

PROOF

Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 29 October 2024

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Tuesday 29 October 2024

The PRESIDENT (Shaun Leane) took the chair at 12:03 pm, read the prayer and made an acknowledgement of country.

Bills

Constitution Amendment (SEC) Bill 2023

Criminal Organisations Control Amendment Bill 2024

Melbourne Convention and Exhibition Trust Amendment Bill 2024

Health Legislation Amendment (Regulatory Reform) Bill 2024

Short Stay Levy Bill 2024

Royal assent

The PRESIDENT (12:04): I have a message from the Lieutenant-Governor, dated 22 October:

The Lieutenant-Governor, as the Governor's deputy, informs the Legislative Council that he has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to him by the Clerk of the Parliaments:

36/2024 Constitution Amendment (SEC) Act 2024

37/2024 Criminal Organisations Control Amendment Act 2024

38/2024 Melbourne Convention and Exhibition Trust Amendment Act 2024

I have received a further message from the Lieutenant-Governor, dated 29 October:

The Lieutenant-Governor, as the Governor's deputy, informs the Legislative Council that he has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to him by the Clerk of the Parliaments:

39/2024 Health Legislation Amendment (Regulatory Reform) Act 2024

40/2024 Short Stay Levy Act 2024

Rulings from the Chair

Questions without notice

The PRESIDENT (12:05): Following the last sitting week I have reflected on some recent questions without notice to ministers that have requested very specific information or statistics. There is a ruling by President Grimwade from 1981 that questions without notice should not be so detailed that they make it impossible for the minister to answer at the time. This ruling was given prior to the current sessional orders allowing the Chair to direct a written response.

It is challenging for the Chair to assess whether a minister answering a question without notice or supplementary question is responsive to a question in accordance with standing order 807 when the question seeks a level of detail that a minister cannot reasonably provide orally or without notice. I remind members that the requirement of the standing orders is that the minister is responsive to the question. The requirement is not that the question is answered in a way that the member asking the question wants. There are numerous previous Presidents' rulings that the Chair cannot direct a minister how to answer a question.

One option for me is to require the minister to provide a written answer in these situations. However, this is then requiring a minister and their department to prepare and provide very detailed information within one sitting day. In my view this is not the original intention of the standing order. The intention of the standing order was to seek to improve the quality of responses given by ministers but that

answers should still normally be given orally in the house. I do not want to create a situation where questions without notice are effectively taken on notice and answered in writing.

Going forward, my expectation is that members will phrase questions without notice so they can reasonably be answered by a minister orally in the house. Members can still choose to ask a question to seek detailed information or statistics. For those questions, if the minister has made a genuine attempt to respond to the question and provide as much detail as they can at the time, I will consider the requirements of the standing order have been met and not require a written response.

It remains open to a minister to choose to provide a written response to any question. Members seeking detailed information or statistics can submit questions on notice. I recommend members consider this ruling when framing their questions without notice.

Questions without notice and ministers statements

Child protection

Georgie CROZIER (Southern Metropolitan) (12:08): (701) My question is to the Minister for Children. Minister, data published by your department has confirmed 66 children known to child protection or in state care have tragically died since 1 January 2020. These tragic deaths keep increasing under your watch. Minister, why is the government continuing to fail vulnerable children?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:08): I thank Ms Crozier for her question. At the outset can I say that the death of any child anywhere is a tragedy and certainly acknowledge in relation to the children referred to by Ms Crozier that their deaths are tragic. It is important to note when considering deaths of children in out-of-home care that those deaths relate to children who die mostly of accidental causes or illness, including things like SIDS, premature birth and other circumstances unrelated to their care. But of course the death of any child is an absolute tragedy.

To take the second part of Ms Crozier's question, where she referred to what this government is doing to protect vulnerable children, I am more than happy, as I do week in, week out in this place, to speak to exactly what this government is doing to protect –

Members interjecting.

Lizzie BLANDTHORN: Ms Crozier's question did ask what the government was doing to protect vulnerable children, and in the last five years this government has invested more than \$4 billion in protecting vulnerable children.

We have ensured that children who are in residential care will be in a therapeutic place. This means that all children by July next year who are in residential care – noting of course that the same data which you are referring to, the AIHW data, also notes that Victoria has the lowest rate of children in residential care – will be in a therapeutic place in residential care, and a therapeutic place means that all children in residential care will get the supports and the services that they need.

The AIHW's data also says not only do we have the lowest rate of children in out-of-home care but we have the highest rate of children in out-of-home care in kinship care, and that means that as far as is possible we are keeping children with family and kin, because we know that children do best when they are with their family and their kin. This government is investing record amounts in protecting vulnerable children, as opposed to when those opposite were in power and the Auditor-General found that they had the system operating over capacity and unable to meet the needs of vulnerable children.

David Davis: On a point of order, President, question time is not an opportunity to attack the opposition. This was a direct attack, and it is simply not the right response to the question that was asked.

The PRESIDENT: I do not know if you would term that an attack. I think that it was a comparison actually reading from a report.

Georgie Crozier: On a point of order, President, on your ruling, my question was around why the government is continuing to fail vulnerable children. I am talking about the here and now, not 12 years ago or 10 years ago. And the minister is debating the point. I would ask you to draw her back to my question – not what she wants to answer but what I want answered about why the government is continuing to fail vulnerable children. Sixty-six children have died.

The PRESIDENT: I understand your point of order, and I think you might be debating a bit of it.

Harriet Shing: Further to the point of order, President, Ms Crozier has constantly interjected, including by referencing ministers in former governments. On that basis the minister is well within her rights to respond to those interjections in the course of her answer.

Georgie Crozier interjected.

The PRESIDENT: I could not make out what Ms Crozier was interjecting until I heard that one.

Georgie Crozier interjected.

The PRESIDENT: I believe the minister addressed the question at the start of her response.

Lizzie BLANDTHORN: As I said, the death of any child is an absolute tragedy. But Ms Crozier asked what this government was doing to protect vulnerable children, and I was explaining to Ms Crozier, as I do week in, week out, exactly what we are doing to protect vulnerable children. Since we have come to government we have invested more than \$4 billion in ensuring that we have set up systems and processes to protect vulnerable children. That includes making sure that every residential care place is a therapeutic place, where children in residential care have therapeutic supports wrapped around them. It also includes our \$140 million investment in ensuring that we have investments in an Aboriginal-led service system where we are ensuring that our kinship care model is invested in, because we know that children do better when they are with kin.

Georgie CROZIER (Southern Metropolitan) (12:13): Minister, according to the data, alleged incidents of abuse have also trended upwards, with over 5400 incidents since 2020. This is under your watch over recent years. Minister, why have these incidents of alleged abuse increased under your watch?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:14): Again I thank Ms Crozier for her question. Whether it is a supplementary question is somewhat debatable, but I am more than happy of course to go to these issues, because this government is doing more than those opposite and more than any other government previously in investing in the support of vulnerable children. Every incident of abuse is taken extremely seriously when it is reported to the Department of Families, Fairness and Housing. Incidents are taken seriously and they are investigated, and on each and every occasion actions are taken to investigate incidents of abuse. ‘Abuse’ is a term used within the child protection system for abuse between clients and also abuse outside of the system, such as sexual exploitation, for example. It is a broad term, and I think it is a bit disingenuous in a supplementary question to ask the question in the way that you have, Ms Crozier, when I only have 1 minute to respond to your question.

Flood mitigation

Katherine COPSEY (Southern Metropolitan) (12:15): (702) My question today is for the Minister for Water. Minister, last week hundreds of Kensington Banks residents who are affected by the flood rezoning gathered at Kensington town hall for a community forum. Melbourne Water were invited to attend and refused to provide a speaker to update the community on their flood mitigation study or what they are doing to progress flood mitigation works for the Maribymong catchment and the surrounding communities. Minister, even your federal counterpart Bill Shorten has been on radio

saying this is simply not good enough and Melbourne Water need to significantly improve their game. Minister, when will the flood mitigation study happen?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): Thank you very much for that question. This gives me an opportunity perhaps to correct some of the misapprehensions about the community forum which occurred last week. At the outset, though, I do want to acknowledge the work that is happening at a community level across party lines and at all levels of government to help people who have been affected by the floods and to make sure that people understand the work that is being undertaken, including as it relates to a global tender process being undertaken by Melbourne Water to find experts to manage, to model and to provide advice on mitigation options for future flooding events. This is highly, highly technical work. It does rely upon hydrological and engineering expertise, and it relies upon a level of modelling that can anticipate what flood modelling and impact of inundation look like property by property by reference to flood modelling and those hundreds of thousands of data points. That work is ongoing now, and this is something which Melbourne Water is continuing to provide information to communities about.

The community forum was in fact set up by the current federal member for Maribyrnong. For those people who were in attendance, there were pull-ups and banners for the outgoing member for Maribyrnong at that particular community forum. Melbourne Water was asked to attend and did attend in order to provide information to people, but in light of the caretaker period which was at that time in force for council elections and the multiple levels of government that were involved in the community forum it took the decision not to participate in an event like that lest it be open to a perception that it was part of a political process. Melbourne Water has been very clear, though, including in conversations with me, that it will continue to provide information to people in and around the community.

There has also been some conjecture from community members and people have written to me to ask why I was not in attendance at that particular community forum. I was not invited to that community forum. I have continued to provide information to and receive information from Melbourne Water and also in relation to the modelling that it undertakes over the next three years across the entire catchment on what the impact looks like.

Again, Melbourne Water will continue to show up. I have sought assurances that it will continue to be available to community, and it is doing so in a range of different ways, whether that is through online communication, through written information or through outreach and inreach. This is something which we need to continue the work on, as much as anything so that people understand the impact of flooding and the work that is going into understanding how we can manage and mitigate that work now and into the future.

Katherine COPSEY (Southern Metropolitan) (12:18): Minister, you have referenced the material that Melbourne Water has been letterboxing to residents in Kensington Banks. It has got vague information in it saying that the provider for the flood mitigation study will be chosen soon but that the study could take up to 18 months, after which I imagine that choosing flood mitigation options could take a very long time – you just referenced three years for modelling in your answer – and then presumably nothing will be built for years after that. Why is it fair that Kensington Banks residents are left in limbo for years, if not decades, waiting for flood mitigation while they shoulder all the risk, and will the government do anything to increase the urgency of this matter?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:19): I just want to clarify something that you referred to around flood modelling. Melbourne Water, including as a consequence of the recent Pagone review, has indicated that it will review all flood modelling every five years and undertake new modelling every 10 years, so between now and 2026 all of the modelling will take place across the catchment in the same way as has occurred across the Maribyrnong part of the catchment itself.

The tender process actually closes at the end of October. As I said, it is a really, really complex process because of the level of expertise required. A provider will be selected by the end of the year and the flood mitigation study will commence early next year. That is expected to take 12 to 18 months to complete. Again, this is not because anybody is wasting any time. It is highly intricate, highly technical information that is required to be interrogated. Community sessions will be held in November and December, ahead of our community engagement program launching early 2025. We are taking this really seriously from within government, as is Melbourne Water, and the work will continue. Any ideas or suggestions you have about community engagement, again, let us talk about them.

Ministers statements: Learn Local Awards

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:20): Today I am proud to highlight the achievements of our Learn Local sector. At a recent Learn Local conference and awards event we celebrated the remarkable contributions of individuals and organisations dedicated to adult and community education. More than 30 inspiring finalists gathered at the awards with 300 family members, educators and community leaders to acknowledge how our Learn Locals really are life changing. Congratulations to all the winners for being recognised for their great work – winners like Paw Say Paw, who won the Ro Allen Award for pre-accredited learners. Paw Say Paw came to Australia from a refugee camp in 2022. She quickly learned English and enrolled in a computer course, a sewing class and a micro business course. Thanks to the skills she acquired at the Centre for Participation Learn Local in Horsham she started a sewing business. Now she has a scholarship to study individual support at Federation University.

Learn Locals provide foundational skills, boost confidence and open pathways to further education and employment for people just like Paw Say Paw. To further support this vital work, last week I announced two new funding initiatives to reaffirm our commitment to this sector: the \$6.6 million learner and program sustainability grants, which will provide financial support over the next three years, and additionally the \$500,000 technology and digital grants, which will address the technical challenges faced by our Learn Locals. These programs are administered by the Adult, Community and Further Education board and will start early next year. Again I would like to congratulate everyone in the Learn Local sector – learners, educators and leaders – and especially congratulate all of those inspirational leaders and winners on the evening of last Friday.

Magistrates' Court of Victoria

Evan MULHOLLAND (Northern Metropolitan) (12:22): (703) My question is for the Attorney-General. Attorney, is it Labor government policy that the prospect of deportation of a serious criminal who is not an Australian citizen is a valid sentencing consideration under the Sentencing Act?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:23): I thank Mr Mulholland for his question. The law treats deportation as a relevant factor for the purpose of sentencing. Every judicial officer is an independent decision-maker in relation to each matter before them, and they act on that basis. For decades magistrates have taken into consideration a wide range of factors, including such matters as deportation and hardship. But I will caveat that with that is not a practice that is in itself exercised, and I will tell you why. In Victoria the Court of Appeal has held that sentencing courts cannot artificially lower a sentence being imposed to avoid the consequence of the Commonwealth Migration Act. So every criminal matter has a range of considerations that are relevant, because each matter is unique, and the judicial officer applies the law.

Evan MULHOLLAND (Northern Metropolitan) (12:24): Attorney, Victorian magistrates have reportedly received training on how to sentence serious criminals, including drug traffickers and sexual predators, in a way that allows them to avoid deportation. Given this, will the Labor government urgently amend the Sentencing Act to close this loophole and prevent the prospect of deportation being a valid sentencing consideration?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:24): Mr Mulholland, the reports in the media that you have repeated in the way you framed your question I am asking some questions about, because I am advised by the Chief Magistrate that considerations reported on, such as deportation risk, were not the intention of the training as is reported.

In fact she is confident that the majority of attendees at that training session, which was more than 100 participants, would disagree that the training was about avoiding deportation, as reported. I am happy to hear from any magistrate or any attendee at that training session who has any views of concern, but at this time I am advised that the majority do not. I am engaging in further conversations and, as I said, I have an open invitation for anybody who was at that training to confirm their interpretation as you have articulated.

Somebody's Daughter Theatre

Rachel PAYNE (South-Eastern Metropolitan) (12:25): (704) My question is for Minister for Corrections, Minister Erdogan. I recently had the pleasure of attending a production by Somebody's Daughter Theatre Company at the Dame Phyllis Frost Centre. This year's performance explored the intersection between the term 'miss' and identity and how women are addressed in custody, mental health and misdiagnoses. Talking to the women who performed, it was clear that the creative process plays a transformative role in their rehabilitation. As a registered charity, Somebody's Daughter and other programs like it rely on irregular donations for their operation, with only a small portion of government funding, and there is a real fear that one day this funding will run out, so I ask: what advocacy will you do to ensure therapeutic arts programs like this have substantial long-term funding?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:26): I thank Ms Payne for her question and her interest in our corrections system and programs such as Somebody's Daughter Theatre at the Dame Phyllis Frost Centre. I think as a government we have been up-front that a key to getting better outcomes and keeping our community safe is making sure we use the time in custody as an opportunity to rehabilitate people, and that takes form in a number of ways. It takes form in our investments in education, especially the links with TAFEs. I know on this side of the chamber we are very passionate about the links with vocational training, as Minister Tierney is, but also our links with employment opportunities.

A key part of that is cultural experiences. We know how transformative they can be for people in custody, and Somebody's Daughter is a program I am very proud of that we do facilitate, that we do support. I acknowledge their work as one of the more successful programs, a program that not only gets some government funding but also gets philanthropy and generous donations from people in the community who are passionate about making change, as we are. As minister I will continue to advocate for funding for programs such as this. It is a program that is not up for renewal this year, and it has a long-term contract in place with the department of justice and with Corrections Victoria, so it will continue to be supported. My understanding is the contract expires in 2027, so some time ahead, but as a government we will continue to support these programs.

We have a number of other programs that are similar and that do have a great rehabilitative effect on those in custody – so they are not only good for them but they are also good for our community – such as the Torch. I know, Ms Crozier, you referred to Ms Neville. I know she is playing a leading role in the Torch, and that is a program that we continue to support as well. These are programs that take the best in our corrections system and give people the chance to rehabilitate. That is good for them, it is good for their families, it is good for community safety.

Rachel PAYNE (South-Eastern Metropolitan) (12:28): I thank the minister for his response. By way of supplementary, will the minister commit to attending next year's production by Somebody's Daughter Theatre?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:28): I thank Ms Payne for the supplementary question. I do look forward to next year's production. I know this year's production was well received, and I appreciate your direct feedback. I have had feedback from a number of other sources. Depending on my calendar, the sitting calendar and availability I look forward to attending, but obviously I need to make sure that lines up. We do not have next year's calendar with us at the moment to consider those dates. I know how positive the reviews were, and I look forward to getting along.

Ministers statements: the Power in You Project

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): Today I rise to update the house on another successful program we run through our corrections system and throughout our community outreach as well. I had an opportunity to visit the Power in You Project – a remarkable program operating across Geelong and the south-west region of our state. The program plays a vital role in supporting people to transition away from the justice system. Together with Ella George and Christine Couzens, the members for Lara and Geelong in the other place, I had an opportunity to see the fantastic work firsthand. I also had the pleasure of meeting the program's founder Kane Nuttal, who is passionate about helping people overcome substance addiction and successfully reconnect with their community after incarceration.

The self-paced voluntary approach to recovery is what sets Power in You apart. This model encourages individuals to reclaim ownership of their own lives at their own pace, ensuring sustainable long-term outcomes. The program offers a wide range of support services, including personal mentoring, substance addiction support, mental health services and helping people find a job – we know that is an important protective factor. I was also impressed by the connections they have made with local businesses in the Geelong area. One example they gave was the Costa Foundation and the work they have done there in terms of employment opportunities for people, because we know employment is a key protective factor.

The program offers a wide range of support services, including personal mentoring, substance addiction support and mental health services, and like I said, the jobs are key. Also, drop-in centres in Geelong and Warrnambool provide safe, welcoming spaces where participants can access a variety of resources, including a community garden, yoga, art therapies and even a chicken coop. At the Geelong centre I had the privilege of meeting staff whose lived experience of the justice system allows them to provide genuine mentorship.

This is just another example of our government partnering with an organisation that is doing good in our communities. I commend everyone at the Power in You Project for their dedication to this important work. Programs such as these are vital to helping people turn their lives around and exit the justice system for good and make all Victorians safer.

Emergency services

Georgie CROZIER (Southern Metropolitan) (12:31): (705) My question is to the Minister for Emergency Services. Minister, Ambulance Victoria fire medical response training for CFA volunteers includes emergency and trauma conditions such as pelvic fractures, neck and spinal injuries, strangulation, childbirth, life-threatening bleeding and amputations, just to name a few. From next month CFA volunteers will be dispatched to emergency call-outs that require immediate medical intervention before an ambulance arrives. Given the delays in response times for ambulances, especially in regional areas, CFA volunteers are concerned about the government's reliance on them to fill the gap in Ambulance Victoria. So I ask: why are CFA volunteers expected to plug the enormous shortfall caused by your government's mismanagement of ambulance services?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): Ms Crozier, I will take the opportunity to thank all of our emergency services volunteers and paid staff for their day-in, day-out responses to Victorians in need. The simple answer to your question is that

we do not expect CFA volunteers to become ambulance paramedics, but there are a range of factors and a range of circumstances where it is appropriate for emergency services to respond to a range of emergencies and to be trained effectively. Not all CFA vehicles and volunteers would be equipped to do so, but there are some across the state who are trained in EMR. In relation to how broadly that would be rolled out, I will obtain a briefing so that I can give you some further advice. But the answer to your specific question is: they are not.

Georgie CROZIER (Southern Metropolitan) (12:33): That is reassuring. Minister, 000 call takers will not be providing information to the caller that it will be CFA volunteers who will be attending rather than an ambulance. Currently all radio communication for the CFA goes through the Firecom operator, not AV, so on busy bushfire days, messages already struggle to get through, which you are well aware of. Minister, will CFA volunteers be expected to attend medical emergencies over bushfires and house fires because there are no ambulances available?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:33): I answered the question in your substantive question. No, we have paramedics that respond to health emergencies, and we are not changing that.

Bow hunting

Georgie PURCELL (Northern Victoria) (12:34): (706) My question is for the minister representing the Minister for Outdoor Recreation in the other place. Just last week in Lara a four-year-old family horse named Muffin was illegally shot in the leg with a bow and arrow. It caused Muffin to spook and to jump fences to run from her attackers, slicing up her entire body with injuries so severe that she had to be euthanised. Will the minister finally ban bow hunting, following the lead of the South Australian Labor government?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:34): I thank Ms Purcell for her question, and I will refer it to the relevant minister, who is Minister Dimopoulos, for a response.

Georgie PURCELL (Northern Victoria) (12:34): Thank you, Minister, for referring that on. The illegal bow hunting of animals is a regular occurrence in Victoria. Just a few weeks ago I raised in this place that a kangaroo was shot with an arrow through his head. While bow-and-arrow hunting is only legal on introduced species, the regulations on bow-and-arrow hunting are non-existent. There is no licence requirement, no ability to track the arrows and no age minimum for use. Neighbours allege that they saw three kids at the edge of this property that night. Children should not have access to these dangerous weapons. Will the minister at the very least regulate the purchasing of and tracking of bows and arrows in Victoria?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:35): Again I thank Ms Purcell for her supplementary question, which will be referred to the relevant minister.

Ministers statements: Victorian Senior of the Year Awards

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:35): I rise to update the house on the Victorian Senior of the Year Awards. Last week I had the pleasure of joining the Lieutenant-Governor of Victoria Professor James Angus AO and the Premier to present this year's Victorian Senior of the Year Awards. These awards celebrate the many years of service and dedication that have helped to make a difference to the lives of so many Victorians. From promoting multiculturalism and healthy living to looking out for our veterans and families who are struggling, all those nominated have helped to change the lives of Victorians for the better and should be commended for their contributions.

I want to acknowledge Dr Manjula O'Connor, recipient of the Premier's Award for Victorian Senior of the Year. In her work with the AustralAsian Centre for Human Rights and Health Dr O'Connor has

led research and community events that have broken the silence in Australia on dowry abuse and contributed to Victoria being the first state in Australia to enact anti-dowry legislation. Her work has also helped to trigger a federal Senate committee inquiry into dowry abuse in Australia and led to amendments to the federal Family Law Amendment Act 2023 to include dowry abuse as economic abuse. Manjula continues to work with victim-survivors to this day and I am sure will continue to drive these important reforms. Congratulations once again to every nominee and award winner for the contribution that they have all made to their communities and to the state.

Emergency services

Nick McGOWAN (North-Eastern Metropolitan) (12:37): (707) My question is for the Minister for Emergency Services. Last week the Premier outlined in a media release plans to release greenfield sites to develop 180,000 new homes and a dozen industrial estates over the next 10 years – a three-page plan. According to the three-page plan, horizons 1 and 2 are due for completion by 2028 and 2033 respectively.

A member interjected.

Nick McGOWAN: No, I am doing just fine for time. Minister, was your department or Fire Rescue Victoria consulted about this announcement, and if so, how many new fire stations and fire trucks have been planned and budgeted for to service these 180,000 homes and the dozen industrial estates?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:38): Thank you, Mr McGowan, for your question. I do appreciate the issue that you have raised, but it is a matter for the planning minister’s responsibility and remit. But I can assure you that the planning minister and I meet regularly in relation to the emergency services provisions for not just new estates but areas where there is population growth and the like. We talk about the disruptions to construction and making sure that everybody is aligned – our emergency services organisations as well as transport – ensuring that we know where the roads may be disrupted and the like. These are always ongoing conversations, but the specifics for the provision of new infrastructure in planning approvals, whether it is a new school, a new fire station et cetera, sit with the Minister for Planning.

Nick McGOWAN (North-Eastern Metropolitan) (12:39): Can I thank the minister for her answer. Can I also leave everyone in this place under no misapprehension in thinking that the 10-year plan is somehow remarkable. In the four years of our previous government 220 lots were not only announced but released. That was in four years, 220, not 100,000 homes promised but not delivered in 10 years. In any case, my supplementary question to the minister is: given your government announced the building of the Clyde North and Armstrong Creek fire stations in 2017 and not a sod has been turned in seven years, how can Victorians considering building homes or industry in these areas have any confidence that they will receive emergency services provided by Fire Rescue Victoria within the timeframes outlined in the Premier’s comprehensive three-page plan?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:40): Of course FRV firefighters do a tremendous job in responding to emergencies, but they are part of a complementary fire services system involving the CFA as well, so there are a number of factors to be considered when you are looking at the allocation of resources to ensure the safety of the community. I can ensure that we have regular conversations in relation to the provision of those services, particularly with the Minister for Planning.

Housing

Samantha RATNAM (Northern Metropolitan) (12:40): (708) My question is to the Minister for Housing. And just to help things along, yes, I am still here and no, I do not want a private briefing; I want public information. Minister, just over a week ago hundreds of us gathered at the Flemington public housing estate –

Members interjecting.

The PRESIDENT: Order! Dr Ratnam, could you start again, please, from what you said after ‘I am still here’ and all of that?

Samantha RATNAM: After I said I want public information? Yes, I am absolutely happy to.

Minister, just over a week ago hundreds of us gathered at the Flemington public housing estate to protest your and your government’s plans to destroy this public housing community, displace hundreds of people and privatise public land. We have been speaking to residents weekly who tell us they are feeling very pressured by Homes Victoria to accept unsuitable and unaffordable housing to move into. One young mum told me that she is only being offered community housing with higher rent that she cannot afford. Another told me about agreeing to move, only to be left at the eleventh hour by Homes Victoria, who are not installing the mobility railings she needs to move in. Others report feeling very harassed, with menacing phone calls pressuring them to leave by Homes Victoria. Minister, what are you doing to hold Homes Victoria to account for this unacceptable treatment of public housing residents?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:42): Dr Ratnam, it is good that in your last week here you are in a position to put on the record that you have not in fact accepted any one of the dozens of invitations that I have extended to you. Dr Ratnam, I would draw your attention to the multiple references I have made in this place and the multiple references in correspondence sent to you. Dr Ratnam, what I would say, yet again, is that what you have used the public process for is to commodify and to weaponise the impact of change and transition on people who are being told by you for improper and inaccurate purposes that they will not be provided with the things that we are providing to them – that is, a right of return; that is, housing which is in communities and locations which people identify as matching their needs and their aspirations.

Dr Ratnam, what I would say to you is that if you were actually serious about addressing the needs that communities legitimately have for information that provides them with the solace that they deserve rather than using this as an opportunity for cheap political points to be made before you exit stage left, then you would have done so, including by reference to accepting one of the many opportunities that I have afforded you, including through my office and including through correspondence. And I will quote some of my correspondence, Dr Ratnam: ‘Please contact my office if you wish to take up my standing offer of a briefing on public or social housing.’

Dr Ratnam, we are working alongside and with communities who deserve housing which is better than the old towers. Dr Ratnam, people deserve better than towers which make them –

Samantha Ratnam: On a point of order, President, on the relevance of the minister in responding to my question, I am happy to repeat it, but I asked a specific question and I would appreciate a relevant answer.

The PRESIDENT: I think the minister was addressing the question.

Harriet SHING: Dr Ratnam, Homes Victoria has undertaken hundreds of conversations and hundreds of appointments with people. One of the challenges that Homes Victoria officers have is that where information is provided to residents, quite often they return full of doubt and uncertainty because a member of your outfit has spoken to them. If you were serious about providing members of the community with accurate information, then you would have accepted the dozens of offers for a briefing to be able to actually represent your community with the – (*Time expired*)

Samantha RATNAM (Northern Metropolitan) (12:45): Minister, I highly encourage you to visit the sites, like we have very frequently, and hear the distress firsthand from those residents, because that is what they are telling us directly. Minister, we are also hearing very concerning reports from residents living in the public housing in Richmond that your government wants to demolish and privatise that they are feeling pressured to sign documents that they do not wish to. Some report only

being given a single page and being instructed to sign it without ever having seen the remaining pages. Many residents have told us across the estates that interpreters were not provided and they are unaware of what document they have signed. Minister, what interventions are you making to ensure that Homes Victoria is not coercing residents to sign documents that will force them from their homes and communities?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:46): Dr Ratnam, the documents that are provided to residents are provided alongside a suite of other information. You perhaps may not know about the work that Homes Victoria is undertaking, because you have never actually taken up one of the dozens of offers for a briefing on social housing. Thousands of conversations have occurred. A right of return exists. Offers are made, including in documentation provided to residents, of interpreters, of legal representation and of multiple meetings and conversations and discussions. Dr Ratnam, you would be well served in your outgoing days in this place to actually read the documentation that people are being provided. Again, correspondence, communication, inreach and outreach have been provided on a regular basis. What a shame that you commodify this uncertainty for your own improper purposes.

Ministers statements: regional housing

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:47): I rise today in my capacity as Minister for Housing. We are addressing the housing crisis for every single Victorian – young people, older people, couples, individuals, families, First Nations Victorians, survivors and victims of family violence, our LGBTIQ+ communities – not just in the city but in our regional and rural communities as well. Last week I visited a social housing construction site in Bendigo – one home that will be developed across one site to include 73 brand new homes for people on the housing waitlist. This was part of the announcement of the locations of over a thousand new and upgraded social and affordable homes across 30 local government areas in rural and regional Victoria under the \$1 billion Regional Housing Fund.

This sits on top of the \$1.25 billion in rural and regional Victoria that was announced as part of the Big Housing Build. Seven hundred of these 1000 homes with confirmed locations will be dedicated public housing homes, and at least 10 per cent of these homes will be allocated to First Nations Victorians. We will also prioritise other vulnerable groups, as we should, including women and children escaping family violence, young people at risk of homelessness, key workers and displaced communities and those dealing with ongoing floods and the impact of natural disaster.

I also want to express my gratitude to the Minister for Regional Development, Minister Tierney, on the \$150 million worker accommodation fund. A good government knows that this housing crisis was not created overnight. It has taken decades for us to get to this position, including as that relates to nine years of inaction from the former coalition federal government. A good government knows that we need record investment in housing, which is exactly what we are doing. It is about making sure we address outdated rules, reforming our infrastructure contribution system, unlocking greenfield sites, reforming our subdivision laws and providing stamp duty relief to homebuyers of off-the-plan units, apartments and townhouses. That is only the start. There are more things to come.

Written responses

The PRESIDENT (12:49): Minister Tierney is going to get two answers from the Minister for Outdoor Recreation, in line with the standing orders, for Ms Purcell.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:50): (1178) My question is to the Minister for Education. How is the Labor government improving schools in the Southern Metropolitan Region, particularly in City of Bayside? You can see why more and more people want the opportunity to call

Bayside communities home. Growing communities require better facilities for families, and Labor is investing in local schools. We rebuilt the Beaumaris Secondary College and reopened it. We rebuilt Sandringham Primary School, which was devastated by a fire. We are upgrading Sandringham East Primary School. I just opened the about \$20 million upgrade at the Sandringham College, which we contributed \$10 million to. There is construction underway on new outdoor facilities at Brighton Secondary College, and at Hampton East construction has just finished at the Hampton East School – two new buildings there. Planning is underway for upgrades at Hampton Primary. At Moorabbin, Moorabbin Primary School, \$15 million to build 12 new classrooms, a new STEAM room and a new gymnasium. At Cheltenham Primary School, \$1.4 million. Labor is investing in Bayside schools.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:51): (1179) My matter is for the Minister for Planning, and it concerns the wild announcements made by the minister and the Premier over recent days. What I would ask the Premier and the minister to do is to release their estimates for the increased population that is planned in each of the districts that they have announced. There are 10 large zones, three in my area, but literally more than a handful of dense nodes have been brought forward by the government. What I would ask them is to bring forward not just the municipal level targets for increased housing and population but the increased targets in each of the zones that they have nominated in Southern Metropolitan Region.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:52): (1180) My question is to the Minister for Education. A teacher recently contacted me regarding their deep concerns about asbestos in our schools. They wish to remain anonymous, but here is what they have told me:

I currently work at a school that is fifty years old and contains asbestos. The education department claims that it is safe to work around, but the infrastructure is old and frequently falling apart. There have been a number of instances where parts of the roof have collapsed, exposing teachers and students to asbestos. Furthermore, I also know a fellow teacher who has contracted a cancer known to be caused by asbestos exposure. While it is possible he contracted the illness elsewhere, their diagnosis has added to my belief that asbestos in our schools is a looming emergency.

Minister, with respect to schools in the North-Eastern Metropolitan Region, what are you doing to ensure that school staff and students are never exposed to asbestos that may be uncovered in ageing school buildings?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:53): (1181) My question is to the Minister for Agriculture, and I ask: Minister, with the enormous pressure on fruit and vegetable suppliers in my electorate and the perilous cost-of-living crisis in my state, why is the Melbourne Market Authority and the Allan government wanting to destroy the livelihood of wholesalers, retailers and growers in Victoria by doubling the amount of store rent over the next 10 years at the wholesale fruit and vegetable market? This rent increase is unjust and completely unsustainable for most of the growers in my area of the state, and it is unjust for all the producers when it is a fundamental right of all Victorians to have access to fresh fruit and vegetables locally grown.

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (12:54): (1182) My constituency question is to the Minister for Roads and Road Safety. A constituent contacted my office last week after their tyre blew out after hitting a pothole on Boundary Road close to the roundabout near Lower Dandenong Road. This is not only costly for residents of the south-east but it is also dangerous. The constituent shared the information on a community group on Facebook as a safety notice. There were many comments of concern from other locals highlighting that Boundary Road and Lower Dandenong Road are full of dangerous potholes. Some people avoid the roads altogether due to the road condition, and

others stated that you needed to drive in the right lane for some distance to avoid all of the potholes. These roads need to be maintained at a safe level, and my question is: when can I tell my constituents that this is done?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:55): (1183) My question is for the Premier. Will the Premier honour her commitment to never putting a padlock on our public forests by scrapping her government's plan to create two new national parks? In August this year at the bush summit in Bendigo the Premier publicly promised to never put a padlock on Victoria's state forests. But just two months later the Premier has gone back on her word and revealed that Labor will soon introduce legislation to create the Wombat-Lerderderg National Park in my electorate. Victorians who use state forests for outdoor recreation are outraged because converting the land to national park status will prevent many activities in the area that people currently enjoy, like walking their dogs, riding horses, prospecting, collecting firewood and hunting. The Premier claims some activities will still be allowed, but everyone knows this will only mean death by a thousand cuts as Labor gradually bans activities one by one. The Premier promised to keep access to state parks open, but once again Labor has betrayed Victorians.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:56): (1184) My question is for the Minister for Health. Access to abortion is still highly limited in many parts of Victoria. Over two-thirds of Victorian local government areas have no surgical termination of pregnancy providers listed with the statewide support line 1800 My Options. This is particularly the case for people seeking a termination in Western Victoria, made apparent by recent research undertaken by Women's Health and Wellbeing Barwon South West and Deakin University. On average, people seeking medical termination in Glenelg shire, for example, travel 49 minutes for an appointment. But this can reach up to 2 hours, and it takes almost just as long to access a contraceptive implant. Minister, will you urgently expand access to low- and no-cost abortion in Western Victoria in line with the growing evidence of extremely limited access?

Western Victoria Region

Joe McCracken (Western Victoria) (12:57): (1185) My constituency question is for the Minister for Planning. The proponents of a six-turbine wind farm at Brewster, east of Beaufort, have withdrawn their application under the older regulations. They have since submitted a new very similar permit application subject to the new changes ushered in under VC261 within the Planning and Environment Act 1987. Locals are frustrated because under the new changes they cannot challenge the decision through VCAT, which cuts off a significant and relatively cost-effective legal avenue to challenge decisions. The reporting that justifies the proposal significantly downplays the breeding habitat of brolgas, given that they were only monitored at 8 am to 5 pm, business hours, as per the contractor. This has got to be a major concern for the government. Minister, I ask you to engage constructively with locals and review the proposed wind farm application. The process has not been fair. Many locals assumed their submission to the first process would be included in the second. It has not. More broadly, I encourage reforming the process to allow genuine consultation instead of putting up barriers to dialogue and engagement.

Western Metropolitan Region

David ETTERS HANK (Western Metropolitan) (12:58): (1186) My constituency question is for the Minister for Roads and Road Safety. Last week the Premier announced an expansion of the activity centre housing program, with 25 new precincts for increased housing density around railway stations. While my constituent supports locating housing in transport corridors, designating Tottenham as an activity centre will inevitably put more strain on the Ashley Street underpass, which I have raised in this place before. The underpass is the only north-south rail crossing within a 5-kilometre area and has only one lane each way. It has no bike path, and the footpath, which is the only entrance to the

station from the north, basically floods whenever it rains. It is dark and it is dangerous. My constituent asks: with Tottenham being slated for hundreds of new homes, will the government consider additional crossings, or is the plan to simply funnel more residents through Melbourne's most miserable underpass?

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:59): (1187) Minister, Minister, Minister – Minister Danny Pearson. I was at one of my beloved schools last week. Everyone knows that the turtle is very dear to my heart – I have nothing against turtles, and Georgie is not in the chamber – but to my horror at one of my beloved schools the Level Crossing Removal Authority have started a competition.

Sonja Terpstra interjected.

Nick McGOWAN: Ms Terpstra, this would be interesting to you. It is a turtle guardian competition. They have started a colouring competition. To remind those who are watching or perhaps tuning in for the first time, this government is refusing to put a single public toilet in an unstaffed station. Even though they have a staff toilet in the unstaffed station, they will not give a toilet for disabled people, for women, for young people or for vulnerable people at the rebuilt Ringwood East train station. But it seems that the minister sees it fit to have a colouring competition for children. Goodness knows what they are going to do with the pictures, but I would ask the minister to please desist from this kind of nonsense and actually provide a toilet.

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (13:00): (1188) My constituency question is to the Minister for Planning. The Coburg community has recently been informed about the proposed development for the former Kangan TAFE site on The Avenue. Given a lack of activity at this site over the past decade, residents welcome development and are keen to see this land utilised for community benefit. However, local residents have several concerns. To begin with, the consultation window was less than four weeks. That is simply not enough time to properly consider a development of this size. It is also disappointing that this development is proposing a paltry 10 per cent of so-called affordable housing that would then become market rate in 10 years time, not to mention the unacceptable definition of 'affordable housing' being rent 10 per cent below market rate, which is already too high. This can hardly be considered affordable for most people. Considering this project will be fast-tracked as a priority project, the tokenistic commitment to affordable housing for a limited period does little for Victorians. Minister, will you allow for greater community consultation for this development, and will you commit to delivering a greater quantity of genuinely affordable housing at this site?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:01): (1189) My question is to the Minister for Police, and it regards police station funding in my Eastern Victoria electorate. Recently a constituent experienced a distressing incident in the Latrobe Valley. In broad daylight his vehicle was vandalised while parked not far from the local Victoria Police station. When requesting the CCTV footage to assist in identifying the perpetrator, they were informed that the CCTV system was not operational. It is crucial that government support our dedicated police force and the infrastructure that they need to keep us safe. Will the minister commit to ensuring that there is sufficient resource funding of CCTV systems at VicPol stations in my Eastern Victoria electorate so that they can continue to work, so that they can get working and so that they can keep criminals off our streets?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (13:02): (1190) My constituency question is for the Minister for Planning, and it is in relation to a number of issues but particularly around the backlog of strategic planning work that needs authorisation. Some of these issues that are pending go back to

November 2023. I particularly want to make note of the areas around Bentleigh and Bentleigh East and the C247 Bentleigh East design and development overlay controls lodged with the minister for approval earlier this year. There is the Bentleigh structure plan, and also the McKinnon heritage review has been lodged. I really want to understand this because we know that back in 2014 the member, Mr Staikos, had real concerns around development. At the time he said:

I attended the Glen Eira Council Meeting last night to support local Bentleigh residents objecting to inappropriate development on their streets.

This is the current member. These issues are very important for the Glen Eira council and local residents who have done a lot of work on these issues, and I would ask the minister to provide the community with where they are at.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (13:03): (1191) My question is for the Minister for Planning, Minister, earlier this month Labor announced a draft set of planning controls for the mining and transportation of sand affecting the towns of Lang Lang and Trafalgar, both within the Eastern Victoria Region. Despite statements by the member for Bass referring to a meeting with the Lang Lang District Business & Community Group, which both you and Ms Crugnale attended, the truth of the matter is that at the meeting you did not reveal your intention to remove the rights of local communities to receive notice of new or expanded quarries, to remove their rights to object and to remove their rights to appeal planning approvals granted if the quarries have a 250-metre buffer zone from sensitive areas. Minister, the community of Lang Lang do not want to consider these proposed planning rules in isolation without considering the needs of the town and the wider community, such as the long-promised Lang Lang bypass and other infrastructure needs. Minister, will you work with the community and Cardinia council to develop a whole-town strategy?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (13:04): (1192) My constituency question is to the Minister for Environment. I note with interest that the Premier has announced that Victorians can 'pick my park' and propose new parks for access and upgrades. Around 1200 local residents have already signed my petition pleading with the minister to let them access one already beautiful open space at the heart of Greenvale, the Greenvale Reservoir Park that the government have closed and left closed for about a decade. So they have picked the park. The neglectorate of Greenvale has never had so many ministerial visits, and I am wondering whether the Minister for Environment is next on the visit list to reopen the park. He said:

Parks Victoria will continue to work with Melbourne Water and other key stakeholders to identify options to reopen the southern section of the park ...

which they have previously promised. They promised in 2017 in writing that they would reopen it. Nothing has been done since. Spring is in the air, and as summer approaches I ask the minister to once again come clean with the people of Greenvale. They have 'picked my park'. They want the park reopened.

Petitions

Residential planning zones

David DAVIS (Southern Metropolitan) presented a petition bearing 2394 signatures:

We, the undersigned citizens of Victoria, respectfully urge the Legislative Council to note:

- the Allan Labor government has announced 10 high-rise high-density zones in the municipalities of Bayside, Boroondara, Brighton, Darebin, Frankston, Glen Eira, Hume, Kingston, Monash, Moonee Valley, Stonnington, Whitehorse and Whittlesea where planning rights will be stripped from councils and communities, high rise development will occur as of right and planning control will be exercised undemocratically by the state government;

- that, in addition to a central activity district with as of right 12 storey development, these zones contain enormous “catchment areas” where planning protections will be removed, where 3 and 6 storey development can occur as of right, where municipal heritage overlays and designations will be overridden resulting in the destruction of thousands of irreplaceable heritage properties and where canopy tree protections will be overridden resulting in the loss of neighbourhood amenity and the exacerbation of heat island effects; and
- these plans are not accompanied by proper health or education service plans or plans for additional open space despite proposed massively increased local populations.

We therefore call on the state government to desist and recommence proper discussions and consultation with local communities and councils and heritage peak bodies in all 10 affected zones prior to taking any further planning actions to implement the announced high-rise high-density zones.

Members interjecting.

David DAVIS: On a point of order, President, a number of people on the government benches were attacking the people who have petitioned here.

Members interjecting.

David DAVIS: You were. You were giving them titles and names. I do not believe it is appropriate that they attack the petitioners that I am –

The PRESIDENT: Can I just ask for a bit of quiet in the chamber.

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

Rainbow libraries toolkit

Bev McARTHUR (Western Victoria) presented a petition bearing 4733 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need for the Government to withdraw the Rainbow Libraries Toolkit rollout to Victorian public libraries.

For every person somehow validated by ‘inclusive’ questions, many more will feel uncomfortable, insecure and confused. Parents should not have to worry that a visit to the library could confuse or indoctrinate their children. Librarians should not be required to implement the Government’s social engineering agenda. Five year olds are far too young to need to consider their sexual orientation or “gender identity”.

The Petitioners therefore request that the Legislative Council call on the Government to cease the rollout of the Rainbow Libraries Toolkit to Victorian public libraries.

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

Housing

Samantha RATNAM (Northern Metropolitan) presented a petition bearing 403 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Victorian Labor Government’s proposed destruction and privatisation of Victoria’s remaining 44 public housing towers will displace over 10,000 people during a housing crisis. Across Melbourne, 6,660 public homes are planned to be destroyed. The majority of the land will be used to build private, market-rate apartments. There is no public housing guaranteed on this land into the future. The average increase in social housing proposed over the next 28 years is just 15 homes per year. There are currently 125,000 people on the public housing waiting list. This plan will make it harder for everyone to find a secure, affordable home and will worsen the housing crisis.

The petitioners therefore request that the Legislative Council call on the Government to immediately stop the wholesale destruction and privatisation of public housing and instead maintain existing public housing and build new public housing on public land.

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 14*

Sonja TERPSTRA (North-Eastern Metropolitan) (13:09): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 14 of 2024, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.*Papers***Papers****Tabled by Clerk:**

Alpine Resorts Victoria – Report, 2 October 2022 to 31 December 2023.

Crown Land (Reserves) Act 1978 – Order of 8 October 2024 giving approval to the granting of a licence at Waverley Park and Gardens Reserve.

Independent Broad-based Anti-corruption Commission – Report, 2023–24 (*Ordered to be published*).

Interpretation of Legislation Act 1984 –

Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 42 (*Gazette G43, 24 October 2024*).

Notices under section 32(4)(a)(iii) in relation to –

Environment Protection Regulations 2021 (*Gazette G42, 17 October 2024*).

EPA Designation – Classification of black coal fly ash (*Gazette G42, 17 October 2024*).

Occupational Health and Safety Act 2004 – Report of requests for the approval of persons or bodies by the Governor in Council, 2023–24, under section 11 of the Act.

Planning and Environment Act 1987 – Notices of approval of the –

Alpine Resorts Planning Scheme – Amendment C31.

Ballarat Planning Scheme – Amendment C245.

Bayside Planning Scheme – Amendment C199 (Part 1).

Boroondara Planning Scheme – Amendment C414.

Campaspe Planning Scheme – Amendment C125.

Darebin Planning Scheme – Amendment C223.

Frankston Planning Scheme – Amendment C158.

Hindmarsh Planning Scheme – Amendment C22.

Kingston Planning Scheme – Amendment C212.

Maribyrnong Planning Scheme – Amendments C185 and C187.

Moira Planning Scheme – Amendment C93.

South Gippsland Planning Scheme – Amendment C129.

Stonnington Planning Scheme – Amendment C345.

Statutory Rules under the following Acts of Parliament –

Estate Agents Act 1980 – No. 114.

Local Government Act 2020 – No. 116.

Plant Biosecurity Act 2010 – No. 113.

Tobacco Act 1987 – No. 115.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 103, 114 and 115.

Surveillance Devices Act 1999 –

Inspection Report by the Victorian Inspectorate on an irregular inspection of Independent Broad-based Anti-corruption Commission surveillance device records in May to June 2023.

Report, 2023–24, under section 30L of the Act, by the Game Management Authority.

Terrorism (Community Protection) Act 2003 – Report, 2023–24, under section 37F of the Act, by Victoria Police.

Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Youth Justice Act 2024 – Chapter 20 and section 1 – 16 October 2024 (*Gazette S557, 15 October 2024*).

Business of the house

Notices

Notices of motion given.

General business

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:23): I move, by leave:

That the following general business take precedence on Wednesday 30 October 2024:

- (1) notice of motion 639 standing in David Davis’s name on the Victorian energy upgrade program;
- (2) notice of motion 498 standing in Georgie Crozier’s name on staffing in public hospitals;
- (3) notice of motion 628 standing in Samantha Ratnam’s name on the OFFICE report on public housing;
- (4) notice of motion given this day by Sarah Mansfield on coal and gas projects; and
- (5) notice of motion 624 standing in Rikkie-Lee Tyrrell’s name on road conditions.

Motion agreed to.

Motions

Middle East conflict

Katherine COPSEY (Southern Metropolitan) (13:24): I move, by leave:

That this house:

- (1) notes that:
 - (a) the most recent reports from the United Nations state there have been 41,965 deaths and 97,590 people injured in Gaza, with 1.9 million people displaced, half of whom are children;
 - (b) on 26 September 2024, the Secretary-General of the United Nations, António Guterres, told a high-level ministerial meeting that the world has ‘failed the people of Gaza’ ... ‘Two million Palestinians are now crammed into a space the size of the Shanghai international airport. Existing – not living, but existing – among lakes of sewage, piles of rubbish and mountains of rubble’;
 - (c) on the following day, 27 September 2024, the Secretary-General addressed the Security Council, saying ‘International humanitarian law must be respected. Civilians – and civilian infrastructure – must be protected. Aid must flow freely and safely. And there must finally be accountability. The key to peace in the region is a political solution. All hostages must be released immediately and unconditionally, and the international community must mobilise for an immediate ceasefire and the beginning of an irreversible process towards the end of the occupation and the creation of a Palestinian state’;
- (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 the Victorian government to advocate to the Australian federal government that it ends its support for the state of Israel’s invasion of Gaza.

Leave refused.

*Members statements***Environment and Planning Committee**

John BERGER (Southern Metropolitan) (13:25): I have had a busy couple of weeks in Southern Metro. My first matter relates to the Legislative Council Environment and Planning Committee's inquiry into climate resilience. I had the opportunity to visit Aireys Inlet last week, hear from the local community – that includes Fairhaven and Painkalac Creek – and inspect the effects of climate change. I appreciate all the witnesses who took the time to contribute, including the teams from all the local councils, David from the Port Fairy Coastal Group, Amber and Chris from the Corangamite Catchment Management Authority and Ian from the Aireys Inlet and District Association. I also want to acknowledge all the hardworking committee staff who make these hearings possible right across regional Victoria, and I thank them for that.

Strathcona Girls Grammar

John BERGER (Southern Metropolitan) (13:26): On a second matter, I attended Strathcona Girls Grammar in the leafy and beautiful suburb of Canterbury. There I represented the Minister for Children, Minister Blandthorn, at the official opening of the Strathcona early years campus. Thanks to the Allan Labor government, the early learning centre received a Building Blocks inclusion grant for outdoor works. Strathcona Girls Grammar School is a local institution and has been delivering for a hundred years quality education to our community, so it was great to join principal Lorna Beegan and the community to mark this important milestone. Here is to another hundred years of supporting local families.

Housing

Gaelle BROAD (Northern Victoria) (13:27): The state government's housing statement is more like a house of cards. We need a sensible approach to housing growth that stretches beyond metropolitan train stations and outer suburbs and considers regional areas. The Labor government has decided to cram 50 per cent of Victoria's population growth into three Melbourne city councils in high-rise apartment buildings, while local residents in Niddrie are asking how. Schools are full. There is no hospital, no train station, not even a bike lane. Funding for the Growing Suburbs Fund has been cut from \$50 million to \$5 million, a 90 per cent cut in just two years. This fund was critical for local community infrastructure needs in the fast-growing outer suburbs. Likewise, the suburban revitalisation program was discontinued in the last state budget.

Victoria should become a state of cities, not a city-state, and we need affordable housing statewide. Labor says it will deliver 1300 social and affordable homes across regional Victoria through the \$1 billion Regional Housing Fund. That is almost \$800,000 to build each one, significantly more than the cost of standard house-and-land package in regional Victoria. It is clear that Labor cannot manage money, and that is why Victoria has the highest debt of any state in Australia. But Labor hope that they will tax their way out of debt. In the last decade Labor has introduced 55 new or increased taxes; 29 of them apply to property, which just adds to the cost and complexity of providing more homes in Victoria. Add land tax to the mix, with bills being sent to people who do not need to pay it, and it is clear that the housing crisis in Victoria is one of Labor's making.

Trengrove Terrors

Rikkie-Lee TYRRELL (Northern Victoria) (13:28): My members statement today is dedicated to the hard work of Nathan Tetley and Nathan Lee, who have created the Trengrove Terrors haunted maze of Numurkah. This haunted maze was created in 2018 and has grown in popularity since. Their extended families get involved and dress up in the week leading up to Halloween to provide locals with a joyfully frightening experience suitable for the whole family. With two opening sessions each day, one to cater for younger families and the other to cater for those who really want a good scare, not only does the Trengrove Terrors haunted maze provide locals with a great Halloween experience but it also collects gold coin donations to the Starlight Children's Foundation and the local Numurkah

CFA. My family and I thoroughly enjoyed our visit on Saturday night, and we are certainly looking forward to the Trengrove Terrors experience next year. With the final opening evenings being this Wednesday and Thursday nights, I encourage all local families to pay Trengrove Terrors a visit and help support our local CFA and the Starlight Foundation.

Croydon public transport

Sonja TERPSTRA (North-Eastern Metropolitan) (13:30): Croydon commuters will enjoy safer and easier transport connections when the Croydon station's new 14-bay bus interchange officially opens on 10 November. The interchange is being built as part of the Coolstore Road level crossing removal project and the new Croydon transport hub. With this level crossing gone, the Lilydale line is the first train line in Melbourne to be completely level crossing free.

Kilsyth to Croydon water main renewal project

Sonja TERPSTRA (North-Eastern Metropolitan) (13:30): Also, whilst in Croydon, it was great to represent the Minister for Water Harriet Shing the other day to celebrate the completion of the \$65 million Kilsyth to Croydon water main renewal project. It was great to visit the kids at the Discovery Bay early learning centre to watch them play and learn about water. This project ensures that there will be reliable drinking water for Croydon and Kilsyth residents for generations to come, with no need for renewal for another hundred years.

Hansen Park Preschool

Sonja TERPSTRA (North-Eastern Metropolitan) (13:30): Finally, it was a great pleasure to also visit the Hansen Park Preschool on behalf the Minister for Children Lizzie Blandthorn to officially open their upgraded outdoor play spaces, which include wet-pour rubber paths and a unique design aimed to promote road safety education for children. It was also fantastic to visit them and look at the new basketball court, which was installed for the children to fully utilise their outdoor space.

Filipino Australian Association of Ballarat

Joe McCracken (Western Victoria) (13:31): It was a pleasure to attend the FAABI – Filipino Australian Association of Ballarat Inc – seniors night at Webbconna Bowls Club in Wendouree. I would like to acknowledge president Gersen Wardlaw, vice-president Eddie Racho, secretary Josephine Crowe and treasurer Dionesia Muaje, along with workers, volunteers and participants, on a wonderful rockabilly-themed celebration.

I was also honoured – believe this – to be a guest judge of the fashion parade. Obviously they may not have known my skill set, but I took it on anyway with great enthusiasm. It was a great celebration and an evening filled with friendship, food, culture, dancing and, most importantly, coming together to celebrate seniors in the Australian Filipino community.

The presence of the Australian Filipino community in Ballarat is important. A deeply respectful and family-orientated culture, many Filipinos are entrepreneurial, aspirational citizens, small business owners and professionals who care deeply about their community. Congratulations to FAABI on all the positive work that they do in the community in and around Ballarat. I wish you all the best for the future.

Transport emissions

Katherine COPSEY (Southern Metropolitan) (13:32): We are going backwards. In a climate crisis we see yet again that emissions from the transport sector are going up, projected to be the largest contributor to Australian emissions by 2030. Last week the Australia Institute outlined some solutions in their response to the *Transport and Infrastructure Net Zero Roadmap* and action plan. The transition to electric vehicles is one key factor, and governments need to make substantial investments in charging stations, particularly in regional areas, to avoid leaving anyone behind in this important shift.

Electrifying public transport and making PT more efficient are also essential to meeting our climate goals.

But for the transport sector to reach net zero, simply cleaning up existing vehicles is not enough. We also need to expand the proportion of public and active transport – more people replacing car trips with cycling, walking, e-mobility devices or public transport. We need the state government and local councils to plan and build infrastructure that encourages safe cycling and walking, creating healthier and more livable communities while significantly cutting emissions. We are doing a little in Victoria but not nearly enough. Better public transport – both more frequent services on existing routes and providing public transport to communities that currently have none – reduces dependence on fossil fuels, reduces traffic and cleans up the air we breathe. Investing substantially in cleaner transport is not just an option, it is a necessity.

Middle East conflict

David DAVIS (Southern Metropolitan) (13:34): I want to draw the chamber's attention to the steps that Israel has been forced to take to defend itself, and it has every right to defend itself. We have seen in the last few weeks a legitimate response by Israel to Iran's attacks on and bombing of Israel, targeting military targets, missile sites and missile manufacturing sites in Iran. I think that this is a very important signal to the Iranian regime. Equally, Israel has also got the right to defend itself against the attacks of Hamas and Hezbollah. These attacks by Israel on the terrorist command structure in the Hezbollah organisation, particularly those based in Lebanon, are justified, as is the renewal of attacks by Israel, correctly, in the Hamas-controlled Gaza territory. They have had to return there because in fact Hamas still have up to 100 hostages in custody and it is clear that they have tried to take back parts of this territory. Even the decision by the Israeli Parliament, the Knesset, in recent days to declare UNRWA, the United Nations Relief and Works Agency, a terrorist organisation – I think there is justification in this. We saw the terrible steps that were taken by a number of operatives within UNRWA in attacking Israel and supporting the terrorist operations. Israel is a nation – (*Time expired*)

Walk to Support 2024

Michael GALEA (South-Eastern Metropolitan) (13:35): On Sunday I had the privilege of attending the fifth annual walk for MND in Pakenham alongside a wonderful colleague and friend Emma Vulin and indeed alongside many other colleagues from this place and from our large Labor family in the Legislative Assembly. It was a short walk around Lakeside lake to raise awareness and funds for MND research. Thank you to all of the organisers and the participants, in particular Sonya Boloski and her family, who got us all there together on the day. It was a very uplifting experience.

The most special part of the day for me, though, was meeting a very inspiring young man, 10-year-old Finn Cadman. His grandfather has undergone an MND diagnosis, and in response Finn has been an absolute champion in fundraising and raising awareness of this cause, including by raising more than \$40,000 through his local football club, the Berwick Springs football club. I was very privileged to meet with Finn, and I look forward to working with him and his family to continue his work.

Local government elections

Michael GALEA (South-Eastern Metropolitan) (13:37): The votes are now in for local council elections for this year. I would also like to take this opportunity to thank the mayors I have had the privilege of working with across the south-east this year: Jude Dwight, Jack Kowarzik, Jenna Davey-Burns, Nathan Conroy, Nicky Luo and Lana Formoso. I look forward to working with all seven councils once they are elected in a few weeks time in the south-east.

Refugees and asylum seekers

Samantha RATNAM (Northern Metropolitan) (13:37): For 100 days a dedicated and determined group of people seeking refuge in Australia have been outside the home affairs office in my electorate pleading for some response from the Labor government about what is going to happen to their lives.

Many of them have been in limbo for over 12 years, punished by Australia's immigration policies, despite fleeing war and persecution. Many of them have fled torture, only to be tortured by the decisions made by some politicians. Many have taken their own lives as a direct result of the brutality of the Liberals and Labor.

Last Tuesday, as the community gathered to mark 100 days of the encampment, neo-Nazis attempted to attack the rally. This was the third time. As Rathi described in the aftermath, when you have been subjected to genocidal attacks before, you recognise the hatred and the danger. After 12 years of a race to the bottom by Labor and the Liberals wanting to look tough on borders by othering, demonising and stereotyping all refugees and asylum seekers, is it any wonder that racists like the neo-Nazis feel emboldened to attack some of the most vulnerable members of our community? Our words matter. Our policies matter. Our politics matter.

A young mother told me that she has been told to put her daughter into foster care and leave the country. This is what our border officials are telling people right now. There are 10,000 people in our community working, living, contributing and raising their children, who need our protection. It will cost us nothing to grant them permanent protection, and we as a community would gain everything. Permanent visas now.

Chronic Illness Awareness Day

Richard WELCH (North-Eastern Metropolitan) (13:39): Chronic illness affects nearly one in three Australians. It is a very serious problem that needs attention. But sometimes there are barriers to assistance in that there are language barriers, particularly for new migrant Australians as well. It was my absolute pleasure to attend to give the opening speech at the Chronic Illness Awareness Day on Saturday. This is an annual event run by the Chinese Cancer and Chronic Illness Society in my electorate. I want to give particular praise to Dorothy Yiu, who has been an absolute powerhouse in getting these events off the ground. This event was conducted largely in Mandarin, with a bit of Cantonese as well. I did not attempt much of it – my address was in English – but there were four very senior presenters on chronic health and how to manage your symptoms, and they provided information.

Diwali

Richard WELCH (North-Eastern Metropolitan) (13:39): I would also like to flag that it is Diwali season. Diwali is coming up, but many organisations are already running Diwali events. I was very pleased to attend at least two of those this weekend. One was the India Institutes of Technology alumni event. I was literally in a room of geniuses who are at the very forefront of all kinds of research in Victoria, adding value to the Australian economy and to our innovation society. I also attended the Mission Smile community Diwali event in Mill Park, where we had 5000 people, fireworks and the usual family celebrations.

Gippsland BreastScreen

Melina BATH (Eastern Victoria) (13:40): Gippsland BreastScreen turns 30 – 30 years of Gippsland BreastScreen being at the forefront of early detection and prevention of breast cancer. Last week I was thrilled to celebrate the milestone with Kelly Giersch, manager of Traralgon BreastScreen, and her fabulous staff, who know firsthand that early detection saves lives. Located across Bairnsdale, Sale, Wonthaggi, Warragul and Traralgon, it is an amazing place and a very warm and welcoming place, and the bus visiting other centres is regularly booked out. I met inspiring women, such as Wendy, Emily, Betty – the fabulous, colourful Betty – and Steph, who are so professional. I met volunteers Dianne Rayner and Kaye Jones, who make the care cushions post operation. In the past 12 months there have been over 17,000 screens. Of those, in Traralgon alone, 750 women were called back for further assessment and 140 of those had a positive diagnosis and hence a treatment plan. Early intervention saves lives.

It is Breast Cancer Awareness Month this month, and I encourage all women to take time out to care for their own health, to assess their body and to either consider making a breast-screening appointment – it is cheap and easy; it is free, costs nothing and takes 10 minutes – or consider going to their GP regarding their breasts and other health issues.

Asia Oasis Street Food Festival

Trung LUU (Western Metropolitan) (13:40): Over the weekend I had the pleasure of attending the Asia Oasis Street Food Festival by the Yarra. This event is more than just a food festival; it celebrates Asian culture, diversity and heritage in Victoria. Asia Oasis was established in late 2021 to bring Asia's diverse culture to Australia through a celebration of art, music and food. The festival features 30 or 40 food stalls showcasing various Asian cuisines – street food reflecting histories, traditions and cherished family recipes, providing culture and connection through food.

Every dish tells a story deeply rooted in the culture and historical background of its place of origin. This richness is mirrored in the diverse people, cultures, faiths, languages and identities present in our state. The street food also fosters a communal experience, allowing people to come together, eat, socialise and celebrate. Festivals like these provide a wonderful opportunity to learn more about Asia and the different cultures it brings to our state.

I would like to extend my gratitude to and congratulate Teresa Tran and her team for bringing the event to Melbourne. The entire Asia Oasis team organised a fantastic event. It went for several days, giving people the opportunity to experience cultures during the evening and night.

Albury Wodonga Health

Wendy LOVELL (Northern Victoria) (13:43): It is now 34 weeks since the Parliament passed my motion requiring the government to produce documents related to the Albury Wodonga Health redevelopment, but the government has still not released them. The Allan Labor government is hiding these documents because the government's modelling just does not stack up. A single-site hospital was originally supported after the recommendation of the Albury Wodonga Health *2021 Clinical Services Plan*, but because of Labor's financial mismanagement the government is trying to save money with a half-baked hospital renovation, and it is the people of Wodonga who will suffer. Now 200 doctors who are members of the Border Medical Association have signed their names to a letter to the premiers of Victoria and New South Wales saying that the planned redevelopment of the existing Albury–Wodonga hospital site will cripple healthcare services in the region for a generation. Patient care is already suffering because capacity falls short of existing demand, but the proposed redevelopment will fail to improve capacity for increased demand in the future.

Without a new or larger hospital, hospital functionality and safety will be seriously compromised as the existing footprint is just far too small. Local doctors and healthcare professionals have campaigned for years for a new single-site hospital, and they are now urgently calling on the government to (a) halt the current redevelopment plans, (b) boost capacity by constructing modular wards and operating theatres and (c) commit to fully funding a new greenfield single-site hospital. The people of Albury and Wodonga deserve nothing less than a full investment in the future of their health care.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (13:45): I move:

That the consideration of notices of motion, government business, 278 to 657, be postponed until later this day.

Motion agreed to.

*Bills***Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024***Second reading***Debate resumed on motion of Gayle Tierney:**

That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (13:46): I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024. I want to put some comments on the record around the government's approach to this issue and exactly what is happening in the community. I acknowledge that there have been significant numbers of families that have been affected by terrible instances of young people that have overdosed on drugs and died. Around the country 60-odd young people have died from drug overdoses at festivals and over 5000 people have died from drug overdoses and other impacts of drugs and alcohol and prescription drugs, so there is a very big issue around overdose in general. I want to make that point whilst we are debating this important piece of legislation before the house.

I also want to note that whilst there have been these issues, the government has failed in many instances to provide the promised support that it was going to around drug addiction and mental health support. As we have found out recently, waitlists have skyrocketed under Labor – waiting for treatment for drug addictions especially. Since September 2020 the number of Victoria's most vulnerable awaiting treatment has soared by 93 per cent; that was a survey commissioned by the Victorian Alcohol and Drug Association. Alarming, there were more than 4600 people waiting for treatment on any given day in Victoria in June and July this year. These statistics are the real statistics, and there are alarming issues around the inaction by the Allan Labor government. As we know, they have taxed Victorians a billion dollars a year to provide for these services, yet they are failing. I think it is important to note that whilst the government talks up a big game, it is the reality of what is happening on the ground where it is failing. With those numbers that are waiting for support and the failure to provide mental health beds and support in the regions especially, the government has failed dismally.

This bill does talk about pill testing, and it goes to a number of areas. It enables drug-checking services to be established, licensed and regulated in Victoria at both fixed and mobile sites. It will also introduce a drug-checking trial to take place for a period of up to 18 months, covering the current festival season, if you like, which I understand is due to start soon, with a fixed site to be opened by mid-2025 or mid next year. The bill also enables access to naloxone via automated dispensing machines, and I want to come back to that issue a little bit later on.

The arguments for and against pill testing have been around for many years. There have been various debates over it. There have been of course the terrible deaths that have arisen from festivals that some argue could have been prevented if pill testing was available. If you look at the Hardmission Festival, there were findings from that saying that it was not just the pills that led to some of those overdoses but also the heat and dehydration caused significant issues for a number of those people. Something that needs to be acknowledged when you are talking about this issue is that dehydration and the various other aspects surrounding an individual when they use these pills that are illegal and circulating in our community. As I said, there have been too many people that have died. It is a terrible statistic that none of us are proud of at all.

A number of people have tried to introduce bills into this place regarding this issue. I note that former Premier Daniel Andrews ruled it out. Only last year, when he was Premier, when he was still around, he said:

The government is not introducing a pill-testing trial.

...

I don't think you can take these drugs at any level and be safe ...

Pill testing can often give people a sense that it is safe to take those drugs. The pharmacology, the evidence, is very, very clear.

I might disagree on a number of things with the former Premier, but I do think he had a very good point there. These drugs are not safe at any level, and I think there is just not enough done to provide information to the general community, particularly young people, around that and the issue of ‘Well, if they’re tested, they’ll be safe and we can still partake and use these pills.’ I am sure that if this bill is passed, an evaluation around that very issue will need to be looked at, around attitudes, around the very thing that the former Premier was speaking about. As he said:

I don’t think you can take these drugs at any level and be safe ...

We know that a number of jurisdictions have taken up trials of pill testing, and I am sure others will say how successful they are. I say again: on the issue around any level of taking of these pills, especially with the substances that are in them, there should be more said about the extent of the dangers. Canberra launched a six-month trial of Australia’s first fixed pill-testing site in July 2022. The CanTEST has since been extended until, as I understand, 2027. In February last year Queensland followed the ACT’s lead with a program based on that CanTEST model.

The other thing this bill does goes to the effect of naloxone dispensing machines, which will be available at 20 sites. If administered, naloxone reverses the effects of heroin and other opioids such as codeine, morphine or fentanyl very quickly, and it can undoubtedly save lives. That is certainly my experience, having worked in emergency departments and seen the reversal effects of naloxone. It has been around for a long time – it is very effective – and it can reverse the effects of those drugs, as I have just mentioned. Expanding access to naloxone is long overdue. In fact it was Minister Mary Wooldridge who did a huge amount in this area. My colleague was very well known in this space. She first led the way in 2013, so that is over 10 years ago, in making naloxone available outside of the healthcare settings, those settings that I worked in where I used it. She enabled naloxone, or Narcan, to be available on prescription for drug users and their families and carers to treat opioid overdoses without having to wait for a paramedic to arrive. We know, as I said, that the administration of Narcan can have that reversal effect very, very quickly.

During the committee stage I will be asking about this, because the government cannot tell us where these 20 vending machines are going to be situated. You would have thought they would have had that worked out. They are across Victoria, but we really do need to understand where they are. I think it is critical that, if the government is rolling these out, we do understand where these vending machines will be and that access to them can be made available for Victorians that have these sad addictions, because the scourge of opioid dependence is not confined to just metropolitan Melbourne. If they are dotted around metropolitan Melbourne, that is fine, but there are also very significant issues around regional centres. We have seen some sad stories in recent days, especially around Geelong and other parts of Victoria, around drug use.

The bill enables the operation of drug-checking services at both mobile sites and one fixed site. These services will offer testing of the composition of substances in the form of pills, capsules, powders, crystals and liquids or whatever form the drug is in; as we know, they do come in various forms now. Workers will also provide health information to help people make better informed decisions about taking drugs. My strong view is that there should be more done with this throughout the community rather than at these pill-testing sites when people are going to take these drugs and then they are getting the information about how dangerous they are. They actually should be informed before they rock up to a festival. It should be fairly well understood what those effects are. With innovation and technology we can do much more to inform people, and I will come to that point a bit later around how the alert systems are just not meeting their needs, and we have seen that with these festivals and the delay when alerts go out.

The bill also provides specific exemptions from criminal and civil liability for clients, permit-holders and authorised staff. It is a particular concern how that will be administered and undertaken and how that information will be given to people that are accessing the service.

There are a number of concerns that the coalition has around the bill. The bill defines the harm reduction information that is given to a person who provides drugs for testing as limited to sharing information about the composition of the sample, the possible consequences of using the substance, access to health and welfare services and similar assistance. This means the drug-checking workers are not able to discuss the inherent limitations of the testing – for instance, dose and potency are not tested – or that a drug sample could contain an undetectable amount of the drug or that not all drugs are detectable. I think that is a really big concern, and I think this is where the process in the bill is flawed, because it is not actually able to do everything that the bill is purporting to do.

During a bill briefing the government was not able to answer some very basic questions around these areas. I note that my colleague Ms Kealy was frustrated with the government's approach to this bill. They literally got 15 minutes. Of the half an hour that was provided, 15 minutes went to introductions and goodness knows what, and then they had 15 minutes to get a proper overview of the bill and were not able to get answers to their questions. It was quite frustrating for the coalition to have a bill briefing like this, and I am putting it on record because I think it is important that when legislation like this is coming into the Parliament the opposition, or any member of Parliament, quite frankly, has a proper briefing. The questions that were asked by Ms Kealy were not answered for her until she was on her feet talking to the bill. That is not good enough. That is treating opposition members with contempt in relation to a very important piece of legislation, and I think it is quite disgraceful how the government has handled this entire bill process.

As I said, it is an important issue that we are debating, but we want to make sure, if it is passed, that we are moving amendments to correct some of the flaws, but equally these questions that have been asked are serious questions and need due consideration and to be answered properly. In particular some of those questions relate to the type of analyser to be used at the mobile festival sites; the specificity and sensitivity of the tests; whether the sites will be accredited by the National Association of Testing Authorities; and whether the analyser will be able to detect nitazenes, a highly potent entrant in the illicit synthetic opioid market.

We have seen the impacts of nitazenes with the terrible and tragic circumstances of the four deaths in Broadmeadows. I have been informed that that was cocaine laced with nitazenes, and those people had no chance. It takes seconds. It is a very lethal component, 100 times the potency of heroin, so a tiny amount can cause a fatal overdose in a very, very short time. That is horrifying. I speak to family members, young family members – in fact I did last night. You know, they are all going off to the races. They are all going to have a ball. It is the racing season, and we were talking about this very issue. They are aware to a point, but it is about constant vigilance from family and others and that we keep talking about the dangers of these drugs. That is a terrible example, but a very real one. Tragic circumstances, but a frightening example of just how potent these drugs are.

The emergence of nitazenes highlights the importance of an early warning system to alert the community of the detection of a tainted or highly dangerous drug, yet this bill does not include a mandatory obligation for such a warning even when drug checking could identify this danger. There is a real risk of further harm when public notification of the detection of tainted or dangerous drugs is delayed. I think that is a very important element to understand. As I have said, when those four people tragically died in Broadmeadows on 25 June, the health department did not issue a drug alert until 1 July, so six days later. That is what I am talking about in relation to education of the community. If there is any understanding of what has happened here, surely the government should be making those early warning systems more efficient than six days later. This is why I am saying there is a false sense of security for young people. We are getting our pills tested, but the government is not putting out an alert until six days later to say just what is actually on the streets. That is a problem.

A further limitation is that drug-checking workers cannot disclose to people having drugs tested that civil liability exemptions in the legislation mean that if incorrect results are mistakenly given and an overdose occurs, there is no legal recourse. In the second-reading speech the minister says the exemption from civil liability ‘is necessary to shield operators from claims of negligent misrepresentation acknowledging the limitations of the testing process’. That again should be part of what is expected, and I want to say that is what the coalition’s amendments go to. I am happy to have those circulated, if I may, to speak to that.

Amendments circulated pursuant to standing orders.

Georgie CROZIER: The amendments that we are proposing go to these very issues. They are about ensuring that general drug-checking workers can disclose information regarding the limitations of drug testing and the client is engaging in a service where the civil liabilities have been waived. Those amendments are pretty straightforward:

Clause 4, page 4, after line 8 insert –

“(ab) information about the limitations of analysis that has been carried out on a substance, including information about the possibility that poisons, controlled substances and drugs of dependence may be present in the substance but in levels that are not detectable; or”.

That is the main point of that amendment. The other part of the amendment is:

Clause 8, page 13, after line 7 insert –

“(e) that the holder of the permit must ensure that a person who, in the course of providing drug-checking services under the permit, provides another person information described in paragraph (a), (ab) or (b) of the definition of *harm reduction information* also informs that other person of the effect of section 22CH(2).

This goes to the point that:

... each general drug-checking worker or special drug-checking worker, along with certain other persons, are not subject to any civil liability for acts and omissions that meet the criteria set out in that provision.”.

We think that is information that should be provided to people that are using this service. They can then have that information made available to them, and it is in the interests of full disclosure that there is no liability on these people that are checking the drugs and that the drug testing itself cannot guarantee that they can detect every single compound in that pill or liquid or crystal or whatever it is. That is a very important issue.

I will go on to say that people handing over drugs for testing and seeking to rely on the results provided should be informed that they are waiving legal rights in this interaction. I just want to make that point. But I also want to make the point that there is no fit and proper person test for special drug-checking workers who will be handling drugs for testing and are likely to be qualified chemical analysts; nor is there a fit and proper person test for general drug-checking workers who will provide information on the composition of a substance and dangers of consuming it. That is quite extraordinary. I mean, the secretary has got to be a fit and proper person, and there are other references to who has to be a fit and proper person in the bill, but not those people that are actually dealing on the ground with the consumers who are wanting these pills tested. I have got to say I find this extraordinary given that the government is introducing legislation into the other place this week around being able to be licenced fishermen. They have to be fit and proper persons, and so do their family and associates. Talk about an unbelievable disjointed approach to what a fit and proper person means – and we will argue that debate when it comes to this house. But if you have got to be a fit and proper person to be a fisherman and catch fish in the bay, then surely you should be a fit and proper person to be a worker who is checking these illicit substances. It makes absolutely no sense.

A planning permit is not required to develop premises as a fixed-site drug-checking service, with the government’s reason given in the second-reading speech being:

... so that drug-checking services can quickly become established.

This just says to everyone who is concerned about this that this is another rushed policy decision. The government has said that it intends to locate the fixed testing site in inner Melbourne, but we do not know where. How can we have proper community consultation when the government is not up-front about where these sites are going to be?

We have seen the disastrous results at the North Richmond injecting room with the location of that next to a primary school, with children having to witness people that had a fatal overdose and died. They have seen those outside their school. They have seen them in the school grounds. There is security at those schools. The residents have for years wanted government to come down and understand exactly what they are seeing with the increase in antisocial behaviour and criminal activity. It has been a honey pot for dealers. It is just extraordinary what has gone on, and the government has turned a blind eye to that community. It has been an absolute disgrace. They will not go down and address those concerns, and we do not have proper transparency around what is actually happening outside the North Richmond injecting room.

In my last few moments I want to reiterate what I said earlier: there is no safe level of illicit drug use. That is the message that should be said time and time again. We have not given up on a campaign against speeding while driving. We have had a TAC campaign for decades talking about seatbelts and speed and how it kills. We should make a concerted effort around these illicit drugs too. The government has failed at every opportunity to provide that information.

We know that individuals, because of their size or their metabolic make-up or a whole range of issues, will be affected by drugs in different ways. That can also be related to how they tolerate purity – their tolerance levels, their medical conditions and, as I said, their metabolic rates, their size and other conditions that they might have. It is very, very complex. That is why we have doctors prescribe and talk about the safety of taking prescribed drugs. There are labels on boxes for a reason – because of all of these individual factors that come into play. When you are at these festivals, adding heat and humidity and physical exertion makes an absolutely dangerous concoction. It is a disaster waiting to happen, and again, there is an inability of the government to go on and provide the education that is needed.

As we know, those conditions – heat and humidity and the festival itself – were found to be contributing factors in the mass overdose event at the Hardmission festival in January, when nine young people were left in a critical condition. That was far too many, I acknowledge. It was terrible for those families – shocking. But harm reduction should focus on prevention – health and education strategies – as well as rehabilitation and pharmacotherapy, including methadone and hydromorphone. The opposition has been very vocal about that for many years. As I said at the start of my contribution, when you look at the failures – the skyrocketing waitlist of people that need to get off their addictions – there has been a failure by the government to deliver on the royal commission findings. They are gathering a billion dollars in tax every year. Where is that money going? It is not going into these services like it should be to give thousands of people the support and care they need. There is no question that the government has abandoned the people who are seeking help in their recovery from these addictions. They have failed to provide adequate support to thousands of Victorians, as I have said.

I will wait till the committee stage, but I have many, many concerns with this legislation that is before us. Whilst I appreciate the government are trying to address this issue, I do believe that there are concerns amongst the government, given their flip-flopping around this issue for many years. Goodness knows what they have done with the crossbenchers in listening to them. As we know, they have had concerns for a number of years. A number of crossbench members have tried to introduce private members bills on this on many occasions, and they have been knocked back by Mr Andrews and, until just a few months ago, Ms Allan. She even said back in January of this year that she was not in agreement with it. It was reported in an article after the Hardmission overdose:

Premier Jacinta Allan ruled out the harm reduction initiative ...

She wanted Victoria Police to ramp up its presence at various festivals. Well, police can only do so much. They are under enormous pressure. They are 900 short. There are police stations being closed around the state because the government has failed to address community safety and the needs of our police too, who do a tremendous job. But they should not be expected to pick up the pieces because of the government's failings on policy. I say again: these pill-testing sites, these issues, are a concern for many Victorians, but I will wait and get some more answers from government in the committee stage.

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:15): It is my great pleasure to rise today to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024, which the Greens will be most enthusiastically supporting. I am glad that Labor have finally come to their senses and brought forward this bill, which treats drug use as a health issue, not a criminal one.

For over a decade the Greens have consistently advocated for drug checking as a vital harm reduction tool. We have held events at Revs and I have visited Groovin the Moo to talk to punters directly about this issue, and I have seen this sort of set-up firsthand in visiting the CanTEST pill-testing service in Canberra. We have introduced multiple bills in this place over the years, some quite similar to this bill. We worked with the Reason Party to bring the first ever co-sponsored bill in 2019 and then made history again by introducing a three-party co-sponsored bill by the Greens, Animal Justice Party and Legalise Cannabis Victoria. We have worked with the community and advocated because we know that pill testing saves lives. So many organisations in Victoria have been working so hard to make this bill and drug checking in our state a reality, and I thank them all so much for their work. I am genuinely so pleased that this will now become a reality in Victoria. In fact I checked and the very first question without notice that I asked after being elected to this place was on this very issue.

This bill accepts the reality that people use drugs and that young people will experiment with them. Our job in this place is to make sure that that does not end in tragedy. This bill will create an 18-month drug-checking trial in Victoria. Through passing this bill there will be a fixed-site drug-checking location in Melbourne from mid next year and mobile pill testing at 10 festivals from this summer. People who use these services will have their samples tested and the chance to speak to a harm reduction expert about the contents of their drugs and the likely risks and effects. For many people this will probably be the first time that they have ever spoken to an expert about their drug use and received advice to help keep them safe. People will have the chance to discard their drugs should they choose. In fact we have seen in other pill-testing locations that often people will make this choice if it turns out that there is something unknown or potentially lethal in their substance.

Testing these drugs will also provide important surveillance information to inform public health alerts that the threat of dangerous synthetic opioids continues to loom over our state. We need this data. We have already had tragic deaths from nitazenes here in Melbourne. Nitazenes are incredibly strong and regularly lethal. Drug checking is another tool to assist public health teams to keep an eye out for the presence of these substances. There is much more to be done to prepare for the influx of nitazenes, but this is an important tool.

The addition of naloxone vending machines is another welcome lifesaving tool with this bill. This easy-to-use, rapid overdose-reversal drug will now be available to people from vending machines in Victoria. Naloxone is safe to use, easy to administer and can prevent opioid overdose deaths from drugs such as heroin.

It is, however, incredibly disappointing that the state Labor government continues to ignore the data and the expert recommendations that Melbourne CBD, among other places, needs a supervised injecting facility. It is wonderful that pill testing will now be available, but it should not be at the expense of another vital lifesaving tool. It was the primary recommendation from the much-anticipated Ken Lay report that a medically supervised injecting room be opened in our city. It is hypocritical to proclaim the lifesaving benefits of the North Richmond room and then refuse to open more of these

overdose prevention centres so that more people can access these services. But it is not too late to change your mind on supervised injecting rooms.

When we introduced our pill-testing bill in 2019 the then Premier did not support this. More recently, our current Premier had said something similar – that she did not support drug checking – but then she changed her mind and changed the government’s policy. Drug checking will save lives in Victoria, and I urge the Labor government to change their minds on supervised injecting centres too. Open one in Melbourne, open one in Geelong – anywhere, everywhere that the data tells us to open them – because we need these services to keep people safe. On this bill and on pill testing, it is common sense. It is overdue but it is greatly welcomed, and I commend it to the house.

Tom McINTOSH (Eastern Victoria) (14:19): I am incredibly proud to stand and speak in support of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024 here today. I think it is an incredible thing that we are doing. It is an incredible piece of legislation that we are bringing to the house. But it is more than a piece of legislation; it is something that is going to have a real impact on people’s lives by enabling Victorians to test pills and providing a space for meaningful conversations about use, about the risks and how to minimise these with health professionals. This legislation will save lives. For me it is also an incredibly personal issue. I lost my aunty when I was in my teens to an overdose. Growing up, I saw a number of mates struggle with alcohol and then drugs and then saw their mental health deteriorate, ending in suicide.

To be able to have mature conversations about what we know is going on in the community, what we know is resulting in the deaths of Victorians – as it is in the deaths of people around Australia, of people around the world – is incredibly, incredibly important. And it is more than just a conversation – bringing it into legislation to enable Victorians to use these services is incredibly important. The trauma for loved ones – losing a family member, a friend, a work colleague or someone around clubs, sports groups or various community organisations – has a knock-on effect, and the ripple effect from the 547 deaths that we had in Victoria in 2023 is immense.

What we are standing here debating today is not abstract or some sort of theoretical item or piece of legislation that will sit on a shelf; this will really make an incredibly meaningful difference in people’s lives, and it will remove an incredible amount of trauma. For those that do not lose their lives by overdose, for those that suffer and are fortunate enough to be saved, whether that is by bystanders who are trained and prepared or have access to equipment, which I will go to later on, which we are making more available to save lives, it is still incredibly traumatic. And it obviously takes up the time of our frontline service responders. Another incredibly important part of this discussion here today is about listening to those frontline workers who turn up and respond, who themselves deal with those traumatic situations in trying to save lives and, obviously, deal with the consequence of those who cannot, whether it is our ambulance workers turning up to that situation or our police going out to friends’ and families’ doors, telling them what has happened and what has occurred.

We can see that there is support – I will touch on this a little bit later in my contribution– from the 77 organisations connected with alcohol and other drugs that are supporting this, that have stood up and said, ‘This is what we need for Victorians. This is what we need for our frontline services workers.’ Again, with alcohol and drugs, our mental health workforce workers are represented by the Health and Community Services Union, HACSU. I know HACSU have absolutely passionately advocated for progress on this issue. I want to make a point of acknowledging them and how they have pushed for change, how they have progressed the conversation – progressed the public conversation and progressed the conversation from that expert worker led level. It is an incredible thing that they have done. Compare that to the fearful tack that is taken by those opposite when we are trying to talk about something that will save lives – that use of fear, that use of the other, of ‘they’, of demonising those that are using drugs.

In this instance we are talking about pills. We are talking about something that is at festivals. As was pointed out before, whether it is race meets or whatever it is, this substance use is happening. What

we want to make sure is that individuals who are doing that can do so in a far safer way with a greater understanding of what is happening, because when we talk about risks and when we talk about harm minimisation we get better results. Ms Crozier, if I understood her correctly, basically was saying that there is no safe level of use but then went on to talk about reducing deaths in cars. Under that theory we would say no-one can drive a car – there can be deaths in cars, so nobody should drive a car. But what we do is we educate people. We put safety provisions in place to reduce the harms.

Coming back to police, by stopping police from having to go to doors and tell family members that a loved one has just died and from having to present to the coroner – as I will touch on soon; I think there are 10 recommendations from the coroner for this – we are reducing so much of that workload on frontline staff that does not need to be there if we do not have these deaths, if we do not have these overdoses.

Once passed, this bill will give the express legal authority for both mobile and fixed-site services to operate in Victoria and support the government's commitment to introduce secure naloxone vending machines in key areas of need. Again, if people understand that these items are available and have them on hand to save a life, that is incredibly important. We are doing the same thing around defibrillation in Queen's Hall this week. We are getting people to practise CPR. I am going to go and get my heart checked later in the week. This harm minimisation and this understanding of what to do in these events is incredibly important.

Coming back to the point I made earlier, those who are presenting to get their pills tested are having conversations that they are very unlikely to otherwise have. I think something like 70 per cent of those presenting in the ACT are having a conversation for the first time about something they never would discuss otherwise. Just broadly on that conversation level, I think we have done so much across society in recent decades on things that we would never have discussed, things that would never have been up for a conversation, Whether it is mental health, the way people live their lives, alcohol and substance abuse or family violence, all these things that were taboo and off topic we are bringing to the table so we can put some light on the situation and people can identify and go, 'You know what, I'm human too. I need some support in this situation, and I'll reach out for support.' Because they can have the conversation, they can understand where those supports are and go and reach out to look after themselves, get on with their lives and live a meaningful, quality, healthy life.

The trained peer workers and technical experts will provide clients with not only that pill test but that harm reduction information, and the pill tests themselves will enable us to identify when there are bad batches of drugs circulating in our communities. I remember hearing stories about this occurring over in Ireland, I think it was, being able to identify bad batches of drugs and getting the word out as quickly as possible to ensure that people were aware of what was happening and stop deaths from occurring. I will come to the jurisdictions shortly. With the global drug market there is increasing unpredictability in what is being sold to people. That just reinforces the fact that it has never been more important for pill testing to be available to Victorians and, as we see in many jurisdictions around the world, for people to be able to access it.

I have touched on the admissions to our health system and the incredible strain that that adds, workers' calls and health experts' calls for this and the 10 coronial investigations to reduce the number of preventable deaths and other harms associated with the use of illicit drugs. I just come back to the opposition's comments earlier. It is not about telling people how to live their lives; it is about listening to experts, listening to community and working with community to get the best outcomes. Experience here in Australia and international experience show that drug checking is an effective public health intervention. It does not increase or encourage illicit drug use. It has proven its efficacy over many years, with 31 programs operating globally, including in the United Kingdom, North America, New Zealand and, as I said before, here in Australia in the ACT and Queensland. So I think it is clear that pill testing is what we need and that it works, and it is just about how we best implement this service.

We are going to have an 18-month implementation trial from December 2024 to June 2026, and that will comprise both mobile and fixed-site services and will help us understand the best ongoing model for Victoria. It will commence this summer and attend 10 events over the trial period, and then mid next year the trial will see the establishment of a fixed site in central Melbourne, close to night-life precincts and public transport.

It was pointed out in other contributions earlier that pill testing is also known as ‘drug checking’ and involves the chemical analysis of illicit or unknown substances to inform individuals about what they plan to consume. The client may receive information about the chemical compounds detected, including information about their purity. We know that purity is an issue because people are taking pills that they think are one thing but have other substances or higher levels, which is leading to overdoses. So they will know the effects of compounds within drugs; if there are multiple compounds, how they interact with each other; and about any unknown or inconclusive compounds that are found. They will discuss the effects of different dosages of the pills that are presented, how they will interact with prescription medication or alcohol and what this will do more broadly within people’s lives. No-one is told the drugs are pure. No-one is told the drugs are 100 cent safe. The importance of this health intervention cannot be overstated.

I am going to run out of time shortly. I just want to reinforce how absolutely proud I am that this legislation is here in the Parliament. I want to acknowledge Minister Stitt and the Premier for the incredible leadership they have shown in bringing this to the Parliament to deliver it for the community. And there are those within this place that are supporting it and have been long-term advocates, as have so many organisations, unions and workers around Victoria. I think the thing that we can all be incredibly proud of is the fact that this legislation will save lives, it will reduce harm and it will remove an incredible amount of trauma in Victoria.

Gaëlle BROAD (Northern Victoria) (13:55): I rise to speak about the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024, which seeks to amend the Drugs, Poisons and Controlled Substances Act 1981 to enable drug-checking services to be established, licensed and regulated in Victoria at both fixed and mobile sites. This bill is to legalise pill testing at music festivals, and it also gives permission for people to be in possession of drugs when travelling to and from venues. The Nationals oppose this bill because it puts the lives of young people at risk and sends the wrong message.

According to a study undertaken by Monash University released in January this year, from 2000 to 2019 there was 64 drug-related deaths in Australia at festivals, mostly males; 73 per cent were aged in their mid 20s; and most of these deaths were unintentional. Less than half of the deaths were related to drug toxicity and 38 per cent were related to external injuries related to a drug use setting. I want to acknowledge the words of Emma Kealy, my colleague from the Nationals in the other place, who talked about the devastating impact of these overdoses on families and friends who have lost loved ones. That needs to be acknowledged in this conversation today. Drugs can cause people to dance longer at music festivals and dehydrate, and in the crowded setting of a music festival in the heat of summer it can be a very bad mix.

The state government’s track record on drugs has been appalling, and it is getting worse. We heard Georgie Crozier, my colleague, speak earlier about the safe injecting room located right next to a primary school in Richmond. We have seen the impact that that has had on students, on families, on residents in the area and on the local businesses. Around Bendigo I regularly see people who appear to be affected by drugs. Drug-related issues are filling psychiatric wards and our emergency departments and leading to many ambulance call-outs. Recently in Bendigo \$4 million was spent on a building for drug and alcohol counselling, but right next door there is a rehabilitation facility with only five beds that cannot service people overnight. There is no medical support available, so those difficult cases are sent to Melbourne. We know that there are long waiting lists in regional areas, with people and families in need of support. I remember getting a call from a mum on the day that I found out I had been elected to represent the people of Northern Victoria in this chamber. She told me of the

fears that she had living with her son, who had stolen from her to fund his addiction to drugs. He had experienced mental health breakdowns and been hospitalised several times. Illegal drugs devastate lives and the families of those that they impact, and in the last year we have seen an increase in the number of deaths from drug-related harm.

This bill is a backflip from Labor members. Former Premier Daniel Andrews was completely against it. As recently as February 2023 he stated:

This government is not introducing a pill-testing trial.

...

I don't think you could take these drugs at any level and be safe ...

Pill testing can often give people a sense that it is safe to take these drugs. The pharmacology, the evidence, is very, very clear.

Yet we heard Mr McIntosh just now argue the need for pill testing. I should not be surprised that we are seeing this backflip with members arguing one way and then doing a complete U-turn. We have seen it before, and I think the Victorian public know that they cannot trust a word the Labor government says. The public also know that under Labor drug use has skyrocketed. The harm from drugs is using up a lot of resources and placing an increasing burden on our health services, particularly in rural and regional areas. In the last year we have lost 5000 Victorians to drug overdoses. I remember speaking to a couple of nursing students undertaking placements. They talked about the high number of drug-related cases and how they were spending so much of their time on them. I have heard from nurses who have heard the words 'code grey' too many times, when a patient high on drugs has become physically abusive, putting hospital staff at risk.

This bill argues that drug counsellors on site at music festivals will be able to counsel consumers on how to avoid harm from drug use and provide them with information. It sounds great in theory, but I do not think someone attending a music festival with their friends will be that keen to take time out for a medical consultation or to read a brochure. It is still not clear how this process will work in practice. We had a departmental briefing, and the response to questions stated:

Incident response protocols will be finalised with relevant agencies including Ambulance Victoria and Victoria Police.

When we asked about the fit and proper person test that applies to workers, the response from the department stated:

Requirements for the special and general drug checking workers will be set out in operational guidance.

When we asked about national standards for drug-checking places, there were none. The process for notifying local businesses is still being worked out. But I should not be surprised by this either. We often see legislation that says, 'Trust us. We haven't worked out the details yet and we don't know how it's going to work in practice, but we'd like to spend millions of dollars trying to work it out.' I understand it is hard for Labor, especially in the upper house, where there is a crossbench that includes members that are very keen to see drugs readily available to people. Maybe this bill is a case of 'scratch my back and I'll scratch yours'.

Bendigo has become the meth capital of Victoria. Homes are being invaded as people steal to fund their addiction, and people are walking the streets high on drugs. I moved to Bendigo over 20 years ago, and it is a very different place today. People do not feel safe walking in the centre of town. Retail shops are empty, and our kids need to be told to avoid people who are clearly impacted. We currently have over 1000 vacancies in our police force. Our hospitals cannot cope with demand. The message that it is okay to carry illegal drugs and to use drugs at music festivals is not the message that I want to send my kids or any of our children. As Georgie Crozier asked earlier, where is the government's education on prevention of drug use in Victoria?

It is also interesting to note that with naloxone dispensing machines, it has taken a very long time – a decade in fact – for this government to show support for that initiative, which was put forward by the Liberals and Nationals government back in 2013.

This bill is flawed. The alert systems proposed do not meet the need. The testing is limited, as not all drugs are detectable.

Michael GALEA (South-Eastern Metropolitan) (14:42): I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024. The Allan Labor government is a government that is proud of our health-led, evidence-based and harm minimisation focused approach to implementing reform. Earlier this year when in this place I had the opportunity to speak on the subject of pill testing I did note at the time that the government's approach to this, as indeed to other related areas of policy, is cautious and is done in a clear, considered and methodical way, and that is reflected in the legislation that we have before us today. By taking a reasonable – still relatively short but reasonable – amount of time to consider this bill in all its detail and to fine-tune it, today we have a bill before us which achieves those targets of being focused on harm minimisation, of being evidence-based and of being health-led. This bill is the product of considerable work by the Department of Health and the minister and her office to develop an approach to the complicated issue of pill testing.

This reform is not about condoning or legalising anyone taking illicit substances. It is about acknowledging that such substances are taken at places such as music festivals, whatever those of us in this place might have to say about it. It also acknowledges that enforcement measures are unlikely almost to the point of impossibility to entirely stop this from occurring. What is left then to government is to work out how best to mitigate potential harm. Pill testing is about saving lives, not condoning drug use.

The bill before us today will enable Victorians to be provided with information that will help them to make more informed and indeed possibly life-saving decisions. The reforms will give express legal authority for mobile and fixed-site services to operate in Victoria and also support the government's commitment to introducing secure naloxone vending machines in key areas of need. Clear legislation in this bill will ensure that all parties, including the festival operators, pill-testing operators and their clients, know that nobody is breaking the law by operating or using this health testing service.

The current laws in Victoria make it a criminal offence to possess or supply drugs of dependence, which currently captures pill-testing services. The bill before us today will give express legal authority to establish these fixed and mobile sites. They will establish a licensing framework to authorise, appoint and regulate fixed and mobile pill-testing or drug-checking services as well as enabling the supply of naloxone. These measures will make Victoria the first Australian jurisdiction to make pill-testing services – though not drug use – specifically legal. The manufacturing, processing, using, distribution and selling of illicit drugs will remain illegal activities.

In putting this bill together, we have worked closely with Victoria Police to ensure that we are striking the right balance between enforcing those laws surrounding illicit drugs and ensuring that people are not deterred from using what will be a life-saving service. Indeed I acknowledge the remarks of my colleague Mr Batchelor: when it comes to police resourcing, there is nothing perhaps more taxing on police resources than having to deal with the tragic event of a drug overdose or indeed multiple drug overdoses, as we have tragically seen here in Victoria in the past couple of years.

The bill also provides that the clients who are using the drug-checking service will be authorised and therefore exempt from criminal liability for the offences of possession and supply for the time in which they are using the drug-checking service in respect of possessing a substance, supplying the substance to the drug-checking service and receiving the remainder of the substance after a worker takes a sample. The exemption from criminal liability will only apply when the client is at the drug-checking

place and for an amount that is less than a trafficable quantity. Therefore I believe that these provisions allow us to strike the appropriate balance.

It may be easy and it might make some in this place feel good to say ‘Taking drugs is illegal’, ‘If they take drugs, it’s their own fault’ or ‘Why should we test pills when we can just get the police to arrest people?’ It might sound good. It might sound simple and straightforward, but quite simply, it does not work. It does not lead to fewer overdoses or fewer deaths. Indeed there is no evidence that pill testing leads to more drug use. In fact quite the opposite – we have the evidence that it leads to fewer overdoses. We know that various medical experts and bodies, including the AMA and the Royal Australian College of General Practitioners, support these facts. Indeed the Victorian chair of the RACGP Dr Anita Muñoz has said that this will save lives and that:

A drug testing trial will enable people to understand what they are actually taking, including young people experimenting with illicit drugs who have their whole lives ahead of them.

She also added:

Every life is worth saving. And every day we delay is another day that people can experience overdoses and be hospitalised, or worse.

We need to act now, before the next festival season leads to even more young people dying from overdoses.

Experiences both domestically and from abroad have shown that drug checking is an effective public health intervention that does not increase or encourage illicit drug use. It has proven its efficacy over many years around the world, with 31 programs operating globally, including in the UK, in North America and in New Zealand. The efficacy of pill testing is clear – we already know that it works. The question is how to best implement this service in the Victorian context, which is why we, the Allan Labor government, are embarking upon an up to 18-month implementation trial from December this year to June 2026 comprising both mobile services and a fixed-site service. This implementation trial will help us to understand what will be the best model for Victoria. The mobile services will commence from this summer and will attend 10 events over the trial period, and then mid next year the trial will see the establishment of a fixed-site service in a central Melbourne location which will be close to night-life precincts and public transport.

Regardless of the setting, though, the Victorian model has two key components: testing and harm reduction education. Both of these are essential to achieving the aims of this service. Pill testing involves the chemical analysis of illicit or unknown substances to inform individuals about the contents of what they plan to consume. When the client enters the drug-checking area, they will first meet with a trained harm reduction worker, who will walk them through the process. Clients are informed that no drug is ever safe to use and that drug use always carries risks.

I think it is important to note the opportunity that we have with this service going forward for those people who will, irrespective of legislation, decide to consume recreational drugs. We all, I am sure, remember a very helpful and educational time with Harold the Giraffe in primary school, learning about drugs and alcohol and various other things. I admit I have a faint memory of some of the things that I learned in those sessions with Harold, but I definitely do not recall every single thing that was gone through. Those sorts of services are really important, and they should continue in whatever context it may be, with the assistance of a giraffe or not. But the most important time that we can be reaching people with drug education – with information that could save their lives – is the point at which they will be most likely to consume that substance.

That is why this reform is so encouraging. Because it is not just the fact of getting a pill tested and knowing what is in it, important though that may be. It is the opportunity, in the few minutes it takes for that pill to be tested and come back, to talk with a health worker, someone with experience in harm reduction and minimisation, and to ask, ‘Even if this is what I think it is, is it still safe to take on a day like today?’ – with the weather, with other situations and with other factors. These are all really, really

important factors. We know that the safest way is not to take drugs at all, but as I say, that is not going to stop people taking drugs. If we can provide them with that education at the point when it is most likely to benefit them, then that is undoubtedly a very good thing

The pill-testing component itself will see a small sample of the substance taken for analysis. Those findings will be communicated to the health professional, who will then pass them on to the client in a way that is accessible and easy for them to understand. They may receive information about the chemical compounds detected, including information about purity, the known effects of each compound, if multiple compounds are detected, how they may interact with each other and if any unknown or inconclusive compounds have been detected. The importance of this health intervention really cannot be overstated. We know that people that use pill-testing services are more likely to take immediate action to reduce harm as well as engage in longer term harm reduction behaviour, including reducing the amount of the drug used and avoiding multiple substance use.

There is widespread stakeholder support for establishing a drug-checking service in Victoria. The 2018 inquiry into drug law reform recommended implementing such a pilot study. We have seen coronial recommendations, including as recently as March this year. In addition to the medical organisations I mentioned previously, we have also seen organisations such as the Victorian Alcohol and Drug Association, the Penington Institute and various other community, justice, social and youth sector services publicly endorsing a position of pill testing, including the Australian Services Union, the Health and Community Services Union – as Mr McIntosh mentioned – and the Victorian Ambulance Union and other representative bodies.

Another component of this, as I mentioned, is the rollout of naloxone to ensure that Victorians who need to use it can do so in a way that is much more accessible. Naloxone is proven to save lives and we can save many more through improved access. It reverses the effects of overdose for opioid drugs like heroin, morphine and fentanyl. It can be quickly administered by nasal spray, and it does not affect anyone who has not used opioids, so it has no potential for misuse. Victoria's take-home naloxone program allows people to access free naloxone from a range of organisations, in addition to participating community pharmacies, under the national program. Building on these reforms. There will be 20 secure vending machines, which will be established in the areas of greatest need as part of the statewide action plan. This bill will enable those vending machines to be established, as naloxone does remain a controlled substance. Increasing the availability of this drug will significantly reduce the mortality rate from drug overdoses. Naloxone-dispensing units offer around-the-clock, anonymous access, reduce the stigma that often deters people from seeking help and offer a lower barrier mode of accessing this life-saving medication.

In coming to talk to the chamber on this bill today I do not have the benefit of a personal experience; I cannot say that I have gone to any of these festivals and taken drugs at such festivals. I am one of those strange people who do not need a different substance in order to enjoy EDM. I manage to quite enjoy it without any assistance. Indeed I have, on occasion, even enjoyed the MRI machine experience – the rhythmic banging noises around my head I actually quite enjoy for some reason. However, in coming to speak on this bill today I do greatly value the experiences of others who have dealt with these situations, whether that be personally or with a close friend or family member. I also value the evidence. It is for that reason that I am standing here in support of the bill before us today.

I support the bill because it provides the opportunity for people to protect themselves and to be safe but, more importantly, to learn, to know and to be informed about what they may not have assumed they were taking, but even if it turns out to be what they thought it was, to be informed and educated about the other risks that may also arise from that. Most importantly, I support this bill for one very simple reason: it has the potential to, and almost certainly will, save lives. It really is that simple.

Moira DEEMING (Western Metropolitan) (14:59): I rise to speak against this bill, but I would like to start off by saying I acknowledge the very good intentions of all of those who oppose my position. I just think it is an extremely strange concept, basically, to have little embassies in society for

people who want to commit crimes freely. Pill testing at dance festivals, which I believe will actually normalise getting off your face at raves when we all know that being drunk or high increases the risk of sexual assault and addiction, injecting rooms luring drug-addled people close to schools, paying for sex work with drugs of dependence – what next? As a teacher, as a mother, I just do not want anybody at all – ever – giving children or young people the idea that it is safe to take drugs, not even once. There used to be a campaign with exactly those words: it is not safe to try it, ‘Not Even Once’. You can get addicted the first time. You do not know how many people it actually diverted away from that. That is not measured.

If I can go on: I just do not want to give that message, number one. If there is going to be pill testing, I say the private industry can pay for it. I do not know why we would get involved at all. We need to send a consistent message that drug taking is either legal or it is not. If it is illegal, I think it should stay that way.

I was interested to hear about the giraffe. That must have been a primary school incentive. As a high school teacher, I did not see that particular giraffe telling everyone not to take drugs. What I found was effective was showing my students the before and after pictures of women and men on ice – showing them videos and testimonies of people who did take drugs. It ruined their lives, and then they got off them and they got back on track. That was very effective. I do not think that they are that stupid. I think that they listen to us. I think that the law legitimises and promotes behaviour by what it allows. The law is a force of culture as well.

This morning we heard about the program in the Dame Phyllis Frost Centre, Somebody’s Daughter. It is a fantastic initiative, and if you listen to their stories, often drugs are involved – not just pills, not just injections – and once you start, it is extremely damaging and hard to get rid of. They were told by somebody that it was going to be okay: ‘You can try it; it’ll be fine.’ I just cannot believe that now we have got a government that kind of sounds a little bit similar to these drug pushers: ‘We can make it safer for you. There are little places where you can do it more safely’ or something like that. It is a very mixed message, basically. I think that products, festivals and raves or whatever they are need to be totally insured and covered by the private industry. I do not want to be paying and subsidising and supporting and legitimising drug use in these little embassies at all, and that is why I am voting against this bill.

Richard WELCH (North-Eastern Metropolitan) (14:59): I will make a brief contribution on this bill, which I oppose. Obviously this is a morally complex area. It is not just morally complex, though; it is logistically complex as well, and both things need to be taken into full consideration. I think the government has frankly failed on both scores: the moral challenge of this issue and the logistical challenge of the issue. Also, I ought to make mention that if the government wants bipartisan support on bills like this, the department should give us more than 30 minutes of a bill briefing to ask questions on it. In fact 15 minutes of that 30 minutes was them basically reading out a PowerPoint presentation of the press release around it, so there was absolutely no opportunity to examine, investigate or dig down on this bill before we got to speak on it. We were given it at very, very short notice. Again, it is a morally complex and a logistically complex area. It was not given the respect it required, and now here we are debating it. It was very, very poor – by the department in particular.

We are here for the care of young people and we are indeed here for the care of children, and we need to send an unambiguous message that illegal drug taking is harmful – that is why the drugs are illegal in the first place – and that there is no safe level of drug taking. Probably everyone in this chamber has firsthand or second-hand knowledge of or has relatives who have been affected by the scourge of drugs. And it does not take much. I have a relative who took one of the drugs that would be under this scheme once and had catastrophic psychological damage that has affected the entirety of his life. This would have simply enabled him or people like him to exercise drug taking dangerously. I say ‘dangerously’ because of the logistics around this scheme. It is a vacuum. They are not thought out, they are not documented, they are not thought through. They say, ‘Let’s pass the law first, and we’ll sort it out later.’ Well, the horse has bolted at that point. It is too late.

This bill fails on the moral level because either it is legal and it is correct or it is not. For the government to say ‘It’s okay in certain circumstances’ puts a moral grey area into something that should, from a law point of view, be black and white. And it does not protect from a logistical point of view, and we will probably get into more of this during the committee stage.

There are some very, very simple questions that it does not even begin to answer – in fact that I think it answers them in the wrong way. Will those people submitting the drugs have every item of the drugs tested or just one particular representative pill? No answer. Will the person have to provide ID? Because if they do not provide ID, (a) how do you know you are handing the drugs back to the correct person, and (b) how do you know the person is an adult? So are we condoning handing drugs back to children? Do we or don’t we? Am I right or am I wrong? I am happy to be corrected. But they could not tell us that; in fact we could not even get to that question. Are the machines of any particular standard in identifying trace elements of drugs that will do harm? No, they are not. We do know that they have got no standards around them. To suggest that this provides safety to young people who are probably in an intense peer pressure situation – ‘Hey, we’re having fun. Come on, have this drug. It’s all right, I had it tested. Look, I’ve got the label on it. Have it’ – without any idea of the physiology of that child or what other medicines or drugs they may be taking legally, what the weather conditions are like, what they have eaten or have not eaten, what alcohol they might have in their bloodstream or what other drugs they might have taken: none of these things are logistically addressed in this bill. That makes this bill reckless. To think that my children could go to a festival like this and be coerced by peer pressure, perhaps when they are slightly drunk, into taking something that could kill them but with the banner of ‘It’s all right; we pill tested’ at the top of it – no, it does not work.

The rules do not in any way anticipate the idea – incredibly naively, I think – that there just may be bad actors out there who do not follow the rules, who use this as a way to exploit young people: ‘Look, I’ve had it tested.’ Or they know they have got a bad batch but if they can get it through testing they will be able to hand it off to someone else and avoid their responsibility for distribution because it has got this little sticker on it somewhere.

The other notion is that we are educating – It’s an opportunity to educate young people that drugs are bad.’ Young people do not need education that drugs are bad. At that point in time everybody knows drugs are bad, they know that they are illegal and they know that there is a risk in taking them. All we are doing is removing the moral hazard from it. We are also removing the legal safeguards around the people who are doing the testing so that they can never be held accountable. We do not even know what record keeping is done. As far as I can tell, unless I can be corrected in committee, those doing the testing do not keep a record of what they have tested, so there is no audit trail of what has been tested, who we got it from or who it was given back to. There is no audit trail of batches. There is no way to measure or systemise what you have recorded or what is coming in and out, so it is like a blank cheque from which no accountability will ever occur.

To say this is going to save lives is garbage. In every jurisdiction where you have liberalised things like this, all that has happened is there has been a proliferation of drug taking. When they legalised marijuana in Brixton not just marijuana usage but all drug usage exploded and they had to wind those rules back.

A member interjected.

Richard WELCH: They did – in Brixton. I was there when it happened. We do not know enough about this bill to debate it properly, frankly. We will find out more in committee if we can get straight answers then. Most of those will probably be taken on notice, or they will be, ‘Oh, we’ll do it in procedures later on.’

Enver Erdogan: The committee-of-the-whole stage, yes?

Richard WELCH: Yes, correct, that is what I am referring to. I do not support the bill, and I will just reiterate this is because (a) it fails morally and (b), more importantly, it fails logistically.

John BERGER (Southern Metropolitan) (15:07): I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024, and I would like to thank the Minister for Health in the other place for her hard work in bringing these measures to Parliament.

The purpose of this bill is to reduce harm caused by the consumption of illicit substances. It is a multi-faceted, practical and evidence-backed approach to legislation that will improve health outcomes for Victorians. That is what this bill is about. This bill is another step that the Allan Labor government is taking to deliver a better Victoria for Victorians. It amends the Drugs, Poisons and Controlled Substances Act 1981 to establish a legislative framework for the operation of drug-checking services in Victoria and will introduce 24/7 access to intranasal naloxone through secure automated machines supplying naloxone for the immediate emergency treatment of opioid overdose. This bill provides for the establishment of mobile drug-checking sites. It also provides specific legal exemptions to encourage the use of drug-checking services without fear of legal repercussions. 2500 entities are authorised to operate under the framework established by the Drugs, Poisons and Controlled Substances Act 1981 and the Drugs, Poisons and Controlled Substances Regulations 2017. These include the Victoria Police forensic services site, the Victorian Institute of Forensic Medicine and the University of Melbourne's Bio21 Institute.

We have to face the facts: people use drugs. I do not; people do. In the most recent data from the national drug strategy household survey, one in five Australians self-reported that they had used illicit drugs at some point in their lives. This number is even higher for young Australians, where one in two self-reported illicit drug use at some point in their lives. To ignore drug use in Australia is not a smart decision, and it is not a scientific approach. More than that, it is a denial of our responsibility to Victorians. Over the past decade 5052 Victorians have died from fatally overdosing on illicit drugs. The last two years, 2022 and 2023, saw the highest number of deaths per year in the last decade – 547 deaths occurred in 2023 and 550 occurred in 2022. Worse than being the highest death toll of the last decade, the 2022 and 2023 death tolls due to overdose were nearly double the road toll. We can and must do better. These are not just numbers and statistics; these are the deaths of Victorians. These are your brother and your sister, your mum and your dad, your son and your daughter. Deaths are happening in our communities, and they have continued to increase despite ongoing efforts to reduce substance-related harm.

Victorian coroners have made the recommendation following 10 separate inquests that the government urgently implements a drug-checking service to reduce the number of preventable deaths associated with drug use. Pill testing both overseas and within Australia has proven its efficacy in preventing deaths, reducing risk and minimising harm. It is a practical and effective way to combat the overdose epidemic.

The ACT government introduced Australia's first fixed-site health and drug-checking service, CanTEST, a six-month pilot, two years ago. It was operated by Directions Health Services, or DHS, in partnership with the Canberra Alliance for Harm Minimisation and Advocacy and Pill Testing Australia. CanTEST was used almost 1200 times in the first year and 1800 times in the second year for substance testing. CanTEST initially provides harm-reduction information, counselling and advice to encourage choices that reduce drug use and its associated harms. Through these programs it has provided 4041 health and alcohol and other drug interventions and 225 nasal naloxone sprays. In combination with this and their work on social media, CanTEST reached 270,000 Australians in their first two years of operation. That is more than half of the population of the ACT. Over half the substances tested through the pilot program were not what their potential users expected, and some had never been seen in Australia. One test revealed a synthetic opioid thought to be 25 times stronger than fentanyl, and another found meth in a counterfeit diet pill. Approximately a third of the individuals who find their substances are not what they expected through the pill testing make the decision to discard the substance. These decisions are life-saving and would not be made without pill testing.

The success of CanTEST in the ACT is not singular. In the UK more than a fifth of individuals chose to discard their substances after receiving their test results. Other individuals altered their drug use by reducing the amount they consumed or consuming the substance over a longer period. These services do not just impact the behaviour of consumers; they aid our government and medical professionals in identifying new drugs as they emerge and before they get a hold in local markets.

Pill-testing centres are not enablers of drug addiction. They do not increase drug use. From the outset individuals using pill-testing centres are informed that there is no safe amount or level of drug use, but these centres will undoubtedly provide a critical service to prevent harm and fatalities when, and not if, Victorians decide to seek out illicit substances regardless.

The purpose of the bill is to work together on a drug-checking trial for a period of up to 18 months. The Allan Labor government trial will commence in early November ahead of the 2024–25 summer festivals. The trial will utilise for evaluation a mixed model of service. Firstly, it will trial a mobile service that attends up to 10 music festival events. Secondly, it will trial a fixed-site service in metropolitan Melbourne. The fixed-site service will operate in partnership with a community health provider. This site will be open in mid-2025.

These sites have multiple objectives. They will reduce the level of harm caused by illicit drugs or substances that contain prohibited drugs, poisons, restricted substances, drugs of addiction or any other substances. They will improve public health outcomes in Victoria related to harm caused by illicit substance use. They will reduce pressure on frontline services from drug poisoning and other acute episodes, which, with the Victorian healthcare system under record demand, will notably ease the load on paramedics and healthcare workers. They will provide efficient surveillance and improve information access and effective dissemination regarding illicit drugs circulating within Victoria, including monitoring the presence and prevalence of novel substances. They will provide users and potential users of substances with information about the composition of tested substances and the associated risks for the purpose of reducing the potential harm caused by using them.

They will provide tailored harm reduction advice and education for the purpose of reducing potential harm caused by using those substances and any other substances used by a person either concurrently or at other times. They will provide a safe way to dispose of substances that are or contain poisons, controlled substances or drugs of dependence. They will divert users of illicit drugs who may be at risk of entering the justice system by increasing access to health information and referrals to health and social services. They will reduce opioid overdose related morbidity and mortality by removing barriers to accessing naloxone. These sites will operate with the highest level of integrity to ensure that Victorians using the sites have the composition of their substances analysed in a comprehensive, safe and confidential manner.

The bill also outlines the implementation of legal exemptions that protect clients of drug-testing centres, aim to encourage their use and protect them from legal repercussions. These legal exemptions are necessary for the effective operation of drug-testing centres and the efficacy of a harm reduction approach to drug use. Let us be clear: the exemption from criminal liability, which will only apply when a client is at the drug-checking place and for an amount that is less than a trafficable quantity, is reasonable and sound policy. They also free up law enforcement to prioritise more serious drug-related crimes, such as trafficking.

For many Victorians who use illicit substances or are addicted to illicit substances, drug-testing centres are their first contact with medical professionals regarding their drug use. This service captures a section of the population who struggle with substance abuse and are not accessing support for their substance issue. By exempting these Victorians from criminal prosecution, the health and safety of these individuals is kept in focus. When a client enters a drug-testing facility, they first meet with a trained and specialised harm reduction worker. Clients are told that there are no safe drugs and there is no safe amount of drug use. A qualified analytical chemist then takes a small sample of the client's substance for analysis and communicates the results to the health professional or harm reduction

worker. These health professionals and harm reduction workers then share the findings with the client in a way that is accessible to the client. The findings shared with the client inform them as to: firstly, what chemical compounds are detected and how pure these compounds are; secondly, the known effects of each of the compounds; thirdly, if multiple compounds are detected, how they could expect to interact; and finally, if any unknown or inconclusive compounds are detected. These discussions are factually driven, not anything else nor demeaning to individuals using the drug-testing centres. They provide potentially life-saving information for the individual who is testing their substances. These discussions also include communicating information as to how to consume the substance in a way that minimises harm for the individual taking it, should they choose to consume it.

These legal protections are not without reasonable or practical limit, however, such as: the protections do not exempt individuals from other requirements relating to drug possession or supply placed on them under another legal order. Practically, this might look like: an individual 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 such a drug at a drug-checking service. Similarly, legal exemptions will apply to individuals working at the drug-testing centres. This is to encourage specialised and qualified individuals to partake in the trial program without fear of legal repercussions.

Another aspect of harm reduction and minimisation that this bill implements is the introduction of 24/7 access to intranasal naloxone through secure, automated dispensing machines. The intent is to introduce these automated dispensing machines in areas where drug harm and overdose are especially prevalent. Naloxone is a medication that can reverse overdose from opioids, including heroin and fentanyl, when administered quickly. It is a life-saving medication that can be administered by individuals without medical training. Access is critical during an event of an overdose. These dispensing machines furthermore provide anonymous access to naloxone, minimising stigma as a preventative factor for individuals seeking assistance for an opioid overdose. No Victorian should be too afraid to seek medical help, regardless of the legality or reason as to why they are seeking it. The Allan Labor government is committed to providing these naloxone-dispensing machines across Victoria as a mechanism of its statewide action plan to reduce drug-related harm. They are not a convenience for opioid users to engage in substance use thoughtlessly; they are an essential and life-saving medication for individuals experiencing a medical emergency.

The introduction of the pill-testing centres and naloxone vending machines in this bill build upon the groundwork for harm minimisation laid out in the North Richmond safe injecting room. The North Richmond Community Health medically supervised injecting room has been used by half a million individuals since its implementation in 2018. In that timeframe it has safely managed over 9000 overdose incidents, 1100 individuals have commenced treatment for opioid addiction at the community health centre and the centre has provided almost 4000 referrals to external services for individuals suffering from addiction. The North Richmond medically supervised safe injecting room is a credit to the harm reduction approach to substance abuse. Harm reduction and minimisation is a proven way to address substance misuse and abuse in our communities. As much as we can preach complete abstinence from illicit substances, and as much as complete abstinence from illicit substances may be safest, it is irresponsible to ignore the presence and existence of drugs and illicit substances and blame them on the failure of individuals. Many factors can contribute to drug use. Our priority and the priority of the Allan Labor government should be preventing overdose deaths, reducing harms from substance misuse and improving the overall health of communities.

We know pill testing works. It has worked overseas, and it has worked interstate. It will not eliminate drug use, it will not get rid of the harms associated with drug use and it will not make drug use safer, but that is not its design or its intention. I commend the bill to the house.

Rachel PAYNE (South-Eastern Metropolitan) (15:21): This is not the first time we have stood in this place and debated drug checking. It is not even the first time we have stood in this place and debated a pill-testing bill. With that in mind, I would like to start by acknowledging the work of Fiona Patten and the Greens, who in 2019 introduced the first-ever co-sponsored pill-testing bill into the

Victorian Parliament. It may have taken five more long years for this government to act, but it would not have been possible without their advocacy, so I say thanks.

When we at Legalise Cannabis Victoria were elected, as a party built on the idea of harm reduction, it was clear to us that drug checking must be a priority for this government. We spent time meeting with harm reduction groups who do incredible work that without a doubt got us to where we are today. This included meetings with groups like the Victorian Alcohol and Drug Association. Their statement, supported by 77 health and community agencies, called on the Victorian government to legislate a drug-checking system. Earlier this year they helped to develop a drug-checking model in Victoria in collaboration with Harm Reduction Victoria and other stakeholders.

We also met with CanTEST, who in 2020 set up Australia's first-ever fixed pill-testing service in Canberra. We heard how in the first six months they offered 675 discussions, 85 health interventions and 614 substance tests, providing vital services to their clients. Clients were able to know what they were taking and make informed decisions, knowing what to do if the worst happened. They do not tell people it is safe or encourage them to take drugs; that is simply not what these services do. The evidence shows us that those who access drug-checking services change their behaviour to reduce their risks. It is evident that these services save lives.

I would like to acknowledge all of the individuals and stakeholders who work or volunteer their time in the harm reduction space, including Pill Testing Australia, Harm Reduction Victoria, Students for Sensible Drug Policy, YSAS and DanceWize, to name a few, whose tireless workers has seen this positive outcome. Today is your win.

Earlier this year I was extremely proud that Legalise Cannabis Victoria collaborated with the Greens and the Animal Justice Party to again introduce a bill to establish pill testing in Victoria. I would like to give a special shout-out to Georgie and Aiv – or, as we affectionately call ourselves, the 'pingers crew' – my good friends who worked tirelessly with sick sunglasses and a sick determination to get pill testing off the ground in Victoria.

While we waited for the government to act, we continued to raise the urgency of drug-checking services in Parliament, acknowledging that while the government dragged their feet, young Victorians continued to lose their lives. There are decades of research and lived examples from over 20 countries and domestically showing that drug-checking services save lives by preventing clients from using strong or contaminated drugs. Drug-checking services allow for communication with people, often for the first time, about safer drug use, support services and harm reduction. They also help to detect new and dangerous substances before we see a mass overdose event. There has been a lot of work to get us to where we are today. It is unfortunate that it has taken this long to get here and so many lives have been lost. It should not have needed this much advocacy from stakeholders, multiple bills in Parliament and four coroners in six years recommending access to drug-checking services.

Turning now to the details of the bill, we are pleased to see that it will enable a drug-checking trial at fixed and mobile sites. These sites will be authorised to analyse samples and inform the client of potential risks and other factors which can contribute to harm. The presence of trained harm reduction peer workers and technical experts will further strengthen the efficacy of these services.

We are also extremely pleased to see that this bill will allow for the automatic dispensation of naloxone – something we and many of our colleagues have been calling for for some time now. I raised this issue in Parliament last month in the case of a THC vape that contained protonitazene, a synthetic opioid which is 100 times more potent than heroin. With the rise in substances like nitazenes circulating in the community, now more than ever we need access to medications to address opioid overdose.

We are concerned about whether these testing facilities will be equipped to test plant material. We know that cannabis can be contaminated with other dangerous substances, and we believe that those who use cannabis should be entitled to access these services. In the ACT the CAN-ACT study, funded

by the Lambert Initiative, allows residents to anonymously submit their cannabis for testing free of charge to not only analyse cannabis content but also test for harmful contaminants like toxins, heavy metals and pesticides. Users of the service have said that it has been helpful in giving them peace of mind and helping them to better understand their own health. If these services cannot test plant material, we hope that in time, once these services become established, there will be greater investment so they can expand their testing services.

We do also have concerns about the level of detail this bill provides when it comes to police discretion not to charge clients of drug-checking services. While this bill clarifies that police have this discretion, it does nothing further to ensure that they do not target clients of drug-checking services. We have heard anecdotes from similar services overseas and from medically supervised injecting rooms that while most police officers do the right thing, there are instances where police do target clients of these services. It is our hope that, alongside this legislation in Victoria, there will be a change to police training that will provide direction on how to treat clients accessing these services. We will be putting forward some questions in the committee-of-the-whole stage to further clarify how this is intended to roll out and raising other queries we have in relation to the bill. All it takes is one story of a friend who was singled out by the police to scare off many more who would have benefited from accessing drug-checking services.

I would like to thank Minister Stitt and her team for the ongoing engagement on this bill and drug harm reduction more broadly. A special mention must also be afforded to the Premier, who I feel has been courageous in talking openly about her concerns as a parent and how her position on drug-checking services has changed. We congratulate this government on bringing forward this legislation and for doing so in a way that will ensure pill testing can be rolled out in time for the December festival season.

Renee HEATH (Eastern Victoria) (15:29): I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024, a bill that is co-sponsored by the Animal Justice Party, the Victorian Greens and Legalise Cannabis. It amends the Drugs, Poisons and Controlled Substances Act 1981 to enable drug-checking services to be established, licensed and regulated in Victoria at both fixed and mobile sites. Drug-checking services will permit clients – the person that is giving the drug to be tested – to have the composition of their drugs tested and to receive harm reduction advice on the use of drugs without risking exposure to criminal or civil liability. It enables the dispensing of certain poisons, including naloxone, by automatic machines for the treatment of opioid overdoses.

The call for pill testing at music festivals began in earnest around 2015 when Fiona Patten was elected with the Sex Party following the deaths and overdoses at the Stereosonic festivals. The fact that Fiona Patten raised the need for pill testing is quite telling, as she has been a political lobbyist for the adult industry for decades and an advocate for drugs and pill testing. The Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2023 was first introduced in 2016, and this bill proposes pill testing in Victoria. What I am quite amazed at is it was not long ago that the Labor Party completely opposed this bill. In fact they historically have opposed it. Up until 2023 Daniel Andrews said that he had no plans to follow the Queensland government's lead. In fact he said:

The government is not introducing a pill-testing trial. Queensland can do that if they choose, we aren't ...

Mr Andrews justified his tough stance on pill testing by saying that it does not make the consumption of party drugs like MDMA and ecstasy safe or reliable. I just find it fascinating that those opposite have gone from completely opposing it to now completely championing it, just listening to their speeches. I find that very insincere. Mr Andrews said:

I don't think you can take these drugs at any level and be safe ...

Until last year, Minister Stitt held the same line. She said:

I want to be very clear, though: The Allan Labor government has no plans to trial pill testing.

I find it extraordinary because when we now listen to these other speeches it is like a complete 180, and people are not saying that they are not staying true to their word and saying, ‘Taking drugs on any level is not safe and we will not be introducing it.’ They are almost demonising people who have concerns and are not supporting it.

Pill testing centres drug policy priorities around harm minimisation, which forms one part of the harm reduction pillar found within the national drug strategy. The other two pillars are reduction of demand and reduction of drug supply. Harm minimisation can be defined as politics, programs and practices that aim to reduce the harms associated with the use of psychoactive drugs in people unable or unwilling to stop. This presents a conflict and a tension, as pill testing works directly against and undermines the two other strategies in that national drug strategy, which are, like I said, drug supply and demand reduction. This was confirmed by the Australian National University’s pill-testing program evaluation in 2019, which found:

... those determined to use remained determined before and after receiving the testing service ...

As with any question that is brought to this place, there are always going to be opposing views. The main arguments in favour of pill testing by advocates for pill testing are things like that it reduces drug-related harm. I just want to remind you that the first ever overdose from ecstasy in Australia was by somebody who had an idiosyncratic reaction. Somebody had a pure tablet that somebody else also took on whom had absolutely no lasting harm, and it killed her. It was not safe for her. Something that is safe for somebody does not mean that it is safe for the whole population. But anyway, I digress.

The other arguments they have are that it will provide an at-risk population with information and education. Apparently it changes behaviours around drug taking. It monitors the market for new and dangerous substances. It has been shown to help change the black market of drugs containing harmful substances, and it allows for research and data collection on the illegal drug market.

Then there is the flip side, the side on which I am standing and advocating for here today, which is arguments against pill testing. Some of these arguments are that there is no such thing as safe drug use and that pill testing normalises drug use. Funnily enough, just over a year ago I was standing on a unity ticket with the leader of Labor on that exact same point. There is limited evidence that says pill testing does work and it can provide a false sense of security. The services are legally difficult; some would say the services are morally wrong. Also testing is flawed. I have found it really fascinating reading through the different speeches of people who have raised their concerns around pill testing. Our colleague Mr Puglielli from the Greens said pill testing does not encourage illicit drug use. However, if it is an illegal drug that is being tested, it is an illicit drug. There are no two ways around it. Another interesting one was Lauren Kathage from the ALP, who spoke about pill testing being like a seatbelt analogy, and I am going to come to that in a minute. I found that quite fascinating.

Music festivals have at times resembled a scene from a hospital emergency ward, with drug-related deaths and overdoses that have tragically claimed the lives of festival goers, many of them young. In the aftermath of these tragedies, harm reduction advocates are quick to propose pill testing as the next drug minimisation strategy that could potentially save lives, and I think that that is well-meaning. I am not against that, but I think it is extremely flawed. All three parties sponsoring the bill have insisted that pill testing saves lives but quickly follow up with ‘But it’s not a silver bullet, merely a strategy among many others.’ However, I think that a silver bullet is the wrong analogy. I think a much better analogy is Russian roulette. Taking psychotropic illicit drugs is a deadly and unpredictably high-stakes game. There is a reason that drugs are illegal, and there is no safe way to play.

I have spoken about it before in this house. Not only am I concerned that the very first ecstasy drug death in Australia was from a pill that was considered pure and it was something that reacted with that particular individual’s own chemistry but also that I have had friends myself who have had to fight for

many, many years and I have seen what it has taken to overcome the addiction to drugs and get their lives back, to see families that have sometimes seen their children slip away and for others it has been almost the joy of having them come back. Many precious years of people's lives have been lost.

But we heard Lauren Kathage comparing pill testing with car seatbelts. What she fails to recognise is that driving is legal, and it is widespread because it is desired by the public. Seatbelts help make this safer. Taking illicit drugs is not legal. It is definitely not desirable to the public and it is not something that adds to the community. Arguments like these used to support pill testing essentially construct false equivocations and perceptions around drug use and they suggest that it can minimise the harms and make them safer. I know it is well-meaning. I want to see lives saved. I do not think that this is the way to do it.

Because of time I am going to skip through a few things, because I think another thing that often we do not talk about is the terrible background where these drugs are coming from. They are not coming from a pharmacy that is well regulated. They are not coming from somewhere that is safe, with good working conditions. They are coming from drug syndicates of violent people that often involve sexual assault, murder and incredible violence. The parties that introduced this might say, 'I'm not going to wear something that comes from an animal,' 'I'm not going to eat meat from an animal that has been abused,' or 'I'm not going to buy clothes from somebody whose work standards aren't up to practice,' yet the same people are saying, 'But you can buy drugs off the black market, where people can be treated incredibly violently.' I have just listened to some amazing podcasts, and we were talking about the bill relating to Nicola Gobbo recently – the drug trade and the incredible violence and the fact that she and her children are now in hiding because of these different drug lords and the way that they operate. She absolutely did the wrong thing, but this is a group of people you cannot get on the wrong side of, because if you do, there is no coming back to Australia, there is no living a normal life. Yet here we are, supporting their business. I just think it is absolutely unbelievable.

But while I have got a few minutes left, around drug safety and harm I think there is a lot of detail missing. New section 20AA(5)(b) states that general drug-checking workers are not authorised:

to provide a drug-checking service other than the service of providing harm reduction information.

It is very limited.

I am going to go through just this because I do not have enough time to go through all of it in detail. There is no requirement, as a client waives their rights in relation to legal liability, to reveal the limitations of pill testing. So these people could be extremely harmed, and even though it is a service provided by the government, there is no protection. There is no requirement to discuss extensive pill-testing limitations with people. I think that will give people a heightened or false sense of security.

This is one that I find quite interesting given the other things we have spoken about: there is no fit-and-proper-person test for these workers. That, to me, seems extremely problematic given the product is illegal. It is not a health-led approach. There is no fit-and-proper-person test for special drug-testing workers even though they will be handling drugs for testing. There is no fit-and-proper-person test for the general drug-testing workers. This ignores the failures of the Richmond drug-injecting rooms, including that a pair of community outreach workers tasked with bringing drug users into the facility were among five people charged with drug trafficking. That is really quite devastating.

I am just going to skip to the end because I have got way too much stuff here. I just want to say that the parties that support these bills cannot reconcile I believe the link between illicit drugs and the paradoxes that they pose with core party principles and values. It is a dark environment that produces the pills, and it wreaks so much unnecessary destruction for countless thousands of people all over the world that is never really fully understood or exposed.

I think the argument that 'they're doing it anyway, so let's make it safe' isn't applied across other societal areas, such as obesity, gambling, domestic violence, alcohol and tobacco. They are not saying, 'Well, somebody's going to do this anyway, so let's build these structures around it.' The same voices

advocating for pill testing would boycott products that pollute the atmosphere, meat packaged from an abused animal and clothing produced by exploited workers, and so they should. However, those things are dwarfed in comparison to the harms that can be done with this particular – (*Time expired*)

David LIMBRICK (South-Eastern Metropolitan) (15:45): I am going to start with a quote from the introduction to the famous essay *On Liberty* by John Stuart Mill:

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others ... In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

What that partly means is that, in a free society, people are not really free unless they have the freedom to make decisions that might be bad. In fact the role of the state should only be really to prevent people harming each other, not preventing them from harming themselves.

The bill here today does two things, and I will go through them separately. I will start with the first thing that it does, which is less controversial, which is permitting the use of vending machines to dispense the drug naloxone. For those that might not be aware of what that drug is, effectively it is a nasal spray, like a nasal decongestant – it looks very similar to that – and it is effectively an antidote to opiate overdose. It can be administered just by squirting up the nose, similar to a nasal decongestant, and it can bring back to life someone that is dying. I think that this is a great idea. My only concern is: why wasn't it done 10 years ago? Nevertheless, the government is doing this, and I think that it is an excellent idea, making naloxone more widely available.

In the second part of this bill the thing that it does which is more controversial is it sets up a legal framework to allow both fixed-site and mobile pill testing. I cast my mind back to I think it was February 2019. Actually it was the first media presser that I ever did as an MP, and there were a whole bunch of crossbenchers, including the Greens, me, Fiona Patten and many others, and we all showed support for pill testing. The reasons that I supported it may have been different to some of my colleagues, but nevertheless we all supported it. What are the reasons that I support this? As I have said many times in this place, even in my inaugural speech, I believe that drug prohibition is one of the most catastrophic failures of policy that has ever existed. Some of the catastrophic harms caused by drug prohibition, which is still supported by this government, are that we get very poor quality substances, we get misinformation in the market, we get organised crime and we get all of these other problems.

The reason really that people continue to support prohibition is that we have this funny idea in many countries, including Australia – I would argue it is more apparent in Australia – that if the government makes something legal it is good and if it is illegal it is bad. I heard the opposition reference many times, 'There's a reason it's illegal.' There is a reason it is illegal. It is because the government put forward a bill that made it illegal and turned it into an act. That is why something is illegal. There is no rational basis for this whatsoever.

What the government is doing by allowing pill testing to happen is in my mind not a silver bullet. It is definitely not going to fix all the harms of drug prohibition. In fact it is quite a minor thing that they are allowing. Nevertheless, it will allow one thing to happen: it will enable people that are taking risks to have some more information to somewhat mitigate that risk. It will allow them to come into contact with someone who will provide them with harm minimisation information. No-one tells them that the drugs are safe; that is not how pill-testing services operate. They always tell them that they should not take the pills, but they also tell them what is inside them. Some pills can be adulterated and other ones may be more pure, which is a problem too. As has been pointed out, at this point people have already purchased the drugs. What happens in many cases – and I have heard this from many people – is that

they discover that the pill is not what they thought it was and they throw it in the bin. That does not encourage drug use; that reduces drug use, which is a great outcome and maybe saves their life. Similarly, a drug can be far more pure than what they anticipated and someone may not take the full pill and again, in that manner, it may save their life because they know that what they obtained is far more potent than what they had anticipated.

The other concern that I have with the drug market in general – this is not really something necessarily for festivals and the like but more for the fixed site service, and it is something that I have been terrified about for years now – is synthetic opiates coming into Australia. The sooner that we can identify these, similar to what we would do in many other things that the government does, like, for example, food safety or environmental testing – when they find some substance which is not meant to be there and is dangerous, they raise the alarm and shut it down. Hopefully they will be able to do that with nitazenes, fentanyl and some of these other opiates that are extremely dangerous. We have seen some of the shocking consequences of those drugs entering the market in other countries, such as the United States. I think that we can only thank our lucky stars that we have not had that in Australia yet, but sooner or later it will come, and that is what I am scared of.

I do have some problems with this bill. I do not like the funding model that they have set up for the festivals, noting that it is just a trial at this stage. I would urge the government to consider different funding models for the long term. My main concern here is a moral one around whether or not taxpayers should be funding quality control at festivals. I do not think that should be the case. I think that there are other financial models that can be set up. Indeed other countries do have different models that are set up by the industry, by charities, by corporate sponsorship. There are many other creative means for funding this. I just do not think that over the long term it should be funded by taxpayers. I think that people that want these drugs tested should be funding it themselves. Nevertheless, I do not feel that this is a good enough reason to oppose this bill because the consequences of not having something like this are extremely dire. People will die without this sort of service. In fact we will save many people through this sort of service.

I would like to challenge some of the things brought up by the government and the Greens. They carry on as if they are champions of harm reduction. I would like to point out that the most deadly drug is a legal drug and is widely available, and it is tobacco. The government has done nothing, absolutely nothing, on tobacco harm reduction. In fact they have totally ignored it. Similar to the Greens, they in fact have been spreading misinformation about vaping and what it can and cannot do and how dangerous it is. They have totally ignored the principles of harm reduction, and I think that to carry on as if they are champions of harm reduction now is a bit rich, frankly. Tobacco by far kills more people than pretty much any other drug. It is a very dangerous drug, and it is totally legal. If you believe that the government making something legal means it is good, then you must believe that tobacco is good too, which it is not. It is a very bad drug, very, very bad.

On the subject of collecting information, I know that we do already have an alert system for identifying drugs. Feeding in the data that is collected from both the mobile pill testing and the fixed-site testing will enable us to get a much larger sample size for this database that is used for alerts and better information on what is happening in the illicit market so that hopefully we can get ahead of things and alert people to the fact that there is bad stuff out there and maybe encourage them to make different decisions or at least give them the information to make their own decisions about what sort of risks they are really willing to take.

I would like to briefly just acknowledge some people who have been pushing for this for years: people within my party who have also been supporting this for a long time and some organisations such as Harm Reduction Victoria, Students for Sensible Drug Policy, Harm Reduction Australia, the Victorian Alcohol and Drug Association, the Coroners Court and many others. Of course my colleagues from the last term of Parliament were also pushing for this along with me.

We need to do more on this sort of thing. I have seen the harm. I have actually gone to festivals. In fact I was having a debate with one of my staff earlier today about the Earthcore festival. He was talking about the 2000s and I was talking about the 1990s. Anyway, I am starting to feel old now. But yes, I did go to festivals, and I saw harms from drugs. Not everyone that takes drugs is harmed by them – in fact the majority of people are not – but some people do suffer harm, and if people can get more information that will enable them to make better decisions about their behaviour and maybe even make a decision to not partake in that particular behaviour because they discover that what they thought they were taking is not what they were taking, then that is a good outcome, I think, and should be supported.

I would like to reiterate that I do not support the funding model for this, although that is not really part of the bill; the bill just sets up a licensing scheme really. I would urge the government to think for the longer term, after the trial, about how we fund this on an ongoing basis and to explore more creative and innovative funding models than simply just paying for it with taxpayer money. I will leave my contribution there.

Georgie PURCELL (Northern Victoria) (15:57): I am really pleased to speak in support of this bill today, because drug testing and pill testing save lives. It is as simple as that. This bill does exactly what I and many other members of the crossbench have been calling for for some time, and we are really pleased to see the government finally listen to those calls. If we have the ability to respond to and reduce drug harm, we as politicians have an obligation to ensure that that happens, regardless of how we feel about drug use itself.

This bill offers a pill-testing pilot and the licensing of one fixed-location drug-checking service offering open conversations detailing both the substances provided and the associated harms and risks and issuing referrals to health or social services. The mobile service will attend music festivals and hotspots where we know drug use is already rampant. Our nation's capital and Queensland are already offering pill testing with resounding success, alongside 28 other countries. The evidence is there to show that this works.

Let me be clear: despite what other members of Parliament have said in here today, this bill is not about enhancing access to drugs, nor is it normalising drug use. What it will do is address the failures of this state to protect its citizens from ingesting fatal substances. It will fill in the gaps where our criminal laws have fallen short in addressing the root cause of drug-induced harm and deaths. It is a simplistic reduction and frankly a very uneducated view to say that pill testing increases drug use. The real contributor to overdoses and unintentional drug harm is the lack of informed decision-making and the absence of support. Today we have the opportunity to remedy just that.

We know our youth are dying or becoming seriously ill from taking drugs. Our recent summer festival season has shown us just that. These people are dying in the shadows of our sphere of care and, until now, in the purview of this government. This bill seeks to bring behaviour that already occurs in secrecy and unchecked into the light and into the hands of the professionals who know it best. Prospective drug users will be able to have their limited quantities tested for any unknown or potentially fatal substances. In doing so a health worker is able to discuss their drug use with them so that they can make informed and therefore safer decisions. It is as simple as that. These very discussions will likely be the first of their kind for many individuals who have previously felt uncomfortable discussing it with a parent, adult or doctor due to the fear of judgement or, at worst, prosecution. Further, amnesty bins will be provided so that people can dispose of their tested drugs without consequence. This also enables the health authorities to understand what variations of drugs are being used, trends in the market and what unexpected chemicals may be found in patients and empower the issuing of real-time public alerts about new or dangerous drug compositions. By just one person testing a substance and triggering an alert we will have the ability to save not just one life but multiple others who have purchased the same batch.

Drugs are a reality within this state, and we can no longer pretend that it is not our responsibility to minimise the associated risks. If we are to expect that young people do engage in drug use once out of the schooling system, we must continue the education when they are confronted with these very opportunities. The answer to minimising drug use harm is not further punishment, for everyone knows already that their conduct is illegal. What they do not know is the composition and the potency of what they are ingesting. In Canberra the pill-testing scheme has already shown that people were four times more likely to say that they would not take their tested drugs when it was found that the substance showed unexpected ingredients, additional drugs or inconclusive results.

The 2018 inquiry into drug law reform recommended:

The Victorian Government establish an early warning system (EWS) to enable analysis, monitoring and public communications about new psychoactive substances (NPS) and other illicit substances of concern.

In 2018 novel psychoactive substances contributed to three deaths. Yet without implementation of this recommendation this figure has rapidly increased, accounting for 47 potentially avoidable deaths in 2021–22 caused by new psychoactive substances. Further to this, State Coroner Judge John Cain on 6 September 2023 recommended that the Victorian government implement a drug-checking service, following the death of a 26-year-old man in 2022 from a highly potent type of MDMA pill called the ‘Blue Punisher’, which induces seizures, multiorgan failure and brain swelling. His Honour noted that in this unregulated drug market there is a heightened overdose risk because consumers cannot be certain of their composition or strength. This is not a standalone case but rather represents the upward trajectory of deaths in Victoria from a lack of pill testing.

I think one of the worst traits for many of us as politicians is thinking that we know best and that we know everything about every topic. But I actually think one of the best traits of a politician is to listen to the experts who know the subject matter best, and experts have been pleading with us for years now to implement this service. We have been presented with an opportunity to do better and to simply listen to them about the reality we are already living in and what we can do to reduce that harm.

This bill is for the young person who feels pressured into taking drugs by their friends. This bill is for the person willingly experimenting for the very first time and those that have made the decision to continue recreationally using. This bill is for the concerned parent who has found illicit substances in their family home. This bill is for those who are drug-dependent and trying not to overdose. This bill is for some of my own friends. And I am sure this will shock precisely nobody: this bill is also for my younger self. It is for the safety of all Victorians. Today is a choice. It is a choice between a young person never returning home to their family or instead a young person having a brat summer with informed and safe choices. I commend it to the house.

Jacinta ERMACORA (Western Victoria) (16:04): I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024. The purpose of this bill is to amend the Drugs, Poisons and Controlled Substances Act 1981. There are two key strategies that are introduced in this bill: drug checking, or pill testing, and increasing access to treatment for opioid overdoses. Most importantly, though, this bill will save lives, as many of my colleagues in the chamber here have said. The drug-checking implementation trial is expected to reduce pressure on frontline services from drug poisonings and help save lives at Victorian music festivals and more broadly. This trial will test and evaluate models of delivery for this service, which will then be made permanent. In short, this bill is about putting in place measures to actively save lives.

I would like to start by talking about the second element of the bill, which is accessible provision of treatments for opioid overdoses. This availability is becoming more urgent. The battle against illicit drugs is becoming much more complex. New addictive products are becoming more available across the globe. More people are taking illicit drugs believing them to be one thing, but increasingly there is a real risk they are taking a deadly substance. Many of us are unaware of the extent of this rapidly increasing challenge across Australia.

As reported on the ABC on 25 June this year, the synthetic opioid nitazene is linked to a rise in overdose deaths currently emerging in Australia. This synthetic opioid has experts alarmed. Nitazenes were first detected in Europe and North America in 2019 and have been linked to a concerning increase in overdose deaths. Experts are warning it could become as crippling in Australia as the fentanyl crisis in North America. Nitazenes were originally developed in the 1950s but were never used clinically due to their addictive potency. Nitazenes are stronger than fentanyl and hundreds of times more addictive than heroin. I have heard how addictive heroin is. I have listened to heroin addicts describe that feeling, and it just amazes me that these nitazenes are more addictive than that. So this is potentially deadly in the extreme. It is believed a significant reduction in opium production in Afghanistan may have resulted in synthetic opioids such as nitazene filling the gap. Nitazene is also cheaper and easier to produce than plant-based opioids. The National Crime Agency estimates that at least two people are dying every week from nitazenes in the United Kingdom, and we are not immune. Drug alerts have been issued in almost every Australian state and the ACT since 2021 following overdoses linked to nitazenes, including drug-induced deaths.

Marianne Jauncey is the medical director of the Uniting Medically Supervised Injecting Centre, located at Kings Cross in New South Wales. She stated to the ABC on 25 June:

We know there is at least 16 or 18 deaths in Victoria that have been referred to in coronial reports ...

That is why this bill is so timely and important. The reality is that every person in this chamber, no matter where they sit, could lose a child or a friend to an accidental drug overdose in the name of fun, social pressure, experimentation or drug addiction. The Allan Labor government is again showing proactive leadership and tackling this issue head-on, and I congratulate Premier Jacinta Allan for her leadership in this challenging space.

This bill will enable the supply of naloxone, a controlled substance, through secure automated vending machines. Naloxone is a completely safe life-saving opioid reversal medication. It reverses the effects of drugs such as nitazenes, as naloxone blocks opioids from attaching to opioid receptors in the brain. Importantly, it carries no risk of being misused.

The Victorian government is committed to getting naloxone into the hands of those who need it, as a part of our statewide action plan. Twenty secure naloxone vending machines will be established in the areas of greatest need. This will afford Victorians with greater access to this lifesaving medication. Despite carrying no risk of misuse, naloxone is a controlled drug. To make it more accessible via these vending machines we need to amend the current legislation, which is exactly what this bill will do. Following the passing of this legislation and a co-design process, these machines will be up and running from mid 2025. Increasing the availability of naloxone can significantly reduce the mortality rate from overdoses.

Drug checking or pill testing is the other significant reform being introduced in this bill. The data backing pill testing from around the globe is increasingly robust. This legislation is choosing to take a harm minimisation approach to illicit drugs rather than an emotional or judgemental approach. Let us face it: drug abuse is not new. Opium and opium products have been killing human beings for centuries. Pill-testing technology allows users to minimise the harm that drug taking can cause. In doing so, there is no doubt it will save lives. This data is reflective of findings around the world. It shows the percentages of people at high risk who take drugs unaware of potentially dangerous substances. At its core, the use of quality control in drug taking will actively save lives.

Although some of us are older than others in this chamber, and I am sure we all remember our own adolescence, some of us were probably more reckless or adventurous than others. Risk-taking is a natural developmental behaviour of young people, and it is also a natural behaviour of some not so young people. I know one of our colleagues, not in this chamber, likes jumping out of aeroplanes, and I confess that mountain bike riding is my adrenaline rush. We know these activities involve risk – they are not entirely risk free – but broken bones, scratches and bruises are in a completely different category to the risk associated with opioid consumption. The risks of accidental drug overdoses due

to corrupted product are, sadly, deadly serious. The bottom line is that every person in this chamber, no matter where they sit, could lose a child or a friend, as I said, and that is why these two elements in this bill are so important.

In 2016, 43 per cent of Australians aged 14 and older said they had used an illicit drug at some point in their lifetime. Use of drugs amongst music festival attendees is disproportionately high compared to the general population. Ideally, drugs would not be used at all. A study of the deaths at festivals was published this January in the *International Journal of Drug Policy*. It was led by Associate Professor Jennifer Schumann from Monash University here in Victoria. Their survey found that of 2305 participants at 23 festivals in Victoria, almost half – 48 per cent – had recently used drugs, and 24 per cent intended to take illicit drugs at their next festival despite the discouragement.

The 2023 evaluation of the CanTEST service, which provided drug checking and health interventions in the ACT, revealed that only 53 per cent of substances tested matched the expected drug and 32 per cent of people who discovered their substance was not what they expected definitely would not use it. This is where drug checking can truly save lives. Pill testing does not encourage drug taking and pill testing does not increase drug use. All patrons are told at least once that the safest thing to do is to not take drugs, and there are many sets of data from around the world reinforcing that pill testing does not increase drug use. The Alcohol and Drug Foundation website shows that in New Zealand in 2022 they conducted testing of 73 drug-checking clinics and found that clients were more likely to use in less risky ways: 29 per cent of people said they would now take a lower dose than previously planned, 27 per cent of people said they would avoid mixing with alcohol or other medications and roughly another third of people reported they would test any other drugs they were using.

Pill testing provides a unique opportunity for harm reduction workers to inform patrons about the risks of drug use and what to do in the event of an adverse reaction. Illicit drugs are not regulated in any way. The risk of harm is so much more than for prescribed drugs. With prescribed drugs the dosage rates are not only tested but standardised and fully researched for the impacts they have on the target population. If you think of almost any prescription drug, not only are they prescribed by a health practitioner who specialises in the area, the actual packet of medicine comes with labelling and usually very detailed written instructions. We can rely on prescribed drugs; it is a regulated system.

We can also rely on legal non-medical drugs like alcohol. At least now we have clear dosage rates of alcohol. It is a requirement to list what the percentage of alcohol is on the bottle. Standardised labelling requires that consumers know what they are consuming. In addition, public education and the criminal code are very clear about acceptable versus harmful levels of alcohol consumption.

This is pretty much my pep talk for teenagers on drugs, and it refers to illicit and legal drugs: the best approach is to not take them at all. There is no consumer affairs when it comes to substances purchased off the street from an unknown maker, no recourse and no accountability. The best course of action is to not take drugs at all. We can encourage young people not to take drugs while also offering pill testing. This bill will save lives.

Ryan BATCHELOR (Southern Metropolitan) (16:17): It is a pleasure to rise today to speak in support of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024, a bill that will give the express legal authority for both mobile and fixed-site drug-checking services to operate in Victoria and also support the government's commitment to introducing secure naloxone vending machines in key areas of need. This is an incredibly important piece of legislation that is going to help save lives here in Victoria, and it is going to help keep people safe. It is going to better inform Victorians about the choices that they are making and help them understand what is in the things that they are putting into their bodies. It is not about condoning drug use, and it is not telling people that they are good to go. It is about providing Victorians with information so that they can make more informed decisions – possibly life-saving decisions. Having legislation and a pill-testing regime is more and more important given the volatile and unpredictable nature of the illicit drug market here in Victoria. These measures are needed now more than ever, and the clear legislative framework that is

being put in place by this nation-leading bill will let all parties – festival operators, pill-testing operators and their clients – know that they are not breaking the law by operating a testing service and they are not breaking the law by seeking out one of these services to have substances checked.

The checking is important, but it is not just about the checking. The pill-testing services that this legislation will enable are about much more than that test itself. They will provide the opportunity for trained workers – peer workers but also technical experts – to provide clients of the service with critical information about harm reduction and ways to reduce their risk, and they will also provide an opportunity to gather useful community-based information to strengthen Victoria's drug surveillance efforts, which will help authorities get on top of dangerous trends sooner. Unfortunately, under the current system, in the past we have only known that things are going wrong and that dangerous substances are afoot in the community when things started to go really wrong – when people started to get really sick. We know that the sort of information that comes from these services at a system-wide or a population-wide level will enable that information to be collected in a more systematic way.

We know that no drug is ever truly safe, but Victorians do deserve to have all the information available to them to help them make better, safer and more informed decisions. The science behind pill testing is very clear: it will save lives and reduce harm. It is quite simply common sense. That is why I am very proud to be part of a government, led by the Premier Jacinta Allan and the Minister for Health, Minister Stitt, that is proudly the first jurisdiction in the country to introduce dedicated legislation to support the operation of pill-testing services from this year.

I will not take up too much time today. I will say that the component of this legislation which I think is particularly important other than the one that is being put in place to establish both fixed and mobile pill-testing services is the framework to enable the supply of naloxone, which is a controlled substance, through secure automated vending machines. The naloxone component of this package is part of a statewide government response, naloxone being a safe and life-saving opioid reversal medication that blocks opioids from attaching to receptors in the brain. The government as part of its announcement in terms of drug harm reduction put the rollout of naloxone vending machines at the core of the statewide action plan. We are establishing 20 of these vending machines around the state in areas of greatest need, giving more Victorians greater access to life-saving medicine.

You can see through the approach we are talking to pill testing and the approach we are taking to naloxone vending machines that this Labor government is about reducing the harm that these drugs can cause in our community, about better informing those who take them and about ensuring that all Victorians are kept safe and that we do everything we can to reduce the harms from drug use.

Sheena WATT (Northern Metropolitan) (16:23): Thank you very much for the opportunity to rise today and speak in support of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024. I would like to begin my remarks this afternoon by acknowledging my colleagues in the other place. I did take some time last sitting week to follow several of their contributions because these changes I know are just so important to our community. I want to begin with the first speaker and highlight the contribution of the Premier and the true leadership that she has shown on this issue when she noted that her own views on this had changed. She has demonstrated what real leadership looks like – the ability to take information provided by professionals and families that have shared their stories and make an informed decision as her perspective shifted. I was touched by that and then particularly by supporting contributions from other members of the LA. The contribution by the member for Footscray was particularly powerful. She shared being at a music festival and stumbling upon a young person having an adverse reaction. You know what – she probably saved their life, so all respect to the member for Footscray for doing that.

Can I also say that we are very lucky in this place to have very powerful contributions by the member for Frankston and the member for Melton. With all the opinions on this issue shared in this place, we frequently forget it is often our emergency services personnel that respond to drug overdoses. It is the paramedics like the member for Melton or our firies like the member for Frankston who are first

responders to the tragedy of drug overdoses. The trauma of a drug overdose obviously impacts family and friends, but let us not forget for a single second the impact on our emergency services and healthcare professionals dealing with the devastation of unsafe pills. It is these Victorians who have had the experience of trying to resuscitate someone who has overdosed, and we should not be placing this burden on our first responders when we know that there is a safer way to protect Victorians. This was highlighted by the Premier's own contribution to the house. In the first three months of this year, paramedics had responded to more overdoses at festivals than the entire 2023 year.

I will just take a moment now for my own reflections in fact. With my Parliamentary Secretary for Emergency Services hat on I had the very distinct privilege and pleasure of joining the Triple Zero Victoria folks at their call centre in eastern suburbs, where I witnessed firsthand their extraordinary work, and can I just say these highly skilled professionals are trained to respond to a wide range of crises. They navigate some really high-stress situations with some really limited information and have incredible split-second decision-making skills, my goodness. I watched and I heard as they handled overdose calls, knowing little about the substance involved or its potency, and as people called in reciting the impacts of seeing drug-affected people in our community. There was an uncertainty that I could hear that really places enormous strain on both the call centre and the first responders on the ground. What struck me most was the dedication of these workers, who handle calls with empathy, professionalism and unmatched commitment to keeping Victorians safe.

However, without the tools to identify dangerous substances at the point of use, calls about drug overdoses and related crises continue to consume resources within our emergency services, and this is where pill testing can make a real difference. By providing access to pill-testing services we can reduce the number of overdose-related calls and allow our emergency call operators and responders to redirect their focus to other critical situations. Fewer overdose incidents mean fewer calls to 000 for drug-related emergencies, enabling our emergency services to attend to other Victorians in critical and urgent need, whether it be in relation to heart attacks, car accidents or other life-threatening events. Pill testing is more than harm reduction; it is a practical solution that supports the efficiency of our emergency services, relieving some of the pressure on our frontline heroes. It is a way of honouring the work of our highly skilled call centre staff, enabling them to operate in an environment where resources are effectively allocated and where unnecessary crises are prevented at the source.

It is important to give people the tools that they need. I cannot support this more. It is so important that those talking to people before they make that decision to pop a pill are the health professionals that can give them more than an indication of what is actually inside that little pill. I had the opportunity to listen to Paul Healey from the Health and Community Services Union (HACSU) last year. He did a radio interview, and he made a really good point. He said that at the moment people are only getting the information off drug dealers, who are in the business of making money, not welfare. We cannot let the community get health information off drug dealers and organised criminals. We have an opportunity to impact people's lives here by giving people access to professional, unbiased health care and information.

I do not have much more of my contribution to make. But there is such an extensive list of organisations that have been involved in the development of this bill before us, and I am sure the minister will possibly speak to that today, if not later. There are a few that I want to give a particular shout-out to and to thank for their extraordinary contribution to this issue – thank you to their extraordinary leadership – HACSU, the Australian Nursing and Midwifery Federation, the Victorian Ambulance Union and the Australian Services Union, along with other professional associations and organisations such as the Victorian Healthcare Association, the Pharmacy Guild of Australia, the Federation of Community Legal Centres, the Australian Medical Association, the Royal Australian College of General Practitioners, the Public Health Association of Victoria, the Victorian Alcohol and Drug Association and the Penington Institute. The common thread here is that they are all professionals who know and deal with this issue firsthand.

There is so much more that I could speak to, but perhaps it is worth going to a story about the Northern Metro region and the conversations that I have had, including one that I had recently with a teacher who told me how important it is for students and young people to get independent advice from professionals. She was pretty blunt about it, knowing of course that they might not listen to parents and they might not listen to their teachers, but getting advice from skilled professionals can really help important messages sink in. I am happy to know that with this bill before us there is more access to important information.

I will say to you, Acting President, and to the chamber, with this bill we are not endorsing drug use, we are acknowledging the reality of drug harms and creating a pathway to save lives. With this legislation before us, we are focusing on harm reduction and prioritising the health and safety of Victorians. I, with members on this side of the house, lend this legislation my support and commend the bill to the house.

David ETTERS HANK (Western Metropolitan) (16:32): I am delighted to make a contribution on the Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Bill 2024. This really is a landmark piece of legislation. After New Zealand we are only the second jurisdiction in the world to actually legislate a drug-checking service, so I take the opportunity to warmly commend the Allan government for its courage and vision in moving this legislation and for its commitment to keeping Victorians, particularly young and vulnerable Victorians, safe.

Pill testing, or drug checking, has been recommended by pretty much everyone who has an interest in harm reduction and saving lives. It has the endorsement of the AMA, the Royal Australian College of Physicians and the Royal Australian College of General Practitioners, to name but a few. No less than five coronal inquiries in the past two years have called for drug-checking services to be introduced in the state, and of course the scheme has the strongest endorsement of those working directly in the harm reduction sector. Drug checking has been effective in saving lives wherever it has been provided, and the government has clearly listened to the expert advice and to the wider community in introducing this scheme.

I would like to address some of the remarks from those opposite. Let us start with the bleedingly obvious: people use drugs. It is a fact, and if anyone believes that the ‘Just say no’ approach to drug regulation works, can I say the war on drugs is over. It has been lost, and it died with Ronald Reagan. The distinction between licit and illicit drugs is at best arbitrary or perhaps just a continuum. I doubt there is anyone in this chamber who does not partake in drugs in some form or another. All drugs carry some risk, but obviously in an unregulated market those risks are much greater. People should not have to die because they take illicit drugs. The illicit market in Victoria is huge. It is worth at least \$4 billion a year, so there is definitely a demand for illicit drugs. Let us not pretend that that demand does not exist. It is not enough to just say ‘Don’t do it’. It is not enough to say some gangsters are bad and some are not, like has been suggested by Mrs Heath. The fact of the matter is all drugs are going to be out there and we need to have a mature discussion about it.

We do not wish death upon those who drive over the speed limit or jaywalk, yet those activities are potentially dangerous too. Drug checking does not eliminate all risk. All it does is provide information to a person who is intending to consume drugs about what is contained in the drugs that they are about to consume, and then armed with that information that person can make an informed decision about whether to consume the drugs. The difference between now and what this proposes is the intermediary of information about the substance, and it works. In a 2022 study 86 per cent of consumers in Portugal and 69 per cent of consumers in the UK did not consume the drug they were carrying when test results indicated that the drug was different than they expected – empirical evidence in this regard.

I would like to pick up a couple of other questions. One of the ones that I think is extraordinarily infuriating is the suggestion that – and we have heard this from the usual suspects – the use of pill testing is effectively green-lighting children’s drug use, which is just preposterous. I cannot decide whether those opposite are being naive or disingenuous or both, but this frankly dangerous and

reactionary garbage, which ignores the recommendations of the Coroners Court as well as the strong backing of the AMA and other peak bodies, is really, really unhelpful. If we are to have any sort of impact on reducing drug-related harm in this state, we need to accept some confronting facts. Drug use among those under 18 is rising, okay? It is not something we are just asserting. There is any amount of statistical data that supports this. It is a fact. Children as young as 14 are regularly using drugs. Nobody wants to see children taking drugs, but if they are taking them, they certainly deserve the same access to information as their adult counterparts. The better informed they are, the better decisions they can make. It might save lives, and to suggest it is encouraging drug consumption is just gratuitous garbage.

There is an argument that has been put up that we should not do this because we cannot test for every variety of drug. The opposition has complained that pill testing will not be able to test for everything and is particularly concerned about nitazenes and that they will not be tested for. This is another furphy. Nitazene testing is entirely possible. You can already buy nitazene and fentanyl testing strips in retail outlets. We are not splitting the atom here; this is not cutting-edge science. However, and this is a really critical point, novel synthetic opioids are constantly changing – that is why they are called ‘novel’ – so some will be picked up and some newer synthetics may not. For the opposition to attack the proposed drug-testing program on the basis that it may not be able to capture every imaginable drug reeks of, at best, the pursuit of perfection being the enemy of the good. The technology available at drug-checking services would be expected to use the best technologies and methods available. They will be able to test the make-up of most pills, powders, crystals or liquids and identify harmful chemicals that can lead to death. Importantly, the analytical chemist at the service may also be able to recognise additives that cannot be readily identified. This is a major red flag that would-be consumers can be advised of by harm reduction workers.

Ultimately, while not taking drugs is always the safest option, drug checking is a pragmatic approach that provides a unique opportunity to reduce the inevitable use of drugs. As explained by the director of the drug policy modelling program at the University of New South Wales, Professor Alison Ritter, who is an expert on drug policy:

... encouraging young people not to do drugs is –
not –
mutually exclusive from offering –
drug checking –
... you can do both things at once ...

That was her quote. In other words, we can walk and chew chewing gum at the same time and implement meaningful harm reductions.

To those who argue implementing drug checking is endorsing drug use, I say this: the opposite of ‘Just say no’ is not ‘Just say yes.’ This is not a black-and-white issue. There is a middle ground where we can educate drug users, we can foster trust and we can create a stronger safety net. When people choose to experiment with drugs the options for parents should not be limited to simply saying no. Instead we can guide people towards making safer choices, encouraging them to get their substances tested. The aim should be to ensure that our young people remain safe and healthy, even in the face of potentially risky decisions.

In conclusion, drug-checking services and the naloxone rollout are long-awaited harm reduction measures that are an important plank in the state’s response to alcohol and other drugs. We are delighted to see this spirit of progressive reform flowering within the Labor Party and are equally excited about the soon-to-be-revealed statewide AOD strategy. We will be seeking clarification on some aspects of the bill in the committee stage, but I would heartily commend the bill to the house.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (16:41): Can I thank all members for their thoughtful contributions to this important bill. I will make a few brief comments because I know we are keen to get into committee.

I want to be really clear: pill testing will save lives, and increased access to naloxone will also save lives. These two important harm reduction initiatives are needed now more than ever. Evidence internationally shows that the global drug market is becoming increasingly unpredictable and dangerous. More than 1100 new drugs have been identified in the Victorian market over the past decade. As my colleagues have already mentioned today, tragically last year a total of 547 Victorians died of overdose, including 42 from novel substances, and this is nearly double the state's road toll. Each of these lives lost is a tragedy for the individual, their loved ones and the wider community. I would like to take this opportunity to acknowledge the grief of those impacted by the loss of loved ones but also their bravery and advocacy for a health-led solution to minimise further tragedies occurring to other families. Pill testing and increased access to naloxone are two such solutions. These initiatives are not about giving the green light to drug use, they are about giving Victorians access to the services and the information they need to make safer, more informed and potentially life-saving decisions.

Seventy per cent of people who use the ACT's pill-testing service had never discussed their drug use with a professional before. Since becoming operational CanTEST in the ACT has supported thousands of health-focused educational conversations that would otherwise not have occurred. Because we know that people who access these services are likely to pass on that information to their peers, many more people are benefiting from this vital information.

Once this bill comes into effect, staff, clients and operators will have the confidence that nobody will be breaking the law by using, working in, operating or hosting these important services. It will also support greater access to naloxone, building on our government's strong record of making sure that this life-saving drug gets into the hands of those that need it the most.

The bill will give express legal authority to establish both fixed and mobile pill-testing and drug-checking services in Victoria. It will establish a licensing framework to authorise, appoint and regulate both fixed and mobile pill-testing or drug-checking services, and it will enable the supply of naloxone, which is currently a controlled substance, through secure, automated vending machines. There are a few issues that were raised through the debate that I feel I need to respond to. There is no evidence anywhere in the world where these services have operated that they have led to increased drug use or given people a false sense of security, leading to increased overdose deaths. In fact the evidence shows us that actually the opposite is the truth.

Our government has more than doubled the investment in drug services and support since we came to government in 2014. In this year alone the Victorian budget for 2024–25 has invested more than \$376 million towards funding to deliver alcohol and other drug (AOD) services. This includes critical surveillance funding for the rapid and precise intelligence on drugs program, producing valuable statewide intelligence about emerging drugs, and the Emerging Drugs Network of Australia – Victoria, EDNAV, providing clinical toxicology reviews of severe drugs to collect and share drug harm data with other jurisdictions. This legislation will bolster these existing services by making sure that we have access to information earlier, supporting faster alerts and potentially reducing adverse outcomes.

On residential rehabilitation, our government's record speaks for itself. Since 2014 our government has more than doubled the number of residential rehab beds across the state, with the majority of those beds located in regional Victoria. This includes new services in Corio and Wangaratta and a youth residential rehab facility in Traralgon. I also recently announced the site for a 32-bed withdrawal and rehab facility in Mildura, which will provide services to individuals across the state's north-west.

We will speak to the amendments proposed by the opposition in more detail during the committee stage, but I will say now that the nature of these amendments demonstrates a misunderstanding about

how these services actually work. The government will not be supporting these amendments because they are simply unnecessary. In relation to harm reduction information, the bill already authorises special and general drug-checking workers to provide advice on the limitations of the testing process. Informing clients of the limitations of drug checking is an important part of the harm reduction information. Harm reduction education encourages individuals to understand risk and rethink their choices, thereby promoting safer behaviour and saving lives.

In respect to client information about waiving civil immunity, the amendment as drafted would be interpreted as requiring drug-checking workers to give information that may amount to legal advice, which would not be appropriate. The drug-checking service provider will be expected to provide general information about the civil liability exemption, and this is standard practice in other types of services, including in the ACT and Queensland, which require clients to sign a waiver. The Department of Health will work closely with the drug-checking service provider to develop the appropriate protocols for advising clients of the immunity, and this will be based on best practice and informed by appropriate legal advice.

The Allan Labor government proudly takes a harm reduction approach to the impact of drug use. One of the most important ingredients of any harm reduction measure is addressing the stigma surrounding drug use, which prevents people from seeking help and information. The evidence shows that people are more likely to seek help for problematic drug use if it is available in a health setting that is free from judgement, and that is exactly what this legislation will enable. It is also why we are the proud home of one of only two supervised injecting facilities in the Southern Hemisphere and why we have committed to Victoria's first and Australia's largest trial of hydromorphone. The introduction of pill-testing services and the establishment of 20 naloxone vending machines around the state builds on a track record of initiatives to reduce AOD harm in our community. I could not be prouder to commend this bill to the house.

Council divided on motion:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (16:56)

David LIMBRICK: I only have one question for the minister. In the Libertarian Party we are always interested in competition and innovation, and I initially had concerns that this bill might lock in a single service provider, effectively creating a monopoly and potentially stifling other novel approaches to service delivery. Can the minister confirm that this legislation allows the flexibility for organisations to apply for and potentially receive a permit to operate a service whether they are government funded or not?

Ingrid STITT: I can confirm that in relation to the issuing of licences under the framework there is flexibility. We have been pretty clear on there being one fixed site and 10 mobile festival sites that will form part of the trial, but the legislation itself will not restrict further licences from being issued.

In terms of the operators who might operate a licence, that would be obviously subject to the commissioning process, and there are procurement arrangements out in the market right now. But I cannot see any reason why it would be restricted to any one type of organisation or another as long as they have the technical and health expertise required.

Rachel PAYNE: Even in small doses, nitazenes can be lethal. What assurances can you provide, Minister, that the equipment used at these drug-checking services will be able to detect even the smallest amounts of these kinds of lethal substances?

Ingrid STITT: I have to be careful in what I do say given that there is a procurement process underway. We are obviously aware of the various technologies that are available for these sorts of services, but we are very clear that the technology that will be used for these services will need to be in line with international best practice standards. Of course one of the key requirements will be the detection of new or novel substances such as nitazenes and fentanyl.

Rachel PAYNE: With the rise of dangerous synthetic opioids and, as you have mentioned, some of these novel substances in Australia, it is potentially a question of not if but when there will be a major overdose event. So just in relation to the flexibility of drug-checking services, how will the changes in this bill ensure that we have flexibility to scale up drug-checking services and support early detection in the case of a mass overdose event?

Ingrid STITT: Ms Payne, we obviously have surveillance processes in place currently. We do that in two ways – one, through the data and samples that are collected through the emergency department presentations. The other is through the collection of used drug paraphernalia across different festivals and the like. I think one of the key benefits of introducing a drug-checking service is that it will significantly bolster our ability to detect problematic substances before something goes wrong, and that will indeed strengthen our surveillance capacity as a state. Obviously, we are very concerned about the rise in synthetic opioids that has been detected both in Australia and globally, so we are looking at how we can strengthen the early warning and surveillance systems through the reforms that we are dealing with in the bill today.

Rachel PAYNE: From the first reading of the bill, we are concerned that testing offered at these drug-checking services may not extend to plant material at this stage. I just want to confirm that the legislation does not exclude plant material. Is there an opportunity to extend these services in the future so that they can test for plant material, particularly if there are emerging substances?

Ingrid STITT: It does not exclude plant material, but it is not going to be part of the service that we are standing up as part of the trial, and I think that that is consistent with CanTEST, for example. They are unable to provide testing services for plant material, and our model will not provide that either.

Georgie CROZIER: I have got a few questions, and I will probably just go to clause 1 for most of them. In your media release of 10 September you said the mobile service will begin during this summer's festival season. That starts in a few days time. So given you just told Ms Payne that the procurement process was underway to be able to test, could you tell us when the service will be up and running?

Ingrid STITT: Ms Crozier, we have been very clear in all our public statements in relation to this that we will be ready for mobile testing from December this year to coincide with this year's summer festival season. We have indicated that we will be providing five mobile festival testing arrangements.

Georgie CROZIER: Five or 10?

Ingrid STITT: Five this year and five next summer, so 10 in total. The procurement processes that are underway and are out in the market now we believe will be concluded well in time for us to be able to stand up the mobile testing services.

Georgie CROZIER: Have you got a date?

Ingrid STITT: As I indicated, December this year.

Georgie CROZIER: I want to go through some of the questions that the opposition put to the department around various aspects. You possibly have some of these. It is just clarification around or elaboration on some of those answers if we could. We asked about the breakdown of service funding between 2024–25 and 2025–26. In one of the responses that you provided you said that \$4.4 million would be allocated to the delivery of the naloxone vending machine trial, but I want to understand what funding has been allocated specifically for the operational requirements of this trial.

Ingrid STITT: It was part of our statewide action plan announcement. Within the envelope of that \$95 million there was \$4.4 million attached to the rollout of the naloxone vending machines across the state. I am going to choose my words carefully about pill testing, both mobile and fixed site. Because we are out to market I do not want to prejudice in any way that procurement process, but there was an allocation in the budget for standing up this service within that \$95 million statewide action plan.

Georgie CROZIER: How much of that \$95.1 million has gone towards education and awareness around reducing drug harm?

Ingrid STITT: We already have, over and above this initiative and the matters that are within the scope of the bill, quite a lot of alcohol and other drug education that we deliver through our school system. In particular in years 7 to 9 there are programs within the curriculum around drug education. There are obviously already harm reduction initiatives that the government supports through programs such as DanceWize that already are present at many of the music festivals across the state, and we have worked closely with other organisations in the AOD sector, including Harm Reduction Victoria. We obviously fund a number of different organisations through our general AOD investments and initiatives, including the harm reduction program that is delivered by the ADF. That is the Alcohol and Drug Foundation, which is a national organisation which provides important drug and alcohol information right across the Australian community. It is funded by both state and federal governments.

Georgie CROZIER: I think in that response you gave a broad suite of responses. In education the Department of Education I presume would be funding some of those awareness programs in schools as part of the curriculum, as you highlighted. The ADF is getting Commonwealth funding. But I still think it is important for the house to understand, as you highlighted in the response to the opposition, that there is \$95.1 million for the statewide action plan to reduce drug harm. Clearly, because of the procurement process that you just highlighted to the house, you are not willing to provide that envelope of funding or how much the pill-testing trial will take, but will that be provided at a later stage to the Victorian public?

Ingrid STITT: I can give you an approximate figure. It is \$4 million for the 18-month trial, approximately. As I said, I cannot be more specific than that, because we are out in the market right now, and the department are running that procurement process with all the appropriate probity measures in place.

Georgie CROZIER: Could I just go to the accreditation around the services. We asked about whether the mobile drug-checking services will require accreditation, and what is concerning I think is the ability for the mobile testing sites to analyse substances, whether that is capsule or pill or crystal or whatever form the drug comes in. The response back was:

Both fixed site and mobile drug checking services will be required to seek accreditation under the appropriate National Quality Framework for Drug and Alcohol Treatment Services standards or other relevant scheme.

I note that requirements for the supervision of pathology laboratories – so this is really a laboratory that is analysing what are in these pills – are for category S, specialised. That is used for:

- a) a laboratory in which a limited range of tests is performed on a particular patient population
- or

- b) a laboratory in which a limited range of tests (services) is performed, that are of a specialised nature and are performed under the supervision of a person having special qualifications or skills in the field of those services.

Why is this therefore not coming under that category S, given that these drugs are being analysed through that laboratory process?

Ingrid STITT: Maybe I can answer it in this way, Ms Crozier. Both the fixed site and the mobile drug-checking services will be required, as you have noted, to seek accreditation under the *National Quality Framework for Drug and Alcohol Treatment Services* or any other relevant scheme. So this could include standards relating to testing laboratories, such as the ones that are issued by the National Association of Testing Authorities, or NATA. They are the national accreditation body for Australia for laboratories, inspection bodies and reference material providers, so that is certainly the expectation.

Georgie CROZIER: That is right. That is my understanding, that it needs to be accredited under NATA. But given the requirements for the supervision of pathology laboratories under the National Pathology Accreditation Advisory Council, which was there to make recommendations to Australian states and territories around standards and ensuring that uniform standards of practice are adhered to, in its notification it says:

Failure to meet these minimum Standards may pose a risk to public health and patient safety.

I think that is the concern we have: there is accreditation but the standards are not being adhered to properly. Can you give some reassurance as to why these laboratories are not being held to the same standards as other pathology laboratories?

Ingrid STITT: I think the answer, Ms Crozier, is there are currently no national standards for drug-checking services per se but there are standards for laboratories. We have certainly been clear – and we have provided this to the opposition – that we will be ensuring that the mobile drug-checking services do seek accreditation through that national framework.

Georgie CROZIER: I will just make the point that I think that has opened up. I want to go to – I will get to that actually when I move my amendment, because it goes to the point of the liabilities.

In the response to a question around why there are limitations of what information a general drug-checking worker can provide versus a special drug-checking worker, you said that there were two sets of categories of workers authorised to carry out drug-checking activities. What is a general drug-checking worker? What qualifications do they have compared to a special drug-checking worker?

Ingrid STITT: Sure. A general drug-checking worker is providing harm reduction information and education. A special drug-checking worker is in the normal course of events somebody who is a chemist who is analysing the drug samples. I do believe that question was clarified in writing to the opposition last sitting week, Ms Crozier, but if there are further details you are after, let me know.

Georgie CROZIER: No, I was really wanting to understand the details of their experience. You have said a special drug-checking worker is a chemist and you have said that they will perform the drug-checking activities that involve handling substances. Does that include them also destroying the substances? Who does that?

Ingrid STITT: The special drug-checking worker is the worker responsible for the destruction of drugs.

Georgie CROZIER: Just on the chemist, could I get some clarification. Does that mean they are a pharmacist? Or are they a scientist? Do they work in a lab somewhere mixing motions and potions?

Ingrid STITT: The special drug-checking workers are those that will be performing the drug-checking activity itself, and that involves handling substances. It includes receiving, possessing and supplying a substance and providing a drug-checking service in relation to that substance, including

analysing the substance and providing information about its composition. In practice these workers are likely to be analytical chemists. That would be their qualification.

Georgie CROZIER: Okay, that makes it a bit clearer. Thank you very much for that. I just want to go to the point around children using this service. We asked:

Will drug testing be provided to people under 18 years of age? How will this be managed and enforced?

The response was:

The drug-checking service will operate with client anonymity and confidentiality, so clients will not be asked to prove confirmation of identity or age.

So my question to you is: how will children be protected?

Ingrid STITT: This is highly consistent with other drug-checking services in other jurisdictions. The service will operate with client anonymity, which is important, and confidentiality, so clients will not be asked to prove their identity or age. We would expect that all drug-checking staff will be required to have a current working with children check, but clearly the service will be available without age limit, and it will be anonymous and confidential.

Georgie CROZIER: The questions around protection of children really go to if you have got children taking these pills or drugs, you are doing your best to try and protect them. What sorts of checks are in place by the drug checkers to check that they are not on a drug treatment order, that they do not have some other indicator where they are at high risk and that you are doing everything you can to prevent that child from consuming something that could be highly detrimental to their health and wellbeing?

Ingrid STITT: I appreciate where you are coming from with these questions. Obviously it can be confronting for some people the fact that under-age children – those under 18 – do take drugs. Young people who are accessing the service could well be under the age of 18. But it is still important to provide them with that harm minimisation and drug-checking service. Other factors that you have mentioned – for example, if they were subject to a court order or the like, those matters are matters for Victoria Police, not for the drug-checking service. But what I would say is that the harm reduction advice that will be given is tailored to that individual, and it is an opportunity for a trained worker to provide that advice and information that otherwise that person – or that child in the case of your example – would not have access to if they were not fronting up at a drug-checking service, whether that is a mobile or fixed site.

Georgie CROZIER: What consultation have you had with police around this issue, particularly around children? You just said it is up to them to monitor what is going on, so what consultation did you have with police in drafting this bill?

Ingrid STITT: My department has been working incredibly closely with VicPol about this legislation and the operational issues if this bill passes the Parliament – the operationalising of these reforms – and that has been very constructive. We will continue to work very closely with them as we roll out these services.

Georgie CROZIER: Can you tell the house where the sites that you propose to have will be for the vending machines?

Ingrid STITT: I am not in a position to give locations at this point in time, Ms Crozier, but I can say that we will be rolling out the naloxone vending machines both in regional and metropolitan parts of the state. We need to do the consultation and the work to identify where the areas of most need are. If the legislation passes the Parliament, we anticipate that we will be rolling out these additional vending machines by mid next year.

Georgie CROZIER: Minister, given the legislation provides an exemption from any requirement to obtain a planning permit to develop a drug-checking site, what, if any, community consultation,

notice period or information will be provided to nearby businesses and residents in relation to the drug-checking service? We asked this, and you said that local engagement activities will be developed in consultation with a service provider once identified. Does that apply to the vending machines as well?

Ingrid STITT: In relation to the naloxone vending machines, there will be consultation that my department will undertake. As you would expect, that will include with the existing AOD services and peak bodies across the state, but we are intent on making sure that they are located in the areas of highest need when it comes to drug use and current drug harm.

Georgie CROZIER: You have highlighted to the opposition that you consulted with a range of experts and resources to develop the policy settings for the drug-checking implementation trial. Have you provided a list of who those stakeholders are, or could you provide a list of stakeholders to the house?

Ingrid STITT: The policy development was undertaken in the normal way through expert advice via my department and the usual cabinet processes for endorsing and approving policy and legislative development. We have been very mindful because of the fast-moving nature of these challenges in the illicit drug market that there has been a need to make sure that we are taking expert advice on how to have the best model out there for trial.

Georgie CROZIER: Okay, so it is a work in progress, by the sounds – a moving feast.

Ingrid STITT: No, it is not. The other thing I would add is that you have access to my diary disclosures too, Ms Crozier, in terms of the organisations that I meet with regularly to seek advice and to talk through these issues with in the AOD policy area. Of course the department, as you would appreciate, are charged with providing all ministers with appropriate advice around policy formulation.

Georgie CROZIER: You mentioned the stakeholders that you have met, and we also met with some of these stakeholders. The ADF have raised concerns around 70 per cent of their funding being cut, they told me last week. They also mentioned the early warning signals – the Emerging Drugs Network of Australia signals that you mentioned in the summing-up. Could I just ask: in relation to the Hardmission Festival, when the overdose occurred it took six days for that alert system to go out. Why did it take so long, and why is there not a more immediate alert system when these substances are causing hospitalisations and overdoses at these festivals? Why is it taking six days to get the information out to the community?

Ingrid STITT: There are different circumstances on every occasion. In relation to Hardmission, obviously that was a terrible situation where we had a number of young people who ended up in the emergency department and some in ICU. The underlying factor and contributing factor in all those cases was actually heat and not necessarily the substance that they were taking. As I said earlier in relation to a different question – I think it might have been from Ms Payne – this drug-checking service will actually significantly bolster our ability to get very timely information. At the moment our systems rely on something having already gone wrong and people either being in the emergency department or having already used the drugs because their drug paraphernalia has been collected from different parts of the state. With the increasing volatility of the illicit drug market and the fact that we have had nitazenes detected in Victoria, of course, as you would expect, I have been talking closely with my department about how we can use this opportunity and this drug-checking service to bolster our early warning system, and I have obviously looked at what other jurisdictions are doing in this regard, so I believe that this will actually enhance significantly what we are able to do in terms of both the speed that we are getting alerts out and the depth of the information that is available to us.

Georgie CROZIER: So, Minister, if a substance is detected in these pills – they are all dangerous; everyone acknowledges that – why doesn't an alert go out immediately? At what point will an alert go out? Six days is too long. That is a very dangerous period if, as we know, some of these substances

are circulating in the community. At what point will the government act to then alert the community that one of these shocking, dangerous substances is circulating?

Ingrid STITT: As I have already said, the drug-checking services will have a strong focus on rapid communication between those drug services and the Department of Health so they can bolster our existing surveillance systems. Once the service providers have been appointed through that procurement process, the Department of Health will work closely with them to make sure that we are getting that timely information in terms of the drug-checking data, and that will enhance the speed with which we are able to put out drug alerts. I believe all the architecture is already there, but drug checking in and of itself will significantly enhance our surveillance and alert system.

Georgie CROZIER: I am sorry to labour this point, but I think it is an important one, Minister. I am just trying to understand. In the bushfire season Telstra puts out alerts to areas to say that the community is at risk or to evacuate. Those messages go out through our telecommunications channels. Why on earth would you not use that mechanism to get alerts out to the broader community if these bad drugs are circulating? I am not sure from what you are saying that it is going to be immediate. It still seems to me that there are going to be a number of steps along the way and it potentially is days before an alert goes out. Could you clarify that for me?

Ingrid STITT: Ms Crozier, I think we are in furious agreement about ideally wanting to get alerts out quickly – rapid alerts – when we detect a dangerous substance in the illicit drug market circulating in Victoria. Let us agree that that is something that we want to improve upon. But sometimes – it will depend on the circumstances – the coroner might be involved so we are waiting for the coroner to provide advice on a particular incident or a particular investigation. We want to get to the point where the drug-checking services that we are rolling out significantly enhance our drug alert system, but we have to be careful to balance that with not having drug alert fatigue. I think the experience in Canberra has been very much that you have got to restrict your serious and urgent alerts to those circumstances that warrant it. You do not want to be putting out alerts for everything, because there will be fatigue in the community and it might not be taken as seriously. But to the nub of your question, this is going to enhance our surveillance capacity and our alert system. The reforms that we are delivering through this bill will improve our alert system.

Georgie CROZIER: One last point on this point and then I will move on. You said at the Hardmission Festival dehydration and heat were major contributors to those young people ending up in emergency departments; we understand that those contributing factors caused their medical conditions to be as serious as they were. Why would you therefore not put out an alert if there was a festival on a day and the temperature was going to be above 33 degrees or whatever that Hardmission was – whatever it is – to people to say, ‘This is a serious situation. If you consume these illicit drugs at the same time as it is hot, you could die.’ Why don’t put that alert out to these young people so that at least they have got some information? I know that you are saying fatigue on messaging, but surely if you have got a messaging service there, that is what it should be used for. Will it be used in those instances?

Ingrid STITT: It will be on a case-by-case basis subject to the advice that we get from the public health team. I need to make the point that on issues around heat and dehydration and things of that nature, that is already information that is provided across our music festivals in particular through our harm reduction programs, including DanceWize, but it will form a key part of the harm reduction conversation that anybody who is using one of our drug-checking services will hear. Particularly when you consider that the mobile drug-checking services are going to be operating at the height of summer, it is an absolute requirement that harm reduction information is shared. There is also the safe festivals framework, which we will be working closely with all the music festival operators on enhancing. There are already requirements for festival operators to have in mind heating and cooling, drinking water and things of that nature. But we think that the work that we will be doing with them on the safe festivals framework will actually take that a lot further in terms of the harm reduction measures that they will need to take if they are going to operate safely in the community.

Georgie CROZIER: One of the questions the ADF wanted to have asked when I was speaking with them is around this issue. You are talking about those people that attend the dance festival, so you know that population that will be using the services and what characteristics they might have, understanding that they are a captive audience, if you like. But their question is: what can be done for other people not accessing this service but still at high risk?

Ingrid STITT: We intend to implement our fixed site by mid next year. That will obviously be a service that can be accessed by anybody. I have already mentioned a number of the drug education programs that the government support, and there will be a continued effort to make sure that we are disseminating harm reduction information as widely as we possibly can obviously not just in a music festival context but across the community.

Georgie CROZIER: In your media release you do actually acknowledge that the fixed site is to be established and opened by mid-2025, which you just confirmed, in inner Melbourne, close to night-life and public transport. Has a site been identified as yet?

Ingrid STITT: No, Ms Crozier. It will obviously be subject to the procurement process that is out in the market now, where we have called for tenders for operating both the fixed site and the mobile sites, so that work of finding a suitable location for the fixed site has not concluded yet.

Georgie CROZIER: This question goes to partly the amendments we will move, but just because I am asking the questions in clause 1: it is my understanding, and correct me if I am wrong, that pill testing had to be cancelled at some point in the ACT because they could not get any insurance. Is that correct?

Ingrid STITT: I am not aware of them having to pause their service, but let me just check.

Ms Crozier, we are not aware of a situation where CanTEST or one of the music festivals was not able to get insurance, but obviously one of the key considerations for the government in bringing legislation, as opposed to some other jurisdictions who have not legislated, was to provide that certainty for festival operators and operators of drug-checking services that they are not liable, criminally or civilly. Ultimately insurance is a matter for the operator and the insurance company, but that framework will we think make it a lot easier for festivals when it comes to things like insurance.

Georgie CROZIER: That is my point, Minister. Waiving those legal liabilities means they do not need insurance. Is that not irresponsible?

Ingrid STITT: Well, our intention is to give certainty for operators. It does not mean that they will not continue to need insurance. There are a range of purposes for insurance for any organisation, so I am not sure that I would agree with the direct kind of thread that you are drawing there.

Georgie CROZIER: It goes to the point of our amendment – and I will get to that – that those people that are dealing with people that are getting their pills and potions and goodness knows what tested do need to inform those people that there are no liabilities. I had one more question, and I have just lost it. No, I will end it there I think.

Bev McARTHUR: Minister, are the substances you are proposing to test illegal?

Ingrid STITT: This is a drug-checking service that will be checking drugs and a range of different substances, some of which are illegal.

Bev McARTHUR: So why should the taxpayer pick up the bill for testing illegal substances of people who use illegal substances?

Ingrid STITT: Mrs McArthur, I appreciate that we are probably coming from very different perspectives when it comes to these matters. Essentially this is about saving lives in a circumstance where we have seen far too many – one is one too many – Victorians lose their lives through drug overdose. So we take the very strong view that this is about not only harm reduction and education but

about saving lives, and in that context we want to give people as much information as we can so that they can make an informed decision. If you accept the premise that people are taking drugs anyway – and I think all the statistics and the evidence show us that they are; one in five Australians have indicated, in research, that they have taken drugs at least once in their lifetime – this is about reducing harm, and we want to do that in a way that is non-judgemental and evidence based.

Bev McARTHUR: Minister, that is fine if you want to allow people to take illicit substances, but why isn't the user of the illicit substances paying for the testing, perhaps by way of the facilitators at the festivals building it into the ticket prices? After all, the ticket prices are pretty expensive, so maybe they could afford to pay extra for the drug testing that is going to take place at these facilities.

Why should the taxpayer pick up the bill for somebody who wants to use an illicit substance and, quite rightly, would like to have it tested? Why isn't the user paying for the testing, either by way of a ticket price or directly to the provider that tests the pills?

Ingrid STITT: Mrs McArthur, we have been pretty clear in all of our public statements about this reform that we believe that it is an investment in the health and safety of Victorians. You need to consider that there is a very high cost to the taxpayer associated with people having to be taken by ambulance to the ICU when they overdose, so this is about making sure that we are investing before people are in harm's way so that we can give them the ability to receive all of the information they might need to make an informed decision. The government has been very clear about our determination to not put our head in the sand about this but to support the trial of a model to see what model works most effectively. The efficacy is not on trial, because we know that these services save lives in other jurisdictions where they already operate.

Bev McARTHUR: Aren't you effectively justifying the use of an illegal substance but having the taxpayer pick up the bill for the use of it?

Ingrid STITT: I reject the premise in your question. This is an important drug harm reduction initiative. It is about saving lives. It is about reducing harm. It is not green-lighting the taking of drugs. Mrs McArthur, people are taking drugs already. I know that might come as a terrible shock, but people are already taking drugs. People are overdosing on drugs when they do not know what the substance is that they are taking. This is about turning that situation around and providing them with a health-led response.

Bev McARTHUR: Minister, I take it that these drugs are not cheap, and I take it that going to a festival is also not cheap. I have heard of figures of something like \$500 a ticket. If people can afford these sorts of figures to go to a festival, then buy this illicit substance and everything else that goes with going to these festivals, why can't they pay for their own testing of the drugs to ensure their own safety?

Ingrid STITT: I have already answered that question.

Georgie CROZIER: I have one last question, Minister, I forgot to ask. Part 3 of the bill is talking about the use of automatic machines in the treatment of opioid overdoses. Clause 14(2), in relation to new subsection (1B), talks about:

The poisons that are specified for the purposes of subsection (1A) are–

- (a) Schedule 2 poisons; and
- (b) naloxone; and
- (c) other Schedule 3 poisons.

I have just got a couple of questions. Why have you included schedule 2 poisons and schedule 3 poisons for these vending machines and not just naloxone? And what are you intending to have in those vending machines that are schedule 2 poisons and schedule 3 poisons?

Ingrid STITT: Let me just clarify that, Ms Crozier.

Ms Crozier, this is about, if you like, futureproofing the legislation, so let us say in the event that a different brand entered the market that was similar to naloxone and had the same opioid reversal ability, then we would be able to incorporate that into our armoury.

Richard WELCH: I have got a couple of questions around audit trail. We have established that we are not seeking ID and confirmation of age, but in a number of other circumstances we do refer to visible age as a catalyst for action – you cannot buy cigarettes if you do not look 21 and things like that. If a child is visibly under-age – say a 14-year-old comes in – is it still the intention that that would not be a catalyst for checking or refusing service?

Ingrid STITT: As I have indicated, there is no age restriction on accessing the drug-checking service, but what I will say in a general sense is that the harm reduction workers will be adept at looking at each individual situation and giving advice based on the individual and their circumstances.

Richard WELCH: Over the year there are a number of festivals that are under-age – either entirely underage or under-age orientated. Will these services be provided at under-age events?

Ingrid STITT: We will be announcing which festivals will have a mobile testing facility as part of this 18-month trial but not until we have concluded the procurement processes. Whilst I appreciate your question, it is not something I can answer right now, but I think you can safely assume that it will be fairly mainstream festivals that are involved in the trial process.

Richard WELCH: I will have to come back to that. But will these festivals be allowed to include in their promotional material the fact that they are offering pill testing?

Ingrid STITT: Yes.

Richard WELCH: In terms of the anonymity of the tests themselves, in the event of an adverse reaction at the festival, the presumption is there will not be any audit trail that ties the adverse reaction to the individual. If that is the case, how do you measure the success or otherwise of the program?

Ingrid STITT: Through de-identified data. Obviously the confidentiality of anybody accessing the service is important, but that does not mean to say that there will not be operational guidelines that are struck with the service providers to make sure that that data is de-identified and available.

Richard WELCH: No, I do not quite understand that. If you do not know who has had the testing and who has received the tested drugs back, how can you draw any inference as to the person having the reaction?

Ingrid STITT: They have managed to do so in other jurisdictions where these services are already up and running, and that is work that will be undertaken closely between my department and whoever the successful service provider is to make sure that all of those operational issues and the guidelines associated are in place.

Richard WELCH: I find that answer nonsensical. You are not taking ID, so you are not confirming the identity of the person requesting the test. You are not confirming the identity of the person who receives the drugs back, so how can you therefore say that if this person has an adverse reaction they are in any way tied to the test itself?

Ingrid STITT: Do you mean once the person has left the service? You are not making sense either, if you think I am not making sense.

Richard WELCH: I will elaborate a little bit to paint the scenario. Perhaps a festivalgoer who intends to take the drug at the festival would go to the service at the festival, have the drug tested at the festival, receive it back at the festival and take it at the festival. Where is the audit trail that connects an adverse reaction at the festival with a test from the festival?

Ingrid STITT: There is a process that will be undertaken when somebody seeks to have their drugs analysed. Then the results will be talked through with the person, including advising them as to

whether the substance was what they thought it was, and there will be a conversation about what components were found in the drug. If after hearing all that information and taking all that advice about ways to reduce harm they decide that they are still going to take that drug and they have an adverse reaction, we have first responders at every festival. We have first aid at every festival. I am not sure that you are understanding the purpose of the drug-checking service. It is not about then tracing somebody once they have left the service, because they have already been given the harm reduction spiel and they have already been given the analysis of their drug. If they go ahead and choose to take it anyway and they have an adverse reaction, then other emergency services kick in.

Richard WELCH: They may have been given the advice, but we know that the –

Ingrid STITT: Maybe I can help you with an additional –

Richard WELCH: No, let me ask my question.

The DEPUTY PRESIDENT: Mr Welch has the call. Let him ask his question.

Richard WELCH: We well know that drug testing does not necessarily address the unique physical attributes of the individual or other elements. The question is actually directed towards the efficacy of the program itself and the ability to review and understand: is it doing good or harm? If you do not have an audit trail that connects cause and effect – and there may be other causes that you do not know – there is no way to draw a direct evidential inference from the event, so how will you establish the efficacy of the program if you do not have an audit trail?

Ingrid STITT: We are not trialling the efficacy of drug checking. The evidence is already in on drug checking being a successful and important harm reduction measure. We are trialling the model.

Richard WELCH: In terms of the pill testing itself, will the process be a sample of an individual pill? If there are perhaps five or six pills in the container, will it be a partial test of an individual pill or a whole test of an individual pill?

Ingrid STITT: The process involves taking a very small sample, or a scraping, if you like, of either a pill or a powder or, in the example of a liquid, a very small amount that liquid, and that is what is tested and analysed. It is also important to note that people are not able to bring amounts of drugs into the drug-checking services that would fall foul of any limits on personal possession.

Richard WELCH: Just for clarity, it would be a sample of one test? If there is a batch of drugs, there has to be then a –

Ingrid STITT: No-one is coming with a batch, right?

Richard WELCH: Well, someone might come in with multiple pills.

Ingrid STITT: Well, that is not going to happen.

Richard WELCH: Why not?

The DEPUTY PRESIDENT: Minister, can you wait till you hear the call.

Richard WELCH: Then I will just rephrase the question: why wouldn't people come in with more than one pill?

Ingrid STITT: People will only be able to have samples tested that do not exceed the amount of drugs that would constitute dealing.

Richard WELCH: Is that more than one pill?

Ingrid STITT: It varies depending on the drug. It is less than a trafficable quantity.

Georgie CROZIER: If I could just follow up from Mr Welch's question, because I actually think it is quite important. I think what Mr Welch was asking about was if an individual takes multiple pills

into a testing site to get tested. You have just indicated that would not happen because it is seen to be dealing. But then you just said – I am trying to remember what you just said. It was a bit vague. I think what we are trying to say is: what constitutes a dealer? Is it one or two pills? How much liquid, if it is in a liquid form? What constitutes being a dealer where that is ruled out from being tested, and what do those workers then do? Do they refer that person to police if they turn up?

Ingrid STITT: I am regretting the use of the term ‘dealer’ because what this is about is trafficable quantity. That obviously varies depending on the way the drug is formulated – if it is a powder or a pill or so on. This is a confidential and anonymous service. It is not the role of the drug-checking service to liaise with police about these matters.

Richard WELCH: Again, I think there is a really big grey area there between someone who is innocently testing a single pill and a drug trafficker who is using it to legitimise their supply. The other question really comes to – I do not think it is at all reasonable to suggest someone is simply bringing a single pill. Anyone knows in these circumstances people bring pills to share with their friends and things like that; it is a very normal, common instance. I would come back to the point: if they are doing a representative scrape of a single pill, is it then the working assumption of the program that all pills in that batch will be safe?

Ingrid STITT: You are putting a hypothetical scenario to me. If a person presents to the drug-checking service with a quantity of drugs – in your example, pills – that is below the trafficable quantity under the law, then yes, they could have all of those pills tested if they request that.

Richard WELCH: How will the drug tester know that it is under a quantifiable level if they have not tested the drugs yet?

Ingrid STITT: It comes down to the advice that the drug-checking service and the workers would provide somebody. If people ask, ‘Does that mean all my batch is good to go?’, they will be told no if they have not been tested.

Richard WELCH: But they will not be entitled to have the entire batch checked then.

Ingrid STITT: It depends on the quantity. They could be.

Richard WELCH: Will an individual submitting drugs to be tested be allowed to do so on behalf of a third party, let us say a friend?

Ingrid STITT: The service would be at all times providing harm reduction information about the drugs that are being tested, but it is anonymous. Staff will ask whether the person is planning to use the drug themselves as part of the conversation and the induction process, if you like, of using the service, so that will be one of the standard questions.

Richard WELCH: If they indicated it is for shared use, what would be the procedure?

Ingrid STITT: There are standard harm reduction sets of advice that could be given in those circumstances, and they would be advised that there might be unknown risk factors associated with somebody else taking that drug.

Richard WELCH: Will the service be available to people who are visibly intoxicated?

Ingrid STITT: The service will be available to anybody. As we have talked about extensively, those harm reduction workers are highly trained and are able to provide advice to individuals based on their own circumstances.

Richard WELCH: Can I clarify: will they give the service to people who are visibly intoxicated?

Ingrid STITT: Again, you are asking me to be precise around hypothetical examples. It is about the harm reduction advice that that individual would be given, so it is not possible to be definitive, because each conversation is unique in and of itself.

Richard WELCH: The purpose of giving the information is so that the person can make an informed choice. How does someone give an informed choice if they are intoxicated?

Ingrid STITT: Obviously the harm reduction information that the workers provide people using the service includes the dangers of mixing alcohol and other drugs, the risks associated with heat and a whole range of issues that harm reduction workers could provide advice about.

Richard WELCH: Yes, but heat does not impair reasoning in the same way as alcohol and other drugs. The concept of informed choice is that you are not impaired in making that choice or indeed receiving that information, so if someone is incapable of receiving the information, will they be availed of the service?

Ingrid STITT: We are getting into very operational matters. Once the service providers are confirmed, the operational guidelines will be worked through between my department and the service providers. But part of the process is people being able to freely give their consent to use the service, so obviously there needs to be that consent. There is a capacity to give to consent attached to that. Do you understand?

Richard WELCH: No, I do not, because in any other circumstance, being drunk means you cannot give consent. So is it written consent? Verbal consent? How can you give consent if you are drunk?

Ingrid STITT: I guess what I would say in respect to all of your very detailed questions about what-ifs is that what is happening now is there is no checking of a drug that somebody who is either intoxicated or not intoxicated might intend to take, so this is an opportunity for –

Richard Welch interjected.

Ingrid STITT: I will answer this way, and you will just have to be patient, because these are matters that will be confirmed once the service providers are appointed and the operational guidelines are settled. It has been operating very successfully in other jurisdictions. All of these issues have been able to be managed successfully, and we see no reason why that would not be the case in Victoria.

Richard WELCH: Last one. Given that there is clearly significant scope for operational problems – whether or not you have legislated your way out of legal liability, there is certainly moral liability and other problematic areas – if you are giving us the assurance that these will be ironed out in procedures, can you anticipate that there might be a problem you cannot iron out and therefore you cannot proceed with the trial?

Ingrid STITT: Well, I do not accept the premise of the question in the first place, because you contend that there will be operational problems with this model –

Richard Welch interjected.

Ingrid STITT: This is committee stage. You asked a question, and I am answering it.

The DEPUTY PRESIDENT: Through the Chair, please. This is not a conversation across the chamber, this is the committee stage of the bill.

Ingrid STITT: I do not accept the premise of your question. I am very confident in our model, and I am very confident that once the procurement process is finalised, these operational issues will be settled in accordance with the guidelines.

Aiv PUGLIELLI: Minister, I have just got a few questions, and the initial ones speak to the intention of the bill. With respect to the rollout of the trial, what types of machines do we anticipate will be used for drug checking at both the mobile and fixed-site locations?

Ingrid STITT: As I was saying earlier in answer to a question from I think Ms Crozier, these are matters that are being appropriately finalised through that procurement process that I have mentioned numerous times. I am obviously very well aware of the various technologies that are available for

these important services. I want to be clear that the technology that will be used for these services will be in line with international best practice standards, and the specific technology used at a particular service will be finalised in consultation with those that we ultimately appoint to provide the service.

Aiv PUGLIELLI: With respect to the fixed-site location, you have indicated that the site location itself is not yet finalised, but with respect to the current state of affairs of trying to isolate that location, what is the rationale that is being used to find a suitable location for that fixed site?

Ingrid STITT: You are correct. We have not finalised the location, but the criteria that we have spoken of previously is that – I feel a bit kind of old saying this – it needs to be near night-life and public transport.

Aiv PUGLIELLI: Is there an estimated radius from the Melbourne CBD that would be included in the categories you have just described?

Ingrid STITT: We have simply indicated the inner city, so no, we have not been more specific than that.

Aiv PUGLIELLI: With respect to the mobile checking events, you have indicated during committee stage that it is five this summer and five next summer. As you know, often festivals and particularly outdoor events during the summer festival season can be subject to cancellation, and there are a range of reasons why that could occur. In the instance that one of the scheduled events for this summer were to be cancelled, for example, would that allocated spot be reallocated to the following summer? Is there flexibility on the five and five? Could you go into a bit more detail about that?

Ingrid STITT: We will get to 10 in total, so if we were to have a cancellation of a festival, we would make up for that in a different way.

Aiv PUGLIELLI: With respect to the festivals themselves – we are using the word ‘festival’ quite loosely in this discussion – could you perhaps go into a bit more detail about what would qualify as an event for the mobile checking service? For example, there are raves, dance parties and a range of events over the summer. What would be categorised as potential for a mobile drug-checking event?

Ingrid STITT: I am not really in a position to get specific, partly because we are out in the market now through the procurement process. We would obviously be working closely with the festival sector, and we want to make sure that there is a good spread. I cannot really be more specific than that until the procurement process is finalised.

Aiv PUGLIELLI: You may have just answered this one, but with respect to the spread that you have mentioned, do you anticipate both regional and metropolitan events will be covered?

Ingrid STITT: Given that we are testing the model out, I am very keen to make sure that there is that mix.

Aiv PUGLIELLI: With respect to naloxone, will drug-checking workers be able to administer naloxone?

Ingrid STITT: Yes, they will, and obviously naloxone is available through a number of different AOD services. Yes is the answer.

Aiv PUGLIELLI: Just moving onto the surveillance data and the alerts that we were speaking about earlier, is the department or is the government considering a means of communicating drug alerts to the community aside from Department of Health drug alerts and peer organisation social media posts?

Ingrid STITT: Yes. None of that is finalised at this point in time, but I think that we recognise that we need to be nimble in terms of how we get these alerts out to people that might not necessarily be tapped into more conventional forms of information.

Aiv PUGLIELLI: International drug-checking services have websites or apps like KnowDrugs or saferparty.ch to communicate findings to people who use drugs, but as far as I am aware, in the other Australian jurisdictions of Queensland and the ACT there is no such approach currently being implemented. I would say it is quite essential and needs funding. Are these sorts of approaches being considered by the government at this stage?

Ingrid STITT: Through the broader work we are doing on the AOD strategy and the additional expert ministerial advisory committee that we are in the process of appointing, which was all part of that statewide drug action plan that we announced earlier in the year, we have also just recently appointed a chief addiction medicine officer within the department, which is another important expert voice, if you like, to give advice to the government about how we can enhance our processes. I am aware that there are some pretty good ways that the ACT drug-checking service disseminates their alerts and information, but there is a whole suite of work going on, as you are aware, to strengthen the AOD system across the state, including the drug alert system.

Aiv PUGLIELLI: With respect to the fixed site, is there a current indication of what you would expect for the operating hours of that site?

Ingrid STITT: That will be subject to the procurement process and, once those services are appointed, the operating model.

Aiv PUGLIELLI: I am jumping around a bit here, but back to alerts and surveillance. You indicated earlier in one of your responses that current surveillance data draws in part from emergency services data sharing. But if you could go into a bit more detail there, do those current alerts pick up data from sources like spikes in ambulance attendances, community-based signals, police seizures of substances, for example? Could you go into a bit more detail?

Ingrid STITT: I just have to find the right bit of paper, but basically there are two processes currently that form part of our surveillance system. One is the collection of emergency department presentation information and drug information from our emergency hospital system, and the second is the collection of used drug paraphernalia at various festivals and events. We combine that information so that we can be alerted to any dangerous substances that might be circulating. Obviously the problem with the current system is that it is once something has already gone wrong in the context of the hospital data that we collect, but in terms of the drug paraphernalia that is collected, the person has already taken the drugs. This is why at some length I was talking to Ms Crozier about the boost that drug checking in real time will give to our surveillance capacity.

Aiv PUGLIELLI: Victoria Police – do they specifically provide you with information that would then inform the current alert system, and could you detail a bit further what that could be?

Ingrid STITT: No, we do not receive information from VicPol.

Aiv PUGLIELLI: Why is that?

Ingrid STITT: There has just not been that exchange of information between law enforcement and the health team. Just let me clarify, though, because there might be some exceptions to that.

I am advised that there is no formal mechanism, but that does not mean to say that there is not some informal sharing of information. What is very important in this regard is to never compromise an active investigation that might be underway or on foot. Does that make sense?

Aiv PUGLIELLI: Just to clarify, a formal mechanism that you are talking about – why does that not currently exist?

Ingrid STITT: We will take that on notice, and I will see whether there is any further clarification. It is obviously not within my portfolio responsibilities, but let us see what we can get during the committee stage or beyond. Also, we might be able to do further work on this in respect to the AOD strategy and the strengthening of the current alert system.

Georgie CROZIER: Minister, just following on from Mr Puglielli's question, I asked a question of you about 'Did you engage with the police?' and you said 'Yes, they were actively engaged in that,' so I think that was an excellent question. Why wouldn't you have an agreement in place – it is not looking at investigations; I understand the sensitivities around some of those policing activities – for if there was a very volatile or dangerous drug that the police were aware of? Why would that not be communicated straight across to the department so that alert system could come out? Would that be something that the government could look at as a priority with this trial?

Ingrid STITT: I am certainly open to that, Ms Crozier. I know that VicPol will not be, in all circumstances, able to be aware of what has caused the adverse reaction in an individual. I know that there is communication, for example, across a number of our different emergency responders, including Ambulance Victoria. It is something I am happy to take on board with not necessarily the work of the drug-checking service but the work directly associated with the opportunities that we have now to strengthen our surveillance and alert system.

Georgie CROZIER: Because it is really about that; it is really about informing the community. If you know when a festival is going to be held and the police are aware that there is circulation within the community of dangerous drugs that have caused concern elsewhere – I mean, as you said, coroners and whatever might be involved – that agreement between the police and the department so that the alerts can go out prior to any of these festivals going on would surely be a priority. Given that undertaking that you said, I think that would be worthwhile for the government to look at.

Ingrid STITT: Yes, I am happy to do further work on that, Ms Crozier, but we absolutely have been working closely with VicPol on this legislation and on this reform, and of course there are always things we can do to improve processes across a range of different agencies, particularly when we are dealing with an increasingly volatile drug market.

Aiv PUGLIELLI: Just one more point of questioning from me at this stage, on your consultation with Victoria Police regarding this trial. Currently with respect to music festivals in Victoria we do see the continued use of sniffer dogs as an approach of some kind from Victoria Police in dealing with the presence of illicit substances, and we hear from community members of instances where people feel compelled to ingest all of their drugs at once for fear of being caught out by police, and that poses significant health risks to those involved. In conjunction with this trial being delivered did Victoria Police give you any indication of whether sniffer dogs would continue to be used at the events where drug checking is present?

Ingrid STITT: That is an operational matter for VicPol. The Department of Health will continue to work closely with VicPol as we work towards operationalising the services to ensure fair and feasible arrangements that really get that balance right between community safety and, crucially, not deterring people from using the drug-checking services.

Aiv PUGLIELLI: I absolutely agree with you there on the importance of ensuring people have access to the service if it is being offered. That balance that you spoke about, in your view is it still possible in the delivery of this trial that we could see sniffer dogs being implemented at an event where this trial is in operation?

Ingrid STITT: As I said, that is an operational matter for VicPol. What I would say is that VicPol's drug policy, their own internal drug policy, recognises that harm reduction is an important approach to take, and we have worked, as I said, very closely with them in the development of this legislation.

Sitting suspended 6:30 pm until 7:32 pm.

Aiv PUGLIELLI: Minister, just to pick up where we left off, with respect to sniffer dogs, would you say a scenario where sniffer dogs are in use at an event where drug checking is present is a deterrent to engaging with the service?

Ingrid STITT: I would not seek to pass any comment or judgement on that. As I said earlier, that is an operational matter for VicPol. But in addition to that I would reiterate that we have worked incredibly closely with VicPol on the development of the legislation, and a key to the success of the initiative both here and in other jurisdictions has been where there is confidence that people can use the service freely.

Aiv PUGLIELLI: Just one more: with respect to the mobile drug-checking events, is it going to be possible under this trial for two of those events to happen simultaneously?

Ingrid STITT: That is not settled. Again, this is more a question of finalising the procurement arrangements and settling those festival sites, so I am not in a position to say at this time.

Rachel PAYNE: Minister, there are anecdotal examples both in Victoria and overseas of police targeting clients of drug-checking services. What in this bill prevents police from targeting clients of drug-checking services, for instance by stationing themselves at entry and exit points?

Ingrid STITT: The bill reiterates that police still have the option not to charge a drug-checking client even if they are found to have an illicit substance on their person within the area of the service, so this is very similar to the way in which the legislation and the operational arrangements operate at the medically supervised injecting room in North Richmond.

Rachel PAYNE: In the event of a client of a drug-checking service being targeted by police when using the service, what protections will be available to them? For instance, could there be legal observers present at these services?

Ingrid STITT: I will just get some clarification on the second part of your question. But as I explained, there is that option and that discretion that police will have, and that is within the existing powers that they hold. We want clients to feel safe when they are accessing the service, but, as I said earlier, that needs to be balanced with the police being able to do their job. That is one of the reasons why the department has worked so closely with VicPol on the development of the bill and the reform and the practicalities around how it would operate. If I can give you some additional reassurance in terms of the police's approach to drug harm reduction, their own policy states, and I am quoting here from the *Victoria Police Drug Strategy 2020–25*:

Victoria Police recognises that drug problems are first and foremost health issues. By taking a health-focused approach, police are empowered to respond to an individual's circumstances, environment and life stage. This enables policing approaches that reduce harm and keep the community safe.

Just in respect to that second part of your question about whether, I think you said, legal observers could be present around the drug-checking services, I do not believe that that is currently contemplated in the model. But let me just check with the box.

Thanks for your patience. Ms Payne, in the event a client of a drug-checking service is targeted by police when using the service, as I said, we have worked closely with VicPol to develop the reforms, and we will continue to work closely with them and the service provider once the service provider is known at the completion of the procurement process. VicPol and the service providers and any other supports or interventions to promote access to the service will be the subject of those operational guidelines that I spoke about earlier, and of course accessibility of the service will also be reviewed as part of the implementation trial evaluation and the ongoing monitoring of the reform.

Rachel PAYNE: This question may be subject to the procurement process, as you mentioned before, in relation to operational matters, but I felt I may as well ask it and have it on the record anyway. Some festivals are day-long whereas others are multiday. When people want to access drug-checking services, that will vary based on the fact that they are there for either a day festival or a multiday festival. For day-long events there is likely to be a high demand at the beginning of the day, creating a risk of delays, and we know that drug-checking delays can mean that drug checking may be denied.

Will there be any contingencies to allow these services to open earlier to account for times of increased demand?

Ingrid STITT: Certainly it is something that will be considered in the context of whatever the event is or the mobile testing service and where they are. I know that even at the fixed site in Canberra, for example, they operate extended hours in the lead-up to big festivals. It is certainly something that will be, again, settled once the procurement processes are finalised, but obviously operating hours and how best to support potential clients is going to be a key consideration.

Rachel PAYNE: This is just my last question. It is in relation to clause 8, if that is any help, new section 20AAB(1):

that, at all times at which drug-checking services under the permit are being provided or offered, there is a drug-checking director on duty ...

Obviously people do get sick and other things may happen that mean that that is not feasible at all times, so what contingencies will be in place to ensure this requirement does not cause drug-checking services to cease operating unnecessarily?

Ingrid STITT: I can confirm that there is nothing preventing a service having more than one director, and obviously there needs to be a director onsite when the service is operating, but there is flexibility there for the ability to recruit multiple numbers in that category of worker.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (19:41)

Georgie CROZIER: As I have highlighted in my substantive part of the debate, the Liberals and Nationals believe that information about the limitations of analysis are not well known or they need to be understood by the person that is getting their pills or substance tested and that this bill does not go to the extent of explaining to the people that those levels may not be detectable. We think that that should be included so that the information is very clear. That is why we are proposing to move this amendment. I move:

1. Clause 4, page 4, after line 8 insert –

“(ab) information about the limitations of analysis that has been carried out on a substance, including information about the possibility that poisons, controlled substances and drugs of dependence may be present in the substance but in levels that are not detectable; or”.

Ingrid STITT: The government will not be supporting the amendment in Ms Crozier’s name. The proposed insertion of paragraph (ab), we believe, is unnecessary, because the bill already authorises special and general drug-checking workers to provide advice on the limitations of the testing process. Informing clients of the limitations of drug checking is part of the harm reduction information, and harm reduction education encourages individuals to understand risk and rethink their choices, thereby promoting safer behaviour and saving lives. Even if some information about limitations of testing does not fall within the specific definition of harm reduction information, special drug-checking workers and general drug-checking workers are still able to provide this information.

The technology used at a drug-checking service, both mobile and fixed, will be capable of testing for small quantities of dangerous novel substances such as nitazenes. Further, any drug-checking service will use best practice technology and methods, and the specific technology used at a particular service will be finalised in consultation with the appointed service provider. To ensure that all necessary checks and balances and the appropriate limitations and safeguards are in place, there will be clear standards in relation to requirements for equipment used to analyse drugs and for the provision of specific and general harm reduction advice. This will be included in the drug-checking services program guidelines and compliance with this will be a condition of the drug-checking permit.

Aiv PUGLIELLI: The Greens will also not be supporting the amendment for reasons consistent with those outlined by the minister.

Council divided on amendment:

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

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 5 to 7 agreed to.

Clause 8 (19:50)

Georgie CROZIER: I move:

2. Clause 8, page 13, line 7, omit “disposal.” and insert “disposal; and”.
3. Clause 8, page 13, after line 7 insert –

“(e) that the holder of the permit must ensure that a person who, in the course of providing drug-checking services under the permit, provides another person information described in paragraph (a), (ab) or (b) of the definition of *harm reduction information* also informs that other person of the effect of section 22CH(2).

Note

Section 22CH(2) provides that the holder of the permit, and each general drug-checking worker or special drug-checking worker, along with certain other persons, are not subject to any civil liability for acts and omissions that meet the criteria set out in that provision.”.

As I have highlighted, the opposition believe that in the interests of transparency this information should be provided – that information regarding civil liabilities of the drug-checking service and all drug-checking workers will be waived. It should be notified to those that are getting their pills or drugs tested at the service. That is why we believe this is an important amendment to have in the bill.

Ingrid STITT: The government will not be supporting Ms Crozier’s amendment. The proposed requirement to inform clients of the immunity is unnecessary, and this is best dealt with through operational protocols. The bill should not require drug-checking workers to give information which may amount to legal advice. And the question of whether the civil liability exemption applies in an individual case is a legal question about whether the criteria are met in particular circumstances. The drug-checking service provider will be expected to provide general information about the civil liability exemption, and this is standard practice for these types of services. For example, at both the ACT and the Queensland drug-checking services they require clients to sign a waiver. The Department of Health will work closely with the drug-checking service provider once they are appointed to develop the appropriate protocols for advising clients of immunity. This will be based on best practice and informed by the appropriate legal advice.

Aiv PUGLIELLI: The Greens also will not be supporting this amendment. Having been to the CanTEST facility in Canberra, when you talk to the staff and you hear about how their internal management protocols function, what the process looks like and the way the process works, it is quite redundant what is being put forward. I do not doubt it might be well intentioned, but we do not see the need for this amendment to be included in this bill.

David LIMBRICK: The Libertarian Party will also not be supporting this amendment. My understanding is that these services normally run through the signing of a waiver, which would make this redundant.

Council divided on amendments:

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

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 9 to 15 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (19:56): 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) (19:57): I move:

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

Council divided on motion:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Motion agreed to.

Read third time.

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

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (20:01): I move:

That the consideration of orders of the day, government business, 2 and 3, be postponed until later this day.

Motion agreed to.

*Bills***Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024***Second reading***Debate resumed on motion of Gayle Tierney:**

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (20:01): I am pleased to rise and make a contribution on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024 and to indicate that the Liberals and Nationals support this bill, and we do so because of the incredible gas crisis that our state faces. This bill is a constructive step forward, but it is a step that has come far too late.

Reviewing the materials for this bill ahead of today, I read significant parts of the Environment Protection and Biodiversity Conservation Act 1999 work done by the federal government. It is worth noting that the Golden Beach gas project in Victoria had approvals granted to GB Energy Victoria Ltd on 20 May 2021 at a national level. It is also worth noting the state processes through the Environmental Effects Act 1978 and the inquiry and panel report that was provided to the government on 2 March 2021. An inquiry conducted under the Planning Panels Victoria process by Nick Wimbush, Sarah Carlisle, Trevor Blake and Sandra Brizga under the Environmental Effects Act provides significant support for the proposal. It lays out many conditions, I might add, general recommendations, and cross-references those to the various chapters in the report. There are 43 specific recommendations: pipeline licences, environmental management plans, works approval, discharge, compressors – all manner of sensible steps that have been put in place there. The inquiry recommends:

The environment effects of the Golden Beach Gas Project can generally be managed to an acceptable level and the Project approvals should be granted.

The environmental mitigation measures (amended in accordance with ... other specific recommendations of the Inquiry) –

and it says this on page 125 of 163 –

should be implemented through conditions in the relevant Project approvals or the Environmental Management Plans required under the Pipelines Act and the Environment Plans required under the Offshore Petroleum and Greenhouse Gas Storage Act.

When I look at this, and I have asked for a number of pieces of correspondence, we find the state government slow – dragging chains, very, very, very slow – and yet the state's position with respect to gas is deteriorating massively. The last exploration licences given in this state were three of them in 2013 – not a single gas exploration licence given since that time. Yet here is a solution where there is gas offshore – I will come and talk about that in a moment – which provides a supply of new gas for Victoria but also ultimately enables the caverns, the recesses from which that gas has been brought, to be used as a storage facility in the longer haul. We think this is a sensible way forward. We think that the state government ought to have acted on this. I note that Lily D'Ambrosio wrote a letter, wait for it, on the 10th of the 9th 2024. She wrote to the federal Minister for Resources the Honourable Madeleine King MP:

... write to inform you about proposed urgent amendments to the *Offshore Petroleum and Greenhouse Gas Storage Act 2010* ... (Victorian Act) to establish a regulatory framework for offshore ... petroleum storage in Victorian coastal waters (to the three nautical mile boundary).

Let me just, in a brief process for the chamber, explain the three main zones in question here: there is onshore exploration and gas, there is offshore within Victorian waters between the coast and 3 miles offshore – note miles, not kilometres – and then the Commonwealth takes over from that point outwards. Victoria regulates the gas within 3 miles and onshore, but despite the EPBC act approvals being granted in 2021, despite the panel processes concluding in 2021 with recommendations that the

matter proceed, we have Lily D'Ambrosio writing, and I repeat this, on 10 September 2024. Last month she wrote to the federal minister saying this was urgent and that:

The proposed amendments to the Victorian Act are designed to ensure energy security while the Victorian Gas Substitution Roadmap is implemented to decarbonise the gas sector through electrification, energy efficiency and the transition to renewable energies.

She laid out the proposals. I am told by federal sources that the minister did not want to do any of this. She was frozen, absolutely frozen, on this and could not move. She has been pushed to it because, as the state government and the community has increasingly recognised, the crisis we face with gas is entirely of this government's making, entirely and utterly of its failure to allow new exploration but also its failure to send out the right signals to industry and indicate that they are prepared to support new projects in Victoria. I mean, why on earth would you do much if you are a firm and you got the terrible signals out of this government? The *Gas Substitution Roadmap* basically says, 'Away you go, we're not that interested.'

Victoria does face an issue, and we are going to have to act on this. There are likely to be import terminals. There is a risk that this will be more costly for us. There is the opportunity to bring further gas from up north, but we know that in the middle of this year when it was cold and there was no wind and the solar was not so great, for a week or two we had real problems, and the gas line across the south of Queensland was running at 108 per cent of capacity. That line needs to be upgraded. The ACCC, with its processes, has slowed that down, but we need the upgrade of that line to bring more gas from further north, but there is a limit on what can be brought down those pipes. It is likely that if the Port Kembla project brings on sufficient gas, some of that will end up in Victoria too, and it is likely that we might well end up with our own import terminal as well.

There are other opportunities in the gas sector, and I spoke in Shepparton recently at the biogas forum that was run there by the Victorian biogas association – very sensible, thoughtful ways forward proposed by this seminar. There were about 100-odd people there, different firms from around the area but also wide across the state, from Melbourne, from interstate, and the truth of the matter is that there are government organisations that can play a part here. I was pleased to see Goulburn Valley Water there. I was also pleased to see the whole fruit and food processing sector so engaged in looking at ways that they can find new sources of gas from recycling bioenergy approaches.

We know, for example, that Melbourne Water submitted to the state government's biogas process and in doing so indicated that they burn off very significant amounts of gas every year. They just flare it – off it goes. It does not do anyone any good. It does not help with the greenhouse gas challenges. It is just flared, and yet they would prefer to clean it up and put it into the pipe that is in the property next door to them down at the south-east treatment plant. They would prefer to do that. This is the Melbourne Water submission to the state government's own processes. What I am saying here is the state government has not tackled these gas problems. There are options. There are ways forward. You need to be creative, you need to send out the right signals and you need to work with industry to achieve some of these ways forward. I say that there is a role for biogas.

We can find ways forward to do sensible things and use agricultural sources, but also our water authorities have opportunities here, and at the same time we need to be allowing exploration for new onshore conventional gas and indeed gas in the 3-mile zone offshore as well. There is lots that we can do. The state government has not done it. This has been something that the minister has been sitting on for a long period of time and not sending out the right signals about. In a now panicked mode the state government wants to move very quickly to use this approach, and we support –

Tom McIntosh: Wrap it up, Davis.

David DAVIS: You may find it inconvenient, but this is actually about the state's future, and we need gas.

Tom McIntosh interjected.

David DAVIS: We actually do. I have just laid out a number of them. A lot of them are sitting under the government's nose. The government does not want to engage and does not want to do the work that is required. Why is the state government so resistant to biogas? That is the question. The directions paper is now late, and the state government needs to get in and get that directions paper out there and send a proper signal out because there is a whole set of industries that cannot electrify. I have read those submissions. There are 47 submissions on the website to the state government's biogas directions paper process. They have been conveniently summarised, and they are a very good read actually. There is very high quality information there.

Tom McIntosh: Glad you're getting across your brief.

David DAVIS: No, I am paying credit. Brickworks, for example, they make bricks – strangely! They make a very clear point that they cannot electrify. They do need gas. They need to go to 1000 degrees to make bricks, and they need gas. They suggest that the biogas being cleaned up and injected into the gas grid, the gas pipelines, and used –

Tom McIntosh: Bring a motion on biogas then tomorrow.

David DAVIS: Because we are talking about the gas supply. This bill is about getting some new gas out of a field and then using that field as a storage for gas into the future. That is something we support, but this on its own will not be enough to deal with Victoria's very serious gas crisis, which is the inheritance of 10 years of Labor. That is what I am talking about. I am talking about the gas crisis, the fact that Lily D'Ambrosio has not dealt with it and the fact that she has sat even on this matter, which has our strong support, and she has not acted. As I have laid out, the EPBC approvals in 2021, the state government panel report in 2021, and now we have the minister writing to the federal minister on the 10th of the 9th 2024. I am happy to provide a copy of the letter for others on the other side of the chamber if that would be helpful for them.

It is very clear that the state government recognised finally that it had to act and that the field that is within the 3-mile zone is its responsibility and requires this bill to provide the security that is required for the firms that want to utilise this resource first to get the gas out and then to use it in the long haul as a storage facility. You just cannot sit on your hands and drift as this minister does. She hates gas. She has declared war on gas, and she has been dragged into doing this. She has been forced to do this because the rest of the government have begun to recognise that their policy has not been working. The policy of drift has not been working.

No-one believes that this bill will solve the gas problem in any way on its own. It is a handy little addition. We support that, and we support the usage of the field to have gas put into it and brought out in a sensible storage arrangement, like Iona does in the west of the state already. That is a sensible addition to our capacity. Gas can be brought down from the north or elsewhere and stored in a period of lower usage and then brought out at the time when it is needed. It has the advantage of being quite near the main lines that are already there. We know Bass Strait's capacity is falling quite steadily at the moment, and I could go on about that. But the state government needs to do all that it can. We need additional work on land and in the Victorian responsibility zone offshore. We need these sorts of projects. We need to look at the biogas options, which are significant and have a significant potential long haul to provide gas for some of those industries that will never be able to move away from some of the gas options.

People are looking, people are working and things are going forward, but the state government is the blockage here. They are the blockage in the gas pipeline that stops a solution being found, and it is Lily D'Ambrosio in particular who is personally the problem. Government members on that side of the chamber and from the other house tell me this quite regularly. They are beside themselves about Lily D'Ambrosio's misbehaviour and inability to provide solutions in this regard. They are unhappy because they know that this is causing trouble. The price of gas has gone up massively, and the state government has done nothing to help deal with this at all. We have got to get in and assist in a sensible

way, and that is why we are supportive of this bill, but we are also pushing the state government and saying, ‘Get on and do something with the biogas options. Get on and get some exploration going so that we can get more gas options, either onshore conventional gas or within the state government’s 3-mile area.’

It may be that there are other steps that can be taken too, but this bill in short builds on the petroleum act and does so in a way that provides clarity so that not just when the gas is coming out of that field but later when gas is injected back into the field for storage purposes there is clarity on who owns the gas and the owners of that gas can recover the gas without royalty or other issues. This is, again, a sensible series of steps, and we support this particular way forward. I do think that the Golden Beach natural gas storage will ultimately be able to be filled during the summer and provide that drawdown for the buffer that is needed in winter, and it will be a useful step but a modest step.

I do want to say something about the surging gas prices, though, that are hitting families – and the electricity prices; do not imagine it is not electricity too. Gas has obviously got a significant role as a crossover fuel where there is need for peaking power or firming power in our electricity grid. But it is worth just getting on record in the chamber now the surge in electricity costs that have been faced. The most recent year of figures, the St Vincent’s figures – very reliable material – actually go and look at the individual bills of businesses and households. What they found is that Victoria had the largest increase in both gas and electricity, with gas going up 22 per cent in a year and electricity going up 28 per cent in a year. They also found Victoria had the highest green scheme costs, and we will say more about that tomorrow. I do not want to anticipate anything, but there is a lot to be said about the government’s mismanagement of schemes, which could add in a worthy way but have got to be managed properly. Even schemes that conceptually can be useful need to be managed properly, and this government has not done that. But the point here is that families and businesses have been hit hard, very hard, by this government, and businesses are facing insecurity of supply but also a huge surge in costs. The state cannot compete in this way with other jurisdictions. We are now in a terrible position where the state is actually losing businesses out of the state because of the state government’s failure on energy – and other things, but that is not for tonight’s debate. But certainly on energy they have left things in a very parlous state.

This bill is a sensible bill. I will have some questions in committee. There have been issues raised with Tim Bull in the Gippsland region about issues that may confront some of the fishing fleet down there. I will seek some assurances in committee about those points.

I note in this case there is EPBC approval and there is a panel report which gives us a very good understanding of these matters. The minister after a three-year delay, sitting on her hands – I do not know what she was doing through that period of time – was finally dragged by others in the cabinet to a position where she had to move on this. I am told she actually tried to get the federal minister to take on some of this, but the federal minister made it clear that that 3-mile zone from the coast – 3 miles out – is not something the federal minister can take on. Legally it is the state minister’s responsibility, so she has had to act. The state needs the gas and the state needs the additional storage, and years after she should have been actively pursuing this, she has finally acted. Then we are told, ‘Oh, it’s all very urgent.’ It is very urgent, except that the panel report is three years old. It is very urgent, but the EPBC approvals are three years old. We hear this urgency thing from the government regularly, but actually ‘urgent’ means they have stuffed up, they have delayed, they have not had the solutions and now they are in mild panic: ‘Oh, my goodness. What are we going to do? What are we going to do with gas?’ Well, this will not get us gas next year. It will not get us gas for a couple of years, but it will get us some gas after that and it will get us some storage. It will be a modest contribution but a worthy one.

Sarah MANSFIELD (Western Victoria) (20:22): The Greens will not be supporting this bill, perhaps unsurprisingly. We are in a climate emergency, as I have had to remind this house many, many times. You cannot open new fossil fuel projects in a climate emergency – it is simple as that. This has to be the absolute starting point for any government that recognises its duty to protect current

and future populations. And you certainly cannot claim gas shortages in a country that exports 80 per cent of it as LNG, or in a state that could halve its household usage by going electric.

Everyone needs to live in a warm house with access to heating, cooking and hot water. These are basic amenities that everyone should have a right to. But not only can we have all of that without gas, we can have cheaper, cleaner, more comfortable options – electrification, insulation and other energy-efficient solutions. But for decades Victorian governments and the insatiable fossil fuel companies have ensured that our households are hooked on gas – an expensive, polluting, asthma-inducing fossil fuel. To make matters worse, companies take 80 per cent of the gas that they extract off our shores, pay effectively no royalties to the Australian people and export it overseas.

We understand that Labor faces the threat of gas shortfalls in the medium term – seasonal shortages when our gas heaters are working overtime in winter from about 2028 and then annual shortages from 2030 onwards. But the problem with these forecasts is that they only ever really look at supply. What if we really seriously tackled demand? While Labor is slowly coming to the table on transitioning off gas, it is happening far too slowly. These efforts are completely undermined every time Labor opens a new fossil fuel project, exemplified by this very bill that is before us today, which has essentially been custom produced to enable the Golden Beach gas project, which will run for 40 years if approved. What that actually means is there will be a year or so of drilling and pumping out extra gas that we do not need because, as I said, we export most of what we have got, and then another 39 years of storing gas that the climate cannot afford in what we are told will be perfectly safe, perfectly leakproof offshore wells.

The government's positive efforts around transitioning off gas are also undermined every time the government backflips on previous commitments. Sadly, the Premier recently pre-emptively gave in to the gas lobby by refusing to ban new gas cooktops – the number one source of childhood asthma. The ban on new gas space and water heaters also cannot come soon enough. Sixty-nine per cent of household gas is used in space heaters. Another 28 per cent is used for water heaters. Just think about what we could achieve if we were to ban these products from next year. What if we legislated deadlines for electrification and insulation, or provided targeted support for rentals, apartments, public housing and vulnerable households? Opponents of a rapid transition off fossil fuels claim it will cost too much, but they fail to consider the costs of delay. Every bit of delay just adds to the economic, human and environmental costs that not only grow, but grow exponentially. This storage legislation only encourages continued gas usage right at the time when the gas giants are in a shameful big tobacco style PR battle. The tactics being wheeled out are literally straight out of the big tobacco playbook – an industry that Labor has been uncompromising on – and yet they cannot seem to see that they are falling for exactly the same lobbying tricks when it comes to gas. The gas lobby and their friends over in the coalition want to preserve the reputation of their deadly product and keep governments and households hooked on it for longer. It is time that Labor grew a spine and ended its relationship with this deadly, expensive fossil fuel once and for all.

Jacinta ERMACORA (Western Victoria) (20:27): This bill, the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024, will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to give the holder of a petroleum production licence authority 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. These changes are necessary to ensure existing gas supplies can be stored and subsequently made available during periods of high demand. For example, these amendments will enable the Golden Beach energy storage project being developed by GB Energy to go ahead. That project will establish essential storage infrastructure for the transfer of onshore gas into an offshore reservoir. An underground petroleum storage project such as this could provide critical gas supply to meet Victoria's imminent energy needs. The project could help mitigate peak day gas supply shortfalls forecast for the Australian energy market by AEMO.

The Victorian government's record on tackling climate change is clear, and Victoria was one of the very first jurisdictions in the world to put a net zero emissions target in law. The Labor government

brought forward the commitment to achieve net zero from 2050 to 2045, and we have delivered our commitments. Victoria beat its first target to reduce emissions 15 to 20 per cent below 2005 levels by 2020 with a cut of almost 30 per cent. And we are not slowing down. We are on track to meet our 2025 targets and beyond. Under the guidance of Minister Lily D'Ambrosio we have developed a *Gas Substitution Roadmap* that sets out in detail how we will build renewable energy and transition away from gas. The roadmap sets out how we will decarbonise Victoria's fossil gas sector through energy efficiency, electrification and renewable gases for commercial and industrial usage. This will drive cheaper energy bills for Victorian households and businesses while preserving the remaining fossil gas supply for parts of the economy where the transition off gas will take longer, such as industry. Gas is also currently necessary as firming or peaking electricity generation, turning on quickly to maintain reliability of supply during periods of high demand or lower supply for other sources, so gas will continue to play an important role as we transition to renewable energy.

Managing the energy transition will take years of hard work and strategic investment. It is not set and forget. We are working with Victorian communities and industries to develop real solutions to issues we face now and into the future, and that means ensuring we have enough gas while we go about building the renewable energy supplies that we need. That means we need to develop offshore gas storage. This bill will enable the investment we need. It is solution that our stakeholders, including the Victorian Chamber of Commerce and Industry and Environment Victoria, support. The solutions that will be enabled by this bill will mean that gas can be stored offshore and then injected into the system during periods of high demand. This is exactly what Victoria has been doing for many years on shore. This bill establishes a consistent regulatory regime to make sure offshore gas storage is done safely and effectively.

Victoria needs new sources of gas supply to meet demand and keep our industries and communities thriving. For those who cannot yet move away from gas this bill will help to ensure that they have supplies they need. Longer term Victoria's *Gas Substitution Roadmap* sets out how we will decarbonise Victoria's fossil gas sector through energy efficiency and, as I said, electrification and renewable gases for commercial and industrial usage. This will drive cheaper energy bills for Victorian households and businesses, and the Allan Labor government is the only government I would trust to oversee this transition. I support this bill.

Richard WELCH (North-Eastern Metropolitan) (20:32): I rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024. This bill is perhaps a classic example of what happens when ideology comes into conflict with reality, because we need gas. We need gas for industry, we need gas for families, we need gas for cooking and we need gas for heating homes. By extension we therefore need storage for gas and by extension we need supply of gas, which really makes you understand that this bill is in effect the latest capitulation on the anti-gas policy.

First of all, we were told repeatedly from the other side that we do not need to search for any more gas – there is no more gas. And yet suddenly we discover there are reserves of gas. In fact now for the first time in 10 years we are putting out search licences to get some gas that we apparently did not need. Then of course we came up against the inevitable thing: we do not have storage. So now we need to have storage.

The people of Victoria should be absolutely crystal clear in their minds – this is capitulation. This is them admitting that in reality, no matter the rhetoric or the hubris, we need gas and we are going to need it for the foreseeable future because all the other roadblocks that they have got mean they cannot give Victorian businesses and families reliable supply. So we need to have gas, and this measure, as welcome as it is, is too little too late. If you are the captain of a very big ship, a very big seagoing vessel, and you need to turn a corner, you need to be making that decision very, very early. Instead we have had a decision made in September 2024, when we are going to be without supply within potentially the next year.

There are a number of things that this has to get through. It still has to get through environmental requirements – it has to leap those. Even though the Australian Energy Market Operator forecast this, really what the government has been doing is being too busy driving business to the wall with artificially inflated energy prices. The energy price crisis that we have got in Victoria, which is a key contributor to our cost-of-living crisis, is a completely artificial crisis. We have the gas, we have the energy, we could be supplying it, we have chosen not to, we have chosen not to back it up with infrastructure, we have chosen not to back it up with searches for additional gas and therefore this is an artificially created crisis. But Victorians will pay the price.

Perhaps you could be a little forgiving if the alternatives were actually somewhere in place, were somewhere on the horizon or were somewhere visible in this, but they are far from it. They are far behind schedule. It is even more bizarre that when there are alternatives like waste-to-energy electricity, the Minister for Energy and Resources herself, in her own electorate, chose to raise a petition against it, which is a bizarre circumstance really. ‘Well, we must have this energy, we must get off gas, but not in my backyard. As long as it’s in the western districts where it may not affect my vote in my electorate. As long as it’s over there or as long as it’s down at Lakes Entrance or somewhere. As long as we shove it where it’s not going to affect me.’ Again, this is, as my colleague said, a panic move. They have been forced, dragged kicking and screaming, to do this very, very basic thing. It is typically going to be badly planned. It is probably going to be badly executed. It will extend our crisis rather than remedy it, but at least they are doing something, however unwillingly.

I conclude by simply pointing out that this is a capitulation. That is what this is: it is a capitulation on gas. They can no longer stand in public and tell us that we do not need gas. They can no longer stand in public and say we should keep running down our gas infrastructure and our gas industry, because they need it – because Victoria needs it.

David LIMBRICK (South-Eastern Metropolitan) (20:36): The Libertarian Party will also be supporting this bill, which seeks to allow an existing gas well to produce some of the gas that is left in it and then later on store that gas for when it is needed by Victoria.

I would start by saying that what we have done in Victoria is tie our hands behind our back on energy by banning various technologies. We banned fracking technology by putting the ban in the constitution, rather ridiculously, in the last term of Parliament. We have also banned nuclear technology. Unfortunately the government seems to have been dragged along by these extremist ideas from the Greens and others that Victoria is going to save the world if we stop burning gas, and of course that is not going to happen. We are nothing more than a rounding error in the scheme of things. Really, everything is controlled by China and America and India and those other big countries that are far more influential on everything than us. We are tying our hands behind our backs and impoverishing ourselves instead of putting Victoria first like we should be and producing gas that we need for this state. We do not just need it for residential and industrial purposes, we also need it, ironically, to produce electricity to back up the variable renewable energy that we cannot depend on all the time on the network. We do not have battery capacity, and we will not have battery capacity to replace gas anytime soon. We are going to need gas for the long term, and we need to acknowledge that.

I am glad the government has brought forward this bill, in some small way acknowledging that, yes, we do need gas for a long time. We need to do more: we need more exploration, we need more licences and we need to do everything that we can to ensure that we have a gas supply for this state, because we do not want to be in a situation where we cannot run businesses. I have spoken to many businesses in the south-east that require gas, as has been brought up by others in their contributions to this debate. They simply cannot electrify because of the nature of their business. I have spoken to plastics manufacturers. I have spoken to many types of factories, and on top of all of the other problems that they are having at the moment with land tax increases, with labour shortages and with inflation costs, they have got huge energy bills. Many of these companies are doing everything that they can to make themselves more efficient energy-wise. They are putting solar panels on the roof. But as I said, many of these places simply cannot electrify; they need gas. We are going to be adding more and more gas

to our electricity network. As we increase our variable renewable output, we will need more and more and more gas to back it up. Gas is not going away anytime soon, and we need to get real about gas production in this state.

There are lots of opportunities for onshore gas. Unfortunately we banned some technologies, but we do still have the ability to produce conventional onshore gas. As has been brought up by others, there are also potential opportunities offshore. We are blessed with such great resources in this state, and the government seem to do everything that they can to tie our hands behind our back and stop these resources being developed. I am glad that we are finally doing something here.

I would also urge the government on another gas project, not methane gas but hydrogen gas. I know that we have a Japanese consortium that is very keen to start up a brown coal to hydrogen project in the Latrobe Valley. I think it is a \$2 billion investment. It has not been approved yet. I do not know why. This state needs foreign investment. We need capital coming into the state. We need to do everything that we can to attract it, and we need to send a message to the world that we welcome foreign investment, we welcome energy production, and stop buying into this sort of extremist thing that, well, if we only suffer enough and if we cut our consumption and cut our carbon emissions we will save the world. We will not. We are insignificant in the scheme of things globally. Other players have far more influence on anything to do with carbon emissions than we do. We need to stop this mindset and start putting Victoria first.

Tom McINTOSH (Eastern Victoria) (20:41): The Liberals have no idea when it comes to energy. No plan, no policies. It is just no, no, no from the noalitions. It is fear campaigns and it is political tricks. And whilst the Greens are disconnected from reality and always call for 110 per cent of everything tomorrow, the Liberals play their tricks from the other side –

David Davis: He is a goose for actually supporting it.

Tom McINTOSH: continuously saying that the sky is falling in. Well, Mr Davis, I am going to come to you in a moment. The prize goose is sitting in the boiler. I am going to come to you very soon. Wholesale gas prices are at the lowest on the east coast at \$13.58 a gigajoule. Residential gas bills are the lowest on the east coast. Commercial users are consuming 500 gigajoules a year, the lowest on the east coast. Residential, lowest prices in the National Electricity Market (NEM) at \$30 a megawatt.

Mr Davis, this year continuously in here on the record, you have talked about base load power. I think the penny has now dropped for you. That is an old concept that is not relevant to today's energy market. Like housing, those opposite do not care about the next generation. You just want to bury your head, use cheap, divisive politics rather than getting on and setting a plan and setting up our state for the future.

And of course, we have not heard the opposition reference climate change. They never do. They never want to acknowledge the issue that we must deal with. They do not want to get on about securing the generations of jobs that will come out of renewables, and this is why Victorians have entrusted the Labor Party to govern the state, and whether it is jobs, whether it is housing, whether it is education, whether it is health, whether it is energy or whether it is action on climate change, they trust us to have the plan, to implement the policies and get on delivering for this state.

Bev McARTHUR (Western Victoria) (20:43): I have no objection to this bill, because I am in favour of gas, unlike those opposite, and the offshore gas storage infrastructure it will enable can be no bad thing. Additionally, I understand the bill came at the request of industry. No surprise there. For someone who believes that a thriving private sector economy is absolutely essential for our state, that is important as well. Once upon a time this would have been quite normal. In fact, the few bills which were not welcomed by industry were most likely opposed on the grounds they granted too many rights to workers. These days we have legislation which favours neither industry nor the workforce. Everyone is a loser – everyone, that is, except the ideological extremists who believe any economic growth, indeed almost any economic activity, is damaging to our pristine environment. They are the

winners here. And notice I did not say that the environment is the winner; it is frequently just the activists, their political wing, their charitable agitators, their academic taxis for hire, their cheerleaders in the commentariat and the chattering classes. Because all too often the ideology wins but the environment does not.

We see that in short-sighted policies like banning native timber without replacing it and instead relying on huge-scale importation from distant continents of product grown with far fewer environmental controls than exist here, simply offshoring the damage. It is indefensible. Ditto nuclear power, which is rejected on outdated and ideological grounds, despite the environmental benefits of having lower emissions than coal or gas and utilising existing grid networks instead of environmentally damaging above-ground transmission lines. Ditto waste to energy, which is blasted by the Greens for the same reasons of principle. What is more damaging to the environment than putting waste in holes in the ground and creating methane? Burning waste is environmentally sound. There are no downsides. Look at how they are doing it in Scandinavia and around the rest of the world, and yet, no, we insist on putting rubbish in holes in the ground because the Greens and some in the Labor Party do not like to burn waste.

It is not just ideology, though; it is also because these extremists seem utterly determined to make the best the enemy of the good. No-one says waste to energy or indeed nuclear is perfect, but that is not a good enough reason to block it. We have to weigh up the alternatives and inject some balance as well as realism into the debate. So to recap, business does not benefit from this form of activism, nor does the workforce nor any Victorian household or business paying energy bills.

Finally, the environmental benefits are questionable too. There is no such thing as energy without any environmental cost. There is no such thing as human civilisation without any environmental cost. Pretending otherwise is indefensible, opportunistic, student-level politics. Ladies and gentlemen, the Greens writ large. Where this debate should really start is for all sides to accept that there is no environmentally perfect solution to providing energy and sustaining civilisation. Absolutism in any form is dangerous. There is no silver bullet to reduce carbon emissions.

Electricity generation is the easiest form of energy to decarbonise, but when we recognise it makes up only a fraction of our overall energy usage the damaging reality of enforcing net zero before we have developed the technological capability becomes clear. In recent years we have achieved reductions in carbon emissions, but these first cuts were the easiest ones. As we move in the direction of net zero further reductions become technically more difficult and exponentially more expensive. This is why I describe absolute adherence to net zero as an ideological, extremist and damaging position. A pragmatic approach could achieve substantial emissions reduction at a fraction of the financial and environmental cost of a renewables-only solution.

Every available method of generating electricity has risks, financial costs and environmental downsides. The truth is that we need to balance each of these factors. Risks are inherent in all operations. Look at the dam collapses in hydro-electric power or the recent tragic death of 23 South Korean workers in a lithium battery plant. The old Cold War-era nuclear scare stories are, quite rightly, losing their power. The Fukushima earthquake and tsunami killed around 20,000 people, but the single death attributable to the nuclear power plant occurred seven years later and remains a matter of contention. I am agnostic on energy generation. I just know we need more power, more reliable power and cheaper power. I have absolutely no objection to renewables per se, but I do reject the greenwashing which ignores the environmental cost in additional transmission lines as well as the damage done in the necessary mining, manufacturing and site construction.

In my mind electricity is so basic and essential a service that assuring its affordable and reliable provision should be among the government's very highest priorities and political pointscoring or image polishing should not even be a consideration.

This bill, which supports the longer-term storage of gas and enables its delivery at times of highest need, is a good thing, because gas is a good thing. It is relatively plentiful, relatively cheap and relatively clean. We have existing supply, existing extraction infrastructure, existing transmission networks and existing technology, and there is plenty of onshore conventional gas. It is impressively flexible, useful as pipe gas for cooking, heating and industry and in the generation of electricity to provide affordable base load. As many speakers have also suggested, it is actually essential for many forms of industry. We cannot kiln-dry timber without gas, and we cannot process milk into powder without gas.

David Davis: You cannot make bricks.

Bev McARTHUR: You cannot make bricks without gas. I mean, electricity does not cut it. You need gas. So what do we do? Kill off those industries while we are on the getting-rid-of-gas bandwagon. As noted, ‘relatively’ cuts no ice with the absolutist activists. They cannot wait for technology to develop, for market incentives to improve power efficiency, to lower emissions and to bring on line new and generally economically sustainable low-carbon energy. Instead, their absolutism creates perverse outcomes.

In a debate a few weeks ago I quoted the federal government’s figures from the *Australian National Greenhouse Accounts Factors 2023*, the most comprehensive and up-to-date reckoning of carbon emissions. They show that in totality, the Victorian electricity grid, including the renewables employed, emits 220 kilograms of carbon dioxide per gigajoule of energy produced. The Victorian natural gas pipeline network emits 51.4 kilos per gigajoule – that is less than a quarter for the same amount of energy, less than a quarter of the emissions from gas. So we can see the danger of an ideological charge towards all-electric homes, heating and transport before we have completely rebuilt the generation and transmission network. The real-life consequence of energy absolutism, of ideology over pragmatism, of activism over realism, will be emissions four times greater. Until we can overcome the economic and environmental drawbacks which challenge any renewables-dominated power system this will remain the reality. In contrast, this legislation will enable investment in our energy security and I hope will go some way to helping to keep prices low. So I welcome this bill and anything else which encourages balance in the debate and balance in our investment in energy infrastructure.

My only concern is that Labor will find a way to tax it. As I said in the last sitting week, the Treasurer milks \$256 million every year from AusNet in land tax payable on transmission line easements – money which comes directly from Victorian energy bill payers. How long before the Treasurer finds a way to charge land tax under the sea? And he has got form on these unconstitutional tax grabs. Remember the electric vehicle charges?

David Davis: The High Court did not like that one.

Bev McARTHUR: No, the High Court fixed that up. Nonetheless for now at least I am happy to support the bill.

Sheena WATT (Northern Metropolitan) (20:54): I rise today to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2024. Like many other bills I have spoken on with respect to climate action, I am acutely aware of the nuances embedded in this bill and perhaps better placed than many to discuss the complicated issue that we are dealing with here. As a state I have got to tell you Victoria is threading a really delicate needle when it comes to gas regulation and of course climate action. I know that those opposite would like us to give up entirely, and I know some others in this place want us to legislate as though our power grid is in place and we can leave gas behind, like it is not critical for business and industry. Neither of these courses of action are acceptable to me because they would drive up household costs for Victorian workers and they would undermine our ability to reach net zero emissions. I am convinced that the actions allowed by the bill before us, under

the leadership of the Minister for Climate Action, will both keep the lights on in the short term for Victorians and ensure that we have a renewables-powered grid to pass on to future generations.

Can I just start by saying very clearly that gas is a finite resource. Like all material resources, if we do not treat it with measured forethought, we will squander this resource and we will be worse off for our ignorance. There is a very real risk that if we were to become a do-nothing government, like those opposite want us to become, Victoria would begin to see depleted gas supplies within the next parliamentary term. Less gas means more expensive gas, and for homes still depending on gas power in some form, this means higher bills, high financial stress and even higher rates of energy poverty. For Victorian businesses this again means higher bills and lower profits, and for an energy grid which still has gas in its mix, like Victoria's, the sudden loss of gas – well, frankly, it is bad news.

This will not always be the case. By 2035 we will have transformed our energy grid to move away from gas and instead rely on almost 100 per cent renewable energy production, in the process creating 59,000 renewable energy jobs and keeping the lights on for future generations. We have wasted no time working towards our renewable energy future, and in 2022–23 over 38 per cent of electricity generated in Victoria came from renewables – more than three times what we inherited from those opposite back in 2014. There are of course many works that we have undertaken since 2014, and we have created over 5100 jobs in the process for Victorian workers. This is only going to be accelerated by the SEC – I am very proud to have voted in strong support for its enshrinement in the Victorian constitution just a few weeks ago.

Construction is already underway on the SEC's first project in Melton, which is one of the biggest batteries in the world. I had the pleasure of attending the unveiling of one small portion of that battery at a warehouse in Mulgrave just last week, and let me tell you, even that small portion of the battery could not fit through the doors of the warehouse. Because of the SEC this project is happening sooner and will be bigger than it otherwise would have been. With over 100 companies lining up to partner with the SEC, there are plenty more projects like this to come. It is about delivering more affordable, more reliable renewable energy owned by Victorians, with every cent of profit being reinvested back into the SEC, putting power back into the hands of Victorians as we meet our ambitious targets for nearly 100 per cent renewable energy by 2035 and net zero by 2045. There is so much more that we need to do, but let me tell you, if we do not act now to shore up our gas reserves, we are doing a disservice to young people right across the state, who will inherit the effects of whatever action we do or do not take right here and right now.

The simple solution, which will keep the lights on as we transition to renewable energy production, is to allow for short-term gas storage in natural deposits before exporting it to the grid. It is hardly a new idea, can I just say. It is something we have been doing onshore for many years, but its current legal status in offshore settings really is uncertain, and this bill before us will clarify the legal status of offshore gas storage and establish a consistent regulatory regime to ensure that offshore gas storage is done safely and done effectively.

The truth is that this bill takes no backward steps. It only allows our state to keep moving forward to where it needs to be. We need to lay the foundations for 2045 right here in 2024. We need to invest in smart choices now to maintain our energy grid so that we can pass it on to future generations. What gas we have left we need to have better control over – its release into the grid – and that is why this bill allows gas operators to store gas reserves in natural offshore deposits before their release into the energy grid, only doing so when they are needed most. There is so much feedback that we are getting on this, but it is consistent. We know that this needs to happen, and it is clear that we need offshore storage to keep a reliable supply of gas in the mix as we transition to nearly 100 per cent renewable energy by 2035.

I might get off here a little bit early. I have got to tell you: gas will form part of our energy mix as we make the transition to renewables and to net zero here in this state by 2045. That is why this bill is so

important; it threads a delicate needle to keep the lights on for all Victorians as we move towards a more sustainable future. I commend this bill to the house.

Melina BATH (Eastern Victoria) (21:00): The Nationals are pleased to support the Offshore Petroleum Greenhouse Gas Storage Amendment Bill 2024 this evening. As I have been listening to the commentary and contributions of members of the house I have been thinking about the landscape of Victoria's energy needs and energy sources. Looking up the National Electricity Market, which of course you can do on your mobile phone, we see that there is quite a diverse range of energy supplies into our state. Solar is not working of course because it is evening time. Of course there is no solar being put into the system. Whether there is enough battery in the system is certainly something to be debated. Diesel is quiet at the minute. There is still wind generation. There is a little bit of pumped hydro. There is of course coal, and in my area in Eastern Victoria Region the Latrobe Valley is still producing a great percentage of Victoria's electricity needs. Of course there is gas, and this is where gas can be so nimble in the energy sector.

During the day Mortlake Power Station – that is over in the west, in Mrs McArthur's area – was indeed shut and not producing any electricity. Tonight after the sun went down it kicked on and went online, and it is producing around 270 megawatts of electricity. That is the thing about gas – it is flexible, it is nimble and it is highly useful in this state. It will be useful for many years to come. On any given day about 23 per cent of the energy mix is natural gas peaking, but it is also used as feedstock for industry – for important industry, for the plastics industry. If you go into any hospital, we have got plastics – so many plastics – that are used in a very important and medical way. Also it is used for industries where, as we have heard before in debate tonight, it cannot be used in any other sector.

We know that in Latrobe Valley we have got Australian Paper, which is no longer making white paper from hardwood timber but is turning out loads and loads of cardboard because we are all buying things online and getting them delivered. We do not go into stores anymore; we just go online. Thank goodness we have got Maryvale Australian Paper producing cardboard. It also runs on and desperately needs ongoing gas. Mind you, it is about to produce its own thermal energy through energy from waste, and of course the Nationals support energy from waste when of course it is that advanced technology that this plant will be using, cutting down the use of gas and removing the carbon dioxide released from gas. There is a transition ahead, and we are in that state of flux.

We heard – and I acknowledge the lead speaker – Mr Davis speak about Victoria's and particularly Minister D'Ambrosio's abhorrence of anything sensible, anything gas. Indeed she has been at war with the federal Labor government in policy for many – well, she is at war with virtually anybody with a sensible idea. But Victoria's *Gas Substitution Roadmap* takes an anti-gas stance. It is blocking gas appliances in your homes and in your new builds. It is banning gas connections. The Premier did not come out the other day and backflip. You just have to read the fine print. She is still banning gas in new homes. When we think about these tall towers that are going to be built all over the place, we know that if it is solely and wholly electricity, it is going to cause significant technology problems and structural problems to implement those on a grand scale. But that is not for me to decide.

We shall move to the point where we had the federal minister, Minister King, on the future gas strategy saying:

Gas plays a crucial role in supporting our economy ...

I actually support that position, albeit it is from a federal Labor minister. We know that the Australian Energy Market Operator is telling us – and it has been forecasting this – that there will be a gas shortage as early as 2026. I remember a few years ago, just post the closure of Hazelwood, we saw lorry after lorry, B-double after B-double, carrying shipping containers of diesel generators into the Latrobe Valley to make up for the potential blackouts and brownouts. We need gas to be that nimble source of power.

This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to enable offshore underground natural gas storage within Victorian waters. We know there is the onshore Victorian jurisdiction; there is the 3-mile offshore, which is also Victorian jurisdiction; and then there is the Commonwealth jurisdiction post that. For many years off the Gippsland Basin gas has played a very important role – as well as petroleum – the Longford gas plant producing so much of this state’s gas and interstate gas as well. But there comes a time when there is an opportunity to do what has been happening in the west, in that Iona area, and use that as a reservoir – not necessarily the same geological deposits but with the Golden Beach facility – to be able to store and reserve that gas when it is not required in the warmer months. Again, you only have to put the system under pressure to see that brownouts, blackouts and load-shedding for businesses and industries are a real potential. The good news is that it can do that. We have seen, certainly in the Otways, that this has happened. We have seen that it has been a real support and has provided that flexibility.

Golden Beach will supply a valuable storage capacity, and boy, does Gippsland need it, because as Mrs McArthur talked about before – and I know Ms Watt also spoke about finite resources – there is one resource that is infinite, and that is native timber. We talk about reducing our carbon footprint; well, one way would have been to continue the native timber industry. To keep this very relevant to this topic, the IPCC – the Intergovernmental Panel on Climate Change – in its 2019 document said a sustainable yield of native timber, of renewable timber, can supply fibre and energy into the future, and that is climate mitigating. Those are not my words; I am using the words of the IPCC report.

There is one issue that my dear colleague Mr Tim Bull, the member for Gippsland East, raised in his speech – and I want to put it on record that I share his concerns, which I hope the minister at the table, Minister Stitt, will address – and that relates to the Lakes Entrance’s fishing fleet and the South East Trawl Fishing Industry Association. They have voiced their concerns around potential exclusion zones and disruption to their fishing area. It is important, as this bill passes through this house tonight and the infrastructure work begins on implementing this sensible bill, that their concerns are addressed. I will put them on record. As I said, I gave my commitment I would, and I am sure the minister will provide some fulsome answers in the committee of the whole.

I would like the minister to talk about the seabed infrastructure. Will there be any seabed infrastructure located off the coastline of Golden Beach? Will it have an impact on the commercial fishing fleet, or can the infrastructure that goes that there, whatever it is, be fished over the top of? So is it just a structure that will become part of the seabed and that therefore, when we have got nets in there from the fishing industry, they will be able to conduct business as normal, or will there be an exclusion zone? And if there is an exclusion zone, what impact will this have on commercial catches and the ability of the fishing industry to catch their quota?

It is very important that we discuss this in terms of carbon footprints. Indeed if we look at our local domestic Victorian fishing industry, we must continue to support it. I know there is a big discussion in the lower house about the fishing industry and its importance today. I commend my lower house colleague Emma Kealy, the Shadow Minister for Agriculture, for taking the fight up to the government on that bill, but more about that in sitting weeks to come. But importantly, we need to support our domestic fishing industry. We need to hear its concerns, and we need it to be a thriving industry. Otherwise we will import more and more fish from overseas, increasing the volume of imports and creating more carbon footprint than we need.

Summing up with my last few comments, we have an inquiry – we have many inquiries in this place. The Environment and Planning Committee has an inquiry, which was put forward by the Greens, and we are conducting hearings and sessions. We had a scientist the other day saying that in terms of renewables, it is okay with solar installations or solar plants – I will not call them solar farms, but solar installations – that you will just be able to have farm animals. They will be able to graze underneath the solar installations. I am quoting from memory – it will certainly be on the web very soon if it is not there. But fancy that, can you put a cow under a solar installation? I doubt it very much. What will the grass be that is growing under there? The reason I raise this is because it is very important that you

give regional people a voice in this whole transition to renewables. I note that the Liberals and Nationals have a policy in relation to renewables. It is all about giving back the voice and the rights of local people in regional areas.

The other thing that this bill does is it uses a very similar technique that carbon capture and storage does. It does it in the west as a scientific endeavour. The C02CRC has been there for many years. My dear colleague the member for Morwell had the opportunity to take a quick trip for a couple of days over to Japan, and he met with Japanese officials who talked about the importance of the hydrogen supply project. We heard Mr Limbrick talk about this in his contribution. They are champing at the bit to use hydrogen supply and create hydrogen from, first of all, brown coal and then to use carbon capture and storage similar to what we would be doing for natural gas but in a different location and from a set of geological deposits out off the Gippsland basin as well. They are champing at the bit. This government has got a perverse ideology in relation to that. It is dragging the chain on this. We have got other governments willing to invest. There needs to be a whole lot of work. I am not saying that there is not still more work around that, but let it go through and encourage that investment.

This legislation, I believe, is part of the solution. It is a very small part. It is about storage, but it is also about building more energy resilience – and by heck do we need that under the current Labor government.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (21:13): This is a straightforward bill. It seeks to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to clarify that offshore underground gas storage is permitted in Victoria. This means that gas can be stored offshore and then injected into the system during periods of high demand. This is exactly what Victoria has been doing for many years onshore, and this bill establishes a consistent regulatory regime to make sure that offshore gas storage is done safely and effectively. The bill is necessary to allow projects like the Golden Beach energy storage project to go ahead, and this project will be critical to managing peak-day demand in 2027 when producing gas and then providing long-term stability to the east coast gas market as a storage facility from 2028 onwards.

AEMO noted the critical role that deep storage will play across the east coast in the renewable energy transition. The Golden Beach energy storage project involves the development of the Golden Beach gas field in the Gippsland basin, and it is expected to deliver natural gas production of up to 30 petajoules over a year from winter 2027, about a quarter of Victoria's annual household and small business consumption. The field will then be transitioned into an underground storage facility, providing approximately 12.5 petajoules of storage, increasing Victoria's gas storage capacity by almost 50 per cent. The Golden Beach project is critical to Victoria's future security of gas supply. If we do nothing, as some might seem to think is the answer, there will not be enough gas to around.

The days of cheap and abundant Victorian gas are over. AEMO is forecasting Victorian production to fall by 48 per cent over the next four years. There is simply not enough remaining gas to offset such a rapid rate and scale of depletion, so doing nothing is simply not an option, and that is why we must do two things: we must do whatever we can to support Victorian families and businesses that are able to to get off gas, slashing their power bills in the process; and we must bring on new transitional gas supply. This bill deals with the latter, while there is another bill before this place that deals with the former. This is the clearest evidence yet that the Victorian government is the only political party in this state with a pragmatic gas policy. The opposition want to pretend that we are living in the past. The Greens, on the other hand, want to skip ahead to the future. Neither wants to deal with the facts that we are facing today. The facts are that our once cheap and plentiful sources of fossil gas are now fast declining and increasingly expensive. New gas production in Victoria will not happen at sufficient scale or speed to change the overall trajectory of the sector. This is because of geology, not ideology.

As we have always said, there are some gas users who simply need to continue using gas for the foreseeable future. This includes industries using fossil gas as feedstock or for high-heat applications.

Even in those cases our nation-leading gas substitution agenda will help them. By assisting those who can switch away from fossil gas, we free up supplies for those who rely on it. Pretending there is some plentiful source of conventional gas that has been locked up by the government, as some opposite do with reckless abandon, is just a myth.

Of course phasing down our use of fossil gas will take many years. As the Australian Energy Market Operator identified, there will be significant challenges to the east coast gas market supply from as early as 2028 onwards. It might seem incongruous that we need new supplies of gas while we transition away from fossil gas use, but it is simple maths. The rate of decline in gas production is faster than the current rate of demand reduction, so some additional interim supplies will be needed to maintain the balance. We take that seriously, and that is why we have supported the GB Energy's enterprise project and we are supporting offshore gas storage through the bill that we are debating in the house this evening. I commend the bill to the house.

Council divided on motion:

Ayes (34): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Harriet Shing, Ingrid Stitt, Jaelyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (5): Katherine Copsey, Sarah Mansfield, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (21:26)

David DAVIS: I have just a couple of questions on a couple of topics for the minister which would fit well into a purposes clause set of questions. It has been raised with the opposition that there may be some clash, some difficulty for a number of fishermen particularly out of Lakes Entrance, with the proposed offshore storage that is within state waters, inside the 3-mile boundary – that there may be some impact for fishermen – and I just wonder if the minister is prepared to put on record that the government would engage in a careful consultation process and what assurances I could give to those fishermen.

Ingrid STITT: I understand that the member for Gippsland East in the other place raised a number of issues during the second-reading debate in the Assembly, and I understand that since then GB Energy have been engaging with his office directly and working constructively to engage on those relevant commercial fishing industry issues and also with fishing groups and stakeholders. I would like to place on record that the Allan Labor government are very strong supporters of the commercial fishing industry and the tourism industry and that obviously both those industries are so critical to the growing regional economy of critical regional centres like Lakes Entrance. So I can give that assurance that indeed the government is absolutely committed to consulting and has begun that process via the member's electorate office.

David DAVIS: I am sure the member for Gippsland East will be very happy to see that on the record. He is a fierce advocate for his community and for the commercial fishing sector within his area.

The other question I had related to the zone between the coast and the 3-mile line, which is regulated by the state – it is state responsibility. Beyond the 3 miles is of course federal responsibility. My

question is to the minister: this regime that has been established inside this bill, soon to become an act, will enable the injection of gas back into storages and then the recovery of that. Beyond the GB Energy example, which this bill is heavily directed to – but the bill is actually a general bill and will apply to other case studies – is the minister aware of any other case study along the Victorian coast where there could be an application or where the government would be prepared to look at an application?

Ingrid STITT: Mr Davis, we are aware that there are some considerations occurring about future projects, but nothing has been formally brought to the government. At this stage, there is nothing confirmed.

David DAVIS: I ask the minister this question: will the government facilitate such projects or such approaches if firms come forward, and how?

Ingrid STITT: This bill is specifically about giving that certainty that we can have storage offshore. Of course if there were proponents who wanted to pursue projects, they would be subject to the normal regulatory arrangements, including environmental assessments and the like. But this is about facilitating storage offshore. It is pretty narrow.

David DAVIS: I understand that, Minister. I understand what the bill does, and we support what the bill does. But it is of general applicability, and I think you are correct that there would obviously have to be normal environmental rules and so forth adhered to, but what steps will the government take to encourage, foster or facilitate gas or the storage of gas in this 3-mile zone?

Ingrid STITT: Perhaps if I can answer you in this way, Mr Davis: as I said, this legislation allows offshore gas storage in Victorian waters to proceed. It does unlock the \$750 million Golden Beach energy storage project off the Gippsland coast, and that is significant. But in terms of other actions: approving production licences for Beach Energy's Enterprise field in September, approving production licences for Beach Energy's Artisan and La Bella fields in the Otway Basin as part of the Commonwealth–state joint authority, and pushing for broader AEMO powers to maximise storage inventory at the Dandenong LNG facility to provide critical support during peak demand periods. That is the flavour, I suppose, of the types of other actions that the government is supporting.

David DAVIS: I thank the minister for those contributions, which do help give some picture. But perhaps my question should be more particular and specific. Will the government actually foster and support and encourage firms to come forward with applications from this 3-mile zone?

Ingrid STITT: Commercial proponents are able to come forward at any time and engage with the regulator as they see fit. As I have explained, any project would need to go through the required approval processes and planning approvals.

David DAVIS: I think the minister has in effect answered my question by saying that the normal processes will apply. There are no steps that the government is taking to encourage, facilitate or foster search or proponents to come forward within that 3-mile zone. I think that is what the minister is saying in effect. If she is happy with that, I am happy that that is what she is saying.

Ingrid STITT: I think I understand what you are inviting me to get into, but I am choosing my words carefully because obviously this is part of a broader transition and this is just one part of many actions that the government is taking to ensure that we are transitioning our energy systems in Victoria and dealing with the reality of the reduction in the ability for us to continue to rely on gas into the future.

David DAVIS: Again I thank the minister. She has provided some elucidation, but I just need to press a little further and just ask very clearly: from what you are saying, the government has no active plans, no specific steps to encourage or foster those proponents to come forward in that 3-mile zone?

Ingrid STITT: You are asking me, Mr Davis, to sort of crystal ball about what other proponents might come forward in respect to offshore storage. What I am saying to you is that the government

continues to take a range of active steps to support the reliability of supply for all Victorians. Of course the substance of the bill that we are debating today is about permitting offshore gas storage in Victorian waters. The government recognises that there is a need for transitional gas supply, and if a project developer wishes to explore opportunities to produce commercial quantities of gas for the domestic market, they will be welcome to engage with the regulator. The government is also closely engaging with prospective suppliers to ensure all regulatory processes are completed efficiently and effectively.

Mr Davis, while I am on my feet, I have got some additional information in relation to fishing. I am happy to put that on the record if you would like for the benefit of our friend in the other place. In addition to what I have already indicated, assurances that fisheries interests are taken into consideration and how that would occur, GB Energy has committed to considering fisheries' interests in the area over the life of the project. A petroleum safety zone, which creates an exclusion zone for all marine activities, not just fishing activities, will be sought for the periods when the drilling rig and construction equipment will be onsite.

In relation to the next phase, production, GB Energy will consult with the community, including fishing operators, as per its commitment in the environment effects statement, to garner their views of a petroleum safety zone around the wells. This engagement is essential to support GB Energy's application – if it is to be made – to the National Offshore Petroleum Safety and Environmental Management Authority, NOPSEMA, for a long-term petroleum safety zone. Irrespective of whether a long-term petroleum safety zone will be put in place, GB Energy will install a fishing-friendly structure over each offshore well so that trawlers will not have their nets snagged. These structures will also serve to protect the wellheads from any dropped objects. Due to the size of the offshore equipment to be installed, these structures are typically more than three storeys tall. Hopefully that provides you with a few assurances that I am sure will be welcome.

David DAVIS: I thank the minister for those assurances, and I am sure my colleague in the other place will be reassured by those and he will convey those to his business community locally. I do not propose to go any further on the other matter other than to state that the opposition does see that government has a role to encourage the industry to search within the parameters of the state areas of responsibility and to do so safely and to do so with the proper environmental oversights. But we do need industry engaging to find more gas, and we certainly are prepared, particularly onshore, to see onshore conventional gas as part of the solution. That is a comment, and I thank the minister for her earlier responses.

Jeff BOURMAN: Minister, this bill does not specify that underground gas must be used for domestic sale first. What assurances can you give that this will happen and we will not be selling gas off for a profit elsewhere whilst domestic users get caught short, using the fact that the underground storage is not directly referenced in either the bill or the current act?

Ingrid STITT: Mr Bourman, the government agrees with you that Victorian gas should be and must be used in domestic markets and profit-driven exporting at the expense of Victorian families and businesses has needlessly and directly led to some of the higher gas prices for Victorian families and businesses. That is why it was the Labor government that passed an amendment to this legislation in 2020 which forced holders of a petroleum production licence to offer their gas to the domestic market on reasonable grounds before they could even consider selling it to an exporter. I would like to reassure you, Mr Bourman, that the existing section 152A – it is a long day – of the Offshore Petroleum and Greenhouse Gas Storage Act requires any gas purchased under a Victorian petroleum production licence to be directed to a domestic user of the gas or to a party that will sell it to a domestic user. If the regulator is satisfied that there is no domestic market for the gas, then the producer must then notify the minister of their intention to market the gas to exporters. There are a number of steps that have to be followed. Section 152A applies to all petroleum recovered under a petroleum production licence granted on or after 1 May following the passage of the government's amendment of the act. Petroleum recovered under a petroleum production licence granted on or after 1 May 2018 will include gas recovered from underground petroleum storage.

This will apply to the Golden Beach energy storage project, which does not yet have a petroleum production licence. All gas that will be extracted from this project prior to it becoming a storage facility has been purchased by Origin Energy, which will then be resold in the domestic market. The facility will then transition to a storage facility, with initial capacity sold to Snowy Hydro. We note, Mr Bourman, your focus on this key issue and wish to convey to you the government's firm commitment to it as laid out in the 2020 amendments.

Sarah MANSFIELD: Minister, the project this bill has been designed for, the Golden Beach energy project, is meant to run for 40 years. How does a 40-year gas project align with Victoria's net zero target of 2045?

Ingrid STITT: Obviously the government has a gas transition plan roadmap. This is part of managing that transition, and of course the project is subject, as I have said in answer to a number of other questions, to all the appropriate environment and planning requirements under a number of different acts.

Sarah MANSFIELD: Thank you, Minister, for that response, but I guess the question is specifically about this project having a 40-year life span while we have a net zero target of 2045 in Victoria. It is currently 2024. Forty years brings us to 2064, so I am just trying to understand how a gas project that has a life span of 40 years fits with a net zero target of 2045.

Ingrid STITT: I understand the direction of your question, Dr Mansfield. Of course we say the bill is consistent with the direction outlined in the Victorian *Gas Substitution Roadmap*. The commercial lifetime of the project is a matter for the proponent. The government, notwithstanding what the proponent may bring forward, is committed to our net zero targets and indeed committed to our Victorian *Gas Substitution Roadmap*.

Sarah MANSFIELD: Have any traditional owners or First Nations groups been consulted on this bill?

Ingrid STITT: Yes, there was a cultural heritage management plan and consultation with traditional owners. That heritage management plan was, as I understand it – just let me double-check the details of the traditional owners group that was consulted.

Dr Mansfield, the Gunnai/Kurnai have been consulted about the project, and as I indicated, there has been a cultural heritage management plan undertaken.

Sarah MANSFIELD: Has the government conducted any analysis of the short- and long-term environmental risks of using reservoirs like this for gas storage, and if so, what have you found?

Ingrid STITT: Any project of this nature is subject to environmental assessment requirements. Obviously in terms of the project itself, it was subject to an environment effects statement, and that has been approved. And there will have been a number of environmental undertakings. I think you have just heard me explain to Mr Davis what they were in respect to marine life and fishing, but other environmental assessments would have been undertaken as part of that planning process and approval process.

Sarah MANSFIELD: We know that there have been issues with oil and gas infrastructure offshore leaking in recent times, and we in fact have an inquiry coming up into that issue, so I am just wondering if you are aware of any specific measures that the government is putting in place to manage this potential risk of leaking? How will they be detected and managed, and what obligations will be placed on the companies themselves to manage this risk and manage the life cycle of the infrastructure, including decommissioning?

Ingrid STITT: Any project of this nature has to have a vigorous environmental assessment undertaken. In terms of your concerns about the potential for any stored petroleum to leak from the storage facility, again, an environment management plan must be made under the act, and it is

monitored by the regulator, NOPSEMA. They are responsible for monitoring health and safety for offshore projects in Victorian waters. Any reservoirs to be used for underground petroleum storage can only be ones that were found to contain petroleum. In addition to the natural geological separation between storage formations and aquifers, well integrity measures further reduce any chance of gas leaking and contaminating our water supplies. Offshore petroleum legislation, Commonwealth and state, is very clear that the responsibility for remediating any impacts to the environment from exploration and production must be completed by the project developer, and it is really incumbent on them to satisfy the regulators and satisfy the planning and environmental assessment requirements.

Sarah MANSFIELD: Further to that, can you provide any assurances that taxpayers will not be left responsible for the cost of any clean-up in the event of a leak or the cost of decommissioning this infrastructure?

Ingrid STITT: Again, it is a question of the regulator ensuring that the operator is fully responsible. The legislation makes it clear that the costs of decommissioning are to be borne by the developer.

Sarah MANSFIELD: Just one last question: the basis for putting forward this bill that the government has provided is that we are facing a gas shortage, and I am interested in understanding what analysis has been done to determine whether we could avoid this so-called gas shortage by looking at demand-side measures like rapid electrification and energy efficiency measures. Has that work been done? If so, what has it shown, given that the justification for this bill is that we are facing a gas shortage?

Ingrid STITT: I think, without going on too long at this time of the night, you understand the government's very strong commitment to the energy transition path that we are on. As I indicated I think in my summing up on the bill, we have to face the reality – and this is based on advice that we are getting from not only our department but also AEMO – that our supplies are depleting rapidly in Victoria when it comes to conventional gas and we need to take these steps to allow for additional storage capacity while we manage that depletion and whilst we ramp up our transition to renewables. This is not a step away from any of that. This is a way of managing the realities that we face. Once upon a time our gas reserves were plentiful and cheap. That is just not the case anymore, so of course we are absolutely focused on continuing to transition off fossil fuels. That is why we have a strong pipeline of projects and investment and indeed a solid plan for transitioning to renewables.

Bev McARTHUR: Minister, do you accept that there are many industries that need gas and that electricity is no substitute?

Ingrid STITT: Mrs McArthur, I would agree that there are a number of industries that are reliant on gas more than other industries. That is why it is important to have additional capacity to continue to support those industries that are not going to be able to electrify as quickly as some others, so yes, we do acknowledge that that is a fact.

Bev McARTHUR: So, Minister, you have admitted there is a gas shortage, and it was good to hear in answer to a question from Mr Davis that the government would be happy to encourage other offshore gas enterprises to do exploration. Will you also be encouraging onshore gas exploration?

Ingrid STITT: Onshore conventional gas exploration is already permitted. Yes, it is already permitted, Mrs McArthur. This bill is not about that.

Bev McARTHUR: It is good to hear, Minister, that you will be encouraging more onshore gas exploration. That is fantastic. Minister, in relation to the cultural heritage management plans that Dr Mansfield referred to, can you just confirm that these cultural heritage rights extend 3 kilometres offshore?

Ingrid STITT: Mrs McArthur, thank you for your patience. The cultural management plan that I have referred to a couple of times this evening relates to the land and the pipeline but not sea country.

Bev McARTHUR: Just as you are extracting \$256 million each year from AusNet for transmission line easements, will there be any tax on easements in this project?

Ingrid STITT: Your question is not in the scope of the bill at all. The bill is specifically about giving certainty around offshore storage.

Bev McARTHUR: I just want to be clear that the government will be ruling out any extra taxes on this project, either in their storage capacity or as they bring it onshore.

Ingrid STITT: Points for trying to verbal me, but this is a bill specifically about giving certainty around storage offshore; it is all about that, Mrs McArthur. I know where you are heading, but you are really just making mischief.

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 hour.

Clause agreed to; clauses 2 to 34 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:00): 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) (22:01): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:01): I move:

That the house do now adjourn.

COVID-19

Georgie CROZIER (Southern Metropolitan) (22:01): (1207) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to a COVID plan. I know that the federal government released their report today, which was scathing in relation to what happened around the country. No more so, though, it reminded us of the issues that we were subjected to here in Victoria: the longest locked-down city in the world, the curfews that were a captain's call by the former Premier Daniel Andrews, the playgrounds being taped up and children locked out of schools. It was just a disgrace how these decisions were made.

I note that some of the findings from this report today state that governments were fixated on case numbers and lost sight of the broader mental health impacts of lockdowns and school closures. I could not agree with them more. I continually had to be reminded by these ridiculous tweets that went out

from Daniel Andrews and Brett Sutton about doughnut days, because they were fixated on COVID numbers and trying to eliminate the virus, which could never happen. It was just an appalling public policy that went on in this state through those dark COVID years, which we are still paying for, not only in economic terms but more seriously in the mental health of children, in people who had their businesses affected and in families, who were very distressed through not being able to make contact with one another at very sad times, not able to attend funerals due to border closures between states – a whole range of things which were really very, very devastating.

In this report today there are a number of things that they do make note of. One of those is around a centre for disease control. I am very pleased that the federal government picked up on that. I must say it should have been a federal royal commission to really get to the bottom of what –

David Davis: Not a half-baked thing, although there were some good people on it.

Georgie CROZIER: You are quite right, Mr Davis, there were some good people on this, but it was half-baked. It should have been a royal commission so that we really thoroughly understood what governments got right and, importantly, what they did not get right. But nevertheless it was a policy of the Liberals and Nationals that we wanted to really safe-proof Victoria and the nation from future pandemics by building Australia's first dedicated infectious disease response centre. It would have gone a long way to managing these issues in a uniform way, so we did not have what happened here in Victoria, which did not happen in other states, as I said. The unilateral decisions, the autocratic way that the decisions were made and the shutdown of this Parliament were an absolute disgrace by Daniel Andrews and his Labor government. Nevertheless, the action I seek is for the minister to release the government's plan for any future pandemic and the impacts to the widespread health and wellbeing of Victorians.

Merri-bek North education plan

Sheena WATT (Northern Metropolitan) (22:04): (1208) My adjournment matter is for the Minister for Education. Recently I was at the fabulous Glenroy College with the minister, Deputy Premier Ben Carroll, the member for Pascoe Vale Anthony Cianflone and the member for Broadmeadows Kathleen Matthews-Ward, and my fellow Northern Metro neighbour Enver was a very unfortunate apology. We were in attendance for the launch of the Merri-bek North education plan, which is set to transform education opportunities for students in the Merri-bek North area over the next decade. This plan was developed through extensive community consultation and brings together four key secondary schools – Glenroy College, Coburg High School, John Fawkner College and Pascoe Vale Girls College – to create a more cohesive and supportive learning community. The plan promises to enhance students' experiences by expanding VCE and VET offerings – my goodness, they were very popular indeed – providing hands-on learning opportunities and fostering partnerships with institutes and institutions like the University of Melbourne's STEM Centre of Excellence. It also places significant emphasis on student wellbeing and inclusivity, ensuring that each student feels supported and confident in their pathways.

My question to the minister is: how will the government ensure ongoing support and resources for the successful implementation of the Merri-bek North education plan so that its goals for student engagement, community partnerships and wellbeing are fully realised across the Northern Metropolitan Region?

First Nations health care

Sarah MANSFIELD (Western Victoria) (22:06): (1209) My adjournment matter is for the Minister for Health, and the action I am seeking is that her department works with Aboriginal community controlled health organisations to overhaul the current funding model and establish a long-term block funding mechanism.

Last week delegates from across Victoria's ACCHOs came to Parliament to launch their model of health care. I was honoured to sit amongst these community champions and yarn about the important work that they do, their successes and the difficulties they face in maintaining these services. ACCHOs take a truly integrated and holistic approach to health and wellbeing. Our First Peoples understood the so-called 'social determinants of health' tens of thousands of years before they were coined by colonial academics. ACCHOs approach to health care reflects First People's understanding of health and wellbeing as not only a physical state but one of emotional safety, spiritual strength and connection to place and to community.

But overwhelmingly, I heard of a funding model that is not fit for purpose because each person's needs are different; they need different supports to be well. Perhaps they need housing support, mental health care, vaccinations and dietician support. Perhaps they need midwifery, dental care and transport. But the siloed nature of government departments and funding does not recognise a whole person with complex needs. Some ACCHO delegates described having over a thousand touchpoints to government across various departments. Others spoke of the struggle to reconcile the government's professed commitment to self-determination for First Peoples with the on-ground reality of imposed top-down structures and arduous, regular and often pointless performance meetings and reporting requirements.

But perhaps what stood out the most was a reflection that this government does not fund a wellness model; they fund a sickness model. While not an entirely new concept to me, it was powerfully put. Community health organisations, public health officials and many others are constantly stressing to me that when it comes to public health policy, investing resources into prevention and social wellbeing must be our primary focus. Yet this government seems hell-bent on funnelling millions of dollars into shiny new big hospitals at the expense of preventative health – a sickness model. The idea that we will care for you when you develop heart disease and get so unwell that you need emergency care, when your teeth have decayed to the point that they have become necrotic and infected you can jump the queue to get emergency oral surgery and when you are so distressed that you develop severe depression and can no longer function – a sickness model, not a wellness model. This has to change.

Housing affordability

David DAVIS (Southern Metropolitan) (22:09): (1210) My matter for the adjournment tonight is for the attention of the Minister for Planning, and it relates to the government's recent announcement about high-rise, high-density zones and in particular the one not very far from my office, the one that centres around the Hawksburn station.

Georgie Crozier interjected.

David DAVIS: Ms Crozier, it is not just about Hawksburn here. It is actually a conurbation of urban planning areas that cluster together – Toorak Village but also Toorak railway station and the Hawksburn station overlapping with the Hawksburn Village. When you map the 800-metre zones that are proposed by government you do end up with, I think, conurbation – that is actually the right word. It is a huge, dense area that is proposed for urban consolidation. What I am pointing to here is the government's high-rise, high-density planning approach and its top-down model, rolling over councils, rolling over communities. There is no democracy here. This is fundamentally an arrogant dictatorship-type model that is being used by this government. We all want to see more housing. The City of Stonnington actually has plans and has proposed housing targets for the government, but the government has rejected those, imposed different ones and imposed these new planning zones, the conurbation that we are talking about, on the area. When you look at it this will destroy many of the village aspects of this area. If you were to wander down to Hawksburn Village on a Saturday morning, you would see people moving through the area, having coffees – people buying their vegetables, their fruit and so forth. It is an area that is actually well loved by many people. But there has been no consultation and no engagement by government with people in this approach, nor with the city council. The strong statement put out by the City of Stonnington points to this very directly.

What I want the minister to do is come clean on these matters and release all of the background planning documents that have been involved in each of these three zones – Hawksburn station, Toorak station, Toorak Village and the overlapping conurbation – as to how she has developed this particular planning approach. I also want her, as part of that, to release the specific targets for each of these three village areas to understand how this is going to occur. What are the targets? How has she planned this? Release all that information for those three village areas.

Auburn South Primary School

Ryan BATCHELOR (Southern Metropolitan) (22:12): (1211) Just on the adjournment tonight, I want to make a note of the absolute tragedy that occurred this afternoon at Auburn South Primary School, where a very tragic incident has seen the death of one of the students at that school and four other students injured. I know many in the Parliament, from the Premier, the Deputy Premier and the Minister for Education –

David Davis interjected.

Ryan BATCHELOR: I was just going to say the member for Hawthorn. You did not need to interrupt. There might be moments when you can just hold it back for two seconds.

Lots of people have expressed their concern for the welfare of these families and for the school community. It is a great school. I was there last year and spoke with principal Marcus Wicher. It was a place that was filled with joy, and I can only imagine the sadness that is there today. So the action I seek from the Minister for Education is for him, through the department, to provide all the necessary support that is required for this school through this incredibly difficult time.

Housing affordability

Aiv PUGLIELLI (North-Eastern Metropolitan) (22:13): (1212) My adjournment matter is for the Premier, and the action I seek is for Labor to invest in a public builder to deliver the homes we need. There are two truths we must face if we want to solve this housing crisis. Truth number one: people are struggling and need more homes near jobs and near transport, services, friends, family and their community – homes they can actually afford. If we want young people in homes – in long-term, secure accommodation that they can afford – house prices must come down. Truth number two: the people who have been given the task of providing these homes – the private market – will not do so unless house prices continue to rise. They have literally said so. Because why would a private business sacrifice their own profits when they do not have to? To a business, housing is a product. It is a market, and private businesses will not devalue their own product or cut their profit share just because they are feeling nice. Two truths: young people will not be able to afford homes if prices do not come down, and the private market ensures that house prices will just keep skyrocketing in an endless cycle. So what can we do? To me the answer is pretty simple: if the private market will not provide the housing we need, let us just do it ourselves, because we can do it and we have done it before. If we had a publicly owned builder, the government could build as many houses as we need, ensuring that homes are much more affordable and more accessible.

People need hope. People deserve hope. We cannot provide it until the government – the people in this place – who are tasked with providing basic needs for the people, accept the truth and say, ‘Fine. We’ll fix it ourselves. We need a public builder.’ We cannot sit here and pray that someone else will fix this housing crisis when we are in a room that can make this change right now. But Labor are praying this private market will fix the problem, even though they know it is illogical. If we want homes for young people that they can actually afford, we can do it ourselves. We can build affordable homes for renters and for people to purchase. Invest in a public builder and let us get building.

Grahamvale Primary School

Wendy LOVELL (Northern Victoria) (22:16): (1213) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to instruct the Department of Education to

begin negotiations to acquire land that adjoins the Grahamvale Primary School. Grahamvale Primary School urgently needs to acquire this land.

The primary school is located on Grahamvale Road, an arterial road, the C391, that forms part of the Shepparton alternate route, which allows heavy vehicles to bypass Shepparton town centre. The regular flow of truck traffic outside the school raises safety concerns that become more serious when parking at the school cannot meet excessive demand. Grahamvale Primary is surrounded by farmland, so there are no side streets where parents can park and walk their children to the entrance. The primary school itself has 106 parking spaces, but on a typical day there may be more than 160 cars parked outside during the school drop-off and pick-up times. Drivers who cannot get a designated parking space fill up the roadside in front of the car park or, worse, park along the grass verge on the main road. I have seen the peak-hour chaos, with a line of cars parked on the road's grass verge stretching almost 200 metres north of the school. Dropping kids off on the grass verge of a major truck route is clearly a major hazard.

Grahamvale Primary School urgently wishes to acquire some of the adjoining land in order to build staff car parking behind the school, which will free up space at the front for parents to park and alleviate the traffic hazards. Without acquiring the land it will only be a matter of time until the traffic situation causes a serious incident near the school, perhaps with tragic consequences. I raised in Parliament the need for the new land for Grahamvale Primary way back in 2008, but nothing has been done by this government.

I asked for a traffic safety audit in 2018 and again called for acquisition of new land. The then Minister for Education replied to me in 2018 to say the department recognises the impact of proposed housing developments on the school. The then minister acknowledged that an expansion of the Grahamvale Primary School site would potentially ameliorate issues which may arise when new housing boosts student numbers and associated traffic. Then in 2019 the Minister for Planning approved the *Shepparton North East Precinct Structure Plan*, which earmarked the land around Grahamvale Primary as the area for the school's potential expansion. However, the Department of Education wrote to the school two years ago, in October 2022, saying that it had no existing plans to move forward in acquiring the land.

I urge the minister to instruct the Department of Education to open discussions with the relevant stakeholders, with a view to acquiring the land around Grahamvale Primary School for the school's use.

Auburn South Primary School

John BERGER (Southern Metropolitan) (22:19): (1214) Tonight I rise to give voice to the shared grief being experienced right across my community of Southern Metropolitan Region and in particular in the electorate of Hawthorn and the community of Auburn South Primary School. I am sure everyone in this chamber tonight is aware the community and families of Auburn South Primary School have experienced incredible tragedy and grief this afternoon. While it is too early to understand the full circumstances of the devastating events, what is clear is that this afternoon emergency services attended a single-vehicle crash in Hawthorn East, in a community that I know very well and in a community that I am honoured to represent along with Mr Batchelor, Mr Davis, Ms Crozier, Ms Copsy and Mr Pesutto, who I know are sharing in the community's grief this evening. My heart goes out to the family of the young boy who tragically passed.

There is little I can say tonight that has not already been said. The pain of the community of Auburn South Primary School will not soon be forgotten. I know tonight that all Victorians, and particularly those in my community of Southern Metro, will be thinking about Auburn South. But what little I can say is this: in the weeks to come it is important that we come together as a community to support those affected. And to those students, their families, the teachers and the first responders: we will be with you every step of the way. That is why the action that I seek is for the Deputy Premier, the Minister

for Education in the other place, to visit Auburn South Primary School over the coming weeks to be with them all the way during this difficult time.

Financial counselling

David ETTERS HANK (Western Metropolitan) (22:20): (1215) My adjournment matter is for the Minister for Consumer Affairs in the other place. On the first Tuesday in November many Victorians will ask themselves: do I feel lucky? I am not talking about a bet on the Melbourne Cup or a ticket in the office sweepstake. Victorians struggling to pay mortgages are desperately hoping they will see interest rates cut when the Reserve Bank next meets. Since 22 May interest rates have been pushed up by 4.25 per cent, pushing many homeowners to the brink of financial collapse. On average 2300 Victorians call the debt helpline every month. Demand for financial counselling has risen by 50 per cent. Not-for-profit organisations that deliver financial counselling are overwhelmed by demand, and many have had to close their books to new clients.

The Allan government has committed an additional \$15 million to support the sector over the next three years, with the \$3 million earmarked for not-for-profit organisations due to be delivered in the second half of this financial year. The problem is the department responsible for consumer affairs is behind schedule in assessing grant applications for the scheme. The second problem is that RMIT, the only institute that trains financial counsellors in person in Victoria, suspended its course last year because it could not find suitable placements for its students. The not-for-profit organisations that normally would have supervised these students have no capacity to do so because they are so stretched. Financial Counselling Victoria has a plan to alleviate this situation by taking on the coordination of financial counselling student placements in the same way that the Victorian Council of Social Services, VCOSS, coordinates community sector placements. This will see more financial counsellors completing their training and starting to fill the additional positions that the government is funding. So I ask: will the minister guarantee the promised \$3 million will be delivered in January in line with the original departmental timelines, and will the minister consider funding Financial Counselling Victoria to run a student placement program similar to the VCOSS model?

Residential planning zones

Richard WELCH (North-Eastern Metropolitan) (22:23): (1216) My adjournment is for the Minister for Planning, and really it is a bit of a lament. Once upon a time we were the Garden State. We were a state where the norm was that every family had a garden, had a backyard, and it was an incredible social equaliser that, rich or poor or working class, you had your own backyard and that was your own kingdom as a child. Children could play safely under the eyes of their parents for those 10 minutes before dinner, and open space was integrated to the living space, not a park three streets away or somewhere where you need to make a booking to go to.

We talk about getting kids off their phones and off their devices, but we are constructing social infrastructure that makes that almost impossible by locking them up. Instead we are talking about making ourselves the townhouse and tower and density capital of Australia – towers where we know education outcomes are worse, health outcomes are worse, domestic violence is worse and there is no capacity to share a life with extended family. And yet we vilify the outer suburbs. We vilify them by calling them sprawl, we vilify them by not providing them with infrastructure and we vilify them by calling them 1950s throwbacks, when what they really do is provide families with dignity and children with the right environment to grow up and become constructive members of a society they have a stake in. Give me a new suburb with infrastructure any day of the week over an urban ghetto where we put families in two- and three-room apartments.

My action for the minister, and for the government, is for the minister to recognise that having usurped all the planning rules, having usurped all these things to yourself, you are taking direct responsibility for the layering of vulnerabilities into these communities – the educational vulnerabilities, the domestic violence vulnerabilities, the health vulnerabilities, the lack-of-active-play vulnerabilities and the socialisation and alienation vulnerabilities of high-density living. You have taken these

responsibilities on, so therefore you are accountable for what happens in the next generation and the legacy you leave. Please consider that in your planning.

Housing

Samantha RATNAM (Northern Metropolitan) (22:25): (1217) My adjournment matter tonight is for the Minister for Housing. Over the past several years Victorian Labor has embarked on a retreat from public housing. Public housing is owned and managed by the state in Victoria, with fixed housing costs and rights that are protected by law. It offers long-term tenure so people can access an affordable home and build a life in the community. It has been the intervention that good governments have used to ensure everyone has a secure and affordable place to call home. It was the response of good governments when they faced a housing crisis and resulted in much of Victoria's public housing stock, including our public housing towers.

But over the last decade Labor has tried to outsource its responsibility for housing to non-government and private housing markets. Large amounts of public housing stock have been transferred to community housing providers, and whole estates have been demolished and privatised, most with no public housing rebuilt at the sites. As Labor advances this outsourcing and privatisation agenda, it is now making a deliberate and calculated decision to change the language it uses to describe residents in order to diminish and dehumanise public housing residents. Labor and the government of the day are now calling residents 'renters' in the official departmental communication about public housing communities in what seems like a pretty obvious attempt to diminish the status of residents and to assert their power as the 'landlord'. Some residents have lived in their home for decades. They have formed strong communities, some across several generations, so why should they be made to feel like their homes are not truly theirs? Don't public housing residents deserve to feel they can live in a safe and secure home? Or does the government reserve this right for the privileged and the wealthy only?

This shift in language comes alongside Labor's policy to erase public housing altogether. Labor is trying to erase the term 'public housing' entirely from the housing vernacular, instead opting to use 'social housing'. While 'social housing' is meant to be an umbrella term for public and community housing, the reality is that when the government announces a new social housing project, there is generally no public housing in that project, only community housing.

Labor wants to withdraw completely from the provision of public housing in Victoria. With their plan to demolish and privatise Victoria's 44 public housing high-rise estates, after already demolishing several low-rise estates across Melbourne, Labor has been met with staunch resistance from residents and the broader community, and they feel threatened by this. We saw this most recently when hundreds of residents and activists gathered for a rally to protect public housing.

Diminishing public housing residents to mere 'renters' is one more way to try and break the spirit of those people who would be so bold as to resist what is happening to them. We see this kind of dehumanisation across government services – patients are now called 'customers' and doctors and carers are now called 'providers'. This is the language of capitalism, the language of profit making that has seeped into the way governments talk about people they serve. But what starts with objectifying and commodifying language ends with objectified and commodified treatment. Labor must end their use of this Orwellian doublespeak. Minister, I ask that you afford public housing residents the dignity and respect they are entitled to and ensure all references are to public housing residents, not renters.

Children's Court of Victoria

Nick McGOWAN (North-Eastern Metropolitan) (22:28): (1218) Two weeks ago in this place a number of community legal services were on display in Queen's Hall, and what quickly transpired was a conversation between me and many of those services. Something that I had not been aware of and certainly they were not aware of, but we have subsequently been made aware of, is the fact that this government intends to close a number of Children's Courts, in particular the lists. That is, in effect,

the Children's Court. This government are planning to shut down the Children's Courts in Ringwood, Sunshine, Werribee, Heidelberg and Frankston. They intend to force victims and accused and their families and their lawyers and the police of Victoria to go to one of only four locations – Broadmeadows, Moorabbin, Dandenong or Melbourne – in order to seek justice.

This move will have dire consequences for the justice system and for youth justice, there are no two ways about it. Police are concerned. The amount of time it will take police out of their areas to simply attend a simple court hearing will be astronomical. The victims of course themselves will be hesitant to show up in an area that is not theirs, that they are not familiar with. The accused will find it even harder. They often come from a vulnerable cohort and whether they manage to find their way there at all – frankly, it probably will not be the case. Adjournments will be prolific. Postponements will also be the order of the day.

I have managed to survey a number of locals in Ringwood, because this is a significant concern not only, obviously, for the people in Ringwood but for those further afield too, in Croydon and nearby suburbs, like Warrandyte and right across the region and eastern suburbs. I have had hundreds of survey responses, and I have never had responses like this before. Of those responses, 99 per cent were against the move of the Children's Court. I have page after page of articulate, informed comment here from locals in my area. Here is one, for example:

As a Labor member, I am very disappointed at this decision, and will bring it up at next local meeting. Thank you for bringing it to my attention.

Another one says:

Keep what the community needs local. The Court needs to stay in Ringwood.

If this does occur it will have a severe detrimental effect on the delivery of Children's services.

The list goes on and on. From psychologists, from people involved in child protection and from people involved in foster care, these are real. I will quote this last one:

Children's court in ringwood should stay as is! I as a foster parent if a child who unfortunately has found himself constantly sitting in a court room on a weekly basis just can't afford the travel as a single parent on a disability pension.

The unforeseen circumstances, the unforeseen consequences of this government's decision to shut down the Children's Courts in Sunshine, Werribee, Heidelberg, Frankston and Ringwood will be dire for justice and youth justice in this state. I urge the minister not to do that.

Sexologists

Georgie PURCELL (Northern Victoria) (22:31): (1219) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to advocate to her federal counterparts for sexologist to become a nationally protected title. Sexologists are trained healthcare professionals who specialise in and are qualified to help with sexual dysfunctions, such as painful sex, understanding sexual identity and orientation, sexual relationship counselling for individuals or couples and dealing with sexual trauma and violence. Despite this training and education, their professional title is not protected. This means that non-accredited and unqualified so-called sex therapists can work in the field, risking patient health.

Sexology is a multidisciplinary scientific study, but the term 'sexologist' or 'sex therapist' is not a protected title here in Australia like a psychologist or psychiatrist is. We have specialty trained health professionals for our skeletal systems, our muscles and even our feet, but sexual health is still not taken seriously enough to warrant recognition. The taboo nature around conversations on sexual health creates this harmful stigma about common human experiences, and sexologists are here to change that. Psychosexual therapists registered to the current peak body of Australian sexologists must hold two tertiary qualifications, one in sexology and one in a registered titled profession, such as counselling, psychotherapy, social work, nursing or occupational therapy. However, unless sexologist and sex

therapist become protected titles, people can legally advertise themselves that way without being registered like other legitimate healthcare providers are.

Protecting the title would have a range of benefits for those seeking out these services. It would ensure people are being treated by qualified experts in the field. It would improve accessibility to services in pelvic pain clinics, cancer treatment and support hospitals and trauma-informed therapies where they are currently being excluded. It would also increase clarity within the medical field about what sexology is, reducing the stigma and improving opportunities to support improved sexual health for all Australians. Far too often we see a service that is largely provided by women and largely sought out by women and gender-diverse people being blatantly undervalued, underfunded and misunderstood. I urge the minister to advocate for this vital change in the health practitioner regulation national law so that we can finally see the reform and safeguarding that sexologists in this country have been asking for and deserve.

Electricity infrastructure

Bev McARTHUR (Western Victoria) (22:34): (1220) My adjournment debate is for the Minister for Energy and Resources and concerns the additional landholder payments which landowners will receive when they are forced to accept transmission line infrastructure on their properties. This figure – \$8000 paid for 25 years – has rightly been criticised. For the landowners, many say that no amount of money is enough to compensate for the damage which will be done to their lives and businesses, some on properties which their families have farmed for generations. Neighbours, who may suffer every bit as badly from the visual blight, will not be eligible for these payments.

But the action I seek from the minister is comment on a potential error in the recent National Electricity (Victoria) Amendment (VicGrid) Act 2024. According to the *Weekly Times*, this legislation, passed in May:

... failed to index all payments from the day the scheme was announced.

While it does index-link the \$8000 annual compensation per kilometre from the time that the payments begin, the \$8000 figure will not rise at all until the first payment is made. Even at current very low rates of inflation, if the first payment is made in five years time, the real value of compensation will reduce to \$175,000 per kilometre over the 25-year period. So I ask the minister to review this situation, to confirm if this understanding is correct and to implement a remedy if so.

Now, while I am on this subject, there is an important contrast to draw. As I noted in Parliament two weeks ago, the Labor government will extract in this financial year \$256 million from Victorian energy bill payers purely in the land tax bill payable on transmission line easements. That is an incredible sum for one company. It is 5 per cent of the entire state land tax bill, and it contrasts with the compensation I have just discussed – that is, \$8000 per full kilometre per year, falling to \$5900 if compensation is started in 10 years time, but the easement land tax will be \$177,000 per kilometre per year, and we can be sure that that will not just be inflation linked but likely hiked up by future treasurers – \$8000 or less in compensation versus \$177,000 annually in land tax alone, and unlike the compensation, it is indefinite, not for a 25-year payment.

It starts to look like a serious incentive for the government to approve new easements: AusNet gets an expanded regulated asset base and therefore greater income, the Victorian government gets increased taxes. Is this why Labor ministers are trying so hard to push through unsuitable projects like VNI West and the Western Renewables Link?

My Health Record

David LIMBRICK (South-Eastern Metropolitan) (22:37): (1221) My adjournment matter this evening is for the attention of the Minister for Health. I recently spent some time at the Cranbourne Park shopping centre speaking with constituents and listening to the issues that they were concerned about. One resident who required regular blood testing due to a kidney transplant expressed surprise

that when they travelled interstate to New South Wales or Queensland results were consistently uploaded to My Health Record within 2 to 48 hours, but in Victoria it consistently takes two weeks for these same results to be uploaded. I am not sure if this is an aberration or something that many people are experiencing with diagnostic testing. If it is an issue that many people are experiencing, it really needs to be fixed. My request for the minister is to review any data or speak to the relevant stakeholders to assess our performance against benchmarks interstate, and if there is an issue, to implement a strategy to improve the performance.

San Remo Jetty

Melina BATH (Eastern Victoria) (22:38): (1222) My adjournment matter is for the Minister for Ports and Freight, and it relates to public and workplace safety issues on the San Remo Jetty in Bass Coast. The action I seek from the minister is to commit to improving public and workplace safety at the San Remo Jetty by adopting a plan put forward by the fisherman's co-op, and to do so as soon as possible before there is human tragedy.

This jetty is managed by Parks Victoria, and it is shared by commercial fishing, recreational boating and ferry traffic. Indeed it is a very busy jetty, and it hosts wildlife cruise departures, a refuelling station, land-based anglers, swimmers, jetty jumpers, locals and tourists, all mixed into one space and a recipe for disaster. In the summertime the region's population quadruples.

The jetty is an integral part of the fisherman's co-op. The fisherman's co-op has an annual turnover of between \$4 million and \$5 million, employing up to 60 people – the town's largest employer. The 30-member co-op runs a fleet of 12 vessels. Compounding this problem is something of the government's own making, because it closed the Newhaven jetty, only a few hundred metres away. That was due to lack of maintenance, lack of interest and lack of care by the Labor government. As such, the recreational anglers have moved to the San Remo Jetty.

There is a solution, and it has come from the general manager of the co-op, Wolfgang Platzer. He proactively presented Parks Victoria with a comprehensive plan to separate the public access and commercial activities, but to date there has been no inclination to work with the co-op. My estimation is that Parks Victoria is frustrated with the Labor government's obfuscation. Six months ago WorkSafe wrote to the co-op speaking about the rise in incidents in relation to drownings and hypothermia at Victoria's marinas, reminding them of their obligation in relation to OH&S. The co-op have even put forward a sensible solution and are prepared to pay for it, and they want to ensure that the commercial fishers can keep working in a safe environment, as can the visitors and recreational fishers. So the action, again, I seek from the minister is for the minister to adopt the plan put forward and do so as soon as possible – by 1 December if absolutely she can – before there is a human tragedy.

Pakenham community hospital

Renee HEATH (Eastern Victoria) (22:41): (1223) My adjournment is for the Minister for Health, and tonight I rise to mark an important anniversary; however, it is not really a happy one. Yesterday was 28 October, and it marked the sixth anniversary since Labor promised to build a new hospital in Pakenham. Six years on and there is no hospital there, and there is not even the beginning of a hospital. There is a vacant site surrounded by fences which are failing to keep out graffiti and rubbish, and to be honest the vacant site where the hospital is supposed to be absolutely epitomises what 10 years of Labor government in Victoria looks like. There are empty buildings where businesses once were, and now they are covered in graffiti, where nothing is happening despite this government using its compulsory acquisition powers to force businesses out years ago, and it is terrible. This is the modern Labor Party: all promises and no delivery. Minister, you and your government have failed, and these failures extend far beyond the Pakenham hospital. So Minister, during your six years of inaction and since the promise of the community hospital, the Pakenham community and the population have grown. It has undertaken significant growth, and this growth is predicted to continue for decades. So Minister, given the size and growth of the population in this area, when will this government finally provide the people of Pakenham with the health care that they require?

Organ and tissue donation

Gaëlle BROAD (Northern Victoria) (22:43): (1224) My adjournment is to the Minister for Health. In March this year the Legislative Assembly Legal and Social Issues Committee released their report about increasing the number of organ and tissue donors in Victoria. The report makes recommendations to increase the donation rate, including the option of registering as an organ donor when renewing a drivers licence; increase promotion of the organ donor register; and increase the number of organ and tissue donation specialists within healthcare services. The inquiry also highlighted some of the additional barriers preventing organ and tissue donation, especially in regional areas, and the need to increase the amount of donor specialists and ensure that hospitals have suitable facilities to carry out a transplant.

I would also like to acknowledge my Nationals colleague Dr Anne Webster, who has advocated for change at the federal level to help lift organ donation rates, encouraging all states to clearly record donor status on drivers licences. Currently South Australia are the only state to have registration linked to drivers licences; they have 73 per cent of their population aged 16 and over registered on the Australian Organ Donor Register and consistently have one of the highest consent and donation rates in Australia. In New South Wales 41 per cent are registered, and Victoria is well below that at just 23 per cent. There are currently around 1800 Australians on a waitlist for organ transplant and around 14,000 more people on dialysis, many who would benefit from a kidney transplant. I have known people who have been waiting for years on dialysis, but I also know someone who has benefited from an organ transplant. It has been eight months since the committee's report was tabled, and I ask the minister to take action, to adopt the recommendations of the committee report and to enable donor registration through drivers licences. It will help save lives and give hope to those waiting for an organ transplant.

Donnybrook Road, Kalkallo

Evan MULHOLLAND (Northern Metropolitan) (22:45): (1225) My adjournment is to the Minister for Roads and Road Safety or the Minister for Transport Infrastructure – whichever works better – and it is to direct their department to urgently upgrade and duplicate Donnybrook Road in my electorate. Donnybrook Road is a disgrace. I drive on Donnybrook Road very often, probably more than the members for Kalkallo and Yan Yean combined, to be honest, and it is a disgrace. The state of the road is dire. Lelani from Olivine estate wrote to me recently:

The condition of Donnybrook Road is appalling – worse than roads in some third-world countries. It remains a single lane almost up to the freeway entrance, riddled with potholes, and lacks pedestrian walkways. It's truly horrendous.

She goes on to say:

The pain points of the residents will be glaringly obvious. Numerous new estates are being approved, yet they all funnel into the same horrendous Donnybrook Road.

This is the perfect summary of how this tired Labor government treats constituents in the north, forcing massive new developments and not bothering to back them up with infrastructure, including roads and road upgrades that are needed to make living there sustainable and livable.

Our growth areas are being starved of the appropriate infrastructure because Labor have botched the delivery of new growth areas. There has been a lot of talk this week about the GAIC, the Growth Areas Infrastructure Contribution levy. Growth areas are not getting the infrastructure they deserve because of Labor's botched approach. When the Liberals were in government we allowed in-kind contributions so developers could partner with the government to deliver infrastructure before residents moved in. The way that Labor changed the process and botched the process means that hundreds of millions of dollars – billions – get siphoned into Spring Street, wait for years for costs to increase and then get delivered less to growth areas in dribs and drabs, and there is actually no starker example of this than Donnybrook Road. In 2012 my colleague Matthew Guy signed off on a development contribution

plan with the developer MAB that duplicated the Mickleham side of Donnybrook Road. You have got a beautiful four-lane road with a large median on the Mickleham side thanks to the Liberals, and on the Kalkallo and Donnybrook side you have got an old farm track with tens of thousands of new homes going in and with Kalkallo and Donnybrook bursting at the seams thanks to Labor. My constituents in the outer north deserve safe, accessible and fit-for-purpose roads, so I repeat my action calling on the minister to duplicate Donnybrook Road.

Education system

Ann-Marie HERMANS (South-Eastern Metropolitan) (22:48): (1226) My adjournment question is for the Minister for Education. Given that VCE English exams started today and there are VCE exams, I thought it would be good to do something on education. This is regarding the critical issue facing our state, and that is the dire shortage of teachers in regional Victoria and the general retention rates for Victorian teachers. The action that I seek is for the minister to provide me with an outline of the government's plan to address the reasons for the teacher shortage crisis, particularly in regional Victoria and in my region.

The recently tabled Victorian government report, the Legislative Council Legal and Social Issues Committee's *The State Education System in Victoria*, predicts a shortfall of over 5000 teachers by 2028. Finding 14 outlines the problem with teachers in the system, and it says:

The expected teacher shortfall is a serious issue for the state education system that warrants significant and sustained attention and intervention.

Our schools continue to flounder to employ teachers in classrooms, but this Labor government continues to take great teachers out of schools to employ them in our overpopulated, ever-increasing regional education departments. Despite the Victorian government's \$244 million program offering financial incentives of up to \$50,000 to attract teachers to regional areas, the results are showing that this is simply not enough to encourage our teachers to stay in the system, and my question here is: has the government ever asked itself why?

Evidence indicates that large numbers of teachers in Victoria are leaving teaching after their initial two-year contract period, and it is shocking to note that of the 200 teachers who received \$5.2 million in government incentives in 2020 and 2021, almost a quarter no longer work in public schools. At any one time there are anywhere from 1200 to 1500 vacant teaching positions in Victoria right now. This is almost double the 800 vacancies that there were at the beginning of the 2024 school year. Schools in regional Victoria are particularly struggling to hire and retain teachers, even though the government has offered incentive payments of \$50,000 to fill up the hard-to-fill classroom roles.

I would like to go through some of the things that the government has actually done, but I am running out of time. So I am going to just go on to the fact that the government paid \$6.7 million to 250 teachers – that is \$26,800 each on average – to move to schools in rural and remote areas struggling to find staff in 2022. This was because (1) students in regional areas are deprived of a stable learning environment and (2) the shortage puts undue pressure on existing staff, leading to burnout. This is further evidence that the government's \$244 million scheme to grow and improve the workforce is simply not working. More than 20 per cent of the teachers have been paid a decent incentive to move to regional Victoria, but they are leaving.

The PRESIDENT: Mrs Hermans, your time has expired. Can I just check the action.

Ann-Marie HERMANS: The action I seek is that that the minister provide me with an outline of the government's plan to address the reasons for the teacher shortage crisis, particularly in regional Victoria and in my region.

Responses

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:52): There were 20 adjournment matters to 10 separate ministers, and written responses will be provided in accordance with standing orders.

The PRESIDENT: The house stands adjourned.

House adjourned 10:52 pm.