issues, are such that it would be insufficient to entrust their resolution to the ethics committees of particular organisations or institutions.

The real increased risks of having no independent body could lead to compromised screening or regulations of donors, and the vested interests of IVF clinics could result in leniency in adhering to critical standards, increasing the risk of exploitation or ethical breaches. VARTA advocates for the interests of all those involved in the process. IVF clinics ultimately only have one obligation to donors and to surrogates.

Post treatment of surrogates: in places with weak regulatory frameworks, surrogate mothers often face exploitation and poor treatment, especially in Third World countries. They may be coerced into surrogacy agreements under unfavourable conditions or lack adequate medical care or emotional support. These issues underscore the need for rigorous oversight and ethical standards. This is something that Victoria has really led the way in, and I think it is very sad that it is something that we seem to be turning our back on.

ART is a complex and rapidly evolving field with significant scientific, medical and social implications. VARTA's specialised expertise ensures that donors, surrogates and recipients receive the highest standard of care and support. Concerns about whether the Department of Health can maintain specialist knowledge, I believe, are valid given the complexity and the rapidly evolving science in ART. I think that it is a huge concern that there is going to be the removal of mandatory counselling for donor-conceived children. I think that is something that is really unfair. Donor conception involves sensitive issues that require specialist psychological report. Without VARTA's oversight, there is a risk of diminishing that support, potentially leading to significant emotional and psychological distress for those that are involved. VARTA has been the leader of public education and research in the area of fertility and donor conception. Its annual reports have provided valuable insights and oversight that could be lost under this new framework. The proposed changes lack legislative requirements such as reporting, raising concerns about the future availability of critical information and transparency. Currently VARTA publishes this information annually, but this bill does not require it to publish any reports.

Victoria is one of just two jurisdictions in the world – the other is South Australia – that allows donors to reach out to their biological children, which can result in an adult finding out for the first time ever that they were donor conceived via a letter or a phone call from the regulator. This can shatter somebody's sense of identity, and some people that I have spoken to who have had it happen to them said it was like the rug was ripped out from underneath their feet. It can be a very confronting experience, and I am worried that this places people at risk.

Just in the interest of time, in conclusion, I do not agree with the removal of VARTA. I think that centralising ART regulation into the department poses serious risk, including potential conflicts of interest, exploitation of donors and surrogates and the erosion of essential support. I urge the government to consider these issues, and I agree with my colleague's amendment to make sure that we review this in three years time.

Rachel PAYNE (South-Eastern Metropolitan) (11:42): I rise to make a contribution on the Health Legislation Amendment (Regulatory Reform) Bill 2024 on behalf of Legalise Cannabis Victoria. As members of Parliament, we are often required to vote on and contribute to pieces of legislation that are related to our own personal experiences. How much of our own stories we share is a personal choice, but I think it is important that those we represent can also understand that we too are impacted by the laws made in this place. As someone who was donor conceived, it has been difficult for me to review this legislation. It has been something I have found challenging to reconcile – an experience that many donor-conceived people will share.

In fact in consultation with numerous stakeholders who have reached out in objection to parts of this legislation, I have found that there are many other shared experiences. The common theme coming out of conversations with donor-conceived people, donors, families and advocates has been that the Victorian Assisted Reproductive Treatment Authority has been a life-changing support service offering specialist advice and provisions. Many of these people have taken the brave step to share their personal stories publicly and to tell us how VARTA has supported them. For Michelle Galea, VARTA was essential to enabling her to get in touch with her donor-conceived child Charlie's half-siblings. Charlie was able to get in contact with his sister Amber, who was dying of a terminal illness and sadly later passed away. VARTA again played an invaluable role, offering a free counselling service that helped both Michelle and Charlie work through their grief.

If a service provider like VARTA had been available to me and my family, I believe my experience would have been very different. Their specialist advice and support provide families with the tools to navigate the difficult conversations and complex emotions that come along with donor conception. That is why I was so disheartened to see that this bill proposes to dissolve VARTA. But I was also perplexed. This is a world-leading service, so why was the first option to dissolve it? If there are issues, extra funding and minor legislative changes could have gone a long way. VARTA have been awarded Best Fertility Service for outstanding patient service in reproductive health by the European Fertility Society. It has also been the subject of study by researchers from Britain and Canada wanting to establish their own service. We have heard from many about how VARTA's community outreach network, group workshops and education seminars have been invaluable. VARTA also developed the *Time to Tell* series, which helped parents and potential parents to feel more confident about their story. This helped undo the hurt of decades of advice to families to just not tell donor-conceived children about their status.

Victoria has always been a world leader when it comes to assisted reproductive technology. We were the first jurisdiction in the world to introduce comprehensive laws regulating ART through the Infertility (Medical Procedures) Act 1984. We should be proud of this history as a world leader and build upon it rather than dismantle it. The Fertility Society of Australia and New Zealand last month published their draft findings, recommendations and framework for a 10-year national fertility road map. In this road map not only did they show that the use of assisted reproductive technology will grow significantly over the coming decade, but they also put forward a number of recommendations to ensure that we are prepared to deal with the future surge in demand.

The first recommendation of this road map was that:

> … Australian States and Territories work with the Commonwealth, patients, clinicians and the sector to develop a Uniform National Fertility Law for IVF which would be passed by a lead jurisdiction and adopted by others.

This is what makes the timing of these reforms so perplexing. The department and the minister have taken a piecemeal approach to these reforms and implementing the recommendations of the Gorton review.

My other concern coming out of this bill and the road map is the overlap when it comes to a single national register and other similar measures. If these are implemented federally, there would likely be a requirement for another raft of changes to legislation here in Victoria. This means we are putting in

place changes that potentially will just be undone, which in my mind is simply a waste of time and resources. We are assured that through non-legislative measures the many incredible educational resources that VARTA has available will be preserved. These resources not only help donor-conceived people and their families in Victoria but are available to those in other states and countries who may have nowhere else to access information from. We do hope this preservation of materials extends to the creation of new educational materials as needed, but unfortunately we cannot say that we have received that assurance from this government. It is concerning that there is no legislation binding this commitment to protect independence and excellence in ART research and education.

The Gorton review into assisted reproductive treatment in Victoria did not recommend a major overhaul of the system, which is what we see this bill to be. In fact it suggested this government could consider additional funding for VARTA to support their work. Whether they did or not will be a question for the committee stage, but I suspect the existence of this bill gives me that answer.

We have concerns that dissolving VARTA is a Trojan Horse for cost cutting. We can think of little other explanation when it comes to things like the change from mandatory to optional counselling in some instances and the decision to remove functions from the legislation relating to education, community consultation and research proposals. Employees from the counselling arm of VARTA are set to be stuck in limbo, being transferred to the Department of Health but with the commitment that the counselling services will eventually be set up in an external private body. They do not know what that private body will be, whether they have guaranteed employment with them and when all these changes will happen.

I will be raising a number of questions in the committee-of-the-whole stage on these matters and other matters that I believe have remained unresolved. I look forward to putting these questions to the government and offering donor-conceived people and their families some kind of reassurance and clarity. In this same vein we will be supporting the amendment to be moved by the Greens that an expert panel comprising representatives from the legal sector, specialist counsellors, people with lived experience of donor conception and assisted reproductive technology and people with other relevant expertise examine the implications of the dissolution of the Victorian Assisted Reproductive Treatment Authority or VARTA. We have heard from stakeholders that there is a genuine appetite to reopen consultation and a belief that the initial process was inadequate. Until this government can evidence the need to dissolve the world-leading service that is VARTA, Legalise Cannabis Victoria will not be supporting this bill.

Gaelle BROAD (Northern Victoria) (11:50): I rise to speak about the Health Legislation Amendment (Regulatory Reform) Bill 2024. This bill seeks to address the recommendations of the Gorton review into the assisted reproductive treatment framework in Victoria. There are several purposes behind this bill. It makes changes to improve health regulation compliance and enforcement tools, makes changes to assisted reproductive treatment regulation with the transfer of ART regulation to the Secretary of the Department of Health and abolishes the Victorian Assisted Reproductive Treatment Authority. It also makes other minor and miscellaneous amendments to a number of acts.

I want to thank my colleague Georgie Crozier, the Shadow Minister for Health, for addressing the proposed changes in this bill that will affect the operations of VARTA, the Victorian Assisted Reproductive Treatment Authority. I have also spoken with constituents directly on this issue, and I highlight that with reproductive treatments, education and counselling are very important parts of the process. Following community consultation and with key stakeholders I note that counselling will still be mandatory before consenting to treatment or consenting to be a donor. Like Ms Crozier, I heard directly from people who hold the information and resources provided by VARTA in high regard. I think it is valuable for the public to have access to independent sources of reliable, evidence-based information about infertility and donor conception to help them make informed decisions about fertility treatment, and removing the education function of VARTA is disappointing without a clear plan to ensure continuity of this important role to provide reliable, independent information.

This bill makes amendments to the regulatory frameworks in the following areas: to non-emergency patient transport under the Non-Emergency Patient Transport and First Aid Services Act 2003; to private hospitals, day procedure centres and mobile services under the Health Services Act 1988; and also to medicines and poisons under the Drugs, Poisons and Controlled Substances Act 1981.

I think when we look at the report card on health in Victoria, it is very concerning. Certainly when we look at ambulance services, the Allan Labor government is still failing when it comes to ambulance response times, with only 64.2 per cent of code 1 ambulances arriving within 15 minutes, well short of its own target. And the average code 2 response time is now 46 minutes and 43 seconds. Ambulance ramping is still a problem, with almost 39 per cent of patients arriving by ambulance waiting more than 40 minutes to be admitted to an emergency department. I know that ramping continues to be an issue right across the state, especially in Northern Victoria. I have seen ambulances ramped outside Bendigo Hospital up to 10 at a time, with patients desperately waiting to get the help that they need. The same is happening in Shepparton and also in Wodonga. I have spoken to many people who are very concerned about that.

It is important to note that the ambulance inquiry submissions are now open – and to share your stories, because I have heard many. I have heard of a lady who was in severe pain who called for an ambulance and was advised that a taxi would be made available to her. There was another case where the constituent lived literally 200 metres from the hospital and had to wait several hours to be transported by ambulance. And I had another that was suffering anaphylaxis and had the fire service turn up instead.

This bill also mentions surgery. Looking at surgeries in Victoria, more than 58,000 Victorians continue to be in pain as they are waiting on that elective surgery waitlist, and category 2 elective surgery patients continue to wait excessively, with around a third waiting longer than clinically recommended. Category 3 elective surgery patients are also waiting too long, with more than 15 per cent not being seen within the clinically recommended time of one year. The Allan Labor government's decision to cut the number of patients being admitted by 40,000 a year will only worsen the elective surgery backlog. I really do commend the St John of God hospital in Bendigo for their work doing a whole lot of fundraising to support the purchase of a surgical robot. They have spoken at length about the benefits of these surgical robots, which can really improve the recovery time for patients and help to get through a lot more surgeries quicker. I have certainly raised that in this house, and I really do commend Agnico Eagle Mines, because they donated a significant amount of money to support the contribution towards that da Vinci robot for the residents of Bendigo and also the wider Northern Victoria Region, because it certainly services a very large area.

This bill refers to hospitals, and in regional areas there are significant concerns about Labor's plan to reduce the number of health networks and introduce Hospitals Victoria. I am not sure that adding another layer of bureaucracy will result in better outcomes for patients. There have been rallies in regional areas. I know in Yea there were hundreds of people gathered to protest – and also in Mansfield. We have also had petitions with thousands of people signing them because in rural and regional areas health services are the heart of their communities, and Labor's plan certainly will lead to job losses and a diminishment of community input into local health service delivery. It is disappointing. I know Bendigo Hospital has been directly impacted. They have had budget cuts of about $120 million, which is huge. It is having an impact on the clinical support nurse educators, who actually support young nursing students that are coming into the hospital. It is also going to have an impact on the IT department, the finance department and the HR department, so I am very concerned. Management has sent an email to all staff talking about redeployments and redundancies. Instead of wasting over $200 billion on the Suburban Rail Loop, Labor should focus on keeping local health services up and running.

This bill also refers to medicines and makes amendments to medicines and poisons under the Drugs, Poisons and Controlled Substances Act 1981. Pharmacies are a very important part of that chain; they play an important role dispensing medicines and relieving the pressure on our hospitals. I have visited

a number of pharmacies around the region, and I have been contacted just recently by a constituent who is very concerned about the closure of the supercare pharmacies and the complete removal, from September, by the state government of that nursing service, which really took a lot of pressure off those emergency appearances at hospital by enabling people to be cared for by the local pharmacy. I know that media reports today say the federal government is contributing to Bendigo's health services because it is clear that the state government are running out of funds and have really dropped the ball on health care in Bendigo. I know Bendigo Health have had code yellow this year for consecutive days, and that is because they have been overwhelmed by the pressure that they have been under with the demand for health services in the region.

In closing, I will make a comment on the public consultation process for this bill. It was far too short – just five weeks – and it allowed written submissions only and did not make these submissions publicly available. It is a recurring theme we see under this government – a lack of transparency around community engagement and very short timeframes given for feedback. I have heard that many times, being involved in parliamentary committee inquiries. People talk about this government's approach – being consultold rather than consulted.

The timing of this bill is not ideal given the changes being considered at the national level, and it is important that state and Commonwealth governments work together, particularly when it comes to reproductive treatments, to avoid duplication and people falling through the cracks. I ask members of this chamber to support the proposed amendment for a three-year review.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

TAFE teachers

Evan MULHOLLAND (Northern Metropolitan) (12:00): (693) My question is to the Minister for Skills and TAFE. TAFE teachers this week descended on the office of the Labor member for Preston protesting the Allan Labor government's failure to offer fair pay and conditions. Why are TAFE teachers paid $9000 a year less than teachers in Victorian government schools?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:00): I thank the member for the question. This is a question that is obviously connected to the negotiations that are currently taking place between the and the AEU. Those discussions are underway. They continue to be underway. I understand that there were further discussions last week, that there was progress made in relation to a number of matters, and again, I use this opportunity to encourage the parties –

Evan Mulholland: On a point of order, President, the question was about why TAFE teachers in Victoria are paid $9000 less than teachers in Victorian government schools. I ask the minister to be relevant to the question.

The PRESIDENT: I believe the minister was relevant to the question.

Gayle TIERNEY: Again, as I said, I take this opportunity to encourage the VTA and the AEU to continue those negotiations and that they hasten the pace of those negotiations and come to some resolution as soon as possible so that we can get on with the things that we need to do in the sector.

Evan MULHOLLAND (Northern Metropolitan) (12:01): The Labor member for Preston sought action from the minister two months ago to visit Melbourne Polytechnic in his electorate, but the minister has failed to do so. Given Labor MPs are barred, including the minister, from setting foot on a TAFE campus due to the protracted dispute over pay and conditions, on what date will you be able to visit the Preston campus?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:02): I thank the member for his question. The member for Preston, Nathan Lambert,

is a very good member – so good that he has had me out to the Melbourne Polytechnic campus at Preston on St Georges Road several times, and I have enjoyed those opportunities. In fact I cannot remember how many times I have been there, there have been so many. Many of the times that I have been out there I have been out there to meet with teachers and students who are doing the Auslan course – the Auslan course that was scrapped by those opposite when they were in government. There were no Auslan courses in Victoria run by a TAFE because those opposite trashed them. So I take great delight in going onto that campus. That campus now no longer offers it. It has been shifted to the brand new Collingwood campus of Melbourne Polytechnic – *(Time expired)*

Chisholm Institute

Melina BATH (Eastern Victoria) (12:03): (694) My question is to the Minister for Skills and TAFE. Minister, is Chisholm TAFE in Wonthaggi going to close on your watch?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:03): The fact of the matter is that there are ongoing discussions going on with Chisholm on the delivery of courses. We do have a number of areas in which vocational education and training can be undertaken at Wonthaggi. There are also arrangements with Chisholm and TAFE Gippsland to undertake a range of courses that will ensure that those that live at Wonthaggi do have access. There are also discussions with TAFE Gippsland in relation to them being able to further or extend their delivery into the community of Wonthaggi.

Melina BATH (Eastern Victoria) (12:04): Thank you, Minister, for your answer. Chisholm TAFE Wonthaggi campus does not offer face-to-face learning. Why are students in Wonthaggi being refused access to the same standard of training that other Victorians have?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:05): Well, they are not, and I think that is an overstatement, to say the very least. There are a range of arrangements that are in place, but we are making sure that there is provision planning across the board in terms of the TAFE network, and that is exactly what is happening. There are discussions occurring, as I said, with Chisholm and TAFE Gippsland to ensure that the people of Wonthaggi can continue to have the services that they deserve in their community.

Ministers statements: child protection

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:05): I rise to update the house on the important work of our residential care sector, and in particular the care and commitment of the 2000 residential care workers across our state who are caring for young people. Those opposite like to call into question the work of residential care workers, but the Allan Labor government recognises and values the role of residential care workers. Every day they are there for our young people, caring for them, listening to them and supporting them in both the good and the tough times. Last week I attended Resi ROCKS, an annual event to gather and celebrate around our residential care workers. This year for the first time the famous annual hoodie was designed by a young woman in residential care, and her design was worn proudly by the 500 Resi ROCKS attendees and by me. I was thrilled to present awards alongside Deb Tsorbaris from the Centre for Excellence in Child and Family Welfare. The outstanding nominations and winners across all award categories evidenced for me the capability and dedication of our residential care workers.

The winners of the Residential Care Team Award were a team delivering the KEYS therapeutic program from MacKillop Family Services. Operating with the principle of ‘Nothing about me without me’, the team prioritises active participation from young people in all aspects of their care, from planning to execution. The team is unwavering in its dedication to creating a safe, supportive and nurturing living environment for every young person in their care. For instance, in supporting a 15-year-old young person with a history of criminal offending, the team made it a priority to listen to their hopes and to their fears. By actively incorporating the young person’s desire to reconnect with family and engage in meaningful activities, the team empowered them to take control of their own

path to recovery. This approach led to a marked reduction in missing episodes and a renewed connection with family, demonstrating the profound impact of feeling heard and being respected. I want to congratulate the team for their incredible support of young people in their care. Residential care workers play a critically important role in our community, and they deserve our support. I thank them for everything they do and for the care and the commitment they demonstrate in support of the young people they look after.

TAFE enrolments

Nick McGOWAN (North-Eastern Metropolitan) (12:07): (695) My question is for the Minister for Skills and TAFE. Minister, recent data released by the National Centre for Vocational Education Research revealed that TAFE program enrolment numbers fell yet again in 2023 and have been in decline since 2019. All other providers of VET – and I will spell it out: vocational education and training – courses in 2023, including at universities, schools –

Members interjecting.

The PRESIDENT: Order! I cannot hear, so the minister probably cannot hear. Could you ask the question from the start. People, let him ask his question in silence.

Nick McGOWAN: My question is for the Minister for Skills and TAFE. Minister, recent data released by the National Centre for Vocational Education Research revealed that TAFE program enrolment numbers fell yet again in 2023 and have been in decline since 2019. All other providers of VET – that is, vocational education and training – courses in 2023, including universities, schools, community education providers and private training providers, had substantial increases in their enrolments. Minister, why have TAFE program enrolments been in decline for the past four years?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:09): Again, I cannot help but say that those opposite do anything and everything to denigrate TAFE. It is in their DNA. They have not changed their spots; it is still the same. The fact of the matter is this: once again those opposite cherrypick data and make misleading claims to try and tear down our TAFE system, and what a surprise! To be clear, enrolments in TAFE are higher this year than they were –

Georgie Crozier: On a point of order, President, question time is not an opportunity for the minister. It was a simple question asked by Mr McGowan. It is not an opportunity to attack the opposition, and I ask you to ask the minister to come back to the nub of the question.

The PRESIDENT: I believe the minister was about to go through and address the question.

Gayle TIERNEY: I thank the member for giving me the opportunity to repeat the last sentence prior to her point of order, and that is that, to be clear, enrolments in TAFE are higher this year than they were last year and have increased every year on year since COVID. This has driven free TAFE and our investments in our public TAFE system. Unlike those opposite, we support TAFE, and we remember what happened to TAFE when they were last in government. The fact of the matter is that in terms of government-funded students and courses, it is a reality that the NCVER total VET activity data includes both government-funded and fee-for-services-accredited VET training activity.

There are numbers here, so we need to be quite precise. NCVER data show that Victorian enrolments are up by 4.9 per cent compared to 2022. Victorian enrolment growth comprises 54 per cent international fee for service, 27 per cent fee-for-service training and 19 per cent government funded. Commencements were 10.8 per cent higher in 2023 compared to 2022, and this is likely to translate into a higher number of continuing students in 2024. Shorter form of delivery, measured by subject-only enrolments, grew by 13.8 per cent. Total student numbers were 10.6 per cent higher. We also have seen a 12.2 per cent increase in Indigenous students. There were 5 per cent more students with a disability, and female students increased by 9.1 per cent, which of course is partly due to this government's expansion of the eligibility criteria for vocational education and training.

This is a government that is absolutely proud of its reform, proud of its interventions, proud to ensure that particularly those who are disadvantaged in the community have got the opportunity to participate, whilst the record of those opposite stands for itself. They continue to attack TAFE, and they refuse to acknowledge that public provision is incredibly important. We also have got – *(Time expired)*

Nick McGOWAN (North-Eastern Metropolitan) (12:13): I thank the minister for her response. Minister, there are over 37,000 fewer TAFE program enrolments in 2023 than there were in 2019, when so-called free TAFE – or as I prefer to call it, taxpayer-funded TAFE – was introduced. Given the significant decrease in TAFE enrolments over the past four years –

Members interjecting.

Nick McGOWAN: The truth is always uncomfortable, isn't it?

Members interjecting.

The PRESIDENT: Order!

Nick McGOWAN: They are very sensitive to this issue. Thank you, President. Yes, the government is very sensitive. They are very prickly this week, in fact. Nonetheless, given the significant decrease in TAFE enrolments over the past four years, Minister, can you guarantee that no TAFE facility will close?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:14): Again, it is cherrypicking and misleading the house. I will again give you some data that I have not provided as yet, and I will deal with it in terms of all government-funded training. The total number of students has increased by over –

Nick McGowan: On a point of order, President, on relevance, while I have no objection to the minister providing even the brief in full, that is fine, and the data, that is fine, the question was actually: can the minister guarantee that no TAFE facility will be closed? It was not about data.

The PRESIDENT: I believe the minister was relevant in the 19 seconds that she had to start her answer.

Gayle TIERNEY: I was also addressing the preamble, and I think given that I have only been on my feet for a couple of seconds I have that opportunity.

There was also a 20 per cent increase in commencements in reskilling. In terms of continuing enrolments it was 8 per cent. TAFE and dual-sector delivery market share was nearly 60 per cent. There was a 15 per cent increase in Indigenous students, over 8 per cent for students with a disability and over 9 per cent for women.

In terms of TAFEs, let me say there have been at least 34 improvements or new TAFEs in this state.

Ann-Marie Hermans: On a point of order, President, this is a yes or no question, and with only 4 seconds to go I would ask that the minister address the question with the answer of either yes or no.

The PRESIDENT: There are a number of previous rulings from previous presidents that the President cannot insist a minister answer a question in a way the person asking it would like them to.

Gayle TIERNEY: I remind the house that I have just recently announced two brand new campuses, Melton and Sunbury.

Housing

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:16): (696) My question today is to the Minister for Housing. The Bell Bardia estate in Heidelberg West is currently being redeveloped. There were 94 public homes there that have been demolished. The plan is to provide 53 community homes on this site, so that is a net loss of 41 public and community homes. In the time of a housing crisis,

how can you in developing this site be providing less public and community homes than you had to start with?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:17): Thank you, Mr Puglielli, for your question and again for your exemplary behaviour in the chamber during question time in the period leading up to your question today. I could learn a few things from you, Mr Puglielli, and to that end I am grateful for your presence as a role model when it comes to reasonable parliamentary behaviour.

The Bell Bardia estate is one of many sites that we are developing, and as you know and as the local members know we are doing this in consultation with communities and in partnership with housing providers. We want to make sure that when we do this work we are engaging with what communities need, whether that is the configuration of the number of bedrooms in dwellings, whether that is open space or whether that is mixed development. We are determined to make sure that when and as we develop housing it is done in ways which integrate people within communities, irrespective of the nature of their tenancies or their occupancy of various housing configurations. This is where the work that we have done through the housing statement, the work we continue to do – through headleasing, for example, through private rental assistance and through development of social housing on sites like Bell Bardia – is intended to make sure that we are providing opportunities for people, whether it is in private rental or whether it is social housing, to be part of growing communities in really well placed locations with good facilities available to them.

We want to make sure that when and as we are developing sites we are doing so with that overall uplift, to deliver new homes across the eastern portion of the Bell Bardia estate. That includes a mix of one-, two- and three-bedroom homes, and there are new, landscaped communal green spaces. It is jointly funded work through the Australian government's social housing accelerator program – that is that $496.7 million program. That is about delivering more than 769 new homes with Commonwealth funding and also the Victorian government's big build.

We held phase 1 consultations on the Bell Bardia estate at Heidelberg West on the stage 1 project in late July, and that was about helping to plan the future of the site. We are now considering – to go back to one of the points I made earlier – that community input as we develop those draft plans for the site. We will present those draft plans for further feedback later this year, and that will contain the configurations of housing on the site as it is developed, Mr Puglielli. Again, I would be very happy to have further discussions with you about the development of that site, the combination of funding from state and federal governments and the partnerships that we are engaging with across the sector.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:20): Thank you, Minister. I am just going to go into the numbers a bit more if that is all right. It is my understanding that there are plans for a total of around 460 dwellings at the Bell Bardia estate – I am happy to be corrected if that is not the case – which includes 51 affordable homes as defined too, but that will then mean there will be 356 commercially sold private homes. Minister, with such a long public housing waitlist and with so many people experiencing homelessness or insecure housing, why have you chosen to not make this site solely public and community housing?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:21): Mr Puglielli, your figures are right, and they are set out on the Homes Victoria site. It is about delivering homes with a greater measure of density on sites and making the best use of them. That is part of the broader housing statement work that we are doing, which includes unlocking a whole lot of government sites, including for social housing, so it is about a net uplift. We have already begun to construct, have completed or have in the planning stage more than 10,000 homes across the state for social housing.

This will include 53 social homes and 51 affordable homes, and that is about making sure that we can continue to do that work to meet the need across the board. It sits alongside a range of initiatives that

are intended to alleviate pressure on various parts of the housing system, and that includes private rentals to make sure that we are preventing people from needing the social housing system in the first place. We have been working really closely with the local member in the other place Minister Carbines, and we will continue to engage with him. That draft process, though, and the community consultation and engagement will be completed later this year. I am very happy to provide you further information as it progresses.

Ministers statements: victims of crime

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:22): I rise today to update the house on the launch of our new financial assistance scheme for victims of crime in Victoria. This morning I was pleased to announce that the new financial assistance scheme will open next month, replacing the court-based Victims of Crime Assistance Tribunal. This marks the most significant reform for victims in Victoria in decades and is one example of our government delivering on our commitments. Labor keeps its promises.

The new financial assistance scheme will replace the model that has existed since state-funded assistance for victims of crime was first introduced more than 50 years ago. Under the new scheme, victims will no longer have to endure the potentially traumatic experience of attending court to access financial support. Victims will now be able to make their application online in the privacy of their own home. We are also expanding our eligibility criteria for assistance, better reflecting our modern society and the needs of our diverse community.

The new scheme also acknowledges the long-lasting impact that sexual assault and family violence can have on victim-survivors. To ensure they have the time needed to seek support, we have extended the application period to up to 10 years for those affected by these crimes. Victims will now also be able to receive a victim recognition statement that acknowledges the effects of the crime on the victim on behalf of the state. And in a national first, eligible victims will be able to request victim recognition meetings from a scheme representative on behalf of the state government.

These reforms are an acknowledgement of the immense and lasting harm felt by victims of crime and this government's commitment to standing by them. The financial assistance scheme will ease the path to recovery, because victims of crime deserve support, not red tape. I am proud to be part of a government that is delivering on its commitments and launching this once-in-a-generation reform that will provide victims a clear path forward and help them to reclaim their lives with dignity and resilience.

Malmsbury Youth Justice Centre

David DAVIS (Southern Metropolitan) (12:24): (697) My question is for the Minister for Youth Justice. In October 2023 the minister told the house that his department was conducting an internal investigation into riots that took place at the Malmsbury youth detention centre, and I ask therefore: what were the findings of that investigation?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:25): I thank Mr Davis for his question and his interest in our youth justice system. Mr Davis would be well aware that the Malmsbury facility was decommissioned at the end of last year and is no longer in use. We obviously have new facilities. The Cherry Creek facility, a state-of-the-art facility that incorporates intensive interventions for young people, provides medical and educational support to young people to reduce reoffending when people are back out, understanding that a lot of the people that are in custodial settings will be back out in the community one day. In relation to the Malmsbury facility and the incidents that occurred last year, the department after any incident such as that does do an internal investigation and looks into matters and what improvements can be made. Since that period, Malmsbury has been closed off and no longer exists. It is no longer part of our youth justice system.

David DAVIS (Southern Metropolitan) (12:26): I understand from what the minister said that there was an internal investigation. I think that is what he said, but he may correct me on that. But I ask very simply, Minister: will you publicly release the investigation report?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:26): I thank Mr Davis for his supplementary question. Obviously after any incident the department will look at the situation to make sure that similar situations are prevented, if able, understanding that our youth justice custodial facilities are challenging environments, and we take every step to minimise any risk of injury. But I am not going to go into the detail of individual incidents, because I do not want to compromise the security and safety of the facilities or of outcomes. In relation to those reports –

David Davis interjected.

Enver ERDOGAN: I am not going to go into individual incidents because I will not compromise the incidents or the safety and security of the facilities. Matters like these are confidential, and we are dealing with a lot of privacy laws that come up and young people in custody. We cannot release that information. There are laws around providing that sort of information. But it is important that the safety and security of these facilities is maintained. Malmsbury is no longer part of the future of our youth justice system. We have got Cherry Creek and we have got Parkville. We have futureproofed the youth justice system and we have modernised it. It is in a lot better situation than what it was when we inherited the system 10 years ago.

Avian influenza

Georgie PURCELL (Northern Victoria) (12:27): (698) My question is for the minister representing the Minister for Agriculture in the other place. Last month, in response to an adjournment I raised on the outbreak of avian influenza in Victoria, the minister confirmed the use of firefighting foam on one farm to kill birds. Using foam to suffocate birds to their deaths is absolutely barbaric, especially so for ducks, who can hold their breath and are then left to die a slow, agonising death by heat stroke or organ failure. Can the minister confirm what species and quantity of birds were killed using the foam method?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:28): I thank Ms Purcell for her question, and I will take the opportunity to thank Minister Spence and the department of agriculture for their amazing response to the avian influenza concerns in the state of Victoria. That has now been contained for the time being, but the threat remains active. In my former role when I was agriculture minister, I was also involved in an avian influenza outbreak. It is an incredibly distressing period and a challenging time for the department when you have to embark on eradication of species. When I was involved, it involved chickens, turkeys and emus, and it was incredibly challenging to listen to the options of what had to be done for the benefit of containment of a disease that would be catastrophic for both native and domestic bird species. I probably should not be answering this, but I know about it. The information from the chief vet and the experts goes to all of the potential opportunities or the methods that are best for each species to bring about the most humane end or death. But given your very specific question in relation to the latest outbreak, for which I was not the responsible minister, I will let Minister Spence provide you with that detail. But I have had some experience, so I wanted to share that with you.

Georgie PURCELL (Northern Victoria) (12:29): Thank you, Attorney, for referring that on. I should note it is not because it is the recommended method but because we have a CO_2 shortage that has not been addressed. The minister’s response stated that foam depopulation units were assessed as appropriate for use on one property, with consideration given to the layout of the shed and timeliness, and this response came on the same week that the federal government announced a ban on forever chemicals, including PFAS. What animal welfare and environmental impacts were considered in the decision to use PFAS?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:30): I thank Ms Purcell for her supplementary question. A lot of considerations go into these decisions, and I am sure that Minister Spence will be able to give you a more detailed answer than the comments I have made.

Ministers statements: water policy

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:30): As we all agree, every week in the water portfolio is exciting, and today I want to update the chamber on some fantastic recent project announcements by the Allan Labor government in partnership with the Albanese Labor government. Recently it was a joy to join Senator Raff Ciccone and exceptional members from the other place Ms Emma Vulin and Ms Jordan Crugnale at Umet Farm in Cora Lynn to announce $113.2 million for the Western Port recycled water scheme. There is $66 million from the Allan Labor government via South East Water and $46.6 million from the Albanese Labor government's National Water Grid Authority.

This is a project that is about connecting businesses and farms in Cora Lynn, Bayles, Catani, Garfield, Tynong South, Vervale and Iona and also those nearby areas to class A recycled water from the Pakenham recycled water scheme. This means around 4000 megalitres of water every single year will support the sustainability of the agricultural and horticultural industries, which are part of the food bowl in the south-east and in western Gippsland. It will include 49 kilometres of pipeline and is expected to create 118 jobs, and adding $104 million to the local regional economy is a significant part of this project. This is what integrated water management is all about: a reliable supply of water, a reduction in pressure on drinking water supply and important safeguards and protections for our waterways as climate change brings drier conditions.

Thank you to South East Water for this really wonderful project, to local industrial and agricultural stakeholders and to everyone else who has worked so hard on it as well. Again, further work, such as the work we are doing at Moonee Ponds Creek and with other partnerships, shows what really can be done with joined-up approaches between state and federal governments and our incredibly hardworking water sector.

Triple Zero Victoria

Georgie CROZIER (Southern Metropolitan) (12:32): (699) My question is to the Minister for Emergency Services. Minister, recently it was revealed that Triple Zero Victoria spent more than $100,000 on a logo. Why is the government spending over $100,000 on a logo?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): I thank Ms Crozier for her question. At the outset I would like to take the opportunity to thank our amazing TZV staff. As I have said on numerous occasions, they are the front line of the front line and do an incredible job responding to Victorians during emergencies when they are most in need.

In relation to the change of brand from ESTA to Triple Zero Victoria – really to bring about what most Victorians understand is their role and to give them status as an emergency services organisation, as they are – Graham Ashton did an independent report in relation to ESTA at the time, and part of that report was a recommendation that ESTA undergo a major rebrand. The vendor was chosen and selected through a competitive tender, and the advice I have is that this tender was the most economical.

Georgie CROZIER (Southern Metropolitan) (12:33): Thank you for that response, Minister. I ask then: how many trainee call takers could Triple Zero Victoria have employed for the price of this logo?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:34): I thank Ms Crozier for her question and the opportunity to again talk about our amazing call takers. Since I have been minister we have been investing in and recruiting more and more call takers and dispatchers and team leaders at TZV, and they are going from strength to strength at this organisation.

As we have had lots of conversations about in this place before, there are benchmarks for Triple Zero Victoria to respond to in relation to their call taking, and since August 2022 ambulance call-taking performance has exceeded the benchmark of 90 per cent of calls answered within 5 seconds. I love visiting Triple Zero Victoria. They are a workforce that is very proud to be called Triple Zero Victoria. I am very proud that they wear their badges that say 'Triple Zero Victoria', and I thank them so much for their work.

Nazi salute prohibition

David LIMBRICK (South-Eastern Metropolitan) (12:35): (700) My question is for the Attorney-General. When the Nazi salute prohibition was brought in, the Attorney indicated that she hoped this law would never be used. However, I feared that the laws would quickly create a martyr for this insidious ideology. Unfortunately, I was right. Within days after royal assent of the bill a man was charged, and it has been indicated that he will in fact serve time in prison. This has been framed as something historic by these people and is actively being used for recruitment. Suffice to say the salute ban has backfired. Given the government's poor track record on legislating away hateful ideas, what consideration has been given by the Attorney-General to the possibility that the proposed anti-vilification reforms may also backfire?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:35): I thank Mr Limbrick for his question. I reject the premise of your question in relation to the way you have characterised the Nazi salute ban. I was very proud to bring about legislation that is outlawing a symbol of hate, a symbol that causes fear and a symbol that causes distress and trauma particularly for our Jewish community and indeed other groups and minorities in Victoria which have been subjected to hateful speech and gestures. I do not believe it has been a failure. I maintain I would prefer that people are not charged with it, but if you are going to display these hateful ideologies and symbols and gestures in public then I expect police to charge people, and that is what we have seen has happened. In relation to the anti-vilification laws, as I gave an update to the house on Tuesday, these were undertaken with extensive consultation. They will be introduced into the Parliament this year, and we will have an opportunity to explore the impact and the importance of the purposes of those laws, which are about making sure that there is an appropriate framework to respond to hate speech, incitement and threats based on a person's attribute. Again, I do not want to have these laws introduced in Victoria. I would much prefer that people treat each other with respect. I would like people to feel safe. Unfortunately, people have felt the need to call for laws for greater protection, and that is what I plan to do.

David LIMBRICK (South-Eastern Metropolitan) (12:37): I thank the Attorney for her answer. My supplementary question is: how will the government measure the success of any new anti-vilification regime?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:37): In terms of what I would like to achieve with anti-vilification laws, it is for everyone in Victoria to feel accepted, to feel a part of the community, to be proud of themselves and not have to pretend they are someone else. Success would be not having to have the laws applied but to bring about a measure of incentive to act appropriately, to treat people with respect and to not bring about harm to people because of a particular attribute. The less the laws are used, the more successful we will have been.

Ministers statements: multicultural communities

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:38): I rise to update the house on the work that the Allan Labor government is doing to support and celebrate our multicultural and multifaith communities right across the state. We are home to one of the most diverse and multicultural societies in the world. Our diversity is one of our greatest strengths, and it is something we are all very proud of, I know. We have seen recently this diversity on full display. On Sunday I had the pleasure of attending Dussehra festival at the largest Hindu temple in the Southern Hemisphere, Sri Durga in Deanside, together with a number

of my colleagues from the other place, and it was an absolute pleasure to see so many young families from our Hindu and Indian communities in Melbourne's west celebrate this festival and the triumph of good over evil. I am very proud that we are continuing to support Sri Durga with a $400,000 grant for their new car park, and I look forward to seeing that completed this year.

Of course this week I was also honoured to join the Premier, Mr Tarlamis, a number of members from the other place and hundreds from our Eastern Orthodox Christian communities to welcome His All Holiness Ecumenical Patriarch Bartholomew of Constantinople at Government House. To see so many of our Eastern Orthodox Christian communities gathered to celebrate Christian traditions and values and to hear from His All Holiness was truly wonderful to see.

We are proudly standing up for our multicultural communities, with three grant rounds currently open, including supporting our multicultural media organisations, infrastructure upgrades for our Chinese community and another round of our popular festival and events program so that our communities can celebrate and share their culture. Our government will always stand with our proud and diverse communities.

Written responses

The PRESIDENT (12:40): Minister Symes will get answers from the Minister for Agriculture in line with the standing orders for both of Ms Purcell's questions.

Georgie Crozier: On a point of order, President, I just seek your guidance, please, in relation to the minister's response to my supplementary. It was a very simple question around how many trainee call takers Triple Zero Victoria could have employed with the price of over $100,000, as in my substantive question. The minister failed to answer that question, and I am wondering –

Members interjecting.

Georgie Crozier: To have it reinstated – she did not answer the question.

The PRESIDENT: I am happy to review that in *Hansard* and get back to the chamber before the end of the day.

Nick McGowan: On a point of order, President, I would likewise request that you look at the supplementary question I asked in respect to the closure of TAFEs. I do not think that question was answered either. If you could review that, that would be much appreciated.

The PRESIDENT: Yes, Mr McGowan, I am happy to review that. I think there is this thing that happens in here when Minister Tierney is on her feet – a lot of noise comes from one direction. And probably as a badge of honour for you, when you are on your feet, there seems to be a lot of noise coming from the other direction. It was very hard to hear it all, so I will review it and get back to you.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:42): (1164) My question is to the Minister for Emergency Services. Minister, what is the Victorian government doing to help eastern Victorians prepare for the upcoming severe weather season? Minister, a severe weather season is beginning. Australians are bracing for increased risk of thunderstorms, flooding and bushfires. Already we have warnings for tomorrow. In eastern Victoria these risks are high, even by Australian standards. Baw Baw, Yarra Ranges, East Gippsland shire and Wellington were listed as the top four local government areas most frequently impacted by disasters in Australia between 2006–07 and 2022 by the National Emergency Management Agency. These stats do not even include post 2022 or the significant recent fires and storm events which are further compounding disasters in eastern Victoria, including in South Gippsland. That is why as we are coming into a severe weather season it is especially important, particularly in our changing climate, for all those living in and visiting eastern Victoria to take extra

steps to prepare, including staying informed for potential weather events through the VicEmergency app and making a plan to evacuate if needed.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:43): (1165) My constituency matter is directed to the Minister for the Suburban Rail Loop. Home owners within the Suburban Rail Loop Authority precincts in my electorate are increasingly concerned about the heritage status and future security of their properties. These are hardworking Victorians who have diligently saved over the years and achieved the Australian dream of home ownership and have chosen to live in an area that best suits their families. However, as the Suburban Rail Loop Authority becomes even more expansive and intensifies property development plans, home owners fear that their heritage-listed properties may not be spared from the SRL's growing list of potential acquisitions. This fear is not unfounded. The new activity precincts – announced without warning, let alone consultation – have also made clear that heritage protections will no longer apply as before. My question to the minister is this: is the SRLA authorised to acquire heritage-listed properties, and if so, has it already exercised this authority? And can you provide absolute clarity on whether the SRL precincts are also subject to the same activity precinct zoning changes whereby existing heritage protections will be amended?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:44): (1166) My constituency question is for the Treasurer. On 30 June the Department of Families, Fairness and Housing cut all funding to Foodbank Victoria's regional delivery of chilled products. Foodbank has since been unable to provide regional not-for-profits with chilled food goods to supply. This means those urgently seeking food assistance in regional Victoria are left empty handed while metro centres have fully stocked fridges. My constituents in regional Victoria have felt this closure immensely. Without Foodbank's provisions Moira FoodShare is now unable to source chilled food goods elsewhere to provide to the Moira shire community. To further cut funding in a cost-of-living crisis is an unacceptable blow to Victorians, particularly those doing it tough in rural and regional Victoria. My constituents want to know if the Treasurer will reinstate Foodbank's crucial northern Victoria funding allocation.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:45): (1167) My constituency question is for the Minister for Health. I was contacted by a constituent yesterday who was, at the time of contacting me, at the Ballarat Base Hospital seeking urgent care. This was around midday or so. They observed a number of ambulances ramped alongside the hospital, waiting to get there and unload their patients. When they were in the emergency services area, there were people literally on stretchers in hallways, and the waiting room was full. How can this be allowed to happen? Minister, how can you let this happen to our health system? Our doctors, our nurses and our emergency care people do amazing work trying to do the best they can in challenging situations, let alone our ambulance workers, who work in extremely difficult circumstances and who have had to campaign fiercely for better pay. Minister, what are you going to do to change this situation so it does not happen again?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:46): (1168) My question today is for the Minister for Roads and Road Safety. Residents of Rushworth in my electorate of Northern Victoria are concerned about the 60-kilometre-an-hour speed limit on Moora Road, the main street of Rushworth, which is part of the C345 Bendigo-Murchison Road. My constituents believe that a lower speed limit of either 40 kilometres per hour or 50 kilometres per hour through the centre of town would be safer for motorists and pedestrians. This road is the main thoroughfare for heavy vehicles travelling to and from Bendigo. To improve safety for my constituents who reside in Rushworth, I ask: will the minister commit to directing VicRoads to investigate the safety concerns regarding the 60-kilometre-per-hour

speed zone through the township of Rushworth, with a view to lowering the speed limit to a safer speed for all road users?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:47): (1169) My constituency question is for the Minister for Roads and Road Safety, and it concerns the condition and parlous state of median strips in my electorate on state arterial roads. I am regularly contacted by constituents, particularly in Greenvale, about the state and disrepair of the median strips in terms of mowing on Mickleham Road, Somerton Road and Cooper Street, which are already suffering under the stress, particularly with the lack of maintenance. This is not just a matter of amenity for my constituents. They have a right to be proud of their community and for it to look beautiful. Many tell me you can spot the difference between a council road and a state road by the length of the grass, and it is always on the state roads that it is much longer. Minister, as these roads are the responsibility of the state government, I ask you to direct your department to get the mower out and clean up our roads.

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:48): (1170) My constituency question is for the Minister for Environment and Minister for Outdoor Recreation. My constituent is a resident of Rowville and a member of Friends of Lysterfield Park. Friends of Lysterfield Park is a local volunteer group who work to preserve this prime parkland for the whole community to enjoy, but Lysterfield Park has a boneseed problem. This small evergreen shrub produces up to 50,000 seeds per plant. Spread by seed, boneseed impacts native vegetation and reduces the biodiversity value of bushland. There are already 1 million boneseed weed trees in Lysterfield Park, and without effective control they are doubling every three years, as is the cost of removal. Any efforts to remove this invasive species must be long term to prevent re-establishment. So my constituent asks: will the minister fund the eradication of boneseed in Lysterfield Park?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:49): (1171) My question is to the Minister for Small Business. Following the devastating floods of October 2022 the owner of a gardening business Leigh Somerville, The City Gardener, applied for a flood small business grant. On 9 December 2022 he received an email advising that his application had been received and was being assessed and he would be contacted if any further information was required. A few days later he received an email confirming that his grant was successful and payment of $5000 was forthcoming and that he was eligible to apply for a $50,000 grant. In September this year Mr Somerville received a phone call and follow-up email from the department, nearly two years after the grant was approved and paid, advising that his application was being reviewed. My constituent is deeply worried about how this has been handled. Just recently he was asked to submit a statutory declaration and was told that it was okay, but he has now been asked to repay the grant and deemed to have been ineligible. Can the minister please advise why small businesses who were unable to work during the floods are being contacted to repay the funds two years later and how many other businesses like his have received similar treatment.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:50): (1172) My question is to the Minister for Transport Infrastructure regarding the upcoming closure of the Doncaster park-and-ride due to the North East Link project. Minister, from January 2025 until 2028 this essential bus interchange serving seven busy routes, including the 907 and 908, will be closed. This closure is expected to significantly impact commuters, causing more parking congestion, with more people forced back into cars and more traffic on our roads. The Bulleen park-and-ride was supposed to help, but it is already near capacity even before the Doncaster one has closed. It is frustrating that Bulleen's could have been built with more capacity but was not. People in Doncaster want an easy, quick and affordable way to get into the city. Manningham council has proposed practical solutions, yet nothing has been done.

Minister, will you commit to developing a temporary offset car park in Doncaster on a nearby underutilised site to support public transport users during this construction period and ensure easier connections to the city?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:51): (1173) My question is to the Minister for Roads and Road Safety. Minister, given the Belgrave-Hallam Road is not on Transport Victoria's list of roads that will be included in the Victorian road maintenance program 2024–25, when will this road be prioritised for maintenance and resurfacing? A constituent of mine has reported that the Belgrave-Hallam Road near Mackellar Close in Narre Warren North is experiencing over five different potholes occurring weekly. Apart from the frustration this has caused to motorists with damage to their vehicles, this is hugely dangerous, leaving Victorian motorists vulnerable and potentially exposed. People are now having pothole parties to celebrate the yearly anniversaries of our unfixed road issues, as discussed on 3AW yesterday morning. The appalling state of our roads showcases to all our national and international visitors the poverty of this state under this Allan Labor government.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:53): (1174) My question is for the Minister for Roads and Road Safety. Will the minister install a dedicated turning lane on Lancaster Road to improve safety for visitors turning right to enter the Kyabram Cemetery? I was recently contacted by a constituent with safety concerns about access to the Kyabram Cemetery on Lancaster Road in Kyabram. Lancaster Road is an arterial road, the C351, with a speed limit of 100 kilometres an hour. Visitors and mourners who are approaching the cemetery from Kyabram must turn right off Lancaster Road into the cemetery. This requires a full stop in a single left lane to let the oncoming traffic pass, then crossing over the right lane to enter the small car park. Those who do not want to make the turn will sometimes park on the grass verge on the opposite side of the road and then walk across the road to the cemetery. Both walking across or stopping to turn right on a busy 100-kilometre road raise safety concerns that a dedicated turning lane would address.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:54): (1175) My question is also for the Minister for Roads and Road Safety. It relates to an intersection at Warrandyte Road and Mullum Mullum Road. Those of us who are local will know this intersection very well. It not only connects obviously the main thoroughfare of Ringwood with the schools of Mullum Primary School and Norwood Secondary College but also connects some of the major sporting clubs in our region. Well, that intersection had some works around a year ago, and at that time a metal safety barrier was removed. I would like to know from the minister what the expected replacement period is for that metal barrier. That is a very important piece of infrastructure, particularly for the houses that are at that intersection. They have approached me with their concerns. But more than that, what I would like to know from the minister too is what data the minister has in respect to the safety aspect of that intersection. There are numerous incidents that have happened over the years, including a car in someone's front yard. It is an issue that the locals take seriously, as do I, and if the minister can assist in this respect, that would be much appreciated.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:55): (1176) My question is for the Minister for Local Government. Minister, the ABC revealed today that the G21 Geelong Region Alliance is under investigation by Victoria Police in connection with the alleged theft by a staff member of over $100,000. The organisation is a lobby group for regional local government. Accounts describe it as being dependent upon the ongoing support of state and local government grants. Local councils contribute around $650,000 annually, with $400,000 coming from government grants. For small local

councils this is a lot of ratepayer money. The value for money had already been questioned. At one point the city of Geelong announced an end to contributions. But theft allegations are even more serious. Police confirm they were informed in 2022. So, Minister: when we you made aware of these allegations, and what steps have you taken to ensure taxpayer and ratepayer money is protected?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:56): (1177) My constituency matter is for the Minister for Roads and Road Safety and relates to a stretch of road between Leongatha and Mirboo North, just near Berrys Creek, and the huge and dangerous sink pothole that exists there. It is not a pothole, it is a landing strip for ducks in fact, and it has been repaired and fixed and repaired and fixed and it is smack in the middle of the road. It is a busy road with busy transport, agricultural transport, and cars and vehicles are having to detour considerably onto the wrong side of the road in a very precarious place. The government has seen fit to cut, change, rebadge and cut again our road maintenance budgets. And so I call on the minister to make sure that this particular stretch of road is fixed, profiled as a priority, for the people who drive on it, for their safety.

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

Bills

Health Legislation Amendment (Regulatory Reform) Bill 2024

Second reading

Debate resumed.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:02): I would like to thank all members for their contributions on this bill today, including those with lived and living experience and those who have shared their insights and their own personal stories. The Allan Labor government is strengthening health regulation to better protect Victorians, including those who are accessing or were born through assisted reproductive treatment. This bill gives effect to reforms that were announced last December to strengthen and reform health regulation in Victoria, providing greater consistency to regulation across the health system through the newly established health regulator.

I would like to acknowledge the amendment put forward by Ms Crozier and thank her for her engagement with the Minister for Health's office. The amendment is to include a three-year legislative review, and the amendment will be supported by the government as it aligns with the purposes and aims of this reform work. We know that the health and assisted reproductive treatment sector is complex and continues to rapidly evolve with developments in science and technology as well as social attitudes and community expectations. Review of the implementation and operation of these legislative reforms will be ongoing and iterative to ensure the best outcomes for Victorians. Certainly a formal, three-year legislative review will support this work.

With respect to the amendment that was foreshadowed by Dr Mansfield, the government will not be supporting this.

The bill was developed followed public consultation earlier this year, and we are very grateful to have received input from many stakeholders, including people with lived experience. It also draws on previous consultation work and work undertaken, including the Gorton review recommendations. We will also continue to engage closely with stakeholders and lived experience advocates throughout implementation, and this includes through the establishment of a donor conception advisory body made up of experts and people with lived experience.

I also want to acknowledge the concerns raised by Mr Bourman, who wants to ensure that children are protected from serious sex offenders who may seek to game the system to get access to children.

Of course nobody wants this to happen, and the government undertakes to explore how this could be best addressed.

In summary, the reforms in the bill are necessary to ensure that health regulation in Victoria is modern and evolves in line with contemporary best practice regulation and with changes in risks, technology, knowledge and practice and community expectations. This means a safer, stronger health system for all Victorians. I commend the bill to the house.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, 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, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:12)

Georgie CROZIER: Minister, in my contribution earlier I referred to the Fertility Society of Australia and New Zealand's interim draft report and recommendations. I know I have had some discussions, as I indicated, and I do not see why the government cannot be working on some of those recommendations. The one I am particularly interested in, apart from anything which could be undertaken now, is recommendation 2, which is:

> The development process be facilitated through the Council of Australian Health Ministers supported by a Steering Committee composed of representatives from patients, donor conceived individuals, fertility specialists, industry experts, FSANZ professional groups (nursing, psycho-social, scientific and clinical) and legal practitioners with fertility expertise.

I am just wondering if there have been any moves towards working towards that aim?

Ingrid STITT: The national review of governance and standards conducted by the Fertility Society of Australia and New Zealand is, as you have referred to, an important piece of work, and assisted reproductive treatment (ART) in Victoria is regulated under the Assisted Reproductive Treatment Act 2008 and associated regulations. At present the changes proposed in the Health Legislation Amendment (Regulatory Reform) Bill 2024 are the key focus of our reforms, and of course the Gorton review recommendations also form part of the Victorian context for potential future reform of regulation. But we are aware of the FSANZ – so many acronyms in this policy area – proposals for a national legislative framework and national register.

The reforms in the bill certainly do not preclude any agreement to a national plan or related reforms to establish national legislation and/or a national register. That would obviously be something that would have to be agreed to by all jurisdictions, and at this time there is no proposed agreement between the Australian government in relation to national plans for ART regulation and related functions. Certainly we would participate in good faith if there were to be any discussions at that level, and I think we would add that having the relevant Victorian functions located within the Department of

Health as proposed by these reforms before the house today would make any future move to a national system a little simpler.

Rachel PAYNE: Minister, this bill proposes dissolving the Victorian Assisted Reproductive Treatment Authority and in doing so will transfer all existing staff to the Department of Health. VARTA's counselling staff are in employment limbo, given the commitment to offer counselling services through a yet-to-be-established, private provider, so I ask: what measures will be in place to ensure continuity of care for those accessing VARTA counselling services under those changes, and can you confirm all existing counselling staff will be employed by the new, private provider?

Ingrid STITT: I can confirm that the bill does provide that VARTA staff employed immediately before the commencement would be employed by the Secretary of the Department of Health; that would obviously be on no less favourable terms and conditions of employment. VARTA and the Department of Health will continue to support staff in navigating that employment transition, and the regulatory and registry functions will remain appropriately resourced throughout the transition period, including the issues that you raised in relation to access to counselling. Obviously there are some changes in the bill before the house in relation to changing the mandatory nature of some counselling, but I am happy if you want to take me there in your line of questioning.

Sarah MANSFIELD: Just further to the questions on counselling, the department advised that the counselling function will be outsourced. Currently VARTA provides a highly specialised counselling service that is independent from ART providers and has counsellors with a very high level of qualification given the specific and complex nature of the counselling that is often accessed by people coming to VARTA. Who will this be outsourced to, and what assurances can you provide about the qualifications and expertise of the counsellors that will be providing that service?

Ingrid STITT: The government has committed to delivering funding for an appropriate organisation, and of course it is incredibly important that that organisation can provide suitably qualified and experienced counsellors to deliver both quality counselling and culturally safe counselling for those involved in accessing the registers and those who may wish to access counselling. At this point in time there is not an appointed organisation, but we are very mindful of the need to make sure that there is that expertise available, and that would be the way in which the Department of Health would commission that service.

Sarah MANSFIELD: What assurances can you provide that that external counselling service will be independent of ART providers?

Ingrid STITT: That is obviously an important principle, and it would be no different to the way in which counselling is delivered now, but obviously not through the same entity structure. It would be through an arrangement with an appropriate third party. We would expect the Secretary of the Department of Health would ensure that the arrangements were such that there was no conflict of interest.

Georgie CROZIER: Can I just follow on in relation to some questions that I received from a constituent around some of these issues. I was going to go to them later on, but I might as well bring them up now. One of the questions was: how will the health department protect minors seeking to find out about their donors when counselling services are being abolished? Can you respond to that?

Ingrid STITT: The advice that I have got is that a minor seeking to access information from the registers will be required to undergo counselling to determine the maturity of that child, and this requirement is being retained because the counselling is related to ensuring the maturity of the child to make an application or to understand the consequences of a disclosure of information from the registers.

Georgie CROZIER: This is still on the counselling question, but it relates to clause 45, if I can jump to that. I do not want to go back and forth for you, but it is still around the counselling question.

It is my understanding that that is in regard to the removal of mandatory counselling for accessing the register and explanatory material. Could you explain what that explanatory material consists of? Is that both verbal and written advice? What does that consist of?

Ingrid STITT: The donor conception registrar will be required to provide explanatory material to anyone who applies for information from the registers or who can lodge a contact preference under the act, and this material will be developed with specialist input from experts and that will deal with matters currently covered during mandatory counselling, such as the rights and duties of the parties, the potential implications of disclosure and where to access support.

Georgie CROZIER: I am jumping around slightly, but it goes on to what you have just said in terms of the explanatory material. A new subsection under clause 34, in my understanding, says the donor conception registrar must also make 'all reasonable efforts' to provide any prescribed explanatory material to the person. What are 'all reasonable efforts'? What does that consist of? Does that mean that that material will be provided by the department, or is that outsourced? What does that actually mean, 'all reasonable efforts'?

Ingrid STITT: Just one moment. Sorry, Ms Crozier. Thank you for being patient with that, Ms Crozier. 'All reasonable efforts' is in relation to proactive requests, but if I could just point out to you that in clause 62, 'Disclosure of information', the requirement is that all information must be provided. If I can take you to clause 62(2), new subsection 72(2) states:

> Before disclosing information about a person under subsection (1), the Donor Conception Registrar must …

Therefore it is a requirement, whereas if it is a proactive situation, then all reasonable efforts must be made. I hope that clarifies that question for you.

Georgie CROZIER: I think it does, and it goes to I think also one of the questions I had from my constituent, which was: what suitable crisis and support services will be provided to donor-conceived people who are now finding out as adults that they were donor conceived? They are finding that it can be incredibly traumatic, as my constituent writes. Therefore, that disclosure of information would pertain to that question also. Am I correct in assuming that?

Ingrid STITT: The donor conception registrar will be required to provide explanatory material to anyone who applies for information from the registers or who can lodge a contact preference under the act, and this material will be developed with specialist input from experts and deal with matters currently covered during mandatory counselling, such as the rights and duties of the parties, the potential implications of disclosure and where to access support, noting, as you have said, that it can often be very traumatic to find out this kind of information.

Georgie CROZIER: Thanks for that response, Minister. I have just got one more before I move on to specific clauses. I do not have many questions, but if I could ask: how will the government continue to fund research and education into donor conception to make sure that children know about their origins and that crucial longitudinal studies around IVF-conceived children are continued?

Ingrid STITT: Ms Crozier, the government acknowledges and understands that the public education resources that have been developed by VARTA are very highly valued by the community. The department is committed to ensuring continued access for the public to VARTA's existing suite of resources, including information on prevention of infertility, navigating fertility treatment and donor conception and of course research, and these will be published on the department's website and maintained as appropriate.

Georgie CROZIER: Could I just ask, on that issue around the publication of annual reports: is that on the website? How will that be done? How will that be managed, that information? Is it an annual report? Will that information be published, including what you have just said?

Ingrid STITT: Sorry, Ms Crozier, just bear with me. Right, so the advice that I have got, Ms Crozier, is that stakeholders, as part of the engagement around these reforms, have provided feedback to the department about the value of data about assisted reproductive treatment in Victoria that is currently collected by VARTA. Of course there is also regular reporting that occurs under the current entity.

Georgie CROZIER: They have an annual report, I understand.

Ingrid STITT: Yes, and the department intends to continue to report annually on the performance of the regulatory and registry functions, including reported adverse events. Appropriate arrangements for other data currently in VARTA's annual report, such as data about success rates and other data about instances of IVF treatments, are under further consideration, but there is certainly an intention and a commitment to report annually.

Rachel PAYNE: Minister, why was the decision made to dissolve VARTA rather than to just shift the regulatory role to the Department of Health?

Ingrid STITT: Perhaps I can answer it by giving a bit of information about the reason why the government has pursued the reforms and why we believe that they are necessary. There is obviously a lot in this bill about streamlining regulation, including that of assisted reproductive treatment providers and other matters that the bill deals with. I guess the government is mindful that reforms are also intended to reflect changes since VARTA was established. I am certainly no expert – there are people in this room that are more knowledgeable about these matters than I – but I understand from our department officials that there is significant change that has occurred since the inception of VARTA. There have been a lot of clinical and social advances in relation to fertility treatment, and assisted reproductive treatment is an increasingly common means of family formation. The government obviously does acknowledge the specialised aspects of assisted reproductive treatment as a health service requiring specific legal protections as well as the unique challenges for those with lived experience. We think that the changes are really about improving compliance and enforcement as well as of course streamlining all of our health regulation through the Department of Health. Having all of those regulatory functions sit with the health regulator and also having a separate division within the department, which is the registrar, we think is an efficient and modern and appropriate way to deal with an area of health that is as important as all the other areas of health that the health regulator is responsible for.

Rachel PAYNE: Why are the functions relating to education, community consultation and research proposals not being legislated? Will these services cease to be offered?

Ingrid STITT: No, not at all. As I confirmed to Ms Crozier earlier, we have every intention that education, consultation and research functions, being really important, will continue, and unlike VARTA, those functions can be undertaken by the department in an ongoing way without requiring their specific inclusion as a function in the act. But we understand and we are very aware that the public education resources that have been developed by VARTA are very highly valued by the community. The department is committed to ensuring that we continue access for the public to not only that existing suite of resources, but obviously we would also continue to maintain the provision of information and education through the department's website and other ways in which people want to access that information.

Rachel PAYNE: What is the expected cost saving from dissolving VARTA?

Ingrid STITT: I would have to seek some advice on that. This is not an exercise that has been driven by cost at all. This is about streamlining our regulatory functions within the Department of Health, and it is certainly not cost that is driving this. But I am happy to take a bit more instruction from the box.

Ms Payne, there is no cost saving associated with these reforms.

Sarah MANSFIELD: The Gorton review made a recommendation to remove mandatory counselling for all ART. The government has failed to implement that particular recommendation, including in this particular round of amendments to the Assisted Reproductive Treatment Act 2008. When is this likely to occur?

Ingrid STITT: Can I just get clarification of what you are specifically asking for a timeline around?

Sarah MANSFIELD: The removal of the requirement for mandatory counselling for anyone accessing ART of any kind. Currently it is mandatory to undergo counselling if you access any form of ART. The Gorton review recommended removing that requirement. That was the main recommendation with respect to mandatory counselling that the Gorton review made. The changes around mandatory counselling that have been made in this act were not actually recommended by Gorton. I am just wondering when those recommendations that were made by Gorton will be implemented.

Ingrid STITT: The advice I have got is that the specifics that you raise are outside the scope of this bill. We want to take a staged approach to the implementation and the consideration of the Gorton review recommendations. The question around the counselling will be something that we will consult further with stakeholders on, but it is not being implemented as part of the bill before the house today.

Sarah MANSFIELD: I thank the minister for that response. In a similar vein I have another question that is related to the ART act but perhaps will be considered once again outside the scope of this bill. I am happy for you to take the question on notice, but currently under section 41(a) of the ART act, same-sex couples have to prove that they are unlikely to become pregnant to access surrogacy. Earlier this year Australia's peak fertility organisations all agreed to expand their definition of infertility to better represent same-sex couples, and they have come up with a new definition that acknowledges the inability to achieve a successful pregnancy based on a patient's sexual history and the need for medical intervention to achieve a successful pregnancy. This is a much more inclusive definition, and it also means that same-sex couples do not have to prove that they are unlikely to become pregnant if they want to conceive via surrogacy. These peak fertility groups have called on governments to align legislation with this new definition, so I am just wanting to get a sense of if and when the government plans to remove that requirement that same-sex couples that are trying to access surrogacy have to prove that they are unable to become pregnant.

Ingrid STITT: It is the same answer really. It is not part of what is before us today, but I am advised that there will be further consideration and consultation around that question.

Rachel PAYNE: Minister, just to bring you back to the question of costs, you have advised that there are no cost savings associated with this bill. Are you able to advise what costs then are associated with this bill, or do you claim that there is no change in costs despite the cuts to counselling and other services, as well as the use of an external provider for counselling, as detailed in the bill?

Ingrid STITT: There are no cost savings associated with the bill; therefore I can say that that is not anything to do with the motivation for these reforms. Of course we will be setting up the functions under the health regulator and setting up the registrar and we will be bringing staff over who want to come over from the existing entity, and of course we will be providing counselling through an appropriate third-party arrangement. Given that all of that work is before us, I think it would be difficult to give you a specific answer on the costs associated with that. Those things will be reported in the normal way through the budget process, but I think we have been quite clear that the reforms do not represent a cost saving.

Rachel PAYNE: I am starting to connect the dots. The Gorton review suggested short-term modest funding of VARTA could assist them to fulfil their role. Was this ever considered or acted upon?

Ingrid STITT: I have already outlined for you the reasons why the government has gone down the path that it has. Obviously all of those matters were considered carefully, but for the reasons I have

already outlined, the government is committed to having the work of VARTA sit within the department with the health regulator.

Rachel PAYNE: In relation to the Gorton review, when will the government respond to and implement the recommendations of the Gorton review, if at all?

Ingrid STITT: I can provide you with the following information. The government will be, as I indicated earlier to Dr Mansfield, undertaking a staged response to the Gorton review. We have already implemented several key recommendations relating to public fertility care services, including the establishment of a public egg-and-sperm bank. Other reforms have been implemented to promote access and remove barriers to treatment – for example, enabling individuals such as nurses to undertake artificial insemination under the supervision and direction of a doctor within a registered ART provider. That is recommendation 3 of the Gorton review. We have amended language in the Assisted Reproductive Treatment Act 2008 guiding principles to be more inclusive. That is recommendation 8 of the Gorton review. And we have clarified the meaning of 'donor' in the act to make it clear that a person who provides gametes for use by their partner is a partner, not a donor, and that is recommendation 5. As part of the public consultation the department did invite feedback on potential future reforms to the ART act and many of the proposals that we received including in relation to the remaining Gorton review recommendations. The department will consider that in light of potential future legislative changes following the consultation and the implementation of the work that is the subject of the reforms that are before the house today.

The DEPUTY PRESIDENT: Just before I take the next question, I would like to acknowledge that we have a former member of the Assembly in the chamber with us, Mr Barry Stegall, the former member for Swan Hill. Welcome.

Rachel PAYNE: Will the government commit to consulting stakeholders, including the government's LGBTIQA+ taskforce, on removing the mandatory counselling requirements for assisted reproductive treatment?

Ingrid STITT: Yes.

Sarah MANSFIELD: Has there been any work undertaken by the government to enable donor-conceived people to access information about and connect with siblings directly without going through their donor? This was something that again came through strongly in the Gorton review. Although it was not specifically looking at this issue, they got a lot of feedback about this issue in the review process. This bill does make some minor amendments around the donor register and accessing it as well as disclosure of information. Many donor-conceived people would like to be able to connect with siblings without having to first go through the donor, so I was just wondering what work the government is doing in this space.

Ingrid STITT: So you are talking about informal connections between donors – is that what you are talking about – or informal donations?

Sarah MANSFIELD: This is people who are donor conceived connecting with other people who are donor conceived from the same donor, so they are siblings.

Ingrid STITT: The advice that I have is that that can occur now via the voluntary register, and we do not intend to change that arrangement. That is open to people if they choose to do it that way.

The DEPUTY PRESIDENT: Just before we take the next question, we would like to welcome a visiting member of Parliament, Dr Byreddy Shabari, who is a member of the Indian Parliament, representing the Nandyal constituency in the state of Andhra Pradesh. Welcome.

Rachel PAYNE: This will be my last question, Minister, so I will make it a good one. The Gorton review also recommended expanding counsellors by amending section 43 of the ART act to state that counselling in respect of surrogacy arrangements must be provided by an appropriately qualified

counsellor – either a counsellor providing services on behalf of an ART provider or an independent counsellor who meets the definition of 'appropriately qualified counsellor'. Because this recommendation has not been reflected in this bill, does that mean that the government have effectively ruled out enabling people undergoing ART to access their own independent counsellors and instead retained the monopoly of counselling services provided by ART providers?

Ingrid STITT: I certainly would not want it to be characterised as a monopoly. We would hope that providing suitably qualified and experienced counsellors in this area would be something that would be accessed quite regularly, and I think in one of my earlier answers I indicated that the commissioning of that service would ensure that the counsellors were suitably qualified and had that specific expertise in this field.

Sarah MANSFIELD: This will be my last question. What assurances can you provide that any outsourced counselling services or information or education materials will be freely accessible for people – that is, that there will not be any out-of-pocket costs associated with accessing those counselling services for people once it is outsourced?

Ingrid STITT: I know this has been something that has been raised by a number of stakeholders, and the government has committed to delivering funding so that an appropriate organisation with those suitably qualified counsellors and that expertise can deliver what is going to be a very important service going forward.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5 (14:59)

Georgie CROZIER: Under clause 5, substituted section 36(3) says:

> (g) the person has taken all reasonable steps to ensure that any future use of the donor gametes or embryo produced from donor gametes in Victoria will comply with section 29; and
>
> (h) the person has satisfied any prescribed matter.

This is really going to setting out the requirements that are around that transfer of gametes or moving gametes and embryos in and out of Victoria. My question is: how does the secretary determine if all reasonable steps as outlined in the legislation have taken place, and what types of inquiries and actions will that entail?

Ingrid STITT: There are record-keeping requirements on the clinic, and the regulator would have powers and oversight to make sure that the clinic has taken all reasonable steps. Clause 29 ensures that the clinic would be held accountable for that.

Clause agreed to; clauses 6 to 63 agreed to.

Clause 64 (15:02)

Georgie CROZIER: Minister, clause 64 relates to donor-linking services that will no longer be provided according to the legislation. I am just wondering: what kinds of donor-linking services will continue to be provided given that they are going to no longer provided or they will not happen? It is somewhat vague, and I suppose the question is: how will the department provide appropriate support for people navigating the complex path of making connections with donors if they do not have that provision?

Ingrid STITT: Donor linking, as you know, refers to a process currently undertaken by VARTA of facilitating the exchange of information or correspondence between people affected by donor conception or assisting them to arrange contact – so different from matching genetically connected individuals, which is a process whereby identifying information on the registers can be disclosed. The donor-linking provisions, as you say, Ms Crozier, are proposed to be removed from the act, recognising that individuals may wish to manage these matters in a range of different ways where they

feel comfortable to do so. The donor conception registrar and skilled staff will continue to be able to support the voluntary exchange of information where appropriate, and the requirements for matching individuals and disclosing information on the registers are not changing under the bill.

Georgie CROZIER: If I may, you are really just saying that if the support is required or asked for, then there will be services there to provide that ability to link up, as has previously been done through VARTA. Is that correct?

Ingrid STITT: Correct.

Clause agreed to; clauses 65 to 78 agreed to.

New clause (15:05)

Georgie CROZIER: I move:

1. Insert the following New Clause to follow clause 78 –

'**78A New section 123A inserted**

After section 123 of the **Assisted Reproductive Treatment Act 2008 insert** –

"**123A Review of operation of this Act as amended by the Health Legislation Amendment (Regulatory Reform) Act 2024**

(1) The Minister must cause a review of the operation of this Act, as amended by Part 2 of the **Health Legislation Amendment (Regulatory Reform) Act 2024**, to be commenced after the third anniversary of the day on which Part 2 of the **Health Legislation Amendment (Regulatory Reform) Act 2024** comes into operation.

(2) The Minister must cause a copy of a report of the review to be laid before each House of the Parliament no later than the fourth anniversary of the day on which Part 2 of the **Health Legislation Amendment (Regulatory Reform) Act 2024** comes into operation.".'.

As I outlined in my second-reading speech and through the debate, the Liberals and Nationals will be moving this amendment so that we do have a review or the government undertakes a review in three years time, and I am pleased that the government has indicated that they are supporting that move, so I therefore move my amendment to that effect.

Ingrid STITT: Further to the comments that I made in the second-reading debate, the government will be supporting Ms Crozier's amendment. We know that this is a very complex area of health policy, and we support the three-year legislative review. It aligns very much with the purposes and aims of this reform work and is something that the government is happy to support.

New clause agreed to; clauses 79 to 120 agreed to.

Reported to house with amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:07): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:07): I move:

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

Council divided on motion:

Ayes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, 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, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (7): Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendment.

Short Stay Levy Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (15:15): I would like to start off by congratulating the government on a bit of a milestone. You get to your 50th birthday, and that is a milestone, but 55 is still a big milestone for those turning 55, and this is Labor's 55th new or increased tax since coming to government. Ten years of the Andrews–Allan government and we have 55 new or increased taxes. That is roughly one new tax every two months since this government started and since this Premier became a minister.

This is the Short Stay Levy Bill 2024, and there are a few people that are going to be enjoying short stays as a result of this bill. There are a few members in this Parliament that are going to be enjoying short stays in this Parliament, like the member for Wendouree, like the member for Hastings, like the member for Bass, like the member for South Barwon and like several other members. They are going to be having very short stays in this Parliament because of the destructive nature of this tax and what it will do to their communities in terms of destroying regional economies and destroying people's ability to go for a holiday. The member for Yan Yean – there is another one that will be having a short stay in this Parliament. A lot of them are in for a short stay because they cannot manage money. Labor cannot manage money, and it is Victorians that are paying the price. It is Victorians that rely on regional tourism, to come into their towns to fill the tills at the coffee shops and at the restaurants that keep regional economies going. They are going to be paying the price because of this bill. It is Victorians looking for a hard-earned break, a hard-earned holiday with the family, that are paying the price – the 7.5 per cent price – because this government cannot manage money.

From the outset can I say I am pleased to be able to speak on this bill after the announcement by the Leader of the Opposition this week that the Liberals and Nationals not only oppose this tax but are committed to repealing it should we be given the honour of winning government in a little over two years. We will oppose this legislation. This is bad legislation, and we will also seek to amend it. In the middle of a cost-of-living crisis Victorians do not need to be taxed more than they already are. They need a government that understands their circumstances and understands their situation. They need a government that understands their personal financial situation and is empathetic towards that, and they need a government that will tax them less. But this government is addicted to taxes. They set up an injecting room to get people off addiction. They need to set up their little own room to get themselves

off their addiction to taxes; that is what they need to do, this government. If I can quote Winston Churchill:

> … for a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle.

That is what this government is trying to do. If Winston was here today, he might say taxing something is not going to incentivise getting more tourists into Victoria; it will in fact push them further and further away. Despite Labor's tax attacks, Victoria's total net debt will reach $188 billion in 2027, the largest debt of any state or territory in the country. That is an enormous amount of debt and, as we know, more debt than New South Wales, Queensland and Tasmania combined. This includes over $40 billion of infrastructure cost blowouts. Interest on the debt alone is $26 million per day. With this money the Allan Labor government could pay for 128 new ambulances, two new breast cancer centres, 2715 elective surgeries or the yearly salaries of 315 nurses, 510 Victoria Police recruits or 305 paramedics. If you tax something more, things get more expensive, and that is the case with this new tax.

The government refers to this new tax as their short-stay levy, and that is a bit of cute Labor spin. They call it a levy, but let us call it what it is. Let us have a bit of honesty from this government for once. They are busy hiding and covering up their lies. We saw that this week with the Commonwealth Games documents. Let us have a bit of honesty for once from this government and call it what it is during this debate – which is a tax. We know this government is addicted to taxes. It is a tax on holidays, it is a tax on tourism and it is a tax on families looking to get a bit of a holiday, a bit of a break, during a tough time for all Victorians.

Why on earth would you tax a holiday? Why would you do it? A holiday is an opportunity to get away from the cares and worries of the world. A lot of the worries of a lot of people at the moment are inflicted in fact by this state Labor government. When Labor are in a debt crisis their solution is, 'Sorry, we're coming after your trip away with the kids.' As the Shadow Treasurer the member for Sandringham said in the other place:

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

The member for Sandringham has pointed out how flawed this is. I am grateful for his extensive engagement with the tourism sector and with related peak bodies, organisations like Expedia Group, the Victoria Tourism Industry Council, the Real Estate Institute of Victoria, the Urban Development Institute of Australia, the Short Term Accommodation Association Australia and many others. What his consultation has taught us is how friendless this bill is. Can the government find a single stakeholder that is supportive of this bill? I do not think it can. They have upset the sector at great length. This bill is friendless to everyone outside the Treasurer's office; it might have some friends in there, because we know they are all addicted to taxes in there. I am not sure if it might be unparliamentary to call this bill 'Neville no-mates', but it is. It has no friends, and it is Labor's 55th tax on Victorians.

The Victoria Tourism Industry Council has said:

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

The Victorian Chamber of Commerce and Industry has said:

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

The government claim this is about housing, but in prosecuting the case for their 55th tax they are yet to make this argument and explain how a tax hike will help. I will listen closely to my colleagues on the government benches as they try to defend their latest tax today, and I will see if they can do what

their lower house colleagues cannot. Can you tell us the exact number of houses that you expect to become available in the long-term rental market or the affordable housing space? Can you tell us? Can you release the modelling? It is all good to have an argument, to say that this will create new housing or this will make more housing available, but where is the evidence? We have asked for this. It has not been forthcoming, and the ministers have not been able to answer either. This government's credibility on housing, to put it mildly, is not great. Despite committing to build 80,000 homes each and every year for 10 years, only 55,653 homes were built over the last 12 months to September, down by nearly 2700 from the same time last year. Since committing to increase housing, the number of homes delivered has gone backwards, which only proves that the Labor government has made the housing crisis worse.

This tax will not solve the housing crisis in Victoria. Victoria's rental vacancy rate is at a historic low, estimated at between 1 per cent and 2 per cent. There is no evidence, not a shred of evidence from this government, that this tax on short-stays will actually boost the supply of long-term rentals – none. The government has failed to provide any shred of evidence for this argument. I implore my colleagues on the other side of the house who do make this argument that more houses will become available on the long-term rental market – you can say that and do say it – to please bring the evidence into the chamber. Go around to the Treasurer's office, knock on the door, ask for the modelling, bring it into the chamber, and when you are reading your speaking notes you can tell us how this new tax will actually incentivise more people to go on the long-term rental market. I suspect you will not, because you will go around to the Treasurer's office, you will knock on his door and he will do the same thing he has done for everyone else and refuse to give up any evidence. He will still demand that you read the talking points that you have all been given to make that claim, but we know that that claim has not a single shred of evidence.

Victoria's housing crisis is being felt right across Victoria, in regional Victoria and in metropolitan Melbourne. This is a tax on all Victorians, and it is going to have a double hit by hitting tourists – Victorians that make up the majority of visitors to regional Victoria – in the hip pocket and then hitting the small business and tourism operators in our state by reducing trade, reducing customers and risking their businesses. Of course we know that side of the chamber would not know anything about running a business – certainly a lot about running a union, but nothing about running a business – or what our small business owners go through, particularly in regional Victoria, and how vital tourism is to regional communities. During COVID Victoria relinquished its number two spot for overall tourist spend and is now third, behind New South Wales and Queensland. Regional Victoria has never fully recovered from the pandemic, and operators are battling a prolonged cost-of-living crisis. Cafes and restaurants are reporting smaller spends, activity and attraction businesses are quieter, and people are travelling for shorter periods of time to cut down on holiday costs.

It is also worth noting that around 40 per cent of those in short-stays are not in fact tourists. Government does not understand this, but let me repeat that, just so the government hears: 40 per cent of those who stay in short-term rentals are not in fact tourists. They are frontline workers, they are FIFO workers, they are people who are fleeing domestic violence – vulnerable Victorians who for whatever reason or circumstance are not able to stay in their own long-term rental accommodation or in their home and need emergency housing, which is a really important point to make. I know this because I have had several constituents speak to me about this, about how they stay in short-term Airbnbs or short-term accommodation when travelling to the city to go to the Royal Children's Hospital to look after their sick children or to go to St Vincent's Hospital for a prolonged stay of a family member. These are the types of reasons people use short-stay accommodation.

I am not often prone to calling this government a world leader, but here we have an exception. Labor's latest tax on short-term rentals is in fact the largest and highest short-stay levy of any such levy in the world. This bill also allows and some would say encourages councils to slap additional taxes on short-stays. The potential impact of this is a nightmare patchwork of 79 different councils with 79 different

taxes and rates – a bureaucratic and administrative nightmare for small operators, large operators and the consumers trying to budget for a holiday.

Can you imagine people coming into the City of Merri-bek? They will not have a cheap time staying in the City of Merri-bek; I can guarantee that. Perhaps they will after the council elections – we will see. The City of Yarra and other councils are quite notorious for advocacy in this place and are quite notorious for lifting rates and other levies whenever they get the opportunity. It is usually Greens councillors; whenever they get the opportunity they jump at it. They talk about the cost of living in this place, and then you look at their council colleagues in particular imposing some of the harshest penalties on people that are the most vulnerable in our community.

This came – councils being able to charge a double tax – after the government originally ruled out allowing councils this power. Yet as we know, as the result of a dirty deal between the Labor Party and the Greens political party, the government then caved on that. We know that because the Greens themselves boasted about the fact that they had struck a deal on this. If it was a bad idea before, Mr Treasurer, it is a bad idea now, and it is going to cause mayhem for our small businesses, our tourism operators and people needing to get away for a holiday. Not only are they going to be taxed once to go on a holiday, they are going to be taxed twice to go on a holiday.

We also need to discuss the reality of the money this tax will raise. The Treasurer at first said that this tax will raise $75 million. That was then cut down by one-fifth. Now, I know he does not have a great record with numbers, the Treasurer. We can pretty much all admit that he does not have a good record with numbers. It was cut down by one-fifth, $15 million, to $60 million. Given the powers of councils to ban – or through tax powers strongly disincentivise – short-term rentals in their patch, that number has very little credibility as well. It is not going to contribute much to building new houses. Homes Victoria, where it is meant to go, the state government body charged with producing affordable housing and social housing in this state, is currently about $180 million in debt. It will not be put into new homes. Do not buy the argument that this is going to be put into new homes. It will be paying off the highest debt in the nation. It will go to paying the interest bill on the debt, which is climbing to $26 million a day, each and every day, in the next few years.

The Shadow Treasurer in his contribution in the other place also highlighted the unintended consequence of this tax: its negative impact on people with a disability. He said:

> There are Victorians around the state – disabled Victorians – who choose to stay in short-term rental accommodation such as Airbnb and other platforms because it enables them and their families to have the greater support and flexibility that they need when they are going on holidays …

or when they are moving around the state. Some hotels do not have the facilities to accommodate guests with a certain disability, and the guests themselves can find the cost of renting the additional materials they need quite onerous and prohibitive. As the Shadow Treasurer put it in his speech:

> … if you have a severe disability and wish to travel in this state and you are requiring things like lifters and high–low beds and other equipment that disabled Victorians rely upon, in terms of hotels in Victoria there is an option for you, but there is only one, and it is a hotel in Burwood East.

I have got nothing against Burwood East. It is a great part of the world, but it is not exactly a part of the world that you would go to for a holiday. What we are doing is denying people with a disability the chance to get around our state. That is just one of the unintended consequences of this bill, and we know through the advocacy of people that have come into this place and done a press conference on this very issue that our disability community is up in arms about this issue, about the fact that they will be taxed for going and using an Airbnb or using a short-stay to get access to the facilities that they deserve. There is only one hotel in all of Victoria that has the facilities that cater for them. That is one of the unintended consequences of this.

Some of the amendments that I will move seek to rectify this issue, and I urge the government to come to the table and join us on at least one aspect of this bill. One of the amendments seeks to insert a

definition to provide exemptions for Victorians with a disability and those fleeing violence who utilise short-stay accommodation. People with a disability and those fleeing family violence should not be taxed for utilising short-stay accommodation. We have actually heard over a long period of time through royal commissions and annual reports year after year how difficult it is to get housing after fleeing a domestic violence situation. What this government is doing with this tax is making it even harder. I would love to hear from their speakers how the government explains this – how it explains away this and why they are taxing women fleeing domestic violence.

Another amendment provides that the definition of ‘house’ will be given the same meaning as in section 4(1) of the Housing Act 1983, inserting a definition of ‘house’ which is necessary for our amendment calling for a review of the impacts of the legislation. Specifically our review calls on the government to report the number of houses available in Victoria for rent or sale.

We also seek to provide a definition of ‘rural and regional Victoria’. Inserting a definition for rural and regional Victoria is necessary for our review of the impacts. We want to see the total amount of dollars spent on tourism in rural and regional Victoria to highlight the very likely consequences.

We want to omit ‘commercial residential premises within the meaning of’ and insert ‘premises described … of the definition of commercial residential premises in’, which proposes to exclude the lines similar to residential premises in definition of ‘commercial residential premises’. Without this change there will be significant uncertainty about the many classes of short-stay accommodation, such as boarding houses.

We also seek a grammatical change to ensure the legislation provides tax exemptions which mirror existing land tax exemptions. Properties already exempt from land tax should also be exempt from the short-stay levy. Another change would broaden the short-stay levy exemption so that legislation mirrors existing land tax exemptions.

We are also looking to make a slight change to legislation wording to include additional protections that will ensure Victorians are not double-taxed, having to pay the levy on top of itself and/or on top of the GST. We do not want Victorians to get double-taxed. In fact Victorians could even be triple-taxed by going on a holiday, copping the increase from the council – probably Merri-bek – and then copping the increase from the state government and then copping the GST as well.

Another change is tax would not be calculated in the booking fee in cases where a person is exempt from paying the levy – as I discussed earlier, mental health, family violence, disability and travel for medical treatment. Under the current bill, platforms may be liable to pay tax penalties due to false declarations made by the owner-occupier of a property, so this section protects providers in cases where there is no reason for them to have believed a declaration was false. Booking platforms may be liable to pay tax penalties due to false declarations made by the owner-occupier of the property. We do not think that it is right for booking platforms to be punished due to any false declarations by the owner-occupiers, but under this current bill and under the Treasurer’s drafting that is the way it appears. This is a pretty reasonable amendment I think.

As I noted, 40 per cent of short-stays are booked for purposes other than tourism. Another change will provide exemptions for at-risk Victorians who book short-stays. People with disabilities often book short-stay properties because they are more accommodating to special needs, and these changes will provide tax exemptions for people who utilise short-stays for medical treatment or due to perceived mental or physical health threats to their safety or wellbeing.

We also want to mandate a review into its impact on housing and tourism. The proposed review will evaluate the impact of these reforms, taking into account the number of houses that are available in Victoria for sale or for rent. The review will consider the impact of the tourism industry, taking into account the number of dollars spent on tourism since the implementation of the short-stay levy.

The Shadow Treasurer has already raised concerns about the constitutionality of this proposal, which seeks to reintroduce a bed tax on all Victorians. A bed tax was one of the many taxes abolished under the federal–state agreement exchange for revenue and GST – the GST of course being one of the most significant and substantial reforms of taxation in Australia since federation. I will take the opportunity to congratulate the former federal Treasurer Peter Costello on his record of cutting taxes, and he can add the bed tax to his list. I know Mr Costello would shake his head at the fact that we are introducing a 55th tax here in Victoria.

This bill will not improve housing affordability or availability. Perhaps through our amendments and a review we might actually find out – it will be too late – what I suspect the government's modelling already shows, or the lack thereof. This bill will not make housing more available. This bill will not make housing more affordable. It will not do any of that. You would think if there was substantial modelling we would have seen that already, but we have not seen a single shred of evidence that this bill will make homes more available. You cannot tax housing into existence. Taxing housing does not make housing more available or affordable. The government is seeking to punish Victorians into making housing more available. Well, that will not be the effect of that. I suspect the government knows that this is a bad bill. It will not improve housing affordability or availability, it will make things more expensive. We have already got the highest debt in the nation, the highest tax in the nation, the highest property taxes, the highest business taxes and the lowest wage growth. I am happy to move those amendments that I spoke about in my name.

Amendments circulated pursuant to standing orders.

Evan MULHOLLAND: I just want to finish off where I started. This is the short-stay levy, and with a punishing tax such as this there will be many members of the government in for a short stay in this place. Ms Shing, a member for Eastern Victoria, got through on the skin of her teeth last time; she is in for a short stay in this place because of the impact that this tax will have on regional Victoria. The member for Wendouree – in for a short stay. The member for Bass – in for a short stay. The member for Hastings – a very short stay. This is a bad deal and should be opposed.

Aiv PUGLIELLI (North-Eastern Metropolitan) (15:45): I am pleased to rise today to speak on the Short Stay Levy Bill 2024. We are in the throes of a housing crisis. It has left hundreds of thousands of Victorians in dire straits unable to find affordable and stable housing. We have a warped housing market where homes are no longer viewed as homes but rather as commodities. Housing should not be seen as a commodity or an investment; it should not. Housing is the cornerstone of one's life. It is essential for survival but also for community, wellbeing, health, autonomy and dignity. Housing is a human right. Over 48,000 entire homes across our state are locked up as short-stay accommodation on platforms like Airbnb. These properties remain empty for most of the year while too many Victorians struggle to find affordable housing. This situation exacerbates our housing market, pushing renters to the edge and locking out potential home owners.

It is important to remember that when Airbnb and similar platforms were launched they were meant to be a realisation of the sharing economy. Unfortunately, what we have seen has nothing to do with sharing; it is instead a rise of commercial-style megahosts who sideline potential renters for profit. The issue at hand is the misuse of residential properties as short-term rentals, which has escalated property prices and shrunk the availability of homes for actual residents. This housing crisis demands not just our attention but our immediate and decisive action. We must be using any and all levers at our disposal to combat this crisis. We must boldly address this flawed market. We must prioritise housing for people that are in need of homes. That will and should always take priority over investors' profits and supposed blows to the tourism industry – an industry, I will remind the house, that had existed and flourished well and long before short-stays existed.

We the Greens have stood firm in our resolve here to ensure that this legislation truly serves the people of Victoria. We did not merely accept the government's initial proposal of a 7.5 per cent levy on short-stays. We saw that as a starting point, not an end. Through robust negotiations and relentless advocacy,

we have ensured that this bill will do more than impose a tax that does not directly address the issue, because we must pressure property investors to reconsider their skewed business model; we must encourage them to make properties available for long-term residents rather than short-term tourists.

We have secured changes empowering owners corporations, allowing them to decisively prohibit the use of apartments as transient short-stay hubs. This measure returns control to the residents, allowing them to preserve the integrity of their communities. As part of our negotiations, we have achieved a critical commitment from Labor: the granting of new regulatory powers to local councils. These powers are the means by which we can begin to reclaim our housing market for what it should be – housing – instead of what it has become: an asset for the wealthy to collect, which is an outlook that has seen our housing market become severely distorted. This commitment from Labor to bring in subordinate legislation will empower councils with the authority to regulate short-stays. This includes the ability to limit the number of nights a property may be rented out, enforce stringent amenity and safety standards, implement registration and compliance checks, hand out fines and if necessary ban short-stays altogether. These powers will be invaluable to councils in high-pressure areas that are adversely affected by short-stays.

We know that the fallout from an unchecked, unregulated short-stay sector has not been evenly distributed across the state. Regions that are tourist hotspots like Mornington Peninsula for example have for too long been plagued by the uncontrolled growth of short-stays, posing significant challenges: no options for local workers, displacement, evictions, gentrification and affordability issues. The passage of this legislation will enable the sharing also of crucial data between the State Revenue Office and local councils, enhancing the transparency and accountability they need within that short-stay sector. This is a significant step that will enable effective regulation and enforcement, as the lack of adequate, accurate data on the short-stay sector has been a major issue across the globe.

The reforms we seek to pass today refocus the short-stay industry back to its original intent. Individuals can rent out their primary residence without facing punitive measures. This ensures that those who participate in the sharing economy in good faith are not disadvantaged by regulations aimed at large-scale investors. Today by supporting this bill the Greens send a clear message: housing is a human right, not a commodity. This is just part of our broader fight for a fair and just housing system, a fight that includes advocating for more public housing, opposing demolition of existing public homes and freezing rents.

Jacinta ERMACORA (Western Victoria) (15:50): In our housing statement last September the Victorian government recognised that access to long-term rental properties was an issue across the state and particularly in regional Victoria. The *Standard* newspaper in Warrnambool reported on 30 August 2024 that the number of short-stay rental properties in the city had increased by 17 per cent over the two years from July 2022. The same article reported similar trends in Portland, where short-stay rental properties increased by 11.5 per cent. I have no doubt that the same picture is emerging in many wonderful tourist destinations across western Victoria, such as Port Fairy, Halls Gap et cetera. At the same time, the availability and affordability of rental accommodation remains low. Warrnambool was unfortunately recently ranked third on the rental pain index put out by Suburbtrends in April 2024. The index is based on rental increases, affordability against income and vacancy rates.

What we have seen in the last few years – and short-stay accommodation is relatively new in the tourism sphere, as compared to hotels, motels and camping grounds – is really a cannibalisation of housing stock for residential purposes. It has been cannibalised by the short-stay industry. What that means is that many of these homes are empty for a significant period of time during the year, and there is therefore less housing available for families, individuals and workers. While it remains important to ensure there is a range of accommodation available to support our visitor economy, the rise of short-stay accommodation does take houses out of the market for long-term rental. Governments across Australia and around the world have taken steps to regulate short-stay accommodation, including the use of short-stay booking levies to tackle challenges with the supply of longer term rental accommodation and manage the impacts of short-stay accommodation on local communities. This

levy will even out the playing field as well from a regulatory perspective. I have received feedback from hotel and motel operators who are paying commercial municipal rates who feel that the owners of short-stay buildings pay only residential rates, so it is not a fair playing field. One of the benefits of this levy will be a move towards evening out the marketplace playing field.

A levy of 7.5 per cent on short-stays strikes the right balance. The bill introduces a levy on short-stay accommodation booking fees for bookings made on or after 1 January 2025. Unlike a cap on nights, the short-stay levy will also support housing supply by contributing to more and better housing in Victoria, with an estimated $60 million to be raised. That money will help to fund Homes Victoria to support their important work in building and maintaining social and affordable housing, with 25 per cent of the funds to be invested in regional Victoria. The impact of short-stay houses in regional communities is significant, more significant than in Melbourne proportionately. The Labor government is investing $1 billion to build 1300 new homes in regional Victoria, including a mix of social and affordable housing. We are committed to a total of $177 million to Lowan and South-West and have already delivered 112 new homes. This short-stay levy will help to ensure those new homes and the existing housing stock in the regions will not end up being used for short stays.

The levy will not apply to premises that are occupied as the principal place of residence of the owner or renter of the premises, unless it is a separate dwelling at the same property. So if you rent out your home as a short-stay accommodation while you are away or a room in your home, the levy will not apply. If a booking platform is used to provide short-stay accommodation in a principal place of residence, the person offering the accommodation is required to provide a declaration of this in the booking platform. If this declaration is later found to be incorrect, both the owner and the booking platform will be jointly and severally liable for any shortfall in levy payments. The booking platform will have the right to recover the levy amounts paid by them from the property owner.

The levy does not apply to various types of premises that are not suitable for long-term rental or for sale on the housing market. That means it will not apply to commercial holiday accommodation, such as hotels, motels, resorts, hostels or caravan parks. It will also not apply to other forms of accommodation such as resident student accommodation, rooming houses, retirement villages, residential care facilities, supported residential facilities, temporary crisis accommodation and accommodation provided by facilities to their employees, contractors or clients.

Owners corporations will also be empowered to make rules to prohibit the use of lots as short-stay accommodation where the lot owner or renter is not using the property as their principal place of residence. This new power may assist in diverting residential lots from the short-stay market, and it will also provide an additional option to owners corporations that are concerned at the amenity impact on residents from the use of properties as short-stay accommodation. Again, that will involve the democratic process through owners corporations to make those decisions – this bill allows for that.

The introduction of the levy and the new powers for owners corporations in this bill will provide incentive to property owners to transition residential properties away from short-term accommodation and towards the longer term rental market, helping to reduce rental prices and vacancy rates, and increase the availability and affordability of rental housing for all Victorians. As we all know, the housing challenge that we face in this country and in Victoria is a multifaceted issue. There are multiple causes, and one of the causes is the growth of short-stay accommodation. So this is an important ingredient along with a range of other strategies that the Allan Labor government is undertaking to alleviate that pressure. Just recently in Warrnambool we announced the regional worker housing fund – $5.29 million to alleviate pressure on worker housing.

In closing I want to reiterate Mr Puglielli’s comment about housing being a human right and that it is very apt and appropriate that this 7.5 per cent levy on a holiday goes towards providing secure homes for Victorian people, and I support this bill.

Wendy LOVELL (Northern Victoria) (15:59): I rise to speak on the Short Stay Levy Bill 2024, which will impose yet another new tax on Victorians. This is Labor's 55th new or increased tax on Victorians since entering government in 2014. Of course we all remember Daniel Andrews standing on the steps saying there will be no new taxes or charges, but here we are 55 new or increased taxes later with Labor introducing the short-stay levy tax. This bill will amend the Owners Corporations Act 2006 and the Taxation Administration Act 1997. The bill will impose a 7.5 per cent levy on all non-commercial short-stay accommodation in Victoria from 1 January 2025 – right in the middle of the very busy holiday period. When Victorian families are taking their summer holidays, they will be receiving a Christmas gift from the Allan Labor government of being slugged with a new holiday tax.

At a time when small businesses and the tourism industry in Victoria have still not fully recovered from Daniel Andrews's COVID lockdowns, the Treasurer of this state has now decided to kick them while they are down by imposing a holiday and tourism tax. The levy will apply to every stay of less than 28 days and will be charged on the total booking fee, including accommodation costs as well as all service and cleaning fees and credit card charges. The levy must be paid by the owner or renter of the property if the booking is taken directly or paid by the online platform if the booking is made through a platform such as Airbnb or Stayz. The Liberals will be opposing this bill and, if elected to government in 2026, will abolish Labor's holiday tax.

I am particularly concerned about the effect that this bill will have on regional towns in my electorate of Northern Victoria. I have received numerous messages from constituents in Northern Victoria who will be negatively impacted by this bill. The majority of visitors to regional Victoria are fellow Victorians, but they might decide not to stay in Victoria in the future. There are towns along the Murray River whose local economy depends heavily on tourism, and they will be hit the hardest because there are alternative accommodation options available just across the river in New South Wales or just across the border in South Australia, where the tax will not be charged. I think of places like Echuca, where just across the river in New South Wales is Moama. I have been contacted by constituents in Echuca who operate holiday homes who are really worried about the effect of this bill. I think of Cobram, where just across the river in New South Wales is Barooga and not far away is Tocumwal. I think of Yarrawonga, where just across the river in New South Wales is Mulwala. I think of Rutherglen and Wahgunyah, where just across the river in New South Wales is Corowa. I think of Wodonga, where just across the river in New South Wales is Albury. In all of these places tourist destinations on the Victorian side will be punished by their own government and forced to compete with tourism businesses in New South Wales, where the tax will not be charged. As I said, the border with New South Wales, the Murray River, is just one of the areas in my electorate that will be affected. The western border of my electorate is the South Australian border, and towns on that border will also be hit and this scenario will be replicated for anyone staying in a short-stay rental.

The cost-of-living crisis, which has been made worse by Labor policy, is hurting everyone in Victoria. Families have very tight budgets right now, and when they decide where to stay on their holidays they will be tempted to choose cheaper accommodation across the border in New South Wales or South Australia. Labor's new holiday tax will push tourists away from providers on the Victorian side of the border when they can stay over the border, where they will be spending their money interstate in New South Wales and South Australia. This will be ripping tourism income away from Victorian communities, where the local economies rely heavily on that income. The tax will hit Victorian border communities the hardest, but make no mistake, the effects will be terrible right across regional tourist towns.

The Parliamentary Budget Office report on the levy says that short-stay accommodation is disproportionately represented in regional areas. The report estimates that 52 per cent of short-stay properties are in metropolitan Melbourne and the remaining 48 per cent are in regional Victoria. This reflects the fact that short-stay accommodation is predominantly used for tourism, especially in the regions. Modelling shows that the 7.5 per cent levy will add about $156 to the average short stay. For families on a tight budget $156 is a lot of money. And that is $156 that will no longer be spent on

breakfast at a cafe, buying souvenirs, summer hats or T-shirts or visiting local attractions, so other businesses will also miss out. Other businesses in our border towns, in our tourist towns will be affected because of this tax. That is $156 that will not be spent in small businesses and tourist areas because it is going into government coffers to pay back the massive debt that Labor has incurred on billions of dollars of Big Build blowouts.

The regional Victorian economy is still recovering from the effects of the pandemic. Hospitality businesses are reporting smaller spends, and events and attractions are having fewer visitors. Instead of supporting the regional economic recovery by cutting red tape, the Treasurer now wants to kick them while they are down. He wants to impose a levy that will take $60 million to $75 million every single year away from the pockets of regional Victorian tourism businesses and put it into the pockets of the Labor government to waste on white elephant infrastructure projects in metropolitan Melbourne like the Suburban Rail Loop. The tourism industry supports over 250,000 people, and it is not the only sector that is going to be affected. Constituents who run cleaning and housekeeping businesses, garden maintenance and laundry services have contacted my office, and we have also had contact from plumbing, electrical, handiwork and pool maintenance people who provide services to the short-term market. These people have all contacted my office to say they are deeply worried about the knock-on effect that this tax will have on them. The last thing that regional Victoria needs is a labour tax on tourism and holidays that will kill off jobs and businesses.

The stated aim of this bill is to alleviate the housing crisis. The government has promised that the money collected from the levy will be directed to Homes Victoria to provide social and affordable homes, but while half of all short-stay properties are in the regions, only 25 per cent of the revenue will be allocated to affordable regional homes. It is completely unacceptable for the Labor government to rip money away from regional accommodation providers that account for half of short-stays but not spend half the money collected on regional housing. It is totally unfair. In the regions it is harder to find tradies to build new homes, and that makes it harder to attract essential workers to rural and regional towns because they cannot find somewhere to live and the rents keep going up. The very least thing the Labor government could do is invest half of the levy revenue back into the regional areas that it was taken from in order to support affordable housing for key workers, but instead the Allan Labor government will short-change regional communities every chance it gets in order to prioritise metropolitan Melbourne.

The housing crisis is particularly acute in the regions. The government has an important role to play in enabling housing, but it is completely shirking its responsibility. Take north-east Victoria, where local governments, builders and developers have all raised concern about the lack of infrastructure to support new housing in their communities, particularly the lack of water infrastructure. We have a minister that is both the Minister for Housing and the Minister for Water – you would think she would actually focus on this. Hundreds of lots have been approved for new homes, but they cannot start building until sewage and water infrastructure has been laid down. This is holding up housing development, but the Labor government is sitting on its hands instead of fast-tracking these crucial works. If Labor wants to boost new home building in regional Victoria, it should act urgently to address these fundamental factors instead of playing around with cosmetic tax changes that will do nothing to boost supply and only hurt the tourism economy.

The Allan Labor government talks big on housing but never walks the walk. They promised 80,000 new homes every single year for 10 years, but they are way behind with their targets and fell short by 20,000 last year. Consider another example of Labor's failure in regional housing – in the Macedon Ranges as part of its Big Housing Build the government has only completed 13 homes in four years. The whole lot of these houses were supposed to be built in four years, but there are only 13 houses in the Macedon Ranges. That is embarrassing. In 2020 Labor promised a minimum spend of $30 million in Macedon Ranges as part of its four-year housing program. Four years later we are in the middle of a housing crisis, and yet Labor is just halfway to fulfilling that promise. The minister admits that they have only spent $11 million from the Big Housing Build fund. Money has been

allocated to four social housing projects in the Macedon Ranges that will supposedly deliver 25 homes, but just half of those homes have been completed. A further 12 are supposed to be under construction, but I have been informed that one project intended to deliver 12 homes has not even commenced. Completing just half the homes in four years is a disgraceful effort. This failure creates serious doubts that the government will actually be able to turn the short-stay levy funds into real housing in the regions. Labor should first look at the housing bottlenecks created by its own policies before it starts taxing tourism businesses.

Victoria is in the middle of a housing crisis. The rental vacancy rate is at a historic low of 1 to 2 per cent. People everywhere are struggling to find a home or cover the annual increase in their rent. The intention of this bill is not only to raise revenue but also to put the squeeze on short-stay accommodation providers so that many of them will sell up or make property available for long-term rental instead of short stays. But this policy is deeply misguided and will not have the desired effect. Firstly, many short-stay properties in tourist towns are too large for a single family, with five or six bedrooms intended for multiple families to holiday together near the beach. These homes will just not find any takers on the long-term market and may not even be in areas where people are looking for a long-term rental. In the city it is a different story. The experience of New York is instructive. Stays of less than 30 days have been banned, but the short-stay market continues to exist. It has just simply left the online platforms and gone underground. The Melbourne short-stay apartment market could very well go the same direction, with owners cutting out the platform to deal directly and secretly with visitors to avoid the levy. Whether in the regions or the city, there is no evidence that taxing short-stays will boost the supply of long-term rentals. It is nothing more than a revenue-collection exercise that will fleece Victorians in order to pay off Labor's stratospheric debt.

If we want to fix the housing crisis, the answer is not tampering with tourism accommodation. You cannot make housing more affordable by making holidays more expensive. The answer is to fix the fundamental policy problems that constrain housing supply and inflate costs. More than 40 per cent of the cost of a new home can now be attributed to government taxes in Victoria. The first step to reducing the cost, improving affordability and boosting supply is to cut government red tape and cut taxes, yet this Labor government is addicted to new taxes because it is addicted to unsustainable spending. We will not solve the housing crisis by taxing our way out of it. We need more tradies on the tools, not more taxes from the Treasurer.

Lastly, I must address the negative impact that this new tax will have on vulnerable Victorians. Research by the Victorian Tourism Industry Council found that 40 per cent of short-stays do not involve tourism or holidaying but rather people using temporary accommodation for a number of other reasons, such as short-stay accommodation while they undergo medical treatment. This will severely impact on these people.

Jeff BOURMAN (Eastern Victoria) (16:14): I will not be supporting this bill. This will decimate regional economies that are under stress already. I have had a number of people contact my office, and they are not wealthy people collecting assets, as has been suggested, they are retirees. They are mums and dads that in a cost-of-living crisis are supplementing their income from using the short-stay accommodation and also obviously looking forward to their retirement and collecting assets. So this situation has come up basically because of an imbalance that has happened between renters and the people that own the properties. It slides around, that balance, from time to time. As a property owner myself – I do have one investment property, I am the first to say. It is not on the short-stay market, so if that helps make people feel happy, happy days – it is about looking forward to the future. And if we start taxing this sort of stuff to the point where people are going to get rid of it, well, what is going to happen is it is going to drive asset values down, but not down enough that the people that are struggling are just going to magically be able to afford a new house. It is just going to depress people's savings, it is going to depress their incomes and just create a further problem. So, as I said, I will not be supporting this bill.

David LIMBRICK (South-Eastern Metropolitan) (16:16): Well, another tax. Another tax.

Harriet Shing: At least you are consistent.

David LIMBRICK: Yes. Well, of course the Libertarian Party will not be supporting new taxes – we never have and never will – but this tax is particularly bad, because it is trying to address a problem through taxes that has been caused by taxes and regulations. Many of the owners and the hosts in the short-stay market got into that market because the government regulated the hell out of the long-term rental market. Many people found it unworkable or difficult to deal with and so moved into the short-stay market, and so the government is making that difficult to deal with as well through imposing a 7.5 per cent tax on the people that want to stay there. It has already been said that this will increase the cost of holidays, both for Victorians who want to holiday here and for foreigners who want to come here and stay or indeed interstate people if they want to come here and stay. But it also makes us less competitive, as has been said.

This Parliament itself went to Echuca recently, and many MPs I think would have stayed in short-stay accommodation – I know I did. We were putting money into the local economy up in Echuca, but I imagine families that are considering staying in Echuca or Wodonga or many of these other border towns might consider the fact that it is 7.5 per cent more expensive than the other side of the river a big problem. And for these short-stay hosts who have these properties, in many cases they are not really suitable for long-term rentals. As has been pointed out, they are either large properties or they are unique in some way; these would be very unlikely, I would think, to go back onto the rental market. They will be sold, they will not go onto the rental market and they will not increase rental availability or prices.

If we want to know what happens when we deregulate rental markets rather than tax the living daylights out of them, we have already seen it. Why would anyone want to be a landlord in Victoria? You have to pay the stamp duty when you buy the house, then you have to pay the land tax, and on top of that we have got the COVID levy. If you want to move out of that you are now going to have the short-stay levy. A country that did have rental controls like what the Greens push for was Argentina under their previous socialist government, and of course it ended the same way socialism always does: in tears. There was a massive problem with rental availability, because of course who would want to be a landlord when you have regulated prices? So the new President, President Milei, came in and totally deregulated the market in December of last year. He just said, ‘We’re going to deregulate the entire market. We’re going to allow contracts in any currency.’ He totally deregulated the market. Well, what happened? Within six months they had a rental supply increase of 184 per cent, and long-term rental prices dropped by 40 percent – absolutely incredible. Who would have thought that the government getting out of the way of the market would actually make the market more efficient and more affordable to more people? The Greens have this sort of flat earth view of economics and want to regulate everything. They think that the magic hand of the state can make everything beautiful and wonderful. Of course it has never worked before, and there is no evidence that it will ever work.

I will say that one thing – and this clashes with one of the things that I spoke about yesterday – I think is a good thing that the government is doing is actually opening up the market a little bit and allowing people to exercise property rights over their own property. I really wish that the government would focus much harder on this, because this is the way. If you want more houses, if you want them to be more affordable and available to more people, both renters and short-stays and normal property owners and occupiers, then freeing up the market is the way to do it. Taxes are not the way to do it. This lever that the government is pulling here will have a detrimental effect on the property market. It will have a detrimental effect on tourism. It will have all sorts of unintended consequences that will make this state less competitive rather than more competitive, and it is totally the wrong move. As I said, if you really care about making more rentals more available to more people and making them more affordable, the way to do it is deregulation, not what the government is doing here.

The Libertarian Party will absolutely be opposing this bill. It is the wrong move, and it will not solve any of the housing problems in this state.

Ryan BATCHELOR (Southern Metropolitan) (16:21): Housing is a significant policy challenge. The housing crisis requires action. This Labor government is taking that action, and it is working. Recent ABS statistics show that Victoria has completed more than 60,000 homes in the last 12 months. That is 15,000 more homes completed here in Victoria than in New South Wales, despite New South Wales being a larger state both geographically and in population terms. Victoria has also not just completed but approved more homes – 10,000 more homes approved here in Victoria than in New South Wales and 18,000 more homes approved here in Victoria than in Queensland.

This Labor government is taking action to fix the housing crisis. This bill is another element in that policy plan to implement a new levy on short-stay accommodation, designed, yes, to put an incentive in the market so that those who seek to rent out their investment properties might choose to put them into the long-term rental market rather than the short-stay rental market. I think it is unashamedly a good thing to see landlords deciding that long-term rentals are better than short-stay accommodation. It is not for everyone, obviously, but I think unequivocally it is a policy good to have more rental stock in the long-term rental market. I am an unashamed supporter of that.

The other important thing that this bill will do is provide an additional revenue stream to Homes Victoria to enable more contributions to social, community and public housing here in Victoria on the capital side of the equation, enabling Homes Victoria to have an additional revenue stream to support their capital program – could be across the range of building activities, could be for maintenance, could be for new purchases, could be supporting the construction of new homes. Homes Victoria is undertaking record investment in new social and affordable housing here in the state of Victoria. Thanks to the Labor government, this bill will provide them with even more resources to do that, helping to tackle the housing crisis ever more.

I think the other important element to this bill, which I find curious that the Liberal Party is so opposed to, is giving those who own dwellings in multistorey apartment blocks who are members of owners corporations the power and the right to come together and decide for themselves in those buildings what sorts of residents they want in their doors. It is empowering people who live in apartment buildings like I have got quite extensively in the Southern Metropolitan Region – Southbank, St Kilda Road through St Kilda but also right out across the Southern Metropolitan Region out into Camberwell, down into Moorabbin and beyond. More high-rise living is becoming even more commonplace, and there are some residents who have had to endure living next door to party houses, living next door to places where the owners of those residences have decided to make some money and rent them out on the short-stay market. And that has been causing, in certain circumstances, massive disruption to the residents who live in those premises. I have spoken with them. I have corresponded with them.

We understand. Labor understands that residents who live in multistorey apartments who are members of owners corporations have as much right to quiet enjoyment in their residences as those who live in detached dwellings. What this bill does, very importantly, is empower those residents to come together as part of their owners corporation and make a decision for themselves whether they want their apartment complex to have short-term rentals within it. Some of them may choose to do that, but it empowers the owners and the residents of the multistorey apartments in Melbourne to make a decision as to whether they want to live next door to a short-term rental, whether they want to live next door to what is effectively just another hotel as their neighbour just down the corridor and be subjected to some of the noise and disruption that many of them cause. That is going to be their choice under this bill, rather than being subject to the decisions of others.

This is an incredibly important part of the Labor government's approach to tackling the housing crisis here in Victoria, an approach we can see is working, and we are not going to stop until that housing crisis is fixed.

Gaelle BROAD (Northern Victoria) (16:27): I am pleased to speak about the Short Stay Levy Bill 2024, but it is an absolute disaster. I remember getting a phone call from a lady who during

COVID was not able to work as a nurse because of the tight restrictions. She then looked at Airbnb as a way of making an income under this government. When she heard about this possible tax, she rang me because she is, like many, very concerned. I have spoken with people in the tourism industry in Northern Victoria, and they still do not have any details about these proposed changes, which are due to take effect from 1 January if this bill passes. There is not enough information and time is running out.

I looked at the State Revenue Office website. It states:

> From 1 January 2025, the short stay levy will apply to short stays in Victorian property.
>
> More details will be available on our website once the Victorian Government passes legislation in late 2024. Any information provided below reflects the Bill as it stands.

And it says:

> We will undertake a customer education program – including seminars for property owners and renters, as well as forums with booking platforms – to help those liable for the levy fulfil their obligations. Further information will be available on our website soon.

The education program about this new tax is expected to take place in November and December – the Christmas period, the school holidays, a time when tourism operators are absolutely flat out. But of course this government are not waiting till the end of financial year, because they are simply running out of money. This new tax does nothing to build more new homes to increase supply for our rapidly growing state. It is just a desperate grab for more money.

That is peak holiday season in Victoria when businesses are flat out, but there has been no consultation with industry. They are just lumping it onto them and expecting them to collect this extra tax without the time to put the necessary systems in place. And it is also interesting to note that this proposed 7.5 per cent additional tax on holiday accommodation is the highest tax of its kind in the world. This tourism tax will hurt communities right across regional Victoria. The proposed tax would directly impact tourism operators and there would be a destructive flow-on to other businesses, to workers, to tourists and to communities.

The short-stay levy would apply to all bookings made from 1 January 2025, increasing the cost of short-stay accommodation bookings, including farmhouse stays, Airbnb rentals and other crucial accommodation options for tourists in regional Victoria. Short-stay accommodation provides valuable employment for locals in areas such as cleaning, gardening and general property maintenance. This tax will add to the cost of accommodation in Victoria and lead more people to take a holiday on the other side of the border. I am pleased that my colleague Wendy Lovell, who is also a member for Northern Victoria, talked about the impact on some of these border towns. In regional areas, if there are less tourists there are less people to spend their money in the local bakeries, butchers, supermarkets and petrol stations. This will also affect families and people with disabilities, whose choice of affordable, accessible holiday accommodation is already very limited.

According to the state government, this tax will raise about $60 million to $75 million. With our booming state debt, that will account for about 60 to 70 hours of interest repayments by 2027–28. According to the state budget papers, we are on track for a state debt of $187.8 billion, and we are going to be paying more than $26 million every single day in interest. If the state government really wanted to change their ways and stop wasting money, they would scrap the Suburban Rail Loop. But it is disappointing to see the Premier sign another contract, $100 million, with John Holland towards this project when there is a growing chorus of people saying Victoria cannot afford it.

So here we are – Labor's 55th new or increased tax towards this growing pile of debt. We have the highest debt of any state in Australia. I note that last year the state government tried to introduce a tax on electric vehicles, which was found unconstitutional. Now this tax may well have a similar fate. Indeed it is just another tax on the property sector, and there are many – stamp duty, land tax, vacant land tax, windfall gains tax. The list goes on. The Allan government has stated that it will allocate short-stay levy revenue to Homes Victoria, the agency responsible for facilitating Victorians into

social and affordable housing. But Homes Victoria currently has a $185.6 million debt, and at any given time there are roughly 60,000 Victorians on the waitlist for social housing. Given this predicament, it is unlikely a single additional home will be built to support Victorians in need. Indeed Labor will use the funds to bail out their poorly managed government agency.

With any tax, you also need to assess the cost of administration, how many exemptions there are and how it will be enforced. It will take time for the tourism and accommodation sector to understand how this tax will work, and there is very little time, as I mentioned, with this bill expected to come into effect in January. Let me read you some of the exemptions. It talks about commercial residential premises, such as hotels, motels, hostels or similar accommodation, or a property that is someone's principal place of residence, whether they own or rent that property. For example, if it is your own home and you live in it, if you go on holiday for two weeks and during that period you use your home as short-stay accommodation, any short-stays that get booked and completed in that period will not be subject to the levy. The same applies if you rent your principal place of residence. Another exemption is certain specialist accommodation, such as rooming houses, retirement villages and student accommodation provided in connection with an educational institution. It is also unclear from the briefings we received how it will apply to farm properties – for example, when you have workers that use accommodation during peak period and then make it available for accommodation over the summer. It will just add another layer of red tape to businesses across the state. But the government has also indicated the 7.5 per cent tax will apply inclusive of the 10 per cent GST, so it is going to be a tax on a tax.

I am aware that there have been some issues with Airbnbs, and I have been contacted by people about that, but this bill does nothing to address those issues. It is simply another tax. And yes, I believe we need more housing in Victoria and I want to see less people on the social housing waitlist, but the government has not provided any evidence of how this new tax will make any difference to the current housing crisis.

Mr Batchelor, you did refer to the government taking action –

Ryan Batchelor interjected.

Gaelle BROAD: You are taking plenty of action to demolish homes in this state. It is very concerning. I have been reading about the towers and the demolition there and the thousands of people that are due to be displaced, and now I see reported in the newspapers that the government has been stockpiling their own lot of homes. So I am not exactly sure that they are helping at all with addressing this housing crisis. The Labor government are crushing small business, and they are making it increasingly difficult for landlords and for developers, which is reducing the number of houses available for rent and preventing new homes from being built. Victoria already has the highest property taxes in the country and very restrictive regulation. These barriers block critical investment needed to address the housing affordability crisis. Another property tax is the last thing Victorians need. It certainly will not help resolve the housing crisis. Adding another tax so families pay more to holiday in Victoria is not the answer.

As previously outlined, there are some amendments that we have put forward to provide an exemption for people with a disability or who occupy accommodation to escape family violence or to obtain medical treatment, but this tax will hit regional Victoria the hardest, and the Nationals and the Liberals will repeal this tax if we win government in 2026.

Rachel PAYNE (South-Eastern Metropolitan) (16:36): I rise to make a contribution to the Short Stay Levy Bill 2024 on behalf of Legalise Cannabis Victoria. I walk past blocks of units every day in my region that are covered in key security locks – a testament to the increasing number of homes that have been turned into short-stays. A lot of the time what you can make in a week on a rental property you can make in two days on a short-stay property. What once was something to aspire to – a home for yourself and your family – is now something to aspire to for another reason: to invest. The

short-stay market is reducing housing supply, extorting massive profits and forcing people from their homes.

There are no words for it. We are in the midst of a housing crisis. People are struggling to find rentals, with record low vacancy rates and soaring prices. They face the threat of homelessness, and ever-increasing prices mean their dreams of buying a home are too long gone. Homelessness kills. In the *Guardian Australia* it was found that the average age of death for homeless people in this country is 44 years – almost 40 years lower than the national average. This premature death rate reflects a population who are so often overlooked and who must deal with systematic failures in essential services like health, justice and housing. The knock-on effects from homelessness are immense. When you have nowhere safe to call home, your ability to engage with services and seek help is dramatically reduced.

Each year in Victoria around 100,000 people access homelessness services. Many of them are our state's most vulnerable. In 2022–23, for instance, just over 40,000 of those had experienced family violence. Around 9000 were sleeping rough or in an inadequate dwelling. Just over 11,000 were people aged between 15 and 24, and around 12,000 were Aboriginal or Torres Strait Islander people. The brunt of the housing crisis is faced by our most vulnerable, and this is why I was proud that Legalise Cannabis Victoria's advocacy earlier this year ensured continuation of funding for Pride in Place. This organisation helps support LGBTIQA+ people who are homeless, at risk of homelessness or living in housing that is unsafe, insecure or too expensive. But measures like this are a last resort. We need to prioritise policies that address the issue of housing supply. When people cannot access a basic human right – safe and secure housing – we must act and throw everything we can at it. Short-stays make up only a small percentage of the housing stock, and not every short-stay is suitable for long-term accommodation; however, short-stays are one part of the puzzle, and without those parts all fitting together this problem is something we cannot solve.

There are almost 40,000 short-stays in Victoria alone, and the vast majority are entire homes. Almost half are in regional Victoria. It is not right that these are allowed to sit largely vacant, generating profit, while thousands of Victorians are at risk of homelessness. I know that this is an issue for people in the south-east, particularly in Casey, because they have the highest demand for homelessness services in the state, and people are being forced out of the areas where they live and they work. Just around the corner from my region, we have seen this play out on a massive scale on the Mornington Peninsula. This is one of the top ten areas in Australia for short-stays as a percentage of long-term rentals – 34.6 per cent. Over one in three properties on the Mornington Peninsula area are not homes but businesses. We know from the inquiry into the rental and housing affordability crisis in Victoria that there are 3205 active short-stay rentals on the shire's register and over half of hosts have multiple listings. 97.5 per cent of these properties are entire homes.

We appreciate that for many in the tourism industry and in the community there is a need to strike a balance here to preserve the significant economic contribution of the short-stay industry. These reforms are about preserving local communities. We are facing situations where in a residential cul-de-sac half of the houses are short-term stays. People who thought they were buying into a quiet community are suddenly in what is effectively a commercial property zone with a rotating roster of strangers as neighbours. This bill marks a step in the right direction to righting this wrong. It will, among other things, introduce a 7.5 per cent levy on short-stay accommodation booking fees for bookings of less than 28 days made on or after the 1 January 2025.

We welcome the Victorian government's announcement that the levy will fund tens of millions of dollars for Housing Victoria to build and maintain social and affordable housing, with 25 per cent of funds to be invested in regional Victoria. We look forward to following this important work closely to ensure that this added funding is used effectively to deliver more social and affordable housing. Importantly, this bill carves out several exemptions to the levy to ensure it better fulfils its central purpose of capturing properties that could otherwise be put on the long-term market. We do not want to crack down on a person who is going away from their home for a few weeks and has someone stay

at their property for a bit of extra cash. What we want is for mega-investors who have helped create this housing crisis to pay their fair share. These are the people taking tens of hundreds of properties out of the housing market that would otherwise be long-term rentals or owner occupied. To them I say: go and buy a hotel; the housing market is not for you.

Promisingly, this bill will give councils and owners corporations extended powers to regulate the short-stay market. Councils can block or restrict the number of short-stays in their area and the number of days a property may be listed. This recognises that the short-stay industry is varied across the state and to respond to it appropriately councils must be empowered to shape their rules in line with unique community needs. On the issue of councils, this levy will replace local council charges on short-stays. We would be remiss not to echo the submissions of many of the local councils in my area to the inquiry into local government funding and services. There is a dire need for funding, yet this levy takes away another source of funds from local councils. More needs to be done to ensure base-level funding that will protect the longevity of councils and their ability to fund essential local services. I encourage the government to hear these calls and respond appropriately to the final report of that inquiry.

Owners corporations will now be authorised in certain circumstances to make rules to prohibit the use of lots of short-stays. These powers will help ensure communities are preserved and antisocial behaviour is limited. It is promising to see that some in the short-stay industry are getting behind some of these reforms – albeit Airbnb believe a 7.5 per cent levy is too high. They tell us the story of New York. They talk about mildly more expensive hotels and no improvement to rental availability, but Victoria is not New York. The funds this levy generates are going directly into social and affordable housing. Professor Nicole Gurran of urban and regional planning at Sydney University acknowledges that the research is clear here. When short-stays are taken out of the market they are returned to the long-term market and rents fall. However, a learning we can take from New York is the rise of the illicit short-stay market. As we know with cannabis, prohibition and the illicit market go hand in hand. I strongly encourage the Victorian government to be proactive in countering this so that an illicit market cannot undermine the important intention of these reforms.

Before I finish, I would like to highlight recommendation 2 of the inquiry into the rental and housing affordability crisis in Victoria:

> That the Victorian Government investigate enshrining the right to housing in the Victorian Charter of Human Rights, including considering advice from the Victorian Equal Opportunity and Human Rights Commissioner.

This remains under review. I encourage the government to act on this recommendation to show that they take this issue seriously and are moving forward with that recommendation. We commend the government on this bill and for their collaboration with the crossbench to ensure that these reforms are all that they can be. Legalise Cannabis Victoria supports this bill as an important step in ensuring that every Victorian has a place to call home.

Michael GALEA (South-Eastern Metropolitan) (16:46): I also rise to share a few words on the bill before us today, and it is a very important bill. I was going to talk about various elements of the dire housing situation so many Victorians find themselves in; however, I believe Ms Payne has excellently articulated the reasons why this bill is so important. Ms Payne along with Mr Batchelor, Mr McCracken, who I see in the room, Dr Heath and I were on the inquiry into rental and housing affordability through the Legal and Social Issues Committee last year. Through that committee we saw just how important measures like this are.

As other colleagues have said, this is about one small tool in addressing it. It is not the biggest component of what we are doing, but it is one very important, small tool in addressing Victoria's housing situation. Indeed, as my colleague Mr Batchelor referenced, we have already seen some good progress, with more than 60,000 homes built in the state of Victoria in the past year, a dramatic increase. Whilst other states such as New South Wales, which Mr Batchelor referred to, have built less

homes than in Victoria and indeed have seen a decrease, it is very clear that the policies of this government are actually leading to an increase in house construction, which is extremely good to see.

It is also quite interesting to note and reference some recent data from CoreLogic in their September 2024 property report, which showed that rent increases are easing, particularly in Victoria. In fact we might even be nation leading on that front – if not, very close to it. But at the same time, whilst rent pressures are actually easing, the rental yields Victorian landlords are bringing in are actually at unprecedentedly high levels. It is curious, and I invite members opposite to go and check out the CoreLogic report if they wish to illuminate themselves. I also invite them to consult the bill if they wish to engage more with what this bill actually does.

I note that Ms Lovell was talking about investment in regional areas through the revenue gained from this levy. I am happy to confirm that, yes, whilst all proceeds of this levy will be used to support Homes Victoria projects, 25 per cent will be specifically earmarked for projects in regional Victoria, a figure slightly higher than the proportion of the population that regional Victoria has in the state. That is in line with the $5.3 billion commitment of the Big Housing Build, of which 25 per cent is also locked in, guaranteed for regional Victoria.

Harriet Shing: An extra billion dollars for the Regional Housing Fund.

Michael GALEA: Indeed. We have had announcements just recently – last week in Shepparton, I understand. Ms Lovell, I am sure, will be delighted that the Regional Worker Accommodation Fund has announced a raft of new investments particularly in Shepparton but also right across Victoria as part of this government's $2 billion regional package and as part of our ongoing commitment to regional Victoria that we continue to invest in whilst those opposite continue to talk it down.

I was also interested to hear in Mrs Broad's contribution the somewhat outrageous claim that this bill does nothing to address issues of antisocial behaviour in Airbnbs. Indeed we have had issues – as MPs I am sure almost all of us could cite case studies where constituents have come to us to raise these sorts of issues of neighbours, especially in those shared strata properties – and what this bill does is actually bring in the rights for owner corporation bodies to actually make rules for themselves in order to address that issue. If those body corporates do decide to no longer enable Airbnbs or such similar short-stay accommodation in their premises, they will be allowed to do so. I make that point as well just for the sake of the record. I know Mr Batchelor had mentioned that, but since that remark from Mrs Broad I thought that would be good to clarify.

It has been interesting to hear the contributions from those opposite, because what you have on this side is a government that is committed to addressing the housing crisis, and when you look at the housing statement, when you look at our policies around activity centres, when you look at it around this bill, you see a government that is taking every step it can to make housing more affordable and more accessible for Victorians to live where they want to live. We have had raft after raft of motions, of adjournment matters, of questions from those opposite attacking the government's housing policy. The NIMBY Liberal Party strikes yet again, and it strikes every day in this chamber. I am very disappointed in you, Mr Mulholland, because I would have hoped that you would have used your considerable influence as deputy leader over on that side and all going well for you maybe leader of the upper house next week; we will see how you go at that. I would have hoped that you would have used that influence to change the minds of your colleagues, but clearly you have just gone and sided along with them in support of the NIMBY-first policies that are going to lock Victorians out of the housing market. It is no wonder that your party is in shambles. You have said that you will actually repeal this levy, which is the sort of thing you would expect from a party that is led by someone who double-crosses his colleagues, in the words of the member for Rowville.

Indeed given the absolutely petulant and peevish attitude with which those members opposite approach this issue in this chamber in the same manner by which they deal with their colleagues, it seems – in the same awful, inappropriate ways in which they treat each other – just typical that they

are prepared to overlook the aspirations of Victorians who want to get into the housing market, who want to rent or buy a home for themselves. They do not care; they do not care for people who want to live where they want to live. They can be someone else's problem as long as they have theirs; that is the Liberal Party NIMBY writ large. The arguments they put forward in this place today and indeed in the Legislative Assembly a few weeks ago just underscore that when it comes to cost-of-living relief, when it comes to providing housing for busy working Victorians, the Liberal Party simply do not care. Well, Victorians know that they have a government that does care and is doing everything in its power to make housing more affordable in the state, and this bill before us today is one very important part of that. I commend the bill to the house.

Joe McCRACKEN (Western Victoria) (16:53): I am very happy to talk about the short-stay levy, noting that those on the government benches might have a short stay themselves over there, but I will be very happy to talk about the bill in its detail. I note that there are parts of the bill that indeed try and introduce a 7.5 per cent levy on all non-commercial short-stay accommodation, and these are primarily through Airbnb and Stayz and those sorts of providers. There are also moves to expand the powers of owners corporations and to give power to councils to regulate the short-term stay sector. I guess one of the problems that I see with this particular aspect of the bill is the 7.5 per cent levy, which is essentially a tax on a tax. When you have got a levy that is on the entire cost of the accommodation, that is inclusive of GST – obviously GST, the goods and services tax, is a 10 per cent on that – so you have a tax on a tax, which is indeed quite unfair. You have got accommodation costs, you have got fees for booking, you have got credit card fees and GST – the 7.5 per cent levy is on top of all of that, so if the government had a mind to make it a bit fairer maybe you would put it just on the accommodation aspect of the entire cost of the accommodation rather than on all the extra fees and charges that are put in place. I hope that the government really does think about that carefully.

More importantly, I think that it is fair to say that 50 per cent of Airbnbs and Stayz accommodation providers are in regional Victoria but only 25 per cent of this goes towards regional Victoria, so essentially regional Victoria is being short-changed by 25 per cent. How is that even fair? Wouldn't you spend the funds that are raised where they are actually raised? Like all the things that we see, funds that are being raised in a particular part of Victoria are taken back to a part where they are not raised, and that is not fair. I worry about the impact that it is going to have on the tourism sector. My part of the world in my electorate of Western Victoria has some beautiful tourist hotspots. We have got the Great Ocean Road, which is awesome, particularly in summertime. We have got the Bellarine Peninsula, with beach activities and wineries. It is a great hotspot. Warrnambool and Port Fairy on the Great South Coast there are great spots, and particularly the Port Fairy Folk Festival is awesome. We have got the Pyrenees wine region, where I grew up, with a lot of accommodation providers; the Grampians region; and also the Central Goldfields region, where hundreds of properties exist on Airbnb and Stayz. All these properties are now at risk because of this tax.

I want to talk particularly about a case in Ballarat. A constituent of mine actually raised this with me. This is Dion, and he runs an accommodation service listed on Airbnb. He provides accommodation usually to larger groups, and he has invested a significant amount of money to provide options that are cost effective. What it essentially comes down to is about $50 per person, and depending on the option that you choose you can have 15 people or up to 30 people over the properties that he has. It is designed for different corporate events and those sorts of things. It is listed on Airbnb. He has come to me – I have sat with him in my office – and he said, 'Look, if this sort of thing goes ahead, I'm going to really struggle to continue to run my business in this way, because the margins are so thin, particularly when the cost of regulation and compliance doesn't go down.' If he is saying that to me, who else is saying that across the sector? I worry that a lot of regional providers are just going to leave the market and not provide a service – a really valuable service that people love and like to frequent a lot.

The next question I have is: how does this tax actually fix the housing crisis that has been purported as the reason why it has been introduced? I know that those opposite say that it is about the long-term

rental market, but when you have got properties that are designed, physically designed, to be short-term rental properties – they are designed for the short-stay market.

Harriet Shing interjected.

Joe McCRACKEN: Well, how many have it? They do not have all the facilities that would comply with rental standards; that is true. You have got to make sure that you have actually got properties that are designed for a particular purpose. If you take those off the market, it does not help the long-term rental market – it just does not. You have got to understand the market before you go playing with it. We have got evidence and we have heard definitely from Airbnb providers that that accommodation is just going, which is a great concern.

We heard evidence from the Legal and Social Issues Committee that the issue with housing in this state – and there are a number of different issues in housing – is you need to build more houses. That is a start. We heard evidence from a number of different people that the reason why people are going to New South Wales, WA or South Australia is because of the regulations that are placed on the residential housing market. Perhaps if those were looked at, you might find that more people are willing to enter into the rental market as rental providers, and you would find that an increase in supply would obviously have a better impact on the market itself. That was evidence that we heard in the rental and housing inquiry. I hope that the government have taken that on board, but I do not think they have. There has been a lack of consultation as well with this bill, particularly with the likes of the Property Council of Australia and the Real Estate Institute of Victoria, let alone tourism operators, small business operators and tourists themselves. It is a poor bill and it is supporting an awful tax, and I really do not think it is going to help regional communities.

One of the last aspects I want to talk about before I close is the fact that local government is going to have to administer aspects of this. Particularly, large regional councils and some small ones as well are already under immense stress. I know because I served in one for six years. I know local governments are struggling to make their roads maintenance budgets come together. I look at my old shire of Colac Otway. A large portion of the land in that shire is actually unrateable, because it is forest. You cannot rate it; it is public land. I do not know how large regional councils are going to have to go and administer another sort of system of taxation. It is another impost they have, and there is no benefit that goes to them at all. In fact it might even worsen things for them. It is just another example of cost shifting, in a way, and that is just completely unfair. I have got 26 councils in my electorate – 26. There are a number of them along the Great Ocean Road, and they are going to be hit hardest with this sort of stuff.

I understand that there is a need to make sure that there is a rental market that is fair and reasonable and that people can have access to, but I am not sure that this tax is the way to do it. If you want to have meaningful reform, you need to have structural reform, not just slap a tax down and expect it to solve all the problems of rental affordability and housing affordability. You could start with ending land tax. You could start with making housing and land more affordable, because land tax certainly adds a cost to it. I know because I have had to pay land tax myself, and I have had people in my constituency ask me about land tax and why they have had to pay it as well. Landlords have to pass that on to cover the costs.

In short, this is a bad tax. It is a bad bill, and I encourage members to think very carefully about supporting it, because you are literally signing regional communities up to a tourism death tax with this, and that is not something we want to do – kill our tourism sector.

Tom McINTOSH (Eastern Victoria) (17:02): Well, the Liberals just do not get it, do they? A home is at the core of a person's life, of families and of communities. You hear this frequently when you talk to people, when you meet people in the community: it is so difficult to piece everything else in a person's life together if they do not have a home. Whether it is people's health or their ability to commit to a job, to get trained in the skills they need to go into future employment or to get kids to school,

without a home it is so hard to piece all of that together. These reforms that the Liberals oppose and say that they will repeal are a key part of the Labor government's work in our housing statement. If the Liberals need any evidence as to why this is needed and why this is a good reform, they can look at rental yields – at record highs in Victoria.

This reform likely benefits nowhere more than the Mornington Peninsula in my electorate. The Mornington Peninsula has one of the highest concentrations of short-stays operating of any local government anywhere in Australia. We need aged care workers. We need childcare workers. We need workers in our healthcare systems. We need to ensure that they have homes so they can care for their local communities. We need teachers in our schools, we need construction workers in the work we are doing to build more homes and we need hospitality workers particularly on the peninsula. Our businesses are screaming out for workers, and they want and need them locally within the community to service the communities that need all this support. This reform will deliver exactly that for the peninsula.

It is such a hot issue, the number of short-stays that are on the peninsula. We are talking about 50,000 homes across Victoria that are being used for short stays, a massive percentage of which are on the peninsula. It will make a real difference in people's lives when we can house individuals and families to enable them to have a ground base, somewhere for their entire life to flourish from. It not only benefits that person but it benefits others looking for homes, because every time someone is able to find a home it frees up down the line. The investment we are making, whether it is the $5 billion in the big build, the supports to services or the various pieces of work we are doing through the housing statement, will ensure there is the housing that Victorians need so that everyone can have a place they call home.

This is a really important part, and I just want to touch on how important it is for the Mornington Peninsula, particularly when we see documentaries like *The Ranch* and when we hear about people needing to be hopping between friends' homes or living out of cars or, the worst, at the point where they are living in tents. We have seen that through *The Ranch* documentary. The community on the peninsula are really aware of this. Four hundred people turned out on a cold Tuesday night at the Rosebud cinema to watch that documentary and learn and understand more about what position people are in. When we can free these homes up, it will be getting people out of that situation. When one person, one family, is able to move into a home and the place they are in frees up, it gets everyone into another level of housing.

I think this is incredibly important. I know that so many of my constituents across Eastern Victoria passionately support this. I have had conversations, I have had meetings and I have had many letters – I will not name people individually, but lots of letters – about it. I think it is just a really important reform and one that I am glad to stand here and support today.

Renee HEATH (Eastern Victoria) (17:07): I am just going to speak on this bill for a short amount of time, but I want to point out how interesting it is that Mr McIntosh started his speech by saying the Liberals just do not get it. Basically, they are always talking to us, saying we just do not have the intelligence to really understand how the world works. Labor seems to think that the reason Victoria is experiencing a housing crisis is because the government is not taxing Victorians enough and the way we are going to repair the damage caused by the world's longest lockdown is to obliterate the tourism industry. I just think it is Labor logic at its absolute best.

There are a couple of things I want to point out about this bill. What it does is it introduces a short-stay levy of 7.5 per cent of a total booking on short-stay accommodation from January next year. It is a levy on each short-stay of less than 28 days. It applies to annual bookings of $75,000 or more that are non-commercial. It expands powers of owners corporations and councils to regulate and tax the short-stay sector, but more importantly, it makes life harder for Victorians and it makes Victoria a less attractive place to come and have a holiday because it costs more. There are a couple of things about

that. Increasing tax – and my colleague Mr Mulholland said it – does not actually make things cheaper; it makes things more expensive. It is just pure logic.

The proposed short-stay accommodation levy is the highest in the world and will disproportionately impact regional Victoria, particularly Gippsland, where tourism and short-term accommodation is essential for the local economy. This is something that I am proud to stand here and talk about, because this Labor government has obliterated Gippsland. They obliterated the economy when they shut down the native timber industry, when they had a prolonged attack on the energy industry and when they shut down the paper mills. There are so many examples of this, where they have just showed so much contempt for the people of the Eastern Victoria Region, and now they are doing it to the tourism industry.

This levy follows a series of misguided policies that do not address the real cause of the housing crisis and will add further strain to regions that are still recovering from COVID-19 lockdowns. They are still trying to recover from bushfires, from floods and from many economic challenges – many of them made worse by the policies of those opposite. While proponents of the levy such as Paul Edbrooke have said that it is not the highest in the world, his comparison to the 12 per cent bed levy in LA county is misleading as that tax applies to hotels, whereas this tax in Victoria applies only to short-stay accommodation and leaves large hotel chains untouched. This is making life harder for mum-and-dad investors, not the people at the top end of town.

We know that the root cause of the housing crisis stems from RBA pandemic stimulus policies, excessive property taxes that are causing people to absolutely flee the state, over-regulation and the government's failure to prioritise the right policies. The collapse of Porter Davis Homes, which could have been saved by a $20 million loan – which by the way is just one day of interest repayments, not even paying down the debt; the interest alone in this state – highlights the government's failure to support the housing sector. Instead, billions of dollars have been poured into the Big Build projects, often tied up with union influence – which we have seen a lot about lately – and organised crime, which has exacerbated the housing shortage without providing meaningful solutions.

I have just said I would talk for 5 minutes and 5 minutes only, so I am going to just raise one more issue that has not been raised as far as I am aware during this debate, and that is that this policy will affect women, retirees and small business owners disproportionately in regional Victoria. They will bear the brunt of this tax while large hotel chains will remain unaffected. New powers that are granted to owners corporations and councils will allow for additional fees and restrictions on short-stay accommodation, making it so hard for small business owners and mum-and-dad investors that really are not what these people are making them out to be. They are people that are working hard to make a living to do what they can. It is going to affect them.

Finally, the legal constitutional challenges could mean further delay and derail the implementation of this levy, because we do not even know if this is a constitutional tax. It is a tax on a booking, and it is completely outrageous. I am going to leave it there. I am proud that the Liberal-National coalition do not support this in any way, shape or form and that when we win government we will be repealing it.

Melina BATH (Eastern Victoria) (17:13): The Short Stay Levy Bill 2024 – the tax, tax, tax, tax, tax, with the 55 new or increased taxes – this is the addiction of the Allan Labor government. This is what they do. When they have got an ever-growing black hole of debt for Victorian taxpayers they come after people who are trying to get ahead and trying to raise an income from Airbnb, from short-stays. The short-stay legislation proposes a 7.5 per cent tax from January next year – lucky everybody, welcome to 2025 – on Airbnb. It certainly will occur for any time you are staying for less than 28 days. As we have heard from this side – thank you, Mrs Broad and Dr Heath – it will be on top of other levies and taxes. It will be on top of GST, so let us tax and tax and tax some more. To quote Mr Galea before, he said in his opening remarks that this state has a 'dire housing situation'. A dire housing situation, from the government benches, out of the mouths of babes – isn't that the truth? We have had a Labor government in this state for almost a decade. We have a social housing waitlist – for people

to put their head on a pillow in a house somewhere – of 60,000 people, families and individuals who are desperate for a house. This is the legacy so far of a Labor government. And what are they going to do? They are going to reach in there and find a little niche space and find, as I said, mum-and-dad investors. We have heard that, and that is the truth.

Roughly 70 per cent of all people with a second home actually just have the one additional home, and they may well be renting it out on Airbnb or Stayz. Sixty-five per cent of the people who are in that market, who are part of that Airbnb market, are women. We have heard from this Labor government how much they care about women and how much they want to empower them. Well, what are they doing? They are targeting a sector, a group – 65 per cent of short-stay hosts are women – who may well rely on this income for their sole income, for their financial independence. This tax certainly taxes those sorts of people – single parents potentially, single mothers, women escaping domestic violence who have got out and have put their hard-earned cash in or have worked really, really hard to try and create a small level of income or are saving for their retirement. Sixty-five per cent of these short-stay hosts are women, and this is a government that purports to support women. Well, it does not.

The Nationals agree with the Liberals. We will be repealing this tax in government, and we will be certainly opposing this today. One of the things that is important that we heard from our lead speaker Mr Mulholland is that we will look to make some amendments, and again those amendments go to the very heart and the importance around how to support people in need.

A little while ago, when it came through the lower house, there was a fabulous person, Ashlee Morton, the general manager of Accessible Accommodation in Victoria. She is in a wheelchair. We met her with Tim Bull, our Shadow Minister for Disability, Ageing and Carers, and she was very keen to impress upon us – and it was not lost on us at all – the fact that many people with a disability, whether they are mobility-impaired or the like, are not suited to motels or the like, particularly in regional Victoria. They look forward to that accessible nature that many of these Airbnbs, these short-stays, specialise in for them, and in order to go and sometimes take their family, maybe their support dog as well, they need these to be in the market. And so they are going to be taxed. They are going to be taxed on that because it is not reasonable to tax people and then expect them to absorb it. We have got high electricity costs, we have got a burden in terms of rates and now we are seeing this government come in and penny-pinch for $60 million – penny-pinch on people who cannot afford it.

Well, where is it going to play out? Of course it is going to play out in regional Victoria. It is going to play out, as we heard from Dr Heath, in my electorate, in Eastern Victoria Region. It is going to play out in Mrs Broad's electorate and in the west as well. Many of our regional municipalities have a very high rate of Airbnb operations. Indeed I was down in Bass the other day, a great little place. I had been contacted by a lady, and her name is Jennie-maree Tempest. In Jam Jerrup, a lovely little town, a hamlet overlooking Western Port, she has set up, with her husband, an Airbnb. It specialises in disability access. The thing that is really frustrating to her is that she has set this up to support people, to enable them – and the view is beautiful; it looks over Western Port Bay. They accommodate and support these people in the disability sector who need a break, who want some rest, and of course the council has only given her a licence to run an Airbnb. It is short-stay accommodation. She cannot, even if she wanted to, run it as a long-stay rental. This government is saying, 'Oh, we'll create more long-term rentals.' Well, here is an exact example of it not doing that at all. What will happen is she will have to pass on the cost impost – and this is just one example of thousands – and make it cost inhibitive for the people who want to go there. Also I spoke with another fabulous lady called Jillian Roland from Ventnor, and indeed Phillip Island has got somewhere around 900 Airbnbs. Of course you cannot – and this is part of the planning regime – just stick loads and loads of motels there. These Airbnbs certainly meet those markets. This government is all about hurting regional Victoria and not supporting it.

Our amendments look at exempting the disability sector and exempting people who are escaping from domestic violence. We have heard time and time again from this tired government about how much they support people escaping domestic violence situations. We want them to be safe and protected.

They should agree with this amendment that we are putting forward today to exempt those who would be using short-stays as a vital link to separate themselves from a violent past and start to create some breathing space for them to have a new life. We also want them to exempt those travelling to Melbourne, for example, for medical appointments. I know of a very beautiful case of a friend of mine, which I will not go into in great detail, but she and her husband had to stay at a short-stay while he was getting cancer treatment. It is just not that easy for country people to be able to access health care and the important services that they need without these sorts of short-stays.

We know that tourism is certainly an important factor in our regions, but as I have highlighted, just one part of it is the usage of the short-stay accommodation market. Finally, if I can leave you with some thoughts, this holiday tax will not contribute to building new homes or increasing long-term rental availability. We know that this government has had an 80,000 new homes policy for 10 years. For a decade we have heard the Minister for Housing spruik it, and what have they done in the last 12 months? They have built 55,000 new homes. That is well under that aspiration. It is not creating the housing that we need. This tax is solely around filling a budget deficit that is blowing out to incredible proportions, and we have heard it quoted at $187 billion – with a B – by 2028, a million dollars an hour in tax. This is a cheap shot from the government. It is going to punish regional Victorians and punish women, and certainly the Nationals oppose this bill.

Adem SOMYUREK (Northern Metropolitan) (17:23): I am a little bit 50–50 on this bill, because I do believe the housing crisis is the biggest issue facing Victoria and Australia at the moment, and I have very strong views on that. I think the government could be doing more in fact. However, I was the local government minister and Minister for Small Business when we had the bushfires in 2019 and 2020. As the house will recall, rural and regional Victoria was devastated during that period of time. Holding the ministerial portfolios that I did, I was at the coalface of the recovery aspect, getting in and meeting with the community and meeting with the small businesses who have to rely on the tourism industry for their livelihoods. We did promise them at that point that we would be there with them all the way through the recovery stage and that we would be doing what we could to ensure that they restored their livelihoods, even when the cameras went away. We did not quite fulfil all those expectations, but we had a good reason: we had the COVID crisis that happened, so you have got to cut the government some slack there.

That is a pretty strong influence on me at the moment, the promise that we made to them that we would be supporting them all the way through. Sure, they are doing much better now, but ultimately what I would like to see is some more data – trend data – on whether we are seeing a whole host of rental accommodation being converted to short-stay accommodation. I really would like to see that data. If it is a real big problem, where people are just capitalising on the housing prices and making a buck, I would take a very dim view of that. I have not been convinced at the moment. Sure, I do recognise that anything helps, I think. My position is not as clear-cut as the opposition's, who see it as just a tax grab. I have a more nuanced position. I do have empathy. I do understand that we do need to do anything possible for the housing crisis. But my experience as a minister at the coalface of the bushfire crisis and the recovery, having my conversations and my meetings with the small business community, who invariably were tourism operators, leads me to not support the bill at this stage in its current form without seeing more data.

In terms of the proposed amendments, I will be supporting two of the amendments, those amendments that go to providing exemptions for vulnerable people in our community, such as victims of domestic violence and people with disabilities.

Council divided on motion:

Ayes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:34)

Aiv PUGLIELLI: Minister, under the changes that the government is proposing to council powers, can you confirm that local governments will be able to apply conditions, limit the number of days and limit the number of properties in any area they prescribe and prohibit short-stay accommodation within their municipalities?

Jaclyn SYMES: The government is giving local communities the ability to respond to local concerns, including by making changes to the planning system to give local councils the power to regulate short-stay accommodation if they choose, including requiring a planning permit, imposing conditions and restricting the number of nights a property can be used. This approach is about striking the right balance for local communities. These changes are not in the bill, and further work is underway on how this will be implemented. Any change to the Victoria Planning Provisions (VPP) and any amendment to a local planning scheme to regulate short-stay accommodation would need to be justified based on the objectives of the act and state planning policy.

Aiv PUGLIELLI: Can you explain a little more the mechanism by which these powers will be granted?

Jaclyn SYMES: Changes would be progressed through the Victoria Planning Provisions to enable councils to regulate short-stay accommodation in their municipality should they choose. Further work is underway on how this will be implemented.

Aiv PUGLIELLI: Under the proposed changes to council powers, will these council regulations be able to be applied to all existing and future properties that are being used as short-stay accommodation in their municipality and not just triggered upon the application of a planning permit for another matter?

Jaclyn SYMES: The government's intention is to enable local councils to regulate all short-stay properties via the planning system if they choose. A change to Victoria Planning Provisions and any amendment to a local planning scheme to regulate short-stay accommodation would need to be justified based on the objectives of the act and state planning policy.

Aiv PUGLIELLI: Can you explain the mechanism that would allow councils to apply limitations and conditions on all existing and future short-stay accommodation properties?

Jaclyn SYMES: Changes would be progressed through the Victoria Planning Provisions to enable councils to regulate short-stay accommodation in their municipality should they choose. Further work is underway on how these changes will be implemented. Any change to the Victoria Planning Provisions and any amendment to a local planning scheme to regulate short-stay accommodation would need to be justified based on the objectives of the act and state planning policy.

Aiv PUGLIELLI: Will the government make the changes to the VPP and all planning schemes by ministerial intervention and commit to a fast-track process to make the council planning scheme amendment process as quick, easy and cost efficient as possible?

Jaclyn SYMES: The government is giving local communities the ability to respond to local concerns, including by making changes to the planning scheme to give local councils the power to regulate short-stay accommodation if they choose, including requiring a planning permit. Further work is underway on how this will be implemented. Any change to the Victoria Planning Provisions and any amendment to a local planning scheme to regulate short-stay accommodation would need to be justified based on the objectives of the act and state planning policy. The government intends to develop state planning policy related to short-stays so that council planning scheme amendments can be processed efficiently.

Aiv PUGLIELLI: Will the levy extinguish the ability of councils to make local laws and charge fees on short-stay accommodation?

Jaclyn SYMES: The government is not legislating to explicitly prohibit councils from making local laws to charge fees on short-stay accommodation and does not expect that the creation of a short-stay levy will disturb councils' ability to make local laws to impose fees with respect to short-stays.

Aiv PUGLIELLI: Through what mechanism will councils be able to impose fees on short-stay accommodation?

Jaclyn SYMES: The government understands that several local councils currently use local lawmaking powers to impose fees on short-stays and expects that councils will continue to be able to use these powers after the introduction of a short-stay levy following the passage of this bill.

Aiv PUGLIELLI: When does the government intend to bring forth subordinate legislation that will allow local councils to regulate short-stays in their communities?

Jaclyn SYMES: My advice is that work is underway on these changes and the government is aiming for commencement in 2025.

Aiv PUGLIELLI: Will short-stay property operators have to register their properties with the State Revenue Office (SRO), and what penalties will exist if they fail to do so?

Jaclyn SYMES: Mr Puglielli, platforms taking short-stay bookings or property owners taking bookings directly will be obliged to register with the SRO. Normal state tax related penalties will apply to those not meeting their tax obligations. The SRO will have the same compliance and investigation powers as it has in relation to other levies and taxes, and the same penalties will apply to those not meeting their obligations.

Aiv PUGLIELLI: What information will councils have access to that will allow them to develop policy and to enforce any regulations? Will this include the name, the address of the property and the number of nights used as a short stay, for example?

Jaclyn SYMES: My advice is that the bill includes amendments to empower the State Revenue Office to disclose protected information to councils to facilitate councils' regulation of short-stay accommodation activities. Councils already hold lots of data on properties in their municipalities; the data that will be shared will only be data collected in relation to the short-stay levy, principally whether and when a property is being used for short stays. Councils will be prohibited from providing this data to others.

David DAVIS: I just want to make a short statement then ask one question. To my mind this bill is very misconceived, and what it will do is put enormous pressure on regional communities. It is a new tax that will have a profound impact on many of our regional centres, our tourist centres. It will change the way individuals are able to utilise their property. Even occasional or casual Airbnb or short-stay-style arrangements will be very, very problematic. I will just put it on record. I for one think this is a very retrograde step and will have a profound and negative outcome for the community.

Leaving that to one side, what I want to understand is what modelling the government has based this on. What steps has the government taken to model the impact? Specifically, the question I would ask

is: has the government modelled how many additional long-term rentals will become available because of this change?

Jaclyn SYMES: Thank you, Mr Davis, for your question and in your usual way your statement putting your comments on the record. Of course we as a government have looked at this question, including looking at market responses in other jurisdictions where similar policies have been put in place. There are around 50,000 entire properties that are currently used for short stay in Victoria, and the policy that we have landed on will mean that more of those properties become available for long-term rental and will help fund the growth of Victoria's social and affordable housing stock. So if a landlord is encouraged to put up a property for long-term rental, that is a benefit there; if they choose not to, the levy then goes into the ability for the government to invest that in the housing stock. There is inherent uncertainty in how Victorian property owners will respond to the particular policy, and we will be watching the market closely to see exactly what the response looks like, but as I have indicated, whether it is an incentive to put a property on the market or whether it indeed creates revenue for social and affordable housing, we would consider that either outcome is a positive benefit for Victoria.

David DAVIS: I just notice the simple question of 'how many' is not answered. There is modelling, and so consequently I would ask two further questions. One is: can that modelling be released? That is the first question. The second but related question comes back to actually what number of long-term rental arrangements rather than short-stay arrangements are modelled to be created.

Jaclyn SYMES: As is standard practice, the government does not intend to release the modelling behind its revenue estimates or other work undertaken in developing the policy. As I indicated in my answer to your first question, there is uncertainty in how Victorian property owners will respond to the particular policy that we are proposing. We will be watching the market closely to see what the response looks like. But as I have indicated, there is a benefit to the Victorian public and particularly those that are seeking housing, whether it is an incentive for people to put their houses up for long-term rental or indeed, if they do not, it is a revenue source for additional housing in Victoria.

David LIMBRICK: I only have a few questions. The bill's definition of 'premises' includes:

> the whole or part of any building or other structure; or
>
> a caravan or any other vehicle …

This seems to apply explicitly to caravans and motorhomes at campsites. Is that correct?

Jaclyn SYMES: Mr Limbrick, to answer your question, it is not intended to apply to caravan parks. However, if you think about a tiny home or a granny flat, if you put a caravan in your backyard, for instance, and seek to put it on a short-stay platform or rent it out for short stays, then it is intended for that to be captured.

David LIMBRICK: I would respond to that that many places that you would call campsites do have permanent caravans or motorhomes and to my mind would fit this definition of 'premises'. Is that not correct? A caravan that is basically permanent would appear to meet the definition of 'premises' by this, wouldn't it?

Jaclyn SYMES: I would draw your attention, Mr Limbrick, to commercial residential premises as defined. They generally include:

> a hotel, motel, inn, hostel or boarding house
>
> premises used to provide accommodation in connection with a school …
>
> a caravan park or camping ground
>
> anything similar to residential premises described above.

Commercial accommodation providers will be familiar with this concept. I would say that we are using the Commonwealth GST definition in relation to this legislation.

David LIMBRICK: Just for clarity then, campsites, as I have described them, would be excluded from this levy, but the purpose of including caravans and other motorhomes is if you have it connected to a house or near a house or something like that. Is that correct?

Jaclyn SYMES: My advice is that we are excluding hotels, motels and other commercial residential premises from the levy. We are using the definition from the Commonwealth GST act to define commercial residential premises, and that is generally accepted to include hotel, motel, inn, hostel, boarding houses, caravan parks or camping grounds.

David LIMBRICK: That does clarify it. Thank you. Another question I have is around the definition of 'platform'. Some platforms that short-stay home owners use for bookings are not like Airbnb and these other platforms; they are more like classifieds platforms, like Gumtree. I do not know if you are familiar with that, but it is basically a classifieds platform, similar to eBay and that sort of thing. Would these types of platforms satisfy the definition of a booking platform under clause 4? Just to clarify for the benefit of the Attorney, it is my understanding that the payments are not necessarily facilitated by this platform but the connection with the short-stay owner would be.

Jaclyn SYMES: Mr Limbrick, I would start by answering that the key is who takes the booking. The levy only applies to platforms taking bookings. It does not apply to classified-type advertisements, so in a Gumtree situation if it is just facilitating your communication with an individual, the individual will be the one taking the booking. That would be my understanding of that arrangement.

David LIMBRICK: That does clarify that. That is very good. Thank you. Again on the topic of booking platforms, it may be the case that there are platforms that serve Australians which do not have business operations in Australia – they operate in foreign markets. How does the government intend to enforce these tax arrangements in foreign jurisdictions? Australians may be using their services, but they may not have operations in Australia. How would the government enforce those arrangements? Who would end up being liable for this tax – a foreign multinational or the property owner?

Jaclyn SYMES: I am sorry, Mr Limbrick, can I just explore what you are talking about? Are you talking about an international platform or an international landlord?

David LIMBRICK: An international platform that does not necessarily have assets in Australia, so they can operate on the internet wherever they like throughout the world. They may facilitate these payments, they may facilitate the advertisements, but they do not have any operations in Australia necessarily. How would the government actually enforce the tax obligations on those platform providers?

Jaclyn SYMES: Mr Limbrick, my advice in relation to this matter is that foreign companies operating within Victoria are required to comply with Victorian law and the State Revenue Office can use its normal compliance and enforcement powers against those companies.

Evan MULHOLLAND: I want to ask if the government has quantified the impact of any reduced spending or modelled the impact of any reduced spending in Victoria's regions as a result of this new levy, particularly with regard to border communities.

Jaclyn SYMES: The government has looked at these questions. Although it is standard practice, we do not intend to release modelling. As I said before, although it is standard practice, the government does not intend to release the modelling behind its revenue or other work undertaken in development of the policy. What I can say is the government has heard through consultation that the availability of tourist accommodation in regional areas needs to be balanced with the availability of long-term rental accommodation, including key worker housing in regional areas.

Evan MULHOLLAND: Noting that one in seven Victorian businesses rely on tourism, how many businesses will reduce their offerings or shut down as a result of this new levy?

Jaclyn SYMES: Mr Mulholland, Victoria has a thriving tourism sector. As somebody who spends a lot of time in country Victoria, particularly on weekends, I can attest to that. We have a range of measures that we put in place to support the growing industry in relation to supporting workers, supporting tourism assets and supporting country communities.

Evan MULHOLLAND: Noting that 40 per cent of short-stays are booked for purposes other than a holiday, has the government considered, or did the government consider, tax exemptions for the following Victorians who utilise short-stay accommodation: people with a disability, people who travel for medical care or someone undergoing treatment, people at risk of physical or mental threat to their safety – for example, family violence or natural disasters?

Jaclyn SYMES: Mr Mulholland, at the outset the statistic that your side has continued to suggest today does not stack up with the information that I have. In fact I think some of our members might have drawn the house's attention to a recent Urbis report that found 94 per cent of people said that their last short-stay was when travelling for a vacation or holiday to visit family or friends or to attend a special event – 94 per cent. The same survey found that zero per cent were travelling to access medical facilities in relation to using these types of platforms.

The legislation does include a range of exemptions, including principal place of residence and commercial accommodation stays that are for 28 days or longer. Exemptions are also provided for a range of specialist accommodation, including temporary crisis accommodation, supported residential service or accommodation provided by or in connection with a facility to accommodate a contractor, employee or client, such as a hospital providing accommodation for a visiting nurse. The government considered, as part of its policy development process, exemptions for the types of categories discussed. The approach taken by the government is based on what is workable. Exemptions based on property type or who is providing the accommodation are workable because it is possible for the State Revenue Office to check that properties and providers are meeting the criteria and to ensure that they are not being rorted.

On the question you have asked, although it is well meaning, it is not workable. I understand you have got amendments that will go to this, but they are not able to be implemented in a workable way because anyone could claim that they meet one of the exemption criteria and it would be therefore impossible to verify that. I think you probably know that, and you might want to explain how you think it could be workable when you are moving your amendments, because that is not the advice that I have received. Hopefully that answers your question, Mr Mulholland.

Evan MULHOLLAND: To respond to the first point, it was the Victorian Tourism Industry Council that confirmed that 40 per cent of short-stays are booked for purposes other than a holiday. I believe the Attorney was referring to a survey of people that booked in short-stays, whereas this seems much more comprehensive in terms of taking a look at those who provide short-stays and who they provide them to. But I wanted to note your refusal to release any modelling or identify the details of any modelling. Given that, will tourist towns will be worse off because of this new tax?

Jaclyn SYMES: No, we do not believe that any tourist towns will be worse off. We do not believe that any tourist business will shut down.

David LIMBRICK: I have a question for the Attorney just to clarify the interaction of this levy with GST. Clause 13 specifies that the rate of the short-stay levy will be 7.5 per cent of the total booking fee. Does the total booking fee include the GST?

Jaclyn SYMES: GST applies to commercial accommodation, such as hotels and motels. It does not apply to non-commercial residential accommodation, which is what the levy applies to.

David LIMBRICK: GST does apply to the booking platforms, does it not? Therefore the booking fee would include some form of GST. I am trying to ascertain whether the short-stay levy – basically I am trying to figure out: are we looking at a tax on a tax?

Jaclyn SYMES: Just to start with, 'total booking fee' means the total amount that is paid for the short-stay and includes mandatory fees associated with booking, such as cleaning and admin fees. However, it does not include amounts charged for using a particular payment method – surcharges et cetera. GST, as I said, applies to commercial accommodation. The levy will not be payable on any commercial accommodation that is liable for GST. GST does not apply to non-commercial residential accommodation, as I have just said. In some cases short-stay accommodation is bundled with other ancillary services, such as cleaning, which may attract GST, to simplify administration. The levy is payable on the total amount paid for the stay, which in such cases could include GST if payable on those ancillary services.

David LIMBRICK: Clause 15 specifies the obligation of a licensee to pay the owner or the renter the amount payable on the short-stay levy plus, under subclause 1(b), the amount of any GST payable on the amount referred under paragraph (a). What is the purpose of this mention of GST in clause 15? It is around the obligation, I believe, of the platform to pay the owner some form of GST. I am just curious as to what the purpose of this clause 15 really is.

Jaclyn SYMES: The purpose is picking up the fact that licensees are not in control of property.

Evan MULHOLLAND: Just picking up on a similar line of questioning to Mr Limbrick, what items are taxable? Are services which a provider may include as part of a booking, such as a tour, to be included in the total booking cost used to calculate the levy?

Jaclyn SYMES: Can you repeat that?

Evan MULHOLLAND: If I can explain it more simply, I know with many Airbnbs – and in fact I have used one myself – part of the Airbnb cost includes a tour. Would that also be included and calculated as part of this levy?

Jaclyn SYMES: No. Optional things like tours would not be included.

Evan MULHOLLAND: If they are optional, would that mean then that the provider would have to perform some sort of base calculation of the accommodation to the SRO? If that is in the total cost of the booking and that is how it is calculated, what is the process to exempt something like a tour?

Jaclyn SYMES: Already there is the ability to exclude amounts from the total. As I indicated before, the total booking fee means the total amount that is paid for the short-stay – that is, all mandatory fees associated with the booking, including cleaning and administrative fees – but it does not include things like using a particular payment method. It does not apply to things like credit card surcharges or other payments or other amounts credited, and it does not apply for refunds or cancelled stays in relation to how that is reduced. But at a higher level it is up to taxpayers to self-report in relation to that. This is consistent with obligations that the SRO may then undertake in compliance activities.

Evan MULHOLLAND: Stakeholders across the tourism and property industries have criticised the government's lack of consultation on this bill. What consultation did the government undertake?

Jaclyn SYMES: Mr Mulholland, this is not something that is a new announcement. This is not something that has had a short gestation. This is a policy position that has been subjected to consultation over 12 months, including round tables speaking to the tourism industry. I understand there were a number of round tables.

David LIMBRICK: I just want to clarify a couple of things around the funds raised from this. It is my understanding that the government has mentioned that funds from this tax will be going to Homes Victoria to fund social housing. A quarter of that will be used for regional social housing. Is that correct?

Jaclyn SYMES: Yes.

David LIMBRICK: I thank the Attorney for clarifying and confirming my understanding of that. But it is also my understanding that regional short-stay properties account for about half of the industry. Is that correct also?

Jaclyn SYMES: Mr Limbrick, the government has committed 25 per cent of the revenue raised by this levy to be spent by Homes Victoria in regional Victoria. The level of the commitment is not explicitly linked to the amount of short-stay levy collected in regional areas. Other factors such as social housing needs of regional Victoria have also been considered relevant.

David LIMBRICK: What I am getting at is: if half of the industry is from regional Victoria yet only a quarter of the funds raised from this are going to regional Victoria, isn't this bleeding money from regional areas – regional tourism – to fund housing in metropolitan areas?

Jaclyn SYMES: Mr Limbrick, I believe I have answered that in response to your previous question, but I would also draw your attention to the investment from this government in regional Victoria tourism offerings. I have seen it firsthand as a member for Northern Victoria in terms of the amount of support we provide to producers, wineries, distilleries, food producers and a lot of hiking and rail trail upgrades – that is something that I have been personally involved in – as well as the free camping announcement. There are a range of measures designed to support regional Victorian tourism offerings, and as I said, the way this commitment has come about is it is not explicitly linking the amount of short-stay facilities to where money might be spent in a housing perspective. But I think when you look at it holistically, the government has a very strong record of investment in regional Victoria.

Evan MULHOLLAND: I have just got one last question, I think. The Greens have been quite public in claiming credit, as you would, for the inclusion of local councils' ability to regulate and charge for Airbnb. Would it be correct that that part of this bill is as a result of the Greens, or did the government have a view that this should be included?

Jaclyn SYMES: Mr Mulholland, in the normal way we have consulted with a range of stakeholders over the last 12 months, including local councils, the short-stay industry, the tourism sector and members of this place. The final policy parameters that we are announcing stem from those consultations and we believe get the balance right for the Victorian community.

Clause agreed to; clause 2 agreed to.

Clause 3 (18:09)

Evan MULHOLLAND: I move:

1. Clause 3, after line 10 insert –

"***disability*** has the same meaning as it has in section 4(1) of the **Disability Service Safeguards Act 2018**;

family violence has the same meaning as it has in section 5 of the **Family Violence Protection Act 2008**;".

This is an amendment to provide for an exemption from the short-stay levy. I went into detail of those with a disability and those fleeing family violence who should not be taxed for utilising short-stay accommodation. We have heard some pretty harrowing stories over the years including in royal commissions and other reports and everything else about people, women in particular, fleeing family violence finding it really hard to find crisis housing and accommodation, and short-stays are one of the ways they do that. I am really concerned that we are punishing people in those situations. There is only one fully accessible disability-serviced hotel in all of Melbourne, being in Burwood East. Many people with disability, to have everything they need, book specialised short-stays in order to travel around the state. This amendment would provide for an exemption for those vulnerable people, which we on this side of the chamber think is really important.

Jaclyn SYMES: Mr Mulholland, I refute your characterisation of the fact that you went into detail to explain your amendment. You have not in any way demonstrated that your amendment is remotely workable. Of course it sounds as though it has merit, but how do you think it would be possible to implement in practice? In fact if we were to agree to this amendment it would completely undermine the purpose of the bill in trying to have the effect of bringing more homes onto the market and supporting more social and affordable housing. I do not think that you have the answer, so I will just put on record that we are not in a position to support an amendment that is unworkable.

Evan MULHOLLAND: Attorney, there are existing ways to demonstrate a particular situation. The State Revenue Office does have an established process for receiving points of evidence. Evidence may include a doctor's certificate. Evidence of an NDIS package has been used. A reference from a community health service or a statutory declaration – all can be used as points of evidence by the SRO, so I will just respond to that in those terms.

Aiv PUGLIELLI: I welcome these concerns being raised by the opposition. I share the Attorney's concerns in regard to the workability of what is being proposed, alongside my colleagues. I think it is also quite a shocking state of affairs right now in Victoria that there are many vulnerable people who are put in the position of being effectively profiteered on by platforms like Airbnb. People who need support and should be getting that support from government are instead having to seek short-stay providers as an avenue for addressing their needs. I think that is something that we need to have longer conversations about addressing. This particular amendment I do not think is the way forward, and as such we will not be supporting it.

David LIMBRICK: The Libertarian Party will be supporting this amendment. I do not believe that it is unworkable at all. In fact it could be quite simply implemented by a platform provider providing a tick box and putting the onus of proof on the person applying for the booking. So I do not believe that it would be onerous at all. These sound like very reasonable situations to be exempted from this tax, and therefore the Libertarian Party will be supporting this amendment.

Council divided on amendment:

Ayes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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, Gayle Tierney, Sheena Watt

Amendment negatived.

Evan MULHOLLAND: I move:

2. Clause 3, after line 13 insert –

   "***house*** has the same meaning as it has in section 4(1) of the **Housing Act 1983**;".

3. Clause 3, page 3, after line 9 insert –

   "***rural and regional*** Victoria has the same meaning as it has in section 3(1) of the **Regional Development Victoria Act 2002**;".

For a review of the act it is important to see if the supposed aims of this particular tax are achieved. We have heard of modelling, but there is nothing more important and better than real-life examples.

Jaclyn SYMES: The government will of course review the operation of the levy as appropriate, as it does with all tax lines, but the government does not support this amendment as it will prevent the government from adopting the most appropriate approach in considering how the levy is operating in respect to its goals.

Council divided on amendments:

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

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

Amendments negatived.

Clause agreed to; clause 4 agreed to.

Clause 5 (18:24)

Evan MULHOLLAND: I move:

4. Clause 5, lines 31 and 32, omit “commercial residential premises within the meaning of” and insert “premises described in paragraph (a), (b), (c), (d), (da) or (e) of the definition of ***commercial residential premises*** in”.

This amendment is in regard to the meaning of ‘commercial residential premises’ in particular and proposes to include a line similar to residential premises in the definition of ‘commercial residential premises’. Without this change there will be significant uncertainty about many classes of short-stay accommodation such as boarding houses.

Jaclyn SYMES: I will not be supporting the amendment. My advice is it will have unwanted consequences in applying the levy to certain commercial residential property types.

Council divided on amendment:

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

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

Amendment negatived.

Evan MULHOLLAND: I move:

5. Clause 5, page 5, line 24, omit “facility.” and insert “facility;”.
6. Clause 5, page 5, after line 24 insert –

   “(j) premises located on land that is exempt under section 54(1) of the **Land Tax Act 2005** from land tax imposed under that Act.”.

I will be quick. This is a principal place of residence exemption. It provides tax exemptions to mirror existing land tax exemptions. Properties already exempt from land tax would also be exempt from the short-stay levy.

Jaclyn SYMES: Unfortunately, Mr Mulholland, these are other unworkable amendments. The legislation already provides an exemption from the levy for principal places of residence, which is broader than a land tax exemption because it includes tenants’ principal places of residence. The existing approach is workable and appropriately targeted for the short-stay levy.

Council divided on amendments:

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

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

Amendments negatived.

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Given the collective efforts and the progress that we are making to almost finishing this bill, I move:

> That the meal break scheduled for this day, pursuant to standing order 4.01(3), be suspended.

Motion agreed to.

Clause agreed to; clause 6 agreed to.

Clause 7 (18:31)

Evan MULHOLLAND: I move:

7. Clause 7, page 7, line 3, omit “booking.” and insert “booking; and”.
8. Clause 7, page 7, after line 3 insert –
   “(c) any amount included in respect of the short stay levy; and
   (d) any amount included in respect of GST.”.
9. Clause 7, page 7, lines 5 to 12, omit all words and expressions on these lines and insert “for a short stay booking includes any amount payable for any period during which the person does not occupy the premises, unless that amount is waived or provided as a credit or refund.”.

This is in regard to the total booking fee. The amendments have been circulated so I will let them stand.

Jaclyn SYMES: The government is opposing this amendment. We are implementing a simpler approach that can be more easily understood by taxpayers. I would note that the general GST applies to commercial accommodation such as hotels and motels, which are excluded from the levy. In general GST does not apply to non-commercial residential accommodations, which is what the levy applies to.

Council divided on amendments:

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

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

Amendments negatived.

Clause agreed to; clauses 8 to 20 agreed to.

Clause 21 (18:35)

Evan MULHOLLAND: I move:

11. Clause 21, page 16, line 18, after "accommodation" insert "and the booking platform provider had reasonable grounds to believe the declaration was false or misleading in a material particular".

With the current bill, booking platforms may be liable to pay land tax penalties due to false declarations made by the owner-occupier of the property. This amendment protects providers in cases where there was no reason for them to have believed the declaration was false.

Jaclyn SYMES: We are opposing the amendment. It is not necessary. The legislation already includes provisions to allow platforms to recover any liability resulting from a false declaration from a property owner, and given their relationship with the property owner this is the appropriate division of responsibilities.

Council divided on amendment:

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

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

Amendment negatived.

Clause agreed to; clauses 22 to 31 agreed to.

Clause 32 (18:40)

Evan MULHOLLAND: I invite members to vote against this clause.

The DEPUTY PRESIDENT: If you want to vote in favour of Mr Mulholland's omission, vote no to the clause.

Council divided on clause:

Ayes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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, 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, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Clause agreed to.

Clauses 33 and 34 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:44): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:44): I move:

That the bill be now read a third time.

The PRESIDENT: I am of the opinion that the third reading requires an absolute majority.

Council divided on motion:

Ayes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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, Gayle Tierney, Sheena Watt

Noes (15): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to by absolute majority.

Read third time.

The PRESIDENT: The question is:

That the bill do pass.

Council divided on question:

Ayes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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, Gayle Tierney, Sheena Watt

Noes (15): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

Question agreed to.

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

Health Legislation Amendment (Regulatory Reform) Bill 2024

Council's amendments

The PRESIDENT (18:54): I have a message from the Legislative Assembly in respect of the Health Legislation Amendment (Regulatory Reform) Bill 2024:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Assisted Reproductive Treatment Act 2008**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Health Services Act 1988**, the **Non-Emergency Patient Transport and First Aid Services Act 2003**, the **Public Health and Wellbeing Act 2008**, the **Radiation Act 2005** and the **Safe Drinking Water Act 2003** in relation to regulatory and enforcement matters and to amend the **Assisted Reproductive Treatment Act 2008**, the **Births, Deaths and Marriages Registration Act 1996**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Epworth Foundation Act 1980**, the **Health Services Act 1988**, the **Human Tissue Act 1982**, the **Public Health and Wellbeing Act 2008** and the **Safe Drinking Water Act 2003** to make minor miscellaneous amendments and for other purposes' the amendment made by the Council have been agreed to.

Building Legislation Amendment and Other Matters Bill 2024

Introduction and first reading

The PRESIDENT (18:55): I have received a further message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Building Act 1993**, the **Architects Act 1991** and the **Victorian Planning Authority Act 2017** and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:56): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:56): 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 Building Legislation Amendment and Other Matters Bill 2024.

In my opinion, the Building Legislation Amendment and Other Matters Bill 2024 (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 purpose of the Bill is to amend the *Building Act 1993* (**Building Act**), the *Architects Act 1991* (**Architects Act**) and the *Victorian Planning Authority Act 2017* (**VPA Act**).

The Bill amends the Building Act to, among other things:

- give municipal and other relevant building surveyors additional powers to issue building notices and building orders so that building work is compliant, and that buildings and places of public entertainment are safe;
- enable circumstances to be prescribed in respect of which a relevant building surveyor must not issue a building permit;
- provide that a property owner who is required to carry out protection work may request an adjoining owner's name and address from a council for the purpose of serving a notice regarding that protection work;
- amend the limitation periods on the right to bring legal actions in relation to building or plumbing work in the Building Act to ensure the limitation periods are subject to recently amended powers in the *Victorian Civil and Administrative Tribunal Act 1998* (**VCAT Act**) enabling courts to extend those periods in certain circumstances;
- insert new offences for incorrect uses of compliance certificates for plumbing work; and
- insert additional regulation-making powers, including powers for prohibiting, and prohibiting a person from carrying out plumbing work in connection with, certain connections to reticulated gas, extensions to the capacity of existing reticulated gas connections, the installation and replacement of certain reticulated gas appliances.

The Bill also amends the Architects Act to support the effectiveness of the Architects Registration Board of Victoria (**ARBV**) by requiring annual renewal of approvals of partnerships or companies and annual renewal

of architect registrations, including submission of annual declarations that registered architects are 'fit and proper' to continue their registered practice. The amendments also clarify the powers to prescribe fees charged by the ARBV.

Finally, the Bill amends the VPA Act to implement a recommendation of the Independent Broad-based Anti-corruption Commission to extend the period in which a proceeding for a summary offence under Division 4 of Part 2 of the VPA Act may be commenced, from 12 months to up to 3 years from the date of the alleged offence.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are the right to privacy in section 13(a), the right to freedom from forced work in section 11, the right to property in section 20 and the right to a fair hearing in section 24(1).

Right to privacy (s 13)

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

Proposed sections 84A and 84B of the Building Act

Clause 3 of the Bill inserts new section 84A into the Building Act, allowing a property owner who is required to serve a notice of proposed building work on the owner of an adjoining property to, after having taken reasonable steps to obtain the name and address of the owner of the adjoining property, make a written request to the relevant council to obtain this information. New section 84B allows the council receiving the request under section 84A to disclose the requested information if satisfied that the person will use the information for the purpose of serving the notice of proposed building work on the owner of the adjacent property.

In my opinion, new section 84B does not limit the right to privacy as protected by section 13 of the Charter because any interference is lawful and not arbitrary. Allowing councils to release personal information for the limited purpose of serving a notice serves the legitimate purpose of facilitating the service of building works notices on persons affected by the proposed work and potentially subject to any risks associated with that work. The release of this information is also reasonably necessary to, in said circumstances, allow a property owner that is legally required to serve the notice of proposed building work on the relevant adjacent property, to fulfil their obligations under the protective regime set out in the Building Act. In my view, section 84B is appropriately circumscribed so as to only allow disclosure of necessary, and limited, personal information to a property owner, where satisfied that the property owner will use the information for the specified purpose. Accordingly, the provision of the personal information in the prescribed circumstance is not arbitrary nor unlawful and I am satisfied that these provisions are compatible with the Charter.

Proposed sections 221ZZZV(1)(fa) and (fb) of the Building Act

Clause 38 of the Bill inserts new paragraphs (fa) and (fb) in section 221ZZZV(1) of the Building Act. Section 221ZZZV(1) provides for the matters in respect of which the Governor in Council may make regulations under the Building Act. New paragraphs (fa) and (fb) insert powers to make regulations for or with respect to prohibiting a person from engaging in a range of conduct relating to the connection and installation of reticulated gas and gas appliances.

It is an open question whether a person's right to privacy of home and property extends to freedom of choice in relation to connection and installation of such services and appliances. It is further arguable that such prohibitions may interfere with components of the privacy right that protect an individual's right to pursue work, free from restriction, in their chosen field of employment to which they possess qualifications, such as gas plumbing.

To the extent that the Bill providing the legislative basis for such regulations engages such rights, it does so for legitimate purposes, being measures necessary to realise the Government's legislated objectives to halve emissions by 2030, accelerate the decarbonisation of energy and protect consumers from a projected shortfall in gas supply.

Further, the nature and extent of any interference with rights will be determined by the content of any future Regulations, which will be subject to the requirement for the Minister to prepare a human rights certificate justifying any limitations on human rights. Accordingly, I am satisfied that these provisions are compatible with the Charter.

Proposed section 15C of the Architects Act

Clause 52 of the Bill amends the Architects Act to require that every year, when an architect applies for renewal of registration, the architect must give a written statement to the ARBV declaring that they remain a

fit and proper person to continue practice as an architect, having regard to the probity matters set out in existing section 10A of the Architects Act. Presently, the fit and proper person consideration only applies when an applicant initially seeks registration as an architect.

As the statement must have regard to the factors set out in section 10A of the Architects Act (which includes the applicant's criminal history and professional history, such as whether the person has been the subject of a Victorian Civil and Administrative Tribunal or court order under specified building legislation), the expansion of this requirement may constitute an increased interference with privacy. The privacy right may also be engaged by the provisions allowing the ARBV to require applicants for renewal or reinstatement to provide further information or material which may be personal in nature.

In my opinion, these provisions are not unlawful or arbitrary. The purpose of the provisions is to provide the ARBV with the ability to assess whether a registered architect remains fit to continue practising as a registered architect and to improve public confidence in registered architects. The personal information required to accompany applications for renewal or reinstatement of registration is limited to what is strictly necessary for, or relevant to, the determination of the architect's suitability to practise as a registered architect. Additionally, as architects are already required to provide the required personal information when initially applying to the ARBV for registration or approval (as part of the special responsibilities and duties that apply to persons undertaking this regulated role), there is unlikely to be a reasonable expectation of privacy regarding the provision of this information on the renewal or reinstatement of registration or an approval. Accordingly, I am satisfied that these provisions are compatible with the Charter.

Based on the above discussion, I consider the right to privacy in section 13 of the Charter is not limited by this Bill.

Freedom from forced work (s 11) and the right to property (s 20)

Clauses 5 and 6 of the Bill amend sections 108 and 111 of the Act, to empower a municipal or private building surveyor to serve a building notice, and subsequently a building order, on an owner if the surveyor is of the opinion that the owner's building, land or place of public entertainment, or building work that is being or is proposed to be carried out on the building, land or place, is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property. Under the new provisions, a building surveyor can make a building order to require the owner to take such action that the surveyor considers necessary to remove or to wholly or partially reduce, or to contribute to removing or to wholly or partially reducing, the circumstance giving rise to that danger. The purpose of these new powers is to ensure that buildings, land, places of public entertainment and building work (as the case requires) are safe for the public, users and property.

Clause 7 substitutes section 113 of the Building Act. New section 113(1) provides that building orders requiring an owner to carry out building work of a minor nature may be made if a municipal or private building surveyor is of the opinion that a circumstance referred to in section 106 of the Building Act exists. New section 113(2) provides that a building order requiring an owner to take certain action that is necessary and of a minor nature, may be made, if a municipal or private building surveyor is of the opinion that the owner's building, land or place of public entertainment, or building work that is being or is proposed to be carried out on the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property, that the action is necessary to remove or to wholly or partially reduce or to contribute to removing or to wholly or partially reducing that circumstance and that the necessary action is of a minor nature.

Section 11 of the Charter provides that a person must not be made to perform forced or compulsory labour. The protection against compulsory labour in section 11 of the Charter is limited in scope and does not apply to work or service that forms part of a person's normal civil obligations. This has been interpreted as including an owner's obligation to maintain their building in accordance with regulations. Further, an owner may engage another person to do the work. As such, clauses 6 and 7 of the Bill do not limit section 11 of the Charter.

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers that authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

It is possible that a building order issued under sections 111 or 113 may result in the deprivation of property or interfere with a person's enjoyment of their property rights. However, as any deprivation of property will only occur in the limited circumstances specified in the provisions, and for the purposes of properly regulating building owners and the building industry and protecting the safety of people using a building or doing building work, any such deprivation will not be unlawful.

As such, I conclude that the right to freedom from forced work in section 11 and the right to property in section 20 of the Charter are not limited by this Bill.

Right to a fair hearing (s 24)

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

Clauses 8 and 9 of the Bill amend sections 134 and 134A of the Building Act so as to enable the extension of the time period during which a legal action in relation to building work or plumbing work may be brought after the date of issuance of an occupancy permit or certificate of final inspection in respect of building work, or a compliance certificate in respect of plumbing work. New section 134(2A) provides that a building action may be brought more than 10 years after the date of issue of the occupancy permit in respect of the building work (whether or not the occupancy permit is subsequently cancelled or varied) or, if an occupancy permit is not issued, the date of issue under Part 4 of the Building Act of the certificate of final inspection of the building work if a court extends the 10 year limitation of action period that would otherwise apply in accordance with section 77 of the VCAT Act. Similarly, new section 134A(2) provides that if a compliance certificate is issued in respect of plumbing work under Part 12A of the Building Act, a legal action (including a counter claim) for damages for loss or damage arising out of or concerning any defects in the work can be brought more than 10 years after the date of issue of the certificate if a court extends the 10 year limitation of action period that would otherwise apply in accordance with section 77 of the VCAT Act.

As these amendments have the effect of enabling a court to, in accordance with section 77 of the VCAT Act, extend the time period within which a person must bring a legal action in relation to building or plumbing work, the right to a fair hearing, which is concerned with procedural fairness, is promoted by removing what would otherwise be a procedural barrier to bring the claim after 10 years.

Conclusion

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

Hon Harriet Shing MP
Minister for Housing
Minister for Water
Minister for Equality

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:56): I move:

That the bill be now read a second time.

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

The Victorian government is developing a suite of reforms to Victoria’s building system to ensure that Victorians can build, renovate or buy a home with the confidence that they will get what they paid for – an affordable, safe and comfortable home.

This Bill precedes future reforms that will progressively reshape Victoria’s building system to strengthen consumer protections and improve oversight of new builds. It makes necessary amendments to support Victoria’s Gas Substitution Roadmap, clarifies enforcement powers under the *Building Act 1993* and makes several miscellaneous improvements to the efficiency and operation of building legislation and other Acts amended by this Bill.

Legislative changes

The Bill will amend the *Building Act 1993* to:

- support implementation of key components of the Gas Substitution Roadmap;
- clarify the scope of a building surveyor’s power to issue building orders;
- ensure courts can extend the limitations period for building and plumbing actions;
- support operation of the Building Amendment (Small Second Dwellings) Regulations 2023;
- make it an offence for plumbers to issue an expired compliance certificate;
- clarify that it is an offence for a person to perform the functions of a building surveyor under the *Building Act 1993* or the Building Regulations 2018 as well as under any other Act or Regulations;

- insert a new regulation making power to enable fees to be waived or refunded;
- require the Victorian Building Authority to have regard to a Minister's guideline when determining fees for licensed building employees;
- provide the Victorian Building Authority with the same flexibility to adjust the period of insurance coverage for practitioners operating under an automatic deemed registration as it provided to Victorian building and plumbing practitioners;
- streamline local council disclosure of an adjoining owner's name and contact details for the purpose of servicing a protection works notice;
- streamline processes for building surveyors to transfer their functions; and
- make several minor amendments to improve clarity and efficiency of the Building Act.

The Bill also amends the *Architects Act 1991* to:

- require architects to submit a fit and proper person declaration with their annual registration renewal;
- require approved partnerships and companies to renew their approval under the same process as registered architects; and
- clarify the Architects Registration Board of Victoria's (ARBV) ability to charge fees.

Finally, the Bill amends the *Victorian Planning Authority Act 2017* to implement the independent broad-based Anti-corruption Commissioner's recommendations to increase the timeframe for commencing prosecution of the Act's summary offences from 12 months to up to 3 years from the date of the alleged offence.

Amendments to the *Building Act 1993*

Enabling implementation of Building Electrification Regulatory Impact Statement outcomes in accordance with the Gas Substitution Roadmap

The Government is helping Victorians reduce their reliance on expensive fossil gas – easing the cost-of-living pressures on families and businesses.

In December 2023, Victoria's Gas Substitution Roadmap was updated and it was announced that options to progressively electrify all new and existing residential and most commercial buildings would be investigated in 2024, including through a regulatory impact statement process and public consultation.

The Bill enables the making of regulations that may expand the circumstances in which a relevant building surveyor must refuse an application for a building permit application. This will enable the inclusion of circumstances where an application for a new building permit would result in a new reticulated gas connection. The Bill also enables the making of regulations that may restrict the type of work that can be carried out in relation to reticulated gas connections and reticulated gas appliances in prescribed classes of buildings.

These regulation making powers will enable draft regulations and a regulatory impact statement to be released later this year for industry engagement and public consultation on options for the electrification of Victorian buildings, including understanding how we can support Victorians to transition to electric appliances as older gas appliances reach their end of life. Decisions have already been taken to exclude agriculture and industrial buildings and use of liquefied petroleum gas from this year's regulatory impact statement that is enabled by the regulation making powers in this Bill. Gas cooktops in existing homes, as well as gas appliances in existing commercial buildings will also be excluded from these requirements. The Bill does not prohibit or enable regulations to be made that can prohibit the maintenance or repair of a reticulated gas appliance.

This is a critical step towards facilitating a smooth transition away from relying on fossil gas to power our homes and businesses and towards more reliable, affordable, renewable energy.

Building orders

A key objective of the *Building Act 1993* is to protect the health and safety of people who use buildings and places of public entertainment.

Building orders are a key enforcement tool used by municipal building surveyors to achieve this objective.

A building order can be issued to owners of a building, place of public entertainment or land on which building work is or will be carried out and can require an owner to carry out building work, protection work or other work required by the Building Regulations 2018.

The Bill ensures that municipal building surveyors have power to issue a building order requiring owners to take any action that is necessary to remove, reduce or otherwise address (or any action that would contribute

towards removing, reducing or addressing) a danger to life, safety or health of a person or property. The amendments will give the municipal building surveyors the necessary tools to help keep occupiers of, and visitors to, buildings safe.

The Building Appeals Board will continue to be the appropriate avenue for building owners to address any concerns about the requirements of a building order.

Building and plumbing action limitation periods

The Bill makes minor amendments to clarify that new section 77A of the *Victorian Civil and Administrative Tribunal Act 1998*, as recently amended by the *Justice Legislation Amendment Act 2023*, applies to the limitation periods specified in the *Building Act 1993*.

Matters in the building and property list of the Victorian Civil and Administrative Tribunal could potentially be transferred to the Magistrates', County or Supreme Court if VCAT considers that one of those courts is better placed to deal with the matter. Due to potential delays associated with such a transfer, there is a risk that consumers may lose their cause of action if the limitation period in the *Building Act 1993* is reached while the transfer is occurring.

To ensure that a person does not lose their right to take legal action as a result of a forced venue change, the Bill amends the *Building Act 1993* so that this limitation period falls within the scope of the limitation periods that may be extended under section 77A of the VCAT Act.

Ministerial guidelines for building accessibility

The *Building Act 1993* enables the Minister for Planning to make guidelines relating to the design and siting of single dwellings. The Bill amends that Act to extend this power to include accessibility requirements for single dwellings, including small second dwellings, to support operation of the Building Legislation Amendment (Small Second Dwelling) Regulations 2023.

These Regulations contributed to delivery of commitments in Victoria's Housing Statement. This included removing planning permit requirements for small second dwellings to encourage greater diversity, affordability, and equitable housing options over the next decade.

Proof of insurance for persons with automatic deemed registration

The Bill provides the Victorian Building Authority with flexibility to adjust periods of insurance coverage for practitioners operating under an automatic deemed registration.

This will not enable practitioners to work without the required insurance, but rather will overcome administrative issues in lining up insurance policies with the date that the notification that a relevant practitioner intends to work in Victoria is provided to the Victorian Building Authority. This amendment aligns with existing provisions in the *Building Act 1993* that enable the Victorian Building Authority to adjust periods of insurance required to be held by Victorian building and plumbing practitioners to reflect the period that the practitioner will be operating.

Authorising disclosure of adjoining owner contact details for service of a protection works notice

The Bill makes an amendment to provide clear authority for local councils to disclose the name and contact details of an adjoining owner for the purposes of a protection works notice.

The *Building Act 1993* requires an owner carrying out protection work in respect of an adjoining property to serve the owner of the adjoining property a notice of their proposed building work. In some cases, it may not be possible to readily locate the adjoining owner for the purpose of serving the protection works notice (for instance because they reside interstate and their contact details are not known). The consequence is that the adjoining owner will not be aware of the proposed work impacting their property, and therefore is not afforded the opportunity to agree or disagree to the proposed protection works.

Often, the owner or the relevant building surveyor approach the relevant council to request the adjoining owner's contact details for the purpose of serving a protection works notice. Privacy laws in Victoria already permit councils to share personal information about adjoining property owners for the purpose of serving protection works notices. However, in practice councils take different approaches to these requests, with inconsistent application of processes and requirements.

The amendments in the Bill provide a clear authority for councils to disclose the contact details of adjoining property owners for the purpose of facilitating the service of a protection work notice. The Bill further enables regulations to be made specifying what information and documentation must be contained in requests for contact details from councils. Such prescribed documentation may include statutory declarations confirming the specific purposes for which the information will be used.

Plumbing compliance certificates

The *Building Act 1993* and the Plumbing Regulations 2018 require licensed plumbers to certify completed work through issuing a plumbing compliance certificate. A compliance certificate must be issued for prescribed types of plumbing work and for all plumbing work with a value of $750 or more.

The Bill amends the *Building Act 1993* to introduce a 12-month expiry date for the forms used to prepare plumbing compliance certificates to help mitigate incentives for plumbers to pre-purchase certificate forms to avoid potential future increases in price. The Victorian Building Authority will have the ability to extend the expiry dates for compliance certificates for a further 12-months.

The Bill will also make it an offence to issue a plumbing compliance certificate prepared using an expired compliance certificate form and will introduce a penalty for the issue of a compliance certificate that is not for the correct kind and value of plumbing work that it is issued for.

Fee-related amendments

The amendments in the Bill provide that the Victorian Building Authority, when determining fees under that Act for the licensing of any class of building employee, must have regard to a Ministerial Guideline. This amendment allows for a consistent approach for the determination of fees for the registration of building practitioners and licensing of building employees.

The Bill also amends the *Building Act 1993* and the *Architects Act 1991* to allow a specified person or body (for example, the Victorian Building Authority or the Architects Registration Board of Victoria) to reduce, waive or refund a fee in whole or in part in prescribed circumstances.

Transfer of building surveyor functions

The Bill makes minor amendments to the *Building Act 1993* to streamline the process for a relevant building surveyor to transfer their functions to another building surveyor, either permanently or temporarily.

Minor miscellaneous amendments

The Bill makes several minor miscellaneous amendments to boost the clarity and operation of the *Building Act 1993*, including to:

- clarify when the deputy chair of the Building Advisory Board may act as Chair and streamline acting arrangements;
- update the name of a nominating member to the Building Regulations Advisory Committee from the Building Designers Association of Victoria to Design Matters National Limited;
- expressly apply certain provisions of the *Interpretation of Legislation Act 1994* to the Victorian Building Authority's sub-delegation powers;
- update references to clauses of the National Construction Code; and
- clarify that, for the purposes of the *Building Act 1993* and the offence against section 169D(1) of that Act, carrying out work as a building surveyor includes carrying out any functions conferred on a building surveyor or a relevant building surveyor under the that Act or the Building Regulations 2018 or under any other Act or other regulations.

Amendments to the *Architects Act 1991*

The Bill makes amendments to the *Architects Act 1991* to strengthen the effectiveness of the Architects Registration Board of Victoria, which will support this regulator to uphold high standards of professional conduct in the architecture industry.

Annual renewal of registration and approval

The Bill replaces the existing annual fee for registration of an architect with a new annual renewal process for registered architects, approved companies, and approved partnerships. Existing provisions relating to the annual fee are inefficient and have resulted in an excessive administrative burden on the Architects Registration Board of Victoria. The new renewal process will streamline the Board's ability to enforce eligibility and continuing professional development requirements and remove entities that are non-compliant from the Register of Architects.

Instead of continuing in perpetuity, architect registrations and approvals will transition to an annual term based on the financial year. Under this simplified arrangement, a registration or approval will expire if the annual renewal fee is unpaid and a renewal application is not submitted. The Architects Registration Board of Victoria will no longer be required to initiate a suspension or costly disciplinary proceedings in order to deal with unpaid annual fees, allowing the regulator to better allocate its resources.

The new renewal process will incorporate an enhanced focus on the probity of registered architects with a requirement for registered architects to submit a statement that they remain a fit and proper person each year. The statement will ensure that any relevant probity matters are routinely reported to the regulator, ensuring the Architects Registration Board of Victoria is able to protect consumers and uphold the probity of the profession.

The renewal provisions provide fair opportunity to persons or entities that inadvertently fail to pay their renewal fees by the due date to maintain their registration or approval. Late applications will be allowed within a one-month grace period and a further two-month grace period will allow entities whose registration or approval has ceased to, in effect, restore their registration or approval. Additional fees will apply in these circumstances which are intended to serve as a disincentive for late renewal while also recovering the additional costs incurred by the Architects Registration Board of Victoria when following up and administering late renewal applications.

Further related amendments include a provision which clarifies that if a person's registration as an architect has ceased or is suspended, that does not preclude disciplinary proceedings from commencing or continuing in relation to conduct that took place whilst their registration was active.

Fees charged by the Architects Registration Board of Victoria

The Bill makes amendments to the regulation-making powers to prescribe fees for the purposes of the *Architects Act 1991* to align with similar powers in the *Building Act 1993* and ensure that the Architects Registration Board of Victoria can operate effectively on a cost-recovery basis. The Bill also allows regulations to be made providing for the reduction, waiver, or refund of fees, providing greater flexibility to the Board to support registered and approved entities in circumstances such as financial hardship.

Amendments to the *Victorian Planning Authority Act 2017*

The Bill will amend the *Victorian Planning Authority Act 2017* to implement the Independent Broad-based Anti-corruption Commissioner's recommendation to increase the timeframe for commencing prosecution of that Act's summary offences from 12 months to up to 3 years from the date of the alleged offence.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (18:56): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

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

Introduction and first reading

The PRESIDENT (18:57): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** in relation to drug-checking services and opioid overdose and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:57): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:57): 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 Drugs, Poisons and Controlled Substances Amendment (Pill Testing) 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

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

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

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

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

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

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

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

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

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

Human rights issues

The following rights are relevant to the Bill:

- right to life (section 9);
- right to freedom from forced medical treatment (section 10(c));

- right to privacy (section 13(a));
- rights of children (section 17(2));
- right to property (section 20);
- right to the presumption of innocence (section 25(1)); and
- right not to be punished more than once (section 26).

Drug-checking services and the automatic dispensation of naloxone

Right to life

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

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

The Bill establishes a legislative framework for the operation of drug-checking services in Victoria and the automatic dispensation of naloxone. The object of the scheme established under the Bill is not to encourage or condone the use of prohibited substances but rather to reduce harm arising from their use. In this manner, the harm reduction object of the Bill can be characterised as promoting the right to life.

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

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

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

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

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

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

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

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

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

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

The automatic dispensation of naloxone

The naloxone dispensation scheme will build on the existing regulatory framework for the supply of Schedule 3 poisons and Victoria's take-home naloxone program in the Regulations. Under this framework, a person is able to access naloxone from an approved naloxone provider and their approved naloxone workers. This program is accessible to people who use drugs and others (e.g., family members or friends who may witness an opioid overdose or adverse reaction). Under the existing program guidelines, a condition of supply is that an approved naloxone worker conduct an assessment of therapeutic need and provide education about the purpose and use of naloxone. Under the scheme provided by the Bill, accessibility is proposed to be enhanced by providing access via automatic dispensing units.

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

Rights to freedom from forced medical treatment and privacy

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

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

Amendments relevant to children

Rights of children

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

The Bill will enable the supply of naloxone from automatic dispensing units in public places with high levels of opioid use. To prevent children from accessing poisons, there will be safeguards for access to the scheme. Protective measures together with the installation of these units targeted areas of high opioid use, prevent

adverse access by and exposure to children while removing barriers to vulnerable people who use drugs to potentially life-saving medical treatment.

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

Inspection powers

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

Right to privacy

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

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

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

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

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

Immunities relating to criminal and civil liability

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

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

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

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

- Clause 10 inserts new section 22CD of the Act, which provides an exemption from criminal liability to clients of a drug-checking service for the supply, receipt or possession of a less than trafficable quantity of a drug of dependence at the drug-checking place;

- New section 22CF provide exemptions from criminal liability to permit holders and their authorised drug-checking workers.
- New section 22CG provides a limited exemption for an offence constituted by deemed possession of a substance under section 5 of the Act to permit holders, their authorised workers, and the owner or occupier of the land or premises on which the possession occurs.

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

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

Right to property (s 20)

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

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

Licence suspension or cancellation for persons not fit and proper

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

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy.

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

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

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

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

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:57): I move:

That the bill be now read a second time.

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

Introduction

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

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

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

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

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

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

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

Over 75% of these deaths were accidental.

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

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

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

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

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

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

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

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

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

Just saying no hasn't worked and never will.

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

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

Drug-checking is practical, realistic and proven.

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

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

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

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

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

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

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

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

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

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

Both these substances are frequently linked to overdose deaths.

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

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

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

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

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

This Government does not condone the use of illegal substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Naloxone dispensing machines

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

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

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

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

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

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

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

Broader reform context

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

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

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

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

Overview of the Bill

It is the government’s aim to:

- reduce the level of harm caused by using illicit substances that are, or that contain, prohibited drugs, poisons, restricted substances, drugs of addiction or any other substances;
- improve public health outcomes in Victoria related to harm caused by illicit substance use;
- reduce pressure on frontline services from drug poisonings and other acute episodes;
- provide surveillance and improve information access and effective dissemination regarding illicit drugs circulating within Victoria, including monitoring the presence and prevalence of novel substances;

- provide that users, and potential users, of those substances:
  - receive information about the composition of tested substances and associated risks for the purpose of reducing the potential harm caused by using them; and
  - receive tailored harm reduction advice and education for the purpose of reducing the potential harm caused by using those substances tested and any other substances used by the person either concurrently or at other times;
- provide a safe way to dispose of substances that are, or that contain, poisons, controlled substances or drugs of dependence.
- divert users of illicit drugs who may be at risk of entering the justice system by increasing access to health information and referral to health and social services; and
- reduce opioid overdose-related morbidity and mortality by removing barriers to accessing naloxone.

Purpose

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

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

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

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

Licensing requirements

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

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

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

What a drug-checking permit can authorise

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

The permit also authorises the provision to that client:

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

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

Conditions of drug-checking permit

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

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

Suspension or cancellation of a drug-checking permit

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

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

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

Definitions and Scope

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

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

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

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

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

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

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

Exemptions from Liability

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

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

Client Exemptions

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

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

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

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

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

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

Exemptions for permit holders and certain staff members

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

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

Owners of property

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

Exemption from civil liability

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

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

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

Planning permit not required

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

Regulations

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

The Bill authorises regulations to prescribe:

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

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

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

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

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

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

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

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

We have no time to waste.

I commend this Bill to the House.

Georgie CROZIER (Southern Metropolitan) (18:58): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024

Introduction and first reading

The PRESIDENT (18:58): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Offshore Petroleum and Greenhouse Gas Storage Act 2010** in relation to petroleum production licences and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:58): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:58): 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 Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024.

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

Overview

The Bill amends the **Offshore Petroleum and Greenhouse Gas Storage Act 2010** (the Offshore Petroleum Act).

The amendments to the Offshore Petroleum Act will create specific provisions to permit petroleum production licensees to conduct underground petroleum storage and recovery operations, which includes:

(a) The injection into and storage of petroleum into natural reservoirs from which petroleum was previously recovered for the purpose of later recovering it; and

(b) The recovery of petroleum from a natural reservoir into which it was previously injected under (a); and

(c) Any activity incidental to an activity listed in (a) or (b).

Human Rights Issues

Property rights, the right against arbitrary interference with privacy or home, Aboriginal cultural rights and the right against self-incrimination are human rights protected by the Charter that are relevant to the Bill.

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

In practice, it is likely that many of the Bill's provisions regulate corporate entities rather than natural persons due to the nature of underground petroleum storage operations that require significant financial resources to carry out. Corporate entities are not considered a 'person' under the Charter and as such, do not attract the human rights specified in the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with the law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct. International jurisprudence supports the view that a 'deprivation of property' may not be confined to situations of forced transfer of title or ownership but could include any substantial restriction on a person's control, use or enjoyment of their property.

Amendments in clauses 8, 9, 17, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the Bill may engage this right.

Significant risk of a significant adverse impact – approval of greenhouse gas operations

Clauses 8, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the Bill amend various sections of the Offshore Petroleum Act by adding underground petroleum storage operations as an activity that must be taken into account when considering whether certain greenhouse gas storage activities will create a significant risk of a significant adverse impact (SROSAI) to activities being carried out under a petroleum production licence.

The proposed amendments could potentially limit the property rights of the holders of greenhouse gas assessment permits, greenhouse gas holding leases and petroleum production licences if an activity proposed by these rights holders creates a SROSAI in relation to underground petroleum storage operations being carried out under a petroleum production licence. In these circumstances, the SROSAI could affect the rights

holder’s ability to obtain an approval to carry out key greenhouse gas operations or obtain a greenhouse gas injection licence.

However, a SROSAI will only arise if the proposed greenhouse gas operation will result in an increase in the capital costs or operational costs of an underground petroleum storage operation or a reduction in the rate of recovery or, the quality of, the petroleum recovered from an existing underground petroleum storage operation.

To assist in determining if SROSAI exists in relation to an application, I can refer the matter to an expert advisory committee for advice.

Should this situation arise, the approval or licence may still be provided if I am satisfied that the granting of the approval or licence is in the public interest and the holder of the petroleum production licence under which the underground petroleum storage operations are being carried out agrees to the grant of the licence or approval.

The intention of this framework is not aimed at preventing underground gas storage and greenhouse storage from occurring in the same area, but to ensure that the impact of any proposed project on any other operations in the area are considered and where it is determined that a proposed project may cause a SROSAI in relation to an existing operation, the parties work together to eliminate, mitigate or manage those impacts through commercial agreements. It is only in cases where agreement cannot be reached or the risks cannot be eliminated, mitigated or managed that an approval or licence may not be given.

While clauses 8, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the Bill may limit property rights under the Charter, this is unlikely to occur as any such limitation will be imposed on corporate entities that do not attract the human rights specified in the Charter. As such, these clauses of the Bill do not limit property rights under the Charter.

However, in the unlikely event that these clauses could limit the property rights of an individual, these limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter. In particular, the clauses’ purpose of managing the rights of various individuals in circumstances where the rights of one individual have the potential to impact the rights of another individual.

Ownership of petroleum injected and stored in the seabed or subsoil

Clause 9 of the Bill amends the Offshore Petroleum Act by inserting new section 67A. New section 67A(2) provides that if a petroleum production licence is cancelled or surrendered, the Crown becomes the owner of any petroleum that has been injected into and is stored in a natural reservoir under the licence.

The provision is intended to ensure that any injected petroleum remaining in a natural reservoir after a licence is surrendered or cancelled is available to be recovered or otherwise dealt with by the government if necessary.

While surrender of a petroleum production licence is voluntary, cancellation can only occur if a licence holder has failed to comply with a condition of their licence, failed to comply with a direction I have given under the Offshore Petroleum Act, failed to comply with a specified provision of the Offshore Petroleum Act or the Regulations, failed to pay an amount payable under the Offshore Petroleum Act within the required timeframe or failed to carry out underground petroleum storage operations for a continuous period of more than 5 years.

Further, if a ground for cancellation exists, there is a procedure set out in the Offshore Petroleum Act which requires me to provide the licence holder with at least 30 days notice of my intention to cancel their licence giving the licensee an opportunity to make submissions which I must take into account before deciding to cancel the licence. I am also required to take into account any action taken by the licence holder to remove the ground of cancellation or to prevent the reoccurrence of similar grounds.

Should a decision be made to cancel a licence, there are provisions in the Offshore Petroleum Act which provide the ability for a licensee to seek review of the decision. In the case of a decision made by my delegate, a licensee can request that I review that decision and, in the case of a decision made by me, application for review can be made to the Victorian Civil and Administrative Tribunal.

In my view, given the above framework and the limitations on my ability to cancel a petroleum production licence, any deprivation of property resulting from the cancellation of a petroleum production licence by operation of the new section 67A(2) will be in accordance with the law. Laws which are confined and structured rather than arbitrary or unclear and sufficiently precise to enable affected rights holders to inform themselves of their legal obligations and to regulate their conduct accordingly.

As such, clause 9 of the Bill does not limit property rights under the Charter.

Interference with the activity of others in the offshore area

Clause 17 of the Bill amends section 276 of the Offshore Petroleum Act by inserting new section 276(2)(d)(iii), to ensure that an underground petroleum storage licensee does not carry on activities in

the offshore area under their licence in a manner that interferes with certain activities, to a greater extent than is necessary for the reasonable exercise of their rights and performance of their duties.

Section 276 currently applies to a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority, petroleum access authority and a petroleum scientific investigation consent. As such, the amendment imposes the same obligation on licensees carrying out underground petroleum storage operations as apply to others carrying out other activities regulated by the Offshore Petroleum Act.

Section 276(2) provides that a person carrying on activities under a permit, lease, licence, authority or consent listed in section 276(1) must carry on those activities in a manner that does not interfere with activities listed in section 276(2), including navigation, fishing, conservation of the resources of the sea and seabed or any activities of another person being lawfully carried on by way of exploration for, recovery of, or conveyance of a mineral (whether petroleum or not), constructing or operating a pipeline or underground petroleum storage, to a greater extent than is necessary for that person's reasonable exercise of rights and performance of duties.

It is possible that clause 17 of the Bill may have the effect of limiting titleholder's property rights by restricting the use of their property in carrying out operations in accordance with their licence, lease or permit.

However, this obligation, which applies to all holders of licences, permits and authorities issued under the Act, is reasonable given that the offshore area is a shared resource to which various activities occur and where all users have an obligation to conduct those activities in a manner that does not interfere with the activities of others or interfere with the conservation of the resources of the sea and seabed.

I note that the obligation is not unlimited and permits some interference with the activities of others and to the conservation of the resources of the sea and seabed provided that it is to no greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the licence holder.

As such, clause 17 of the Bill does not limit property rights under the Charter.

Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy or home unlawfully or arbitrarily interfered with. The right in section 13(a) of the Charter is relevant to section 649(2) of the Offshore Petroleum Act, whose operation is potentially expanded by clause 29 of the Bill.

Section 649(2)(b)(iii) provides that a petroleum project inspector may have access to any structure, vessel, aircraft or building that the petroleum project inspector has reasonable grounds to believe has been, is being or is to be used in connection with operations relating to the processing or storage of petroleum. Clause 29 of the Bill clarifies that the reference to the storage of petroleum in section 619(2)(b)(iii) includes underground petroleum storage as defined by a new definition that will be inserted into the Act by the Bill.

However, in those cases where section 13(a) is engaged, in my opinion, any interference with the right will be neither unlawful nor arbitrary and accordingly the right is not limited.

This is because access to any structure, vessel, aircraft or building used in connection with underground petroleum storage is an essential compliance mechanism for achieving the important regulatory objective of monitoring and enforcing compliance with the Offshore Petroleum Act. There are also important safeguards in place to protect against arbitrary exercise of the powers. In particular, section 649(2)(b) provides that the powers can only be exercised if a petroleum project inspector has reasonable grounds to believe the structure, vessel, aircraft or building has been, is being or is to be used in connection with underground petroleum storage.

While it is unlikely, the powers could be used to access residential areas which constitute an individual's home where a reasonable expectation of privacy may arise so as to engage the right in section 13(a). However, in my view, the right is not limited in such cases because any interference is neither unlawful nor arbitrary. This is because the interference is specifically authorised by the terms of the Offshore Petroleum Act, which importantly includes, pursuant to section 650, that entry to a residential premises is only permitted with the consent of the occupier or pursuant to and in accordance with a warrant issued by a magistrate (under section 653 on reasonable grounds supported by information on oath or affirmation).

Accordingly, I consider that clause 29 is compatible with the right to privacy.

Right to privilege 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 any incriminatory admission contained in material obtained under compulsion from that person in any subsequent criminal proceedings

against the person, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

The right in section 25(2)(k) of the Charter is relevant to section 722 of the Offshore Petroleum Act, whose operation is potentially expanded by clause 31 of the Bill. Persons may be subject to information gathering requirements under the Offshore Petroleum Act where the person has information or a document, or is capable of giving evidence, which relates to operations relating to the processing or storage of petroleum in the offshore area. Clause 31 of the Bill clarifies that the reference to the storage of petroleum in section 722 includes underground petroleum storage as defined by a new definition that will be inserted into the Act by the Bill.

Section 725(1) provides that requested information or documents must be produced even if this may tend to incriminate the individual or expose them to a penalty. However, section 725(2) provides a full immunity against both direct and indirect use of the information obtained against the individual in any criminal or civil proceedings (other than proceedings regarding failure to comply with a request for information, or proceedings regarding provision of false or misleading information).

Therefore, any limitation on the right to self-incrimination is clearly justified under section 7(2) as the full immunity in section 725(2) ensures that there is no possibility that an individual could be compelled to assist in their own conviction for an offence (or liability for a civil penalty) and further ensures that there is no adversarial relationship between the individual and the State when the individual is required to provide the requested information to the Minister or a petroleum project inspector which might otherwise attract the application of the self-incrimination right.

Accordingly, I consider that clause 31 is compatible with the right to privilege against self-incrimination section 25(2)(k) of the Charter.

Aboriginal cultural rights

Clause 13 of the Bill will provide the holders of petroleum licences to conduct the additional activity of underground petroleum operations. These operations involve the injection and storage of petroleum in a natural offshore reservoir, from which petroleum was previously recovered, for the purpose of later recovering it.

Section 19(2) of the Charter provides specific protection for Aboriginal persons, providing that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

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).

A critical aspect of the protection of the cultural rights under section 19(2) is participation in decision-making that affects the group. This would include decisions in relation to new activities that would impact the ability of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources which they have a connection under traditional laws and customs.

The licensee facing provisions provided for in the Bill do not, in itself, affect the Aboriginal cultural rights protected under section 19(2) of the Charter. Rather, any impact upon cultural rights protected under the Charter would be as a result of the issuing of a licence, permit or approval or consent. To the extent that any activities undertaken pursuant to a licence or a permit may affect the enjoyment of cultural rights, in considering whether to grant a licence permit, approval or consent under the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**, the Minister as a public authority 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 to say, where there are cultural claims by one or more individual or Traditional Owner group in relation to the area the subject of a licence, permit, approval, or consent the Minister or relevant body is already obliged to consider whether the licence, permit or agreement grants rights to an area which may limit the cultural rights of individuals or groups with a claim to the area, including: access and use of the land and waters; the spiritual connection to the land, including the preservation of places of cultural or spiritual significance;

participation in culturally significant or traditional practices on the land, including fishing, and exercising self-determination in relation to the management of country.

As such, to the extent that land and waters with which Aboriginal persons may have distinctive spiritual, material and economic relationships, may be impacted by the additional activities permitted in the Bill, there is, in my view, no limitation imposed by this Bill on the cultural rights under section 19(2) of the Charter.

Conclusion

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

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

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:59): I move:

That the bill be now read a second time.

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

The purpose of this Bill is to amend the *Offshore Petroleum and Greenhouse Gas Storage Act 2010* (Offshore Act) to clarify that the holder of a petroleum production licence is authorised to carry out underground petroleum storage operations. This involves the transfer of existing gas from onshore to an offshore reservoir to be stored for later access.

This Bill is intended to ensure that existing gas supplies can be stored and made available at a later stage during peak periods of high, unmet demand. The amendments do not authorise the production of new gas, nor do they affect existing bans on fracking or other forms of unconventional gas.

In March 2024, the Australian Energy Market Operator (AEMO) forecasted a peak gas supply shortage from as early as 2026 and growing in 2027. A tightening supply and demand balance and/or supply inadequacy would also place upwards pressure on wholesale energy prices in both the gas and electricity markets.

The amendments will, for instance, enable the Golden Beach energy storage project being developed by GB Energy Pty Ltd (GB Energy) to proceed with establishing essential storage infrastructure that can transfer onshore gas to be injected into a reservoir in the offshore gas field and made available for later recovery during peak demand periods. An underground petroleum storage project such as this could provide critical gas supply to meet Victoria's imminent energy needs.

Any project like this that proposes to establish and operate pipelines and other infrastructure to transfer onshore gas to offshore reservoirs for later recovery would need to undergo various environmental assessments and other regulatory approvals. This is likely to include an Environment Effects Statement (EES) process under the Victorian *Environment Effects Act 1978* and, if there is a potential to significantly impact a matter of national environmental significance, approval for a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. An approved cultural heritage management plan under the *Aboriginal Heritage Act 2006* would also be required if relevant. Licences would be required under the Offshore Act and *Pipelines Act 2005* for the construction and operation of onshore and offshore pipelines and associated facilities. Depending on the nature of the project, other statutory approvals or consents may also be required under the *Environment Protection Act 2017*, *Marine and Coastal Act 2018*, *Water Act 1989*, *Flora and Fauna Guarantee Act 1988* and other laws.

The measures in this Bill are designed to ensure energy security while the Victorian Government implements its Gas Substitution Roadmap to decarbonise the gas sector through electrification, energy efficiency and the transition to renewable energies.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (18:59): I move on behalf of my colleague Mr Davis:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:59): I move:

> That the house do now adjourn.

National parks

Bev McARTHUR (Western Victoria) (18:59): (1199) My adjournment debate for the Minister for Environment concerns reports that legislation to establish two new national parks will be brought to Parliament next month. I am concerned by this. Creating the Wombat–Lerderderg and Mount Buangor national parks would be a setback for Victoria. I have long fought against this ideological obsession with locking up national parks driven by the mistaken belief that humans and nature cannot coexist. I value Victoria's beautiful natural environment incredibly highly. I count myself extraordinarily fortunate to represent an area which contains so much of it and would never want to see it damaged or degraded. Yet I passionately believe that there is no need to choose between conservation and sensible public use and enjoyment – in fact the opposite. When we encourage people to get out and experience our fantastic natural environment, they want to protect it for themselves and future generations. Locking the gate has been shown time and time again to lead to neglect, not magical regeneration.

I was born in country Victoria, in Terang, grew up on a farm at Tylden, went to school in the bush at Mount Macedon and brought up my own children on a farm near Camperdown. I have always known, loved and appreciated country. Getting outside is good for us. Traditional activities and country pursuits have contributed to happiness and wellbeing for generations. The idea that man and nature should not interact is deeply damaging. It is a threat to the liberty of Victorians to enjoy hobbies, activities, sports and business ingrained in our culture. It is damaging to rural economies, which may rely on these activities. It is also absurd government should even consider expanding our national parks when it manages and maintains existing parks so poorly.

I have long supported Bush Users Groups United. Four years ago I said:

> Beholden to ideologues, this government appears determined to destroy the country pursuits which Victorians have enjoyed for decades.

Public spaces belong to all Victorians, not Parks Victoria, not the government and not the Premier. Bushwalking, horseriding, bike riding, prospectors, climbers, firewood collection, even timber harvesting – none should automatically be banned.

Recently I was pleased by the Premier's comments at the bush summit and by a parliamentary question she answered this week, in which she seemed to commit to retaining traditional activities and access. So I ask the minister to confirm the Premier's commitment to assure Victorians our state parks will not be rebadged as national parks and our national parks will not all be locked up.

Pakenham road maintenance

Renee HEATH (Eastern Victoria) (19:02): (1200) My adjournment tonight is for the Minister for Transport Infrastructure, and the action that I seek relates to the Pakenham roads upgrade package, which was originally promised at the beginning of 2019 by the federal coalition government. The project is to be delivered in three stages. While construction began in February last year, with more than $160 million spent on the project so far, stage 1 works still have yet to be completed. The result has been ongoing disruption to both individuals and businesses in Pakenham and Officer for more than a year and a half. Every morning traffic on the M1 grinds to a halt as cars queue up on the Pakenham turn-off. Local businesses have reported the loss of dozens of customers per day because of the roadworks. The disruptions have only worsened since the inbound entry ramps for the freeway have been reduced to one lane while other works are taking place. Meanwhile, despite the building of new lanes on the Healesville-Koo Wee Rup Road, I am told that just last night the very same road was riddled with potholes. Minister, I am aware that this project was fully funded by the former coalition

government, despite your press release earlier this week trying to claim some credit. However, as the project has been delayed by Major Road Projects Victoria, I ask: when will we finally see an end to these relentless roadworks disruptions happening across Pakenham and Officer?

Victoria Police

Aiv PUGLIELLI (North-Eastern Metropolitan) (19:03): (1201) My adjournment matter tonight is to the Minister for Police, and the action I seek is that he undertakes a systematic review of police uniforms to ensure the removal of any thin blue line badges. Police in Victoria should not be wearing thin blue line badges full stop. They are associated with violent white supremacy, particularly in the wake of the Black Lives Matter movement, and are another example of Australian far-right groups co-opting American symbols. The American version of this symbol was flown alongside the Confederate flag at the deadly white supremacist Unite the Right rally in Charlottesville in 2017.

Back in 2020 then Assistant Commissioner Tess Walsh warned Victoria Police members against displaying this badge, claiming:

> The badge is counter to our … organisational values.

And yet I have seen multiple reports of police continuing to wear this symbol even just this year. I have heard that it was seen in early May at a rally outside the company AW Bell, in mid-June outside a Menzies for Palestine rally outside Keith Wolahan’s office – and this officer was again reported to still be wearing the symbol at Templestowe College later in June – and then just this week we have seen a report of a police officer allegedly performing Nazi salutes at the police training academy. These are starting to feel more like an ingrained cultural issue than separate incidents.

It is crucial that white supremacy and far-right ideologies are not allowed to take hold in our communities and certainly not in Victoria Police. The threat these dangerous ideologies bring to our community is real and impacts our multicultural communities often first and worst. Minister, it is time to clear out the ranks and ensure that no-one in Victoria Police is able to continue to wear this dog whistle of a symbol.

Donnybrook Road duplication

Wendy LOVELL (Northern Victoria) (19:05): (1202) My adjournment matter is for the Minister for Roads and Road Safety, and the action that I seek is for the minister to prioritise the duplication of the C723, Donnybrook Road, including the duplication of the flyover bridge over the Hume Freeway. I recently met with a group of constituents from one of the new housing estates along Donnybrook Road, who told me about their deep frustration with the lack of progress on upgrading the road. This is an area that is exploding in population, where the government has allowed and encouraged significant new housing developments without first putting in the necessary infrastructure to handle the extra people and traffic.

The exit lane from the Hume Freeway onto Donnybrook Road is chronically congested. Traffic leaving the freeway drives around the Shell service station to join Donnybrook Road, where those travelling east must squeeze into a single lane in order to go over the single-lane flyover bridge and join the single-lane road to the east, but at peak hour it is far too congested to flow quickly, and traffic is forced to back up in a long line stretching all the way back and sometimes onto the freeway. This is incredibly dangerous, and there have been many accidents at this spot. Some locals now use Brookville Drive to avoid the Donnybrook Road exit, which forces risky manoeuvres when they try to rejoin Donnybrook Road.

Residents are desperate to see significant improvements in the local roads before the new growth makes the area completely unlivable during peak-hour traffic. There are already nine housing estates along Donnybrook Road, and with more scheduled to begin traffic is only set to get worse. Donnybrook Road is a primary thoroughfare for residents travelling to work and school and provides vital connections for the community and emergency services. It is simply intolerable that this single-

lane road and flyover are expected to handle the exponential growth that the government is targeting for the area.

You might think that public transport options could help alleviate some of the issues with car traffic. Well, Donnybrook train station recently received an upgrade, in 2023, and should be handling more passengers and taking traffic off the road, but how are residents of the new housing estates supposed to get there? There are no buses going along Donnybrook Road for residents of the new estates to catch to the train station. There is also no bus going to the primary school. You might think that if there is no bus, at least they can walk or ride a bicycle to the station. You would be wrong, as there is no continuous footpath going along Donnybrook Road from the new estates to the train station and the busy, narrow single-lane road is extremely dangerous for both cyclists and pedestrians.

These issues have become a frequent topic of discussion at community meetings, and residents have tried to raise awareness but the Labor government is just not listening. I call on the Minister for Roads and Road Safety to take immediate steps to address these concerns and to prioritise the duplication of Donnybrook Road.

Country Fire Authority resources

Gaelle BROAD (Northern Victoria) (19:08): (1203) My adjournment is to the Minister for Emergency Services and is concerning the allocation of fire tankers to CFA stations in northern Victoria. Ageing tankers are being shunted between towns in a move that has left many brigades in northern Victoria feeling like poor country cousins receiving hand-me-downs.

I was contacted by a gentleman from Beechworth who let me know that the town has received a new tanker. Well, the so-called new tanker is 34 years old. Beechworth also has a pumper which is a mere 20 years old. Residents think this is inadequate for a town that can face extreme fire risk in summer. Beechworth's new tanker came from Wooragee. In turn the Wooragee CFA received one from Browns Plains, in what one resident described as a cascade of trucks. Locals are wondering if they are getting value for money from the fire services levy when they also have to fundraise for the equipment that goes on the truck. More than $10,000 of brigade equipment has been added using funds raised by the community. I commend the town on this extraordinary effort, but as one resident pointed out, that is a lot of sausages to sell at Bunnings.

The Bendigo fire brigade is facing similar challenges. They received notice that their heavy tanker will be replaced with a smaller medium tanker. The brigade has written to the CFA to point out that other integrated brigades have had their 3.4C heavy tanker upgraded. Instead they have been advised that their tanker is being replaced with an inferior appliance. This transition is to take place in December, the beginning of summer, which is a challenging time for all brigades. The brigade is concerned that the community would be at a major disadvantage if they receive the inferior tanker, which has reduced water and pumping capacity. The Bendigo brigade wish to retain their existing heavy tanker until an equivalent replacement tanker can be provided. If the replacement goes ahead, it will be a big step backwards for the brigade in their important role protecting life and property across the City of Greater Bendigo. As the *Weekly Times* reported:

> Farmers are being slugged twice as much to fund the state's fire services as last year …

Some bills have increased by up to 130 per cent. One northern Mallee farmer's family bill went from $384 to $900 on just one of several blocks that they own. The increase to the fire services levy will result in another $186 million in the state government's coffers. The purpose of the levy is to help fund Victoria's fire and emergency services, but the money does not appear to be getting to the volunteer brigades on the ground who are protecting our regional communities.

The action I seek is for the minister to outline how the fire services levy funds are allocated to each of the emergency services, to provide an update on the rollout of new heavy tankers and equipment and to give assurances to the Bendigo brigade that their ageing heavy tanker will be retained and upgraded.

Inverloch surf beach

Melina BATH (Eastern Victoria) (19:11): (1204) My adjournment matter this evening is for the Minister for Environment, and it relates to Inverloch's coastal erosion and particularly the Inverloch surf beach. The action I seek from the minister is to attend a town meeting, a community town meeting, in Inverloch, potentially at the conclusion of the parliamentary sitting year in early December. I have been communicating and listening to the community members down there in Inverloch, and they are highly frustrated. They are highly frustrated because over a four-year period there has been the cape-to-cape resilience project that has come out, and in many ways they feel that there has been a lot of push polling from these so-called community engagements, where the department is actually pushing for the outcome that it wants to hear. There has been limited community consultation, and they feel like they are being railroaded.

At a recent community briefing provided by the Department of Energy, Environment and Climate Action and attended by Parks Victoria, Water Technology, Bass Coast shire, Jordan Crugnale, community representatives from Inverloch Tourism Association, Inverloch Surf Life Saving Club and South Gippsland Conservation Society they felt quite frustrated, disillusioned and quite unclear about the proposed course of action at the end of that meeting. There is supposed to be a renourishment event, which would include truck-and-shovel replacement of sand and longer term dredging. In the long run what they are being sold is retreat – retreat from the coastal erosion that could eventually consume and remove the Inverloch Surf Life Saving Club, the footpath, the road and homes – and therefore businesses. This is of quite some magnitude, and their concerns are many. They also feel that there has been, as I said, push polling, with community values and community-endorsed actions for beach retention to be followed by retreat, which is unacceptable. They believe that there can be some other solutions such as land-based solutions, such as potentially hard-engineering solutions, while other solutions are being sought. Those could be but are not limited to storm tide terminal protections and lower cost and phased activities. They feel that there has been federal funding of $3 million that is going to be dwindled away in the whole process. They feel like they are being railroaded. They want actual proper community consultation where there is a diversity of expertise, information and analysis to put something else on the plate other than rearranging the sandcastles and retreating.

I call on the minister and ask the minister on behalf of this community to attend a community meeting and have a full and comprehensive discussion and not push polling by the government department.

Ringwood East train station

Nick McGOWAN (North-Eastern Metropolitan) (19:14): (1205) The matters I raise tonight are on behalf of the Ringwood East Traders Association. I have risen many times in this place to talk about their plight, and in particular what they are seeking from Minister Pearson are a number of things. They have kindly requested a detailed update in respect to the expected timeline for the completion of all the car parks. Those who are watching this might recall that some time ago the station was declared open. Well, it is far from open. The works continue to this day, and the concern is at this point that those works may well bleed into Christmas and then into next year and we still will be no closer to actually having a finished and finalised train station at Ringwood East. In addition to that, the traders are very keen to understand from the minister what the projected date for the removal of the scaffolding from the station is, something that I would have thought is not too hard to ascertain. Third, and not last, they would also like to know what the schedule for the opening of Railway Avenue is. Railway Avenue is a critical avenue of course for those shop traders; their livelihood depends upon it. Fourth, they also seek to understand what measures are being taken to mitigate the impact, the ongoing impact – despite the so-called 'opening' of the station – on the traders themselves during this period.

The traders wrote to the minister back in August of this year and had a number of suggestions, including supporting them during Father's Day. Well, Father's Day has come and gone, and there was no support. We do have Halloween, so perhaps that is the next occasion. Then we have Christmas. But at that point God forbid we are still talking about the fact that the station has not actually been

finished and the works are actually continuing and are continuing to impede the operation of the traders, very many of whom are small businesses whose livelihoods rely upon their trade, to say nothing of the inconvenience to the locals of course in Ringwood East throughout the entire period.

It is also very odd to me that the community liaison group established for the very purpose of being that interface between the construction and the community finished its work back in July, and yet some months later the work is ongoing, and in fact in every likelihood it will go into next year. The very liaison group established to provide contact and to provide coordination and communication was shut down in July.

Minister, my strongest possible suggestion is that the action you should take on this regard is to reignite that liaison group. It is an important group. At the very least, what they could advise you, Minister, is instead of investing your money in a turtle – a 2.5-metre by 2-metre turtle – probably worth tens of thousands of dollars, what you could have done is invest that money in one singular toilet for all of the public in Ringwood East: one toilet, not a turtle. It is not a hard prospect; it is not a hard concept for anyone to understand. Minister, you have a choice when it comes to Halloween. Either be the Dracula and go out there and suck the remaining blood out of the community or be Casper the ghost and go and give them some support they desperately require.

Waste and recycling management

Richard WELCH (North-Eastern Metropolitan) (19:17): (1206) My adjournment is for the Minister for Energy and Resources. Under the minister Victoria's energy policy has become authoritarian – gas bans, wind farms and transmission lines imposed on communities and property owners in a very autocratic way and in a very unsatisfactory way but in a way that the government says is the only way. There is no compromise on matters as important as these. Recently the minister announced a $10 million investment in the waste to energy fund. The minister proudly promotes this fund, encouraging industries to transform organic waste into sustainable energy. When just such a renewable project was proposed for Wollert, it sailed through the Minister for Planning, who decided the project was so good it did not even need an environment effects statement. This project would power over 60,000 homes and create 800 jobs. It is not small scale, it is precisely within the government's strategy, and while there were some local objections, like the transmission lines in the Western District, these renewable projects are really much too important for nimbyism.

So far, so good. This is textbook stuff. This is the minister getting things done. But imagine my confusion when Ms D'Ambrosio, out of the blue, launched a parliamentary petition against the waste-to-energy project in Wollert, a suburb that resides within her own electorate. Yes indeed, the minister has a petition up against herself. Her advocacy against herself includes the following:

> Together … we're creating a new parliamentary Petition against the proposal …

Her fellow petitioners say:

> … in the future, it will be hushed and silenced, and most won't know about it.
>
> … let's stop this monster before the application is approved.

So questions arise: will the minister listen to herself or will she keep to her convictions and support the incinerator she wants approved but does not want approved? And why is it acceptable for communities in the Western District to have to accept renewable infrastructure with no right of objection but not when it is in the energy minister's own electorate? I will be clear: I do not support this project personally. My community certainly do not. But there seems to be an appalling inconsistency. The action I seek from the minister is an explanation of why she supports the waste to energy fund but opposes the Wollert waste-to-energy project in her own backyard. Does she stand by her co-petitioners' statements that the project is a monster and that it will be hushed up? If the project proceeds, does that make her position either as a local member or as a minister untenable, or if the project does not proceed, does that make her position as the local member or as the minister untenable?

The PRESIDENT: I will just remind members that if you ask a lot of actions and questions, ministers might pick one. But I am pretty sure you understand that anyway.

Responses

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (19:20): There were eight adjournment matters that were raised by members this evening. Those adjournment matters will be processed by the relevant minister, and I thank everyone for their contributions.

Questions without notice and ministers statements

Written responses

The PRESIDENT (19:21): Before we adjourn: there were two points of order at the end of question time around ministers' responses. One was from Ms Crozier on a supplementary question she asked Minister Symes concerning Triple Zero Victoria. Reviewing it, I do believe the minister did not answer the question in line with the standing orders. But given the time today, we will give the minister two days to give a written response to that. Mr McGowan likewise raised a point of order around the answer to his supplementary question to Minister Tierney. Having reviewed that I also agree that the answer was not in line with the standing orders, so I will ask the minister if she could supply Mr McGowan with a written response, but likewise, given the lateness in the day, in two days.

The house stands adjourned.

House adjourned 7:22 pm.