PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 23 JUNE 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

Premier	The Hon. DM Andrews MP
Deputy Premier, Minister for Education and Minister for Mental Health	The Hon. JA Merlino MP
Attorney-General and Minister for Emergency Services	The Hon. J Symes MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop	The Hon. JM Allan MP
Minister for Training and Skills and Minister for Higher Education	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development and Minister for Industrial Relations	The Hon. TH Pallas MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. AR Carbines MP
Minister for Public Transport and Minister for Roads and Road Safety	The Hon. BA Carroll MP
Minister for Energy, Environment and Climate Change and Minister for Solar Homes	The Hon. L D'Ambrosio MP
Minister for Health, Minister for Ambulance Services and Minister for Equality	The Hon. MP Foley MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating	The Hon. MM Horne MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support	The Hon. NM Hutchins MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans	The Hon. SL Leane MLC
Minister for Water and Minister for Police	The Hon. LM Neville MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing	The Hon. MP Pakula MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources	The Hon. JL Pulford MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs	The Hon. G Williams MP
Minister for Planning and Minister for Housing	The Hon. RW Wynne MP
Cabinet Secretary	Ms S Kilkenny MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.
Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, Ms Vaghela and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.
Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.
Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Ms Shing, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.
Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.
Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.
Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.
Assembly: Mr Halse, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier, Mr Erdogan and Ms Shing.
Assembly: Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.
Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.
Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Ms T Burrows

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT—FIRST SESSION

President
The Hon. N ELASMAR (from 18 June 2020)
The Hon. SL LEANE (to 18 June 2020)

Deputy President
The Hon. WA LOVELL

Acting Presidents
Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government
The Hon. J SYMES

Deputy Leader of the Government
The Hon. GA TIERNEY

Leader of the Opposition
The Hon. DM DAVIS

Deputy Leader of the Opposition
Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew[1]	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny[8]	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John[9]	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine[2]	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip[3]	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver[4]	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher[5]	Western Metropolitan	DLP	Somyurek, Mr Adem[10]	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee[11]	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne[6]	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai[12]	Western Metropolitan	Ind
Limbrick, Mr David[7]	South Eastern Metropolitan	LDP	Watt, Ms Sheena[13]	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling[14]	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

[1] Appointed 5 March 2020
[2] Appointed 2 December 2021
[3] Resigned 17 June 2019
[4] Appointed 15 August 2019
[5] LP until 24 May 2022
Ind 24 May–2 June 2022
[6] Resigned 23 March 2020
[7] Resigned 11 April 2022
Appointed 23 June 2022
[8] Resigned 26 September 2020
[9] Resigned 1 December 2021
[10] ALP until 15 June 2020
[11] Appointed 23 April 2020
[12] ALP until 7 March 2022
[13] Appointed 13 October 2020
[14] Resigned 28 February 2020

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;
DLP—Democratic Labour Party; FPRP—Fiona Patten's Reason Party; Greens—Australian Greens;
Ind—Independent; LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;
SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

CONTENTS

Thursday, 23 June 2022

The PRESIDENT (Hon. N Elasmar) took the chair at 10.04 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (10:05): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

Members

MR LIMBRICK

Swearing in

The PRESIDENT (10:05): I have to report that the house met with the Legislative Assembly yesterday to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick to contest the federal election. Mr Limbrick was elected to return to fill this vacant place in the Legislative Council.

Mr Limbrick introduced and oath of allegiance affirmed.

Papers

DEPARTMENT OF PREMIER AND CABINET

Independent Review of the Service Victoria Act 2018: Ministerial Response to the Final Report

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:07): I move, by leave:

> That there be laid before this house a copy of the ministerial response to the independent review of the Service Victoria Act 2018 final report.

Motion agreed to.

PAPERS

Tabled by Clerk:

Multicultural Victoria Act 2011—Victorian Government report in multicultural affairs, 2020–21.

Service Victoria Act 2018—Independent Review of the Service Victoria Act—Final Report, 31 May 2022, under section 57 of the Act.

Victorian Inspectorate—Annual Plan, 2022–23.

Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

ADJOURNMENT

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (10:12): I move:

That the Council, at its rising, adjourn until Tuesday, 2 August 2022.

Motion agreed to.

Members statements

QUEEN'S BIRTHDAY HONOURS

Ms BURNETT-WAKE (Eastern Victoria) (10:13): Congratulations to each and every one of the people from Eastern Victoria Region who were recipients of awards in this year's Queen's Birthday honours. I wish to congratulate OAM recipients Richard Elkington for service to the Traralgon community, Graeme Legge for service to emergency response organisations and the Emerald community and Joanne Andrews for her service to the community of Sarsfield. Congratulations also to Gary Howard of Sale, Sharyn Mullens Taylor of Tecoma and Donna Markham of Menzies Creek on receiving awards. Richard Cromb, who I personally know, of Olinda, is also an award recipient. He is a veteran volunteer of the Sassafras-Ferny Creek fire brigade. He oversaw the response in the tragic 1997 fires that tore through parts of the Dandenongs and is a respected community leader. Congratulations, Richard, on being awarded an Australian Fire Service Medal.

I also wish to congratulate Billy Baxter, who was recognised for service to performing arts and radio; Helen Reid for service to the Pakenham community; Neil Cooper for his work with Volunteer Marine Rescue; Brenda Thornell for service to the Mornington Peninsula community; Jillian Smith for service to the community and education; and Margaret Rowe and Terri Allen for service to conservation and environment. Congratulations also to anyone I may have missed. Eastern Victoria Region is proud to have you all, and I thank each of you for the wonderful work you do for our communities.

CHISHOLM INSTITUTE

Mr TARLAMIS (South Eastern Metropolitan) (10:14): Chisholm TAFE is going from strength to strength, and the Andrews Labor government is proud to be backing them every step of the way. Recently I was here talking about the construction that is underway on the new $67.6 million learning facility at Chisholm's Frankston campus, which is the second stage of their $151.1 million redevelopment. Today I am delighted to be here talking about the new state-of-the-art facility at Dandenong trade centre and student support hub, which is now open at Chisholm's Dandenong campus.

With over $7.4 million in funding from the Andrews Labor government's TAFE asset maintenance program, these new facilities will provide jobseekers with the skills they need to enter a rewarding career and will also foster a pipeline of skilled workers. Featuring new plumbing, carpentry and electrical training areas and a modern kitchen, replacing old facilities that have been around since the 1980s, the Dandenong campus can now simulate real-life scenarios to provide the most relevant training for the next generation of trade and hospitality experts. These facilities will also provide improved resources for learning and essential support services for students, such as counselling, disability support, apprentice support and a career hub and student lounge.

Chisholm Institute is one of the largest providers of apprenticeship training in my electorate, and this project will assist the Dandenong campus to deliver a best practice approach, including teaching practical, industry-based skills that will provide a direct pathway to the workforce. Over the last three years Chisholm has experienced a 10 per cent increase in trade students, and the funding for these facilities will support the growing interest of vocational students in the region. It is a very important addition to the south-east that will provide the tools students need to start an exciting new career in an in-demand sector.

COMMERCIAL PASSENGER VEHICLE INDUSTRY

Mr BARTON (Eastern Metropolitan) (10:16): On Tuesday the New South Wales Perrottet Liberal government unveiled their budget. There was much speculation that there was going to be a billion-dollar compensation package for the taxi holders. Negotiations between the industry and the government have been held in good faith over many years. We had hoped the New South Wales government would set the bar for fair and just compensation. It was not to be. The original New South Wales package was $20 000 per vehicle for a maximum of two vehicles, which was two-fifths of bugger-all. Licences that were purchased for half a million dollars have decreased in value by so much that you cannot even give them away now. I am incredibly disappointed that the New South Wales government is yet to right this wrong. They have witnessed the devastation that has occurred in Victoria—the failed regulator, the failed rollout of the reforms and the failed promises for a level playing field. The difference in our case, Victoria's case, is we are still in it. I have not stopped fighting. I expect to have announcements, good or bad, regarding repairing the past to make a sustainable pathway forward for the future. I make no guarantees except to say every single day I am working towards a resolution. Let us see what happens.

SMALL BUSINESS SUPPORT

Mr ONDARCHIE (Northern Metropolitan) (10:17): It is important that we continue to find ways to support small businesses in this state. They are struggling. They are struggling with finding employees, with the cost of energy and with the amount of red tape they have to go through to support their businesses. A Matthew Guy government elected in November this year will spend $30 million supporting small business and local shopping strips.

MULTICULTURAL COMMUNITIES

Mr ONDARCHIE: On another matter, we have to increase the value that we see in our multicultural communities, and I will take the opportunity today to congratulate a wonderful member for Eastern Victoria Region, Ms Cathrine Burnett-Wake, for her leadership, for her foresight and for the work that she does in multicultural communities right across Eastern Victoria Region. I have had the privilege of meeting many of those communities with Ms Burnett-Wake in recent times, and I have to say not only in her time as an MP but prior to that in her private practice before becoming an MP, she has supported multicultural communities right across Melbourne. I think she is a real asset to this chamber, I think she is a real asset to the Parliament and I congratulate her on her leadership, her advocacy and her strong work for multicultural communities in Victoria.

PAULA FOX MELANOMA AND CANCER CENTRE

Ms TAYLOR (Southern Metropolitan) (10:18): I think there is probably not an Australian, let alone a Victorian, who has not in some way been touched by melanoma. We all know somebody, if not many people, and it is certainly uber present in our community. I think it is one of the five most common cancers in Victoria, and 3000 people get diagnosed every year. It follows that it was certainly my pleasure to accompany our Prime Minister—who has not wasted any time, let me tell you, getting out there and getting things done—the Premier, Minister Martin Foley, representation from the Alfred, Monash University and the Minderoo Foundation, and Lindsay and Paula Fox to see that construction is well underway for the Victorian melanoma and clinical trials centre. It is located on St Kilda Road, adjacent to the Alfred hospital. It is backed by $50 million from our state Labor government, $50 million from the federal government and also philanthropy, and I should note that Paula Fox has very much a personal connection. She has been able to surmount the melanoma that certainly threatened her life. Hence it is going to be known as the Paula Fox Melanoma and Cancer Centre. It will involve the collocation of melanoma oncology clinical trials and research operations at the centre, and it will support ongoing trial hub initiatives, including clinical trials for melanoma. I must say this is well needed.

GARRY SPRY OAM

Mrs McARTHUR (Western Victoria) (10:20): Queenscliff is a very special town in Victoria. It is not just because it is a beautiful location with history abounding; it is because it has superb beaches and rock pools for summer fun. But it is even more beautiful because of the people who make it everything it can be. One of those fabulous people is Garry Spry. Garry was among those to receive an OAM last week as part of the Queen's Birthday honours. He was also a member of this Parliament, the member for Bellarine, between 1992 and 2002. He was also a Borough of Queenscliffe councillor for six years. Of this time, Garry says the most fulfilling part was the ability to help people, and he has continued to do that in the Bellarine community for seven years. Garry told the *Geelong Advertiser*:

> I think that's the joy in public life—you can make a contribution and help give people a bit of a hand, if you can.

To that we might all say, 'Hear, hear'. I pay tribute to Mr Bellarine, Garry Spry OAM.

QUEEN'S BIRTHDAY HONOURS

Ms BATH (Eastern Victoria) (10:21): I would like to acknowledge some of the significant contributions Victorians make to their community and just a few of those receiving Queen's Birthday honours.

A warm congratulations to Gary 'Pud' Howard for his Order of Australia Medal for his services to the environment and conservation. A 50-year Field and Game Australia member, Pud has made a tireless contribution to the habitat restoration at Heart Morass wetlands—from a waste and salt land to beautiful wetlands flourishing with species. Congratulations, Pud.

Sarsfield resident Joanne Andrews has certainly been recognised for her contribution in coordinating and rebuilding her community post the Black Summer bushfires with an OAM—very much congratulations to her.

Mr Richard Elkington has been recognised for his service to community in a range of roles. I offer Richard congratulations and I expect, the next time I see him, to see him with an OAM-themed bow tie. I am looking forward to that.

Special congratulations to our own National Party family member the Honourable Jeanette Powell, who received an AM for services to the people and Parliament of Victoria and certainly to the community. She is a wonderful lady who has made a significant contribution over many years.

Also, congratulations to former science teacher Dr Margaret Rowe of Leongatha for her amazing work for the environment over many, many decades. I congratulate her on her OAM.

GIPPSLAND COMMUNITY SPORTS FACILITIES

Ms SHING (Eastern Victoria) (10:23): Today I want to talk about sport, and I am talking about sport because I cannot really play it. But I do want to acknowledge the enormous impact that it has on communities, on participation, on mental health and wellbeing and also on community connectivity. In recent times across Gippsland we have seen a number of extraordinary projects come to life as they have been completed. The Hazelwood South pavilion, a $1.08 million investment, now ensures that people who play, who practise and who train at this amazing facility do not have to get changed in the car, do not have to go without in terms of all-access facilities and can now really make sure that this oval and its surrounds are able to be used to the very best possible capacity right throughout the year.

Further west we have seen the Longwarry and Thorpdale lighting projects come to life, with a 100-lux investment. That means that particularly girls' and women's teams can train and practise all year round. That is a $250 000 investment which has led to, again, further momentum by clubs and by project reference groups to continue those discussions around overall investments and upgrades to sporting infrastructure.

GIPPSLAND RANGES ROLLER DERBY

Ms SHING: Finally, I want to give a huge shout-out to the Gippsland Ranges Roller Derby. On 28 May the second annual roller derby face-off occurred in Warragul—an extraordinary success, brutal in every way, and such a wonderful spectator sport that is so inclusive and so welcoming and so wonderful across the entire state. Congratulations, and well done.

BILLY BUTTON CHILDREN'S CENTRE

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood)

Incorporated pursuant to order of Council of 7 September 2021:

I was very pleased to open the spectacular new kinder at Billy Button Children's Centre in Footscray last week.

It was great to join the member for Footscray, Katie Hall MP, as well as representatives from Maribyrnong City Council and others involved in delivering this excellent integrated early learning centre.

This kinder has been delivered through a partnership between the Andrews Labor government and Maribyrnong City Council, totalling more than $7.8 million.

The kinder will service three- and four-year-olds, providing kinder, long day care, large outdoor play and education spaces, and maternal and child health services to the local community.

I'm also very glad that the centre is located right next to the local primary school as part of the Footscray learning precinct, helping ensure that the transition from kinder to school is as smooth as possible for children and parents. I would also like to acknowledge the advocacy of Melissa Horne MP, member for Williamstown, and one of the founding members of SKY High—a local community group calling for more education options in the west.

This centre will support the growing demand for early years and education services in the local area, and I was privileged to meet Billy Button's hardworking team of educators.

This is yet another example of the Andrews Labor government's landmark investment in early childhood education for children across for Victoria.

Through world-class new facilities like Billy Button Children's Centre, and now through this government's $9 billion Best Start, Best Life investment in early childhood, we're ensuring that every family can access two years of a great kindergarten education.

QUEEN'S BIRTHDAY HONOURS

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education)

Incorporated pursuant to order of Council of 7 September 2021:

I am pleased and proud to acknowledge the 27 members of Western Victoria whose contribution has been recognised in our most prestigious awards, the Order of Australia.

These Victorians encompass extremely varied fields, but all have some aspect of community at their core.

Rosemary Nugent, awarded an OAM, is a great example of a person who is heavily invested and immersed in the Geelong and regional community.

Her broad-based engagement ranges from interest groups and community education through to advocacy for cultural and policy change.

In her many activities Rosemary pursues her core values of equality, access to life opportunities for all, and a compassion for all.

She has provided leadership, mentoring and encouragement along with her organisational skills to a diversity of groups at the local level, and for communities in Timor-Leste.

Rosemary is much valued for her work, her ability to initiate and organise projects, and her ongoing commitment to improving quality of life for many.

Mannerim's Richard Underwood, also an OAM recipient, has similarly been a lifelong contributor.

Portarlington's annual mussel festival owes much to his leadership since 2009, during which time the festival has grown to be an iconic and important annual event on the Bellarine.

Richard's involvement in other fields in Geelong and beyond has been longstanding and extensive.

Richard is a very strong advocate for volunteering, and his contribution has spanned football umpiring and administration, organisation of events, and extended contributions to local football-netball clubs and schools.

His advocacy and hard work were important factors in numerous community facilities.

I congratulate all Queen's Birthday Order of Australia recipients and thank them for enriching the fabric of our lives.

Business of the house

NOTICES OF MOTION AND ORDERS OF THE DAY

Ms TAYLOR (Southern Metropolitan) (10:25): I move:

That consideration of notices of motion, government business, 683 to 746, and order of the day, government business, 1, be postponed until later this day.

Motion agreed to.

Bills

GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Mr ONDARCHIE (Northern Metropolitan) (10:25): Thank you for the opportunity to rise today to speak on the Gambling and Liquor Legislation Amendment Bill 2022—hardly the most exciting bill that has ever come through this house, I have to say. It is very much a housekeeping bill by nature. The purpose of the bill is to amend the Casino Control Act 1991 to permit casino licence holders to pay winnings via EFT in line with the current regulations that apply to clubs and also to hotels. It is designed to amend the Gambling Regulation Act 2003 to remove obsolete provisions and references, such as chapter 7 of the GRA, due to discrepancies with the commonwealth legislation and the 2012 gaming restructuring. It provides more flexibility for the government to alter the requirements of a wagering and betting licence by revoking the current fixed term of 12 years.

It allows the current monitoring licensee, Intralot, to provide technical services for gaming machines and equipment in a bid to make the licence more lucrative and align it with similar jurisdictions. It amends the act to make changes to requirements for unpaid jackpot funds to ensure player funds are returned and unpaid jackpot funds are allocated to linked jackpots. It increases the requirement for a minor gaming permit from $5000 to $20 000. It bans bingo and lucky envelopes from being conducted or sold online. It increases the holding of unpaid prizes for wagering and betting, keno and public lottery licensees from six months to 12 months. It also amends the Liquor Control Act 1998 to remove obsolete provisions and references; authorise certain licence categories to supply liquor through all forms of remote ordering; amend the online-only vendor packaged liquor licensing category; and extend measures introduced by the liquor amendment act regarding the new pandemic legislation.

This would go close, I have to say, to being the most boring bill I have seen in this place, because it is highly technical in nature. It is designed to clean up some things the government should have done a long time ago. It is also designed to simply clean up some of the inconsistencies with commonwealth legislation, as well as remove some obsolete provisions and definitions due to a 2012 restructure which transitioned the state's gaming legislation and the machine industry from a gaming operator model to a venue operator model. Under this model venue operators interested in operating a hotel, club or gaming venue need to bid for a 10-year gaming licence as part of a competitive bidding process. It also goes to allowing Crown to pay out winnings over $2000 by EFT, which will bring it into the same regime as clubs and hotels. So finally in 2022 we have indicated to Crown that they can perhaps pay by EFT; they do not have to get the chequebook out and pay people. Goodness me, government, you have finally worked out that EFT is something that exists in this state. It is bizarre it has taken this

long. There are many Victorians, younger ones particularly, who have been paying their bills and paying for theatre tickets and a range of things via EFT. The government have finally worked out, on 23 June 2022, that maybe EFT is a thing in this state, and this is what this change is about.

The current wagering and betting licence will expire in August 2024, almost two years on, with expressions of interest already closed. While the current licence is for a sole operator on a fixed term, the government is considering changing the term limit and the option of multiple operators. The current monitoring licensee, Intralot, who manage the YourPlay system and are the sole monitor of the electronic gaming machines (EGM) in this state, will now be allowed to provide technical support and services relating to those gaming machines. The expansion of this power is in line with their current operations in Western Australia and would make the contract more lucrative and competitive when it expires in 2027. The licence was awarded in 2014 to Intralot, who operate in 52 jurisdictions worldwide with over €1.1 billion of turnover. There are some sensible changes to the minor gaming permit system. Increasing the threshold to $20 000 will cut red tape for charitable organisations and sporting clubs. Online gambling is becoming a concern. The increase of the minor gaming permit threshold is being offset by the banning of bingo and lucky envelope sales online. The bill also seeks to clean up some of the inconsistencies relating to the online sale of packaged liquor by allowing orders to be received by other communication means.

There are a whole lot of changes to sections of acts in this bill. Clauses 10 to 14 allow for payment of casino wager winnings via EFT, as I have outlined. Clause 19 allows for the monitoring licensee to provide technical services to EGMs, as I have outlined. Clause 81 allows the Minister for Consumer Affairs, Gaming and Liquor Regulation to determine the term of a wagering and betting licence and specify the terms of that licence, handing control of this to the minister.

Clauses 126 and 127 remove the inconsistencies with the commonwealth legislation; they clean up the act. Clauses 128 to 132 deal with unpaid jackpot and linked jackpot funds, as I have talked about—that six- to 12-month time period—as do clauses 123 to 135. They allow for unclaimed prize money to be claimed for up to 12 months, rather than the currently existing six months.

I have talked about the banning of bingo and lucky envelope sales online. Clauses 136 to 138 deal with that. Clause 140 brings the casino into line with current practices by allowing payments of over $2000 via EFT. I have talked about the minor gaming permit threshold, which will be increased from $5000 to $20 000—clause 142 deals with that.

Clause 144 is about making sure that if a provider commits an offence by permitting a minor to gamble, regardless of whether they did so knowingly or otherwise, it will be deemed as an offence, and we will talk about that perhaps a bit later in the committee stage of the bill.

Clauses 150 to 157 replace the references to orders placed online and off-premises requests to authorise general licensees to supply not only online but by other communication methods. The industry has a few concerns about this—very few concerns.

Ostensibly, as I outlined at the very start of my contribution today, this is pretty well a rats-and-mice clean-up of existing legislation and largely submits references to obsolete licences and repeals other definitions. Last year, late last year I think it was, the government overhauled the Liquor Control Reform Act 1998. The fact that they are now back in this place after doing it late last year to make amendments to the definition of 'online providers' really reflects the government's failure to anticipate issues such as liquor being sent by post or other delivery methods. We have talked to a whole lot of people about this—to Community Clubs Victoria, to Tabcorp, to the Australian Hotels Association, to Crown, to Australia Post.

This is, as I say, largely a technical bill in nature with no major legislative alterations. It cuts red tape for charitable organisations and sporting clubs through an increase to the minor gaming permit threshold. That is a good thing. The Liberals and Nationals coalition will not be opposing this bill

today. It is highly technical in nature, and I have to say it is perhaps one of the most boring bills I have ever seen in this place. I wish it a very quick passage.

Ms SHING (Eastern Victoria) (10:33): It is always a difficult challenge, one might say a Sisyphean challenge, to follow Mr Ondarchie in this place when he is talking about bills of a highly technical nature.

Mr Ondarchie: I'm sure you're up for it.

Ms SHING: It is nice just to take up that interjection. I am indeed up for it this morning, Mr Ondarchie, because this bill in fact addresses subject matter which has been a significant social policy challenge not just for the Victorian government but for other jurisdictions not just around Australia but globally—that is, the way in which gambling and related activities are undertaken and the regulatory framework that exists around them in order to minimise harm, in order to facilitate community-based engagement and in order to make sure that there is a consistent framework for online activity. It is also making sure that at the same time as delivering refinements to the legislative framework within which gambling is regulated, certain obligations and responsibilities are set and certain compliance mechanisms are activated for enforcement purposes and that we are also in a position to make sure that the statute book keeps up with the changes and challenges of the subject matter in an everyday and practical sense. Mr Ondarchie talks about this being a dry bill. In fact here in the upper house we are very accustomed to dealing with matters of a very technical nature, and this is, I think Mr Ondarchie said, one of the driest bills that he has ever seen in the course—

Mr Ondarchie: I don't think I said that.

Ms SHING: You didn't say 'dry'? All right. Well, you said one of the least exciting, words to that effect—I am going to paraphrase you there, Mr Ondarchie—bills that we have seen in this place, but nonetheless it is really important. It is really important—

Mr Ondarchie: I know. I'm not saying it's not.

Ms SHING: You are right. You are not saying that it is not. Nobody is saying that these sorts of amendments and updates to the statute book are not important. What this does, however, is provide a more consistent and streamlined framework by which gambling and related activities in settings including as they relate to community fundraising and raffles occur, and we are in a position in government and indeed through the parliamentary process to walk and to chew gum at the same time. When I think about the Crown Casino investigation and implementation of those recommendations, when I think about the way in which betting limits have been invoked and indeed enforced and when I think about *Fair Play,* the engagement with local venues to identify people either who are at risk of excessive spending or indeed who are problem gamblers, the Victorian Responsible Gambling Foundation's work and the work associated with the regulator more broadly, I am fortified by the path that we are on to make sure that we combine the various interests of stakeholder and industry groups, of communities and indeed of those focused on harm minimisation to strike a balance which does enable people to participate in various gambling activities whilst also removing harm, damage and distress wherever possible.

I note that, in looking through this bill, community fundraising and raffles have been a feature of what Mr Ondarchie has talked about, and I think that is worth touching on here today because we know that for communities, whether they are the soccer club, whether they are a local kinder or indeed playgroup or whether they are a Neighbourhood Watch organisation, there is a really key theme around fundraising and connectivity that goes through the nature of a community raffle. I have participated with very limited success in community raffles around regional and rural Victoria. I am no good at winning any of the prizes, but what I do note is—

Mr Ondarchie: You'll have to declare.

Ms SHING: You do not have to declare it, Mr Ondarchie, if it has not led to any yield in benefit and where I have not in fact ever managed to walk away with a meat tray. So I am hoping that maybe my fortunes will change, and indeed maybe the fine produce of Gippsland would mean that I have to declare what I win on the register, because it would be worth more than $500. That being said, I am in a position to talk about the way in which we can increase competition as well as reduce red tape and improve the operation of legislative provisions.

But back to the community fundraising for a moment, if I can, the way in which community fundraising works not only is about financial improvement to the budgets, to the bottom lines and to the treasury kitties of individual clubs and organisations, it is also about the way in which we engage with these community groups and they can come together for the purpose of community connectivity, and a raffle is a really important part of that. You do not have to go far on a Friday night to head along to a club or indeed to an RSL or other organisation to find a raffle in train, and you do not have to go far to find people egging each other on in order to hopefully maximise their chances of coming away from the raffle with a decent prize or two to take home. You do not have to go far to understand the importance of that sort of connectivity and that sort of collegiality, particularly within rural and regional communities.

That is one part of this bill, making sure that we are cutting red tape for these organisations who themselves are not geared towards spending vast amounts of time on compliance activities, to increase the threshold that is required to have a permit for a raffle. This then means that permit applications will not be required in a significantly greater number of cases and that in fact community organisations can get on with the business of what they are there to do, which is to engage with communities, to connect with members and to raise money for the purposes that are relevant to them. So these sorts of changes are actually really important in a practical sense. They mean less time over a keyboard and more time being able to muster support for people to come out on a Friday or a Saturday night, have a meal, spend some money on a raffle ticket and benefit their local club or association in the process.

We are also wanting to make sure that in these changes we are in a position to cut red tape by extending the time line for payment of unclaimed prizes to the Treasurer. That is where again we want to make sure that that time line is not a fetter on the claiming of unclaimed prizes in the way that it currently is, and that is about striking a balance. It is about equity and it is about fairness, but it is also grounded in the reality of the world in which we live. That people do not get around to claiming prizes but should not therefore forfeit those opportunities in the way which has been identified in a range of cases I think deserves the sort of attention that has been effected by this bill.

In noting that the opposition is more than not opposing this bill but in fact supporting it, it is good to see that around the chamber we will have an opportunity to pass this bill and to make sure that improvements are able to be made in the steady and methodical way that the statute book needs to be updated from time to time to accommodate changes in the way in which regulation occurs in this space. It is subject matter which requires constant and quite methodical attention and attention to detail. It is subject matter which has been a lightning rod for a lot of concern, criticism and commentary around problem gambling, around regulation of large-scale gambling operations and around subject matter which in fact, whilst connected to this bill, goes far beyond it in the way in which it is emblematic of a range of broader social concerns.

I want to touch on the issue of problem gambling with the time that I have available today, noting that the miscellaneous amendments that are in this bill are about improving gambling and liquor regulation and tidying up that existing legislation. But I want to talk about the impact of problem gambling on the everyday lives of Victorians, their families and their communities. This is where I think there would be nobody in this chamber, and indeed nobody in this Parliament, who would ignore or want to downplay the impact of problem gambling over the course of lifetimes and indeed generations. Family fortunes are lost consistently and repeatedly, relationships are torn apart, family homes are lost, opportunities for people to get ahead are lost and, particularly in an environment with an increasingly prohibitive cost of living, people find themselves unable to make ends meet.

There are a whole range of factors at play in that setting, but one of the things that has been so important with bodies such as the Victorian Commission for Gambling and Liquor Regulation and its successors is that this has led to a discussion about harm minimisation and how that might be incorporated into the sorts of practical steps that are required to be taken by operators, including as they relate to break times and to non-24-hour operating cycles, including as they relate to interventions that are available for problem gamblers in certain situations and environments and including as they relate to, to the extent possible, limitations or controls on the way in which online gambling occurs and in relation to the way in which the very design of gaming environments is conducive to a drop in inhibitions, an inclination to spend more money and an environment of a hypnotic sense of time being irrelevant that typifies many gaming facilities and many gaming operations.

I have had cause to be in a number of large-scale gambling environments over the course of my life. Again, I am not a gambler—well, one might say that coming here to politics, that is a different story—but I did come in here today thinking that the house always wins, and I would like to think that the house that wins in this instance is indeed this house of Parliament and perhaps the lower house as well. But all jokes aside, having walked through gaming floors and having actually seen the way in which people engage with a slot machine or with a gaming table, I have never been left in any doubt as to the sorts of tinkering and refinements to the environment of a gambling operation that are geared towards helping people to stay and to stay for as long as possible. It is about the offers of drinks and parking, of instantaneous change delivery services and of automatic withdrawal from ATMs, and it is about making sure that wherever possible people can feel comfortable and can feel indeed content and can in many cases feel completely relaxed about staying in those environments for long periods of time.

I am hoping that we will continue the work that we do as a government in working not only across Victoria with operators here but also with interjurisdictional counterparts to recognise that gambling and betting are an important part of community activity and that people are inclined to have a flutter or indeed are inclined to attend their local club for the purpose of connecting, spending a few bucks, having a meal and perhaps, as I indicated earlier, participating in their local footy, netball, soccer or archery club's raffle as the case may be. But it is about when we tip into that point of harm and those points of isolation, lack of contact and disproportionately high spending and that hypnotic state that takes place in an environment where the lights are dimmed, there are no windows, there are no clocks and there are all of the environmental considerations that have been put into the construction and placement of not only a facility but the machines that are in it to keep people gambling for as long as possible. We do know that problem gambling is not just something which is a really pervasive characteristic of the gambling environment; it is also something which we need to continue to tackle in very active terms now and into the future.

So these are measures that require a really concerted effort in the picture of what we do to respond to the Crown Casino recommendations and indeed to other recommendations from inquiries that have been conducted over the years. That work needs to go on and is going on. It is about making sure that from the perspective of monopoly, commercial and competition law we are in a position to make those macro changes and to incorporate changes as required following matters that are recommended through independent inquiries, but it is also about making the sorts of changes that are set out in this bill. It is about making sure that the entire system of gambling regulation and control in Victoria occurs in the most streamlined, efficient and consistent way possible.

To that end I would echo Mr Ondarchie's comments in relation to this bill being a somewhat straightforward bill, but also I would add to that that it is an important bill. It is an important further step. Have we reached the finish line? No. Is this an important step forward in continuing the work that we are undertaking? Yes. And on that basis, I commend this bill to the house, and I look forward to its speedy passage.

Mr HAYES (Southern Metropolitan) (10:48): Thank you for the opportunity to speak to the Gambling and Liquor Legislation Amendment Bill 2022. I welcome any improvement and reform with this bill. The clarification of functions of the independent review panel established to oversee the

regulatory review and licensing processes for major commercial gambling licences and prohibition of some of the online forms of gambling, like bingo, is a good step.

I wonder why the government does not use this opportunity to further introduce measures to reduce harm from the insidious addiction of gambling. The government seems always willing to take the easy path with gambling giants in Victoria. It seems easier to turn a blind eye to the gambling industry at the expense of working people than to undertake sensible and beneficial reform. We seem to allow companies like Sportsbet to advertise on an open playing field and allow pubs to operate through the night so people can gamble with no time limits and no maximum amounts they can lose. I cannot see much good happening to someone gambling at 3.00 am, someone who may be mentally impaired or someone with too much alcohol or drugs in their system. Where is our duty of care?

Earlier in the year I met up with the Alliance for Gambling Reform. That is an alliance of more than 60 local groups who share the vision to advocate for public health reforms that prevent and reduce gambling harm. Many of us have personally experienced gambling harm in our lives or seen its negative impact on friends, families or workplaces. I support the Alliance for Gambling Reform's platform aimed at creating a safer and healthier community.

Prior to COVID shutdowns $34 million was being lost through poker machines every single day in Australia—$34 million. Victorians lost a record sum of $257.3 million just in the month of March 2022—in one month. The Alliance for Gambling Reform says this is in line with a 'nationwide trend of gamblers returning to poker machines'. Gambling preys on people with mental health issues and addiction and other vulnerable members of the community. Gambling intensifies domestic violence, suicide, bankruptcy and crime. The Reverend Tim Costello says:

> Our courts are clogged with pokies crimes because of the nature of addiction.

Here I would like to say that I will be supporting Dr Ratnam's amendment today. I think that that is a valuable step in lessening the harm done by poker machines.

Aside from Nevada, Australia has more electronic gambling machines per capita than anywhere else in the world. They seem to be spreading like a cancer into the suburbs, where people are already experiencing great financial distress. With 55 000 children being categorised as problem gamblers, we need to seize the critical opportunity to rise above the increasingly intense and well-funded lobbying of the betting and gambling industry. We have the perfect opportunity right now to set new boundaries on poker machine use, availability and operating hours to minimise harm done by poker machines and gambling addiction. Reducing gambling harm in Victoria will see a reduction in mental illness, homelessness and violence amongst other important community issues. This should be a priority of our government.

Saying that this bill is boring—well, it may be so, but it is not boring for what it leaves out. The irresponsible regulation—or should I say deregulation?—of gambling is causing harm, harm amongst our people, as well as the irresponsible increased accessibility of alcohol, almost a promotion of alcohol, which this bill also seems to support. I do support the changes in the bill, but we have a long way to go to get the regulation of alcohol and gambling industries fit for purpose in the interests of the people of Victoria.

Ms BATH (Eastern Victoria) (10:53): I rise to make a brief contribution on the Gambling and Liquor Legislation Amendment Bill 2022 this morning, and in doing so I thank the Shadow Minister for Gaming and Liquor Regulation, Steph Ryan—my colleague—for doing much of the legwork and providing some information to us on this side of the house, as is the requirement and the purview of shadow ministers. In speaking with Steph this morning, I wanted to understand a little bit more about the consultation process that she went through, and she said who she had been speaking with. One of the things that she did say was that across the board the key stakeholders, the stakeholders that government should have consulted with, were not consulted. To my mind that is a discourtesy. When you put out a bill for tender that is going to go through the house, there is a level of consultation that

keeps people in the tent, that enables various stakeholders to have a good degree of oversight and understanding of what is happening in that bill but also to make commentary on it. That is a disappointment and a frustration for those stakeholders.

Also, I do take up the point from others who have made a contribution today about gambling and the unfortunate circumstances where gambling is not a flutter. It is not something that many, many people do. It is either a mild touch—maybe a flutter on the horses—or maybe every now and then a little bit of money into the pokies. For some people unfortunately moderation cannot be adhered to and it does become an addiction, and unfortunately or otherwise since the dawn of time—I think probably since there have been rats running up a drainpipe in the Roman era or various other quite more gruesome types of gambling that human beings have participated in as a sport. But there needs to be significant oversight, and this gambling legislation bill really seeks to tidy up a number of parts of legislation; it fixes definitions and tidies up obsolete provisions and outmoded legislation.

It also then seeks to amend the Casino Control Act 1991 to permit casino licence holders to pay winnings via EFT, and as Mr Ondarchie said, that is bringing it certainly very much into the 21st century and is a reasonable and appropriate response. It seeks to amend the Gambling Regulation Act 2003 to remove redundant provisions and references such as chapter 7 of the Gambling Regulation Act with regard to discrepancies between the commonwealth legislation and a 2012 gaming restructure. It provides more flexibility for the government to alter requirements of wagering and betting by revoking the current fixed term of 12 years. And indeed it also looks at the current monitoring lessee, which is Intralot, who provide those technical services for gaming machines and equipment in the clubs and various pokie venues.

One of the conversations I had during COVID, during the long lockdown, was with many of those types of our local clubs, our RSLs and community clubs, about the frustration that they had whilst being in lockdown—because they were not essential services—for a considerable time, months on end, and the fact that Intralot certainly I think did give them a concession in terms of paying their licensing requirements but that was still a very considerable burden when there were payments going outward but certainly no income for those clubs. Many of them actually really went to the wall or very close to it.

Also during that period of time many of those clubs provided essential food runs, and I can speak to my own local RSL in Leongatha and the manager there, Anne Davies, who has been a wonderful community support person as well. They did runs into the homes of people who would have normally come in as a social interaction—for their regular Tuesday lunch or the like. They ran food drops to people's homes as a service, and it was particularly those returned service personnel and family members—so the widows or widowers of Returned Services League personnel. That was a really tremendous thing that they did to keep that connection that those groups and clubs often provide. But she said that certainly that was a very significant issue, that isolation and dislocation, and they were attempting through their own pathway to support communities.

The other thing that she mentioned—and as I said, for bowling clubs, the RSL, social clubs—is that really it has been a new normal, post COVID. She commented to me that trade is increasing again, but there seems to be a level of cautiousness among the clientele—and I am sure we have seen that in other aspects as well. Certainly people also look to go to our local RSL for meeting rooms, training and general-purpose interactions. I know that, again, the Leongatha RSL is often well booked out with, you know, the UDV—United Dairyfarmers of Victoria—meetings and various other points. So that is good, but there is still this hesitancy that they are facing. Staffing I think is still across the board an issue in terms of our clubs—and getting people back and into the workforce and certainly providing that stability. So I wanted to put on record my thanks to all of the RSLs and community clubs who during the COVID lockdowns really still supported and reached out in their own way into our communities to provide that connection during those COVID and social dislocation periods.

Just following on from some of the other speakers in relation to the important work of community funding, community fundraising and raffles, this bill actually increases the permit threshold from $5000 to $20 000 for charitable and community organisations, so they will have to have a permit but the threshold is $20 000. Like Ms Shing, I have not had great success in terms of raffles and the like, but we always dip into our pockets. I do remember at one stage a very long time ago I won some Campbell's soup and a Campbell's mug. The soup is long gone but certainly the mug still survives. I have taken it into the work staffroom with all of those other wonderful mugs that you get from various groups, so that has been my success rate.

I will not go on because I know Mr Ondarchie has made a significant contribution on this and gone into it clause by clause. As I said, this is generally a rats-and-mice tidy-up of legislation and is repealing those outmoded definitions. I would ask the government to reflect on perhaps the nature of how they go about consultation. I think the government often comes in here and says, 'We consult widely'. Well, the feedback from stakeholders is that it has not. I support Mr Ondarchie's recommendations for this bill today.

Mr ERDOGAN (Southern Metropolitan) (11:02): I rise in support of the Gambling and Liquor Legislation Amendment Bill 2022. This is a largely technical bill, for sure. But we can walk and chew gum at the same time. We are serious about tackling gambling-related harm and making sure the regulatory framework is fit for purpose. I noticed that Mr Hayes talked about gambling reform more broadly, and it is important to note that our government is implementing further reforms this year to continue acquitting all the recommendations of the Royal Commission into the Casino Operator and Licence. So we are a government that acts upon any misdoing. Nonetheless, I think it is a technical bill which brings broad benefits and removes red tape and makes the operation of the sector more efficient as well as ensuring that harm is minimised more broadly.

I noticed that Ms Shing and Mr Ondarchie have already gone through some of the technical elements, but it is important to understand the context in which this bill is before the chamber. The gambling industry underwent a major restructure in 2012. The restructure saw the end of the gaming operator duopoly model under which the operation of gaming machines, keno and wagering was conducted under licences held by Tattersall's and Tabcorp. New licences for keno, wagering and betting, and gaming machine monitoring were established under the Gambling Regulation Act 2003, and a new gaming machine industry structure was created, allowing venue operators to operate the gaming machines in their venues. The wagering and betting licence project within the Department of Justice and Community Safety was established to develop and implement future licensing arrangements for the post-2024 wagering and betting licence. The current wagering and betting licence held by Tabcorp is due to expire on 15 August 2024. The proposal in the bill to enable the term of the licence to be specified in the licence allows the government to determine the most appropriate term at a point in time, having regard for the best available evidence and understanding of the value to the state. So it is important to understand the context of the need for this bill.

This bill does tidy up pieces of existing legislation, and it does improve gambling and liquor regulation overall. These things have eventuated out of industry feedback and issues and gaps that have been identified as well as consequential amendments from other legislative changes last year. Key features of the bill include changes to the Casino Control Act 1991 reforms. The bill will amend the Casino Control Act 1991 to provide for the payment of winnings by electronic funds transfer and remove obsolete provisions and references. The provisions permitting the payment of winnings by electronic transfer replicate provisions already applying to clubs and hotels, so it is important to make sure you have continuity and a uniform approach to the way those moneys are handled. The rationale of course is that gaming venues other than the casino are currently able to pay winnings from gaming machines by electronic funds transfer, EFT.

The amendments in this bill replicate provisions applying at pubs and clubs in the casino. Cheque usage has significantly declined with the advent of modern funds transfer methods such as EFT. I might add cheque and even cash payments have probably also further declined due to the global

pandemic. I have noticed, walking around the city, many businesses that were mainly cash businesses have moved to electronic payment, and it is a trend. We understand how the pandemic has sped up the way people conduct their financial transactions, so it is important reform.

Mr Ondarchie interjected.

Mr ERDOGAN: I did note that Mr Ondarchie called them long overdue, but I think it is timely. I think it is timely reform. That is what I call it, timely reform. I think permitting payment of winnings via EFT as an alternative to cheques provides a way to reduce red tape for the industry. Under the amendments a player will be able to choose whether amounts of $2000 or more are paid by cheque or EFT. In such cases the EFT transfers must be delayed so the player cannot access the funds immediately. A player can also elect to have winnings of less than $2000 paid by EFT or cheque. There is no requirement for amounts of less than $2000 to be delayed. The bill further requires that the casino must wait 24 hours before transferring winnings of at least $2000 to a customer by electronic funds transfer. This replicates existing provisions of the Gambling Regulation Act 2003 which apply to hotels and clubs. The delay is an important harm minimisation measure aimed at preventing people from immediately gambling away their winnings. That is an important point to make again—harm minimisation at the forefront.

There are other technical reforms as well to the Gambling Regulation Act 2003 to amend the requirements of the term of a wagering and betting licence, replacing the current fixed term of 12 years with provisions that enable the licence to be a specified licence; remove the restriction that prevents an associate, subsidiary or related body corporate of the monitoring licensee from providing gaming machine technical services to venue operators; make changes to the treatment of unpaid jackpot funds held by venue operators; increase the monetary threshold for requirements to obtain a permit for raffles from $5000 to $20 000, with the increased threshold to be indexed each year from 1 July 2023; clarify provisions for payment of gaming machine winnings over $2000 by EFT; repeal the redundant gaming operator and wagering licence provisions; repeal the interactive gaming licence provisions in chapter 7 to avoid uncertainty and inconsistency with the commonwealth regulation of interactive gaming; prohibit bingo, fundraising events and lucky envelopes from being conducted online; extend the period after which unclaimed wagering, keno and lottery prizes are transferred to the Treasurer from six months to 12 months; clarify the functions of the independent review panel established to oversee the regulatory review and licensing process for major commercial gambling licences; and make other amendments to reduce red tape and clarify the operation of some provisions of the GRA.

So as you can see, there is actually quite a wide array of reforms as part of this bill, very technical in nature. There is a lot of detail in there. I can see some around the chamber asking for me to look into the detail—go right into it. I can see Acting President Gepp saying he is really enthusiastic about me getting into the technical elements of this bill, but I will just start by talking about some of the rationale and why it is needed.

Mr Ondarchie interjected.

Mr ERDOGAN: I will not go into every single one line by line, but I will touch on some of the rationale behind it—just for some of it.

Mr Ondarchie interjected.

Mr ERDOGAN: I know Mr Ondarchie is looking forward to my contribution—

The ACTING PRESIDENT (Mr Gepp): Can I remind both the member speaking and Mr Ondarchie that all comments should be through the Chair and to not engage in a conversation across the chamber, please.

Mr ERDOGAN: Thank you, Acting President. Allowing the government to specify the term of the wagering and betting licence, replacing the current fixed term of 12 years, will enable the government to determine the most appropriate time that a licence term should end. This will allow the

government to consider the best available evidence, including the latest market conditions and understanding of the value to the state.

Liquor control act reforms as well are part of this broad bill. The bill will also amend the Liquor Control Reform Act 1998 to authorise certain licence categories to supply liquor through all forms of remote ordering, including telephone, mail, facsimile and other electronic communication; rename the 'online-only vendor packaged liquor licence' category to 'remote seller's packaged liquor licence' and capture all licensees that supply liquor for delivery with no retail premises in this category; make amendments to the Liquor Control Reform Act 1998 from the Public Health and Wellbeing Amendment (Pandemic Management) Act 2021; and address issues arising from amendments made in the Liquor Control Reform Amendment Act 2021.

Why is this bill required right now? The bill contains a range of reforms to improve the regulation of gambling and liquor and reduce red tape overall. The amendments to this term of 'wagering and betting licence' are needed now to support the issue of a new licence before the current licence held by Tabcorp expires on 15 August 2024. The amendments to the Liquor Control Reform Act are needed to now ensure that the measures introduced by the Liquor Control Reform Amendment Act 2021 relating to a state of emergency will apply under a new pandemic declaration.

Obviously we have had a broad discussion about gambling and the harm it creates, and we are a government that is proactive in this space and has taken many measures to reduce harm. The commencement of this bill is probably a question on everyone's mind. Part 1 and division 1 of parts 2 and 3 will come into operation a day after the bill receives royal assent, but the remaining provisions will come into operation upon proclamation or on 10 March 2023 if not proclaimed earlier, so it gives a bit of time for those changes to take place and be implemented by operators in this space. It is important because obviously that is what we heard from industry—and there was broad industry consultation. This is a government that consults and listens, and many of these changes have come directly from feedback gathered by industry over recent years. Industry has been briefed on the bill before us.

As I stated earlier, our government is making a number of reforms in relation to gambling, like acquitting all the recommendations from the Royal Commission into the Casino Operator and Licence, but also this bill is one step towards a broader subject that has great public interest. We understand that the gambling sector overall is going through some digital transformation with the advent of online gambling. I can understand people's concerns with pokie venues et cetera—it is very important subject matter. But also at the same time now we are seeing in younger generations people shifting to online gambling, especially in the sporting context. So there is a lot of ongoing public debate around this issue.

I think this bill is tidying up the existing legislation and making improvements and has provisions that do provide harm minimisation, such as the matter I talked about with winnings of over $2000 and ensuring there is a 24-hour delay in being able to withdraw and use those funds. I think that is a clever harm-minimisation measure that this bill includes.

I think there is a lot more to talk about in this bill. Obviously there are some changes about offences of allowing minors to gamble; there are offences in relation to that. Our government is taking this very seriously—that is obviously clause 144 I am talking about here. This is about making sure that people who allow minors to gamble are appropriately prosecuted. If you want to look at it in more detail, clause 144 is where all that information is. I will not go over all that clause specifically.

Overall I just want to express my support for the bill before the house. From Mr Ondarchie's remarks it seems that the opposition is also supporting this bill. I think that is sensible. It is a good reform. It is technical in nature, tidies up the legislation and provides harm minimisation measures at the same time. It is what is needed right now—it is timely—and I urge all members of the chamber to support the bill that is before the house.

Dr RATNAM (Northern Metropolitan) (11:13): I am pleased to rise to speak to the Gambling and Liquor Legislation Amendment Bill 2022. This is the second gambling bill we are debating this week and the second bill that only tinkers around the edges of gambling regulation in this state. The second-reading speech of this bill makes it clear that this government prides itself on its response to harm-minimisation measures. It lists a number of measures that it describes as leading the way on reducing gambling-related harm. But in fact the state that has led the way on gambling harm is Western Australia, which bans pokie machines in the community, leaving them only at the casino. In contrast, this government has embedded harmful pokie machines in our community by its refusal to stand up to the gambling lobby. The Greens certainly do not believe this government has gone far enough on reducing the harm to families and communities from gambling. Instead this government has dragged its feet on meaningful gambling reform, leading to record-breaking rates of pokies losses and years of significant harm at Crown Casino.

Take, for example, the YourPlay system, which the second-reading speech highlights as 'Australia's first statewide precommitment system'. This has actually been a complete failure. It has done nothing to reduce pokies losses, which have been skyrocketing for years. At Crown the YourPlay cards had a loss limit of a massive $1 million per day and were used to unlock the special unrestricted pokie machines at the casino that spin faster and burn through cash faster than standard pokies. Only a fraction of gamblers signed up to the system, and even fewer have actually used it to set limits.

When the University of South Australia conducted an evaluation of the YourPlay system in 2019, they found that YourPlay cards were used in sessions amounting to a minuscule 0.01 per cent of gaming machine turnover in pubs and clubs. So although YourPlay may have been, first, a precommitment scheme that nobody uses and fails to prevent record losses, it can hardly be described as a harm minimisation achievement. The second-reading speech of this bill also proudly states that the government has capped the number of gaming machines in the state until 2042, but what they have actually done is lock Victoria into 20 more years of losses and 20 more years of harm.

For much of the last two years—the first time since pokies were introduced in 1992—the machines were turned off across Melbourne. When the pokies venues were closed during lockdown, billions were saved and many gamblers who had been experiencing harm welcomed the forced break as a relief. At the time we had an opportunity to rethink our old normal ways of doing things, including whether we wanted to go back to allowing the gambling industry to take billions of dollars from our communities every year or whether we wanted to help people get pokies out of their communities for good. But this government did not take that opportunity. And as venues opened up as lockdown eased, gambling-reform advocates warned that we were likely to see huge spikes and losses, and that is exactly what happened. In April Victorians lost $257.6 million at the pokies—a record monthly loss. In fact this beat the previous record—set only the month before—of $257.3 million. Almost $1 billion has been lost since the start of the year, and nearly $1.5 billion has been lost since the pokies venues fully reopened. At this rate we are well on track to break the yearly record of $2.7 billion lost at the pokies set pre pandemic in 2018–19.

The losses are concentrated in some of the most disadvantaged communities in our state. In April the cities of Brimbank, Casey, Whittlesea, Hume and Greater Dandenong rounded out the top five LGAs for pokies losses, with a staggering $65 million lost between them. This simply should not be happening. If we were serious about harm minimisation, we should be seeing losses drop, not consistently hitting record heights. Instead, the government keeps ignoring the elephant in the room, genuine harm minimisation reform—real changes that would save billions in pokies losses and save lives. For example, in Victoria our pokies venues can be open up to 20 hours a day, but in fact the Alliance for Gambling Reform has found that venues stagger their opening hours so that it is possible to gamble in a local area 24 hours a day, seven days a week. If a venue closes for the night, punters can simply travel to the nearest open venue and continue playing. No other state allows this. The alliance is calling for every single Victorian poker machine to be turned off between the hours of 2.00 am and 6.00 am. The Greens agree with them. We could also introduce a strong mandatory

precommitment scheme where players would set enforceable and binding limits before they start a gambling session. Precommitment means that once a player has hit their preset loss or time limit they would no longer be able to use the machine. It is an evidence-based reform that would make a huge difference in reducing gambling harm in our state.

As I mentioned on Tuesday, while I am pleased that the government has indicated it will implement the Royal Commission into the Casino Operator and Licence's mandatory precommitment recommendations in full at the casino, it is disappointing that it is not taking this further and applying it to every gaming machine and venue in the state. While the casino has some of the most dangerous pokies in the state, it only has 2628 of the 30 000 gaming machines in Victoria. The rest are in clubs and hotels in our communities. It does not make a lot of sense to embark on a major harm minimisation reform but only apply it to one set of machines and allow pokies everywhere else to keep doing major damage in our community. Rolling out mandatory precommitment schemes to every machine in the state would show that the government is truly committed to doing more to reduce harm levels in our community, as would introducing $1 bet limits on all pokies in the state. Limiting how much a punter can bet at any time to $1 is a major reform that would be a game changer for gambling reform in Victoria. Shifting pokies to low-intensity play with bet limits of $1 and reduced load limits could a limit losses to about $120 an hour—a big drop from the $600 we lose per hour in Victoria. It is a simple, meaningful reform that, like precommitment, would make a huge difference to the rates of gambling harm in our state.

It was recommended in 2010 by the Productivity Commission in their major report into gambling in Australia. At the time, the commission said that every gaming machine in the country should have $1 bet limits by 2018. In 2022 we still have not managed to do this. The major parties have prioritised their close relationship with the gambling and hotel industry, preferring to take hundreds of thousands of dollars in donations in return for guaranteeing their profits over reform to keep people safe. But we see no reason why we should not do it now. That is what the Greens have proposed today with our amendments, and I am happy for those amendments to be circulated now.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: In conclusion, our amendments introduce a bet limit on all gaming machines in the state at clubs and hotels and at the Victorian casino of $1 per bet. It is a simple reform that we can make right now that would lead to a massive reduction in gambling harm in Victoria, and I urge everyone in this chamber to support it.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:22): This bill is largely a technical one. However, it is an important step in ensuring that laws governing gambling and liquor regulation keep up to date. In addition to providing legislative clarity and reducing red tape for industry and community organisations, the bill contains some minor but important reforms to improve gambling harm minimisation. The bill has eventuated from feedback provided by industry over recent years, and they have been consulted through the legislative process.

I thank the opposition—Mr Ondarchie, the opposition representative—for saying that they will support the bill. I think there were some concerns around the bill relating to offences about allowing minors to gamble. It goes without saying that it is incumbent upon those who operate a gambling licence to protect children from the risks of gambling. This includes having adequate training and education processes in place. The bill will amend the definition of 'gambling provider' to allow the regulator to prosecute the agent of the wagering and betting licensee for allowing a minor to gamble, whether they should do so knowingly or not. Let me be clear: this is about making sure that those who allow children to gamble are prosecuted properly.

I appreciate Dr Ratnam's contribution, and I would like to thank Dr Ratnam for her advocacy to minimise gambling-related harm, which I freely say she has been very consistent on in this chamber

and outside this chamber. I know Dr Ratnam has indicated amendments for a reduction to a $1 maximum bet limit for electronic gaming machines—which we call pokies—in Victoria. The stated intention of our amendment is to achieve a substantial reduction in the proportion of the population with gambling problems. Harm minimisation is a key feature of the government's broader reform agenda, and the Minister for Consumer Affairs, Gaming and Liquor Regulation, in the other place, is attuned to this important issue. With that being said, it is vital that our responses to gambling-related harm are evidence based. There is a distinct lack of evidence that Dr Ratnam's amendments would be effective in achieving the aim, and it is on this basis that the government will not support Dr Ratnam's amendments. Victorian gaming venues already have a maximum bet of $5 per spin. This is the lowest maximum bet in Australia, and it is not clear how gamblers would respond to further reduction limits. It may mean they would simply play for longer.

This bill complements the government's broader reform agenda to provide minor and technical improvements to Victoria's regulatory framework for gaming and liquor. It introduces further harm minimisation measures, clarifies legislative ambiguities and reduces red tape for community organisations.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (11:26)

Mr ONDARCHIE: With your permission, Minister, I am going to ask some questions about the bill that I will just deal with in clause 1. I will not seek to go through the clauses individually if that is okay with you. Minister, I am touching on the contributions made by me and also by Ms Shing today, where we talked about how important fundraising is to community groups. I am wondering if you could outline to the house who the government consulted with in the construction of this bill.

Mr LEANE: As I said in my second-reading summary, industry feedback was gathered over recent years, not just in recent months, but specifically from the following: Australian Hotels Association, RSL Victoria, Community Clubs Victoria and Tabcorp. These are examples of some of the entities that were consulted.

Mr ONDARCHIE: Minister, I have had an approach and some communications from the Fundraising Institute Australia, who represent charitable fundraising organisations—that sector. They are concerned that they had no consultation on this process, and they are wondering why that was.

Mr LEANE: Mr Ondarchie, I think one of the good things is that the changes do not affect them, but I can say that they were briefed. So I am not too sure if there was some communication breakdown in their organisation.

Mr ONDARCHIE: They were consulted?

Mr LEANE: They were consulted.

Clause agreed to; clauses 2 to 4 agreed to.

New clauses (11:29)

Dr RATNAM: I am happy to speak to my amendments as circulated. My amendments are quite simple. They introduce a bet limit on all gaming machines in the state, at clubs and hotels and at the Victorian casino, of $1 per bet. The limit would apply from 1 July 2023. Dollar bet limits are one of the most effective harm reduction measures we could implement. They would drastically reduce harm among problem gamblers by forcing pokies to run in lower intensity modes and limiting how much

can be lost on the pokies at a time. Right now we have $5 bet limits, and gamblers can lose around $600 on a machine every hour. Dollar bet limits would reduce this to $120.

Despite the Productivity Commission recommending dollar bets be phased in across the country by 2018, no jurisdiction has implemented this. It seems that too many states depend on gambling revenue to fill up their coffers, and the two major political parties rely on gambling donations.

We all know problem gambling causes a great deal of harm to families and communities. Families can lose their homes, problem gambling can contribute to family violence and alcohol and drug issues and people caught in the addiction to gambling suffer mental health issues including depression and suicide. In fact a measure to assist with the mental health challenge in Victoria could be to actually tackle problem gambling. There are estimates that gambling costs the Victorian economy at least $7 billion every year in providing the health, community and other services to respond to the harm that gambling causes. Victoria could lead the way on gambling harm reduction by being the first state to set bet limits of $1 on all electronic gaming machines. I encourage all members of this chamber to support our amendments and commit to ending gambling harm in Victoria.

I move:

1. Insert the following New Clauses after clause 4—

'**4A New section 62AAB inserted**

After section 62AA of the **Casino Control Act 1991 insert**—

"**62AAB Bet limits for gaming machines**

On and after 1 July 2023, a bet limit of $1 applies to a gaming machine available for gaming in the casino.".

4B Gaming machines in casinos

In section 62A(4) of the **Casino Control Act 1991**, after "the casino" **insert** "until 30 June 2023".'.

Mr ONDARCHIE: I acknowledge Dr Ratnam's consistency in her approach to this over a long period of time but indicate to you, Chair, that the Liberal-Nationals opposition will not be supporting this amendment.

Mr LEANE: Thanks, Dr Ratnam, for outlining the purpose of your amendment. You have been very consistent on harm minimisation measures in gambling, but in this case, as I said in the second-reading summary, the government does not support this amendment. I know, Dr Ratnam, you mentioned other jurisdictions just before. As I said in the second-reading summary, the maximum bet limit per spin is $5 in Victoria, which is the lowest in Australia, and we are not too sure what lowering that to $1 would result in. It may not result in preventing further loss to people, it may result in people actually just spending a longer time at the pokies. So at this point in time we are in no position to support the amendment.

The ACTING PRESIDENT (Mr Gepp): This amendment tests Dr Ratnam's amendment 2, so if this is defeated we will not be moving to that second amendment.

Committee divided on new clauses:

Ayes, 3

Hayes, Mr	Meddick, Mr	Ratnam, Dr

Noes, 31

Atkinson, Mr	Gepp, Mr	Quilty, Mr
Bach, Dr	Kieu, Dr	Shing, Ms
Barton, Mr	Leane, Mr	Stitt, Ms
Bath, Ms	Limbrick, Mr	Symes, Ms
Bourman, Mr	Lovell, Ms	Tarlamis, Mr

Burnett-Wake, Ms	Maxwell, Ms	Taylor, Ms
Crozier, Ms	McArthur, Mrs	Terpstra, Ms
Davis, Mr	Melhem, Mr	Tierney, Ms
Elasmar, Mr	Ondarchie, Mr	Vaghela, Ms
Erdogan, Mr	Pulford, Ms	Watt, Ms
Finn, Mr		

New clauses negatived.

Clauses 5 to 176 agreed to.

Reported to house without amendment.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:42): I move:

That the report be now adopted.

In doing that, I thank Mr Ondarchie and Dr Ratnam for their contributions during the committee stage.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:42): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the same without amendment.

CHILD EMPLOYMENT AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Mr ONDARCHIE (Northern Metropolitan) (11:43): I rise now to speak to the Child Employment Amendment Bill 2022, a bill that proposes to amend the Child Employment Act 2003 in a number of things: to amend the meaning of 'employment' for the purposes of the principal act; to replace child employment officers with authorised officers and provide for the appointment and powers of authorised officers; to enable the Wage Inspectorate Victoria to issue compliance notices for contraventions; to increase the penalties for certain offences; to provide for the criminal liability of nominated officers and employer representatives in certain circumstances; and to amend the Child Employment Act 2003 to provide a new system of licence to allow the employment of children under the age of 15 years.

In terms of the review of the act, the main provisions are around this. In 2019—as we look at this bill—research was undertaken regarding child employment in Victoria. The research identified that 35 per cent of kids under the age of 15 were employed in retail and 21 per cent of children under the age of 15 were employed in food services, with the entertainment industry the next one. It also found that many employers were unaware of the act but had a widely and wrongly held belief that children can be employed from the age of 14 years and nine months. I have always thought that. I have always thought that kids can get a job, and my grandchildren I know cannot wait until they are 14 years and

nine months so they can go and work at the Cheesecake Shop or Macca's or something. I have known it forever, and when I have talked to people over the last few days, they have said, 'It's always been 14 years and nine months'. Many people have always thought that. I see Mr Finn nodding in agreement. We have always thought it was 14 years and nine months. Well, in fact it is not the case that children can be employed from the age of 14 years and nine months, so this bill looks to do something about that. Industrial Relations Victoria have conducted a fair bit of consultation with stakeholders, which led to the rewriting of the act, and I will talk more about that with the minister, should we get to the committee stage of this bill.

Let us talk about some of the reforms in this bill today. Under the current act employers are obliged to obtain a permit for each individual child they engage. This means that some employers who engage children frequently, such as those in the entertainment industry, can have hundreds of permits at any one time. In the 2018–19 period there were over 11 000 permits issued, so the move of the licensing system that we are going to go through today, should this bill pass, will reduce the administrative burden significantly, I think. The bill seeks to create a licensing system where an employer is only required to obtain a single licence to employ children—much more efficient for business, I would have thought.

The bill creates two distinct licences: an entertainment licence and a general industry licence. When we think of the entertainment licence contained therein, there will be a requirement to identify a nominated officer and an employer representative. A nominated officer will be an identified officer within the company's management, whilst the employer representative will be a company employee who has day-to-day engagement with a child performer. A licence applicant will also be required, as we would expect, to satisfy a fit and proper person test. Additionally, the new licensing system will be risk based, with targeted information provided according to associated risk. For example, across the road here we have *Harry Potter* going at the moment, and we have a number of theatrical plays going on at any one time. If children are employed, right now under the current system we need an individual permit for every one of those children. It is a difficult process. Under this system the promoter and those staging the event will be able to have a blanket, in a sense, permit with a nominated representative and an employer representative to make sure that the kids are duly looked after. That I would suggest is a much more efficient way for the business to operate, so the Liberal-Nationals will support that change.

There is a new definition of 'employment' in the bill. The bill updates the definition of 'employment' to recognise that children are engaged in a variety of different ways in activities that may not ordinarily meet the multifactorial common-law test to determine an employment relationship. The bill further recognises that sometimes children are not remunerated in the usual way and may be provided with products, merchandise or experience for the work or tasks they carry out rather than a monetary payment. I have seen that in promotions before for the opening of new sports stores and a whole range of things. The kids that are there to help in the promotion of opening day get new tracksuits or runners or some sort of merchandise instead of a monetary payment.

When we talk about this definition of 'employment', as is currently the case, a child working in their family's business, including on their family's farm, may continue to do so without needing a permit or a licence, provided they are directly supervised. The bill clarifies that 'direct supervision' means direct supervision by the child's parent, a person who has parental responsibilities or, for limited periods, another responsible adult who works in that family business. The bill provides stronger protections for children by increasing the minimum age of a person supervising a child in the workplace to 18 years, so we cannot have a 16-year-old looking after a kid who is 14 years and nine months, for example.

When it comes to compliance and enforcement this bill substitutes child employment officers with authorised officers and provides them with expanded functions and expanded powers. This includes a power to issue compliance notices and infringement notices, which will provide the wage inspectorate with more options to effectively monitor and enforce compliance within the act. Currently, as it stands,

the only option for the wage inspectorate where a breach is detected is prosecution, which is not always an appropriate option and is not always a viable option. In addition it is very costly, and by nature it is very adversarial. Further, this bill will increase penalties for body corporates from 100 penalty units to 1200 penalty units and any other case from 60 units to 240 units. These penalties are very much in line with the Worker Screening Act 2020.

As I said, within the state of Victoria 15 years of age would be the age of an employee who is entitled to relevant junior pay rates where they apply. As I said, there is a common misconception—I have heard it, many people have heard it; people are nodding in agreement with me in the chamber today—that 14 years and nine months is the right age. It is not. I do not know how this happened. I have got no way of tracking back. When I talked to employers over the last few days about this bill and talked to friends and family about it, they were very much of the view that it is 14 years and nine months. I do not know how this started. I cannot track it back. It just became, as somebody said to me last night on the phone, a 'known fact'. Well, in fact it is not a fact. It is known and it has somehow become the norm, but it is not actually right. I do not know how we got there, but the legislation only applies to children who are over 15 years of age. I do not know how these things happen. Maybe there are some people from the organised labour movement who can identify how this all started.

Mr Gepp interjected.

Mr ONDARCHIE: I do not know how it started. Picking up the interjection, I am not sure Mr David Davis had anything to do with this, to be honest with you. But somewhere, who knows where, people have always thought it is 14 years and nine months. To go back to the quote from last night, people said it is a 'known fact'. It is not; it just became, somehow.

Children who are aged 11 years and over are able to undertake work in the general industries area. Similarly children who are aged 13 and over can be employed with a general industries permit. That could be hospitality, retail work and that sort of thing. When it comes to the entertainment industry, naturally enough there is no age limit, because, as we know, when we look at TV commercials, TV shows and movies, children of all ages are involved. But they are required to have a permit, and the permit sets out specific conditions, determined conditions, on how that child is allowed to be employed. The licensing provisions of this bill and the new requirement for supervision during the casting and audition process in the entertainment industry as well as the expanded coverage of not-for-profit entities are determined by this legislation, should it pass the house, to commence on 1 July 2023. The remainder of the bill, outside of the provisions for licensing provisions around casting and auditions, will commence on the day after the day on which the bill receives royal assent.

We have consulted widely, and I take my hat off and pay tribute to the Shadow Minister for Industrial Relations and Workplace Safety, Nick Wakeling, who has done a lot of work on this. He, on behalf of the Liberal-Nationals coalition, went out to a number of groups, including the Australian Industry Group, the Housing Industry Association and the Master Plumbers. He consulted with Russell Kennedy Lawyers, with the Master Builders Association of Victoria, with Uber, with the Police Association Victoria, with the Victorian Automotive Chamber of Commerce, with the Victorian Chamber of Commerce and Industry, with the Victorian Transport Association, with QCs, with the Council of Small Business Organisations Australia, with Deliveroo, with HR Legal and other members of the legal profession, with the Master Grocers Association, with Nursery and Garden Industry Victoria, with the National Road Transport Association, with the Property Council of Australia, with Amazon, with the Laundry Association Australia, with the Civil Contractors Federation and of course with the Victorian Farmers Federation as well. We have consulted very widely on this bill, and there have not been any major objections, because these changes have been broadly supported by many of those stakeholders.

But I am worried. I am worried that, while stakeholders have not raised significant issues with the bill, we are imposing a new system of regulation that may impact on small business across this state. Members have heard me talk about support for small business in this place a number of times. It is

important that any change of regulation does not add an additional impost to small business. Small businesses are doing it pretty tough at the moment, particularly in hospo and in retail. They talk to me regularly about the prices of things going up, they talk about the costs of electricity and gas to their businesses going up and they talk about not having rent relief despite times being tough, and getting employees is the toughest thing for them right now. Getting people into hospitality is the toughest thing. As people tell me when I chat to members of my community regularly, lining up for a latte in the morning is taking a lot longer than it used to, because they just cannot get workers.

Why is that? Well, I think the pandemic had a bit to do with that in terms of people moving away. We know 32 000 Victorians left this state because of the continued lockdowns and because of curfews. The house will remember that there were curfews imposed at very short notice, where people were not allowed to go out between 9.00 pm and 5.00 am. That put pressure on people as well, and as a result Victorians left. They just packed up and went. What is interesting about that is that, as it affected Victorians, people wanted to know, 'Who decided this? Who decided to put red tape around the children's playgrounds? Who decided you should lock us up from 9.00 pm to 5.00 am every day? Where did that decision come from?'. Over time this has affected small businesses because people have left this state, but we cannot actually determine who made that judgement. There has been some rhetoric that it was made by health professionals, but they have suggested to many others, including the Shadow Minister for Health, that in fact that was not part of the evidence provided at all. It was made by somebody, and I think we know who. The ongoing effect of those decisions has clearly affected small business, opportunities for employment and costs, and that is totally unacceptable.

But in rolling out this bit of legislation it is critical that Wage Inspectorate Victoria undertakes a significant information campaign to ensure that businesses—small businesses particularly, family-run businesses, hospo and retail—are very much aware of what these changes mean, and I will be asking the minister about that in the committee stage of this bill today. I will be asking the Attorney-General in the committee stage of this bill today to outline for this house how Wage Inspectorate Victoria plans to have a significant information campaign for businesses on how these changes are going to affect them. We cannot just drop it on them, like a curfew was dropped on Victorians, like wrapping up playgrounds was dropped on Victorians and like all of those sorts of things were dropped on Victorians at short notice. You cannot do that to business. So I will be asking the Attorney-General in the committee stage about how they plan to do that. Furthermore, this bill imposes a significant increase in penalties, and this increase will potentially be offset by the ability to issue compliance infringement notices. I need to know more about that, and I will be asking about that in the committee stage of the bill today.

The Liberal-Nationals coalition will not be opposing the Child Employment Amendment Bill, but we think it needs a bit of a communication strategy around it, because we do not want to affect small businesses, we do not want to affect families and, moreover, we want to give children the chance to be employed in an environment where it is safe for them to do so.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

ALCOHOL AND OTHER DRUG SERVICES

Mr HAYES (Southern Metropolitan) (12:00): My question is to the minister representing the Treasurer. Last week I met with Dave Taylor and Sam Biondo from the Victorian Alcohol and Drug Association. This non-government peak organisation aims to promote strategies that prevent and reduce harms associated with alcohol and other drugs across the Victorian community. Last year they supported 40 000 Victorians through publicly funded alcohol and other drug services. One of the issues they raise is the complexities arising from the COVID pandemic, with increasing substance dependence and the funding emphasis given to mental health in general. There are more and more Victorians suffering on public waitlists as they specifically seek alcohol and other drug treatment. My question is: when there has been a 71 per cent increase on waitlist times for drug and alcohol residential

rehabilitation and a 65 per cent increase in waitlist times for counselling, why has funding been cut to this service in the 2022–23 budget? Surely we need more funding, not less.

The PRESIDENT: Just a clarification, Mr Hayes: your question was directed to the Treasurer, correct?

Mr HAYES: To the minister representing the Treasurer. That is correct.

The PRESIDENT: Mr Hayes, can I ask you to redirect your question to the Minister for Health?

Mr HAYES: All right. My question is to the Minister for Health.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): Thank you, Mr Hayes. You raise important matters. The association that you have referred to does do really good work, and the points you make are worthy of me getting more information for you. It will be a combination between health and the Minister for Mental Health, but I will make efforts to ensure that you get a fulsome answer.

Mr HAYES (Southern Metropolitan) (12:02): Thank you, Minister. My supplementary is: a lack of access to public alcohol and drug services is often attributed to the overburdening of the criminal justice system. Recent reports show Victorian incarceration rates are higher than ever. Victoria already has the second-lowest number of drug and alcohol residential rehabilitation beds in the country, with only 0.7 publicly funded beds for every 10 000 people. What is the government doing to increase the funding for more beds and more public treatment facilities, particularly in Melbourne, so the overburdening of the system does not result in addicts in need of medical treatment ending up in jail rather than rehabilitation?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:03): I thank Mr Hayes for his question. Mr Hayes, I am not sure your information is actually correct. I think there are more than 400 beds across the state, and I certainly know of a new facility in Wangaratta. That was an announcement that I was very proud to be involved in. Ms Shing has indicated that Traralgon had a similar investment. We take these matters seriously. We know that people require these services, require these beds, which is why we made the investment. It is in stark contrast to the former government. When the coalition were in they added two in their whole term. This is something that we certainly sought to rectify when we came into government in 2014, and it is a continued effort from our government. But of course I can get you more information from the relevant ministers.

Ms Crozier: On a point of order, President—I am just wondering—you asked Mr Hayes to redirect his question, as advised by the Leader of the Government, to the Minister for Health. If that gets handballed from the Minister for Health, as I suspect it will, to the Minister for Mental Health, could that please be redirected to the proper minister?

The PRESIDENT: I gave a ruling for Mr Hayes to redirect, and he did. The minister has answered that question and referred it to the minister.

THORNHILL PARK TRANSPORT INFRASTRUCTURE

Dr CUMMING (Western Metropolitan) (12:05): My question is to the Minister for Transport Infrastructure in the other place. When will this government construct an interchange on the Western Freeway to give Thornhill Park residents access to the freeway? There are not any arterial roads in or out of Thornhill Park, only potholed single-lane dirt tracks. The Western Freeway carries thousands of cars each day, mostly people driving between Ballarat, Bacchus Marsh and Melton and the city. To go anywhere, even to just get a bottle of milk at the nearest shop, involves merging onto a busy freeway at 110 kilometres an hour. There is no overpass to reach the city-bound lanes on the other side, so drivers must first head a couple of kilometres west to exit in Melton. They drive back past where they came from.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:06): I thank Dr Cumming for her question and her interest in transport infrastructure in the western suburbs, and I will seek a written response from Minister Allan in accordance with our standing orders.

Dr CUMMING (Western Metropolitan) (12:06): Thank you, Minister. I look forward to the other minister's response. When will this government build a railway station at Thornhill Park? About 73 per cent of people with a job who live in the Melton City Council area must travel outside the municipality for work, making proper roads and trains essential. Residents describe living in Thornhill Park as living in an island. These residents bought properties believing that the interchange and a railway station would be built. Five years later they are still advocating for transport infrastructure. This government has accepted tens of millions of dollars in contributions from the developer, yet these items—an interchange and a railway station—have not been delivered in the time frame that the community needs them. The community needs them now.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:07): I thank Dr Cumming for her supplementary question, and I will seek some advice and a response from Minister Allan.

MINISTERS STATEMENTS: VICTORIA LEGAL AID

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:07): Last Thursday I had the pleasure of participating in the launch of Victoria Legal Aid's *Strategy 26* at the local Sunshine office. Over the last four decades VLA has helped the most vulnerable people in our community to navigate the justice system and resolve legal problems and ensured all Victorians have access to justice no matter their income or their postcode. This new strategy will guide VLA over the next four years as it works towards a fair, just and inclusive society where people can get help with legal problems and have a stronger voice in the laws and legal processes that affect them. I congratulate VLA's acting board chair, Robbie Campo, and CEO, Louise Glanville, on a great event for steering VLA into an exciting new chapter.

It was wonderful to hear from local Aboriginal justice worker Keenan Madden from Kirrip Aboriginal Corporation, who reflected on the close partnership and trust the offices have built. The Federation of Community Legal Centres CEO, Louisa Gibbs, gave us a chance to step through the development of the community legal sector and its close ties to VLA over many decades. The foresight of the founders of these organisations and their continued commitment to justice are impressive. I hope that this encourages many people to work with or contribute to this amazing sector.

Strategy 26 makes collaboration and strengthening the whole sector a clear focus. The connections and networks VLA make with other organisations already bring about better outcomes for Victorians, so I certainly endorse the direction that VLA are going in. They have a clear focus on clients, strengthening early intervention and early resolution services to prevent the escalation of legal problems and providing inclusive and culturally safe workplaces as well as services.

One of my favourite parts of this portfolio is working with our critical legal services who directly help people in the community. I have said this before, but I truly believe that Victoria is a fairer and safer place thanks to the efforts of VLA and the community legal sector, and I cannot wait to see how VLA will continue to evolve and transform in the important work that they do.

DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY WORKPLACE SAFETY

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:09): My question is to the Minister for Workplace Safety. Yesterday the minister informed the house:

> … I am pretty proud of my very longstanding record of standing up for workers' safety …

The rate of workplace incidents in the minister's own department, the department of justice, has more than doubled over the last five years from 20 per 100 staff to 54 per 100 staff. What action has the minister taken within her own department to address that trend?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:09): I thank Mr Gordon Rich-Phillips for his question. It is an important question because the health and safety of Victorian workers in the public sector is a very important issue which I am fully focused on. There is a program of work. I regularly meet with the secretary and agency heads regarding health and safety matters within their own areas to make sure that there is a focus on prevention and also a focus on ensuring that the skills are in place within departments to deal with psychological risk. You would be aware that the government is in the process of developing psychological regulations that will give employers across both the private and the public sector much stronger guidance about how to prevent mental injury from occurring.

Mr Rich-Phillips, I am mindful of the significant amount of work that our frontline public sector workforce have been engaged in as part of the pandemic response, and the nature of some of the work within the justice department is particularly challenging, including in the corrections space, including in emergency services and police. They are issues that I know both I, as workplace safety minister, and the relevant portfolio ministers are very focused on. We have asked a lot of our public sector frontline workforce over the last couple of years, and it is important that we have strategies in place, as an employer of best practice, around ensuring that their health and safety is front and centre, that there is a focus on prevention and that where workers are subject to an injury we have a very strong program of return to work for them to return safely to meaningful employment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:12): I thank the minister for her answer. Minister, the incident rates in your department have doubled in five years. Yes, it is a difficult environment with the justice workforce, but what responsibility do you take as a portfolio minister for the poor performance, deteriorating performance, in your own department? What interventions have you made?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:12): I think, Mr Rich-Phillips, my substantive answer went directly to that point, and that is that there is a program of work which involves consultation with not only agency heads and department heads but also representatives of those workforces to make sure that we are working closely with the workforces as well as the senior executives of the department and the particular portfolios within the department—a program of work to prevent injuries from occurring in the first place. It is work that is ongoing. It is important work, and it is a focus for me as workplace safety minister.

GREYHOUND RACING

Mr MEDDICK (Western Victoria) (12:13): My question is for the Minister for Racing in the other place. The death of three-year-old greyhound Ollie at Geelong over the weekend marks the 23rd dog to die in Victoria this year. Ollie collapsed and died at Geelong, Australia's deadliest track, which has now claimed the lives of seven dogs in six months. The Coalition for the Protection of Greyhounds records a greyhound death every 2.4 days. More than 27 dogs are injured in Australia every single day. The injury toll in Victoria alone is over 1400, and it is only June. What is worse is that these figures do not capture those killed in training because they did not make the cut or those considered wastage and killed due to overbreeding. Greyhounds are gentle and intelligent animals, and they are being treated as nothing more than commodities to create gambling profits, and it has to stop. Will the minister intervene to ban greyhound racing in Victoria?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:14): I thank Mr Meddick for his question and his passionate advocacy for animal welfare that is absolutely consistent and a hallmark of what he brings to this place. As I think Mr Meddick well knows, there have been very significant reforms in animal welfare in the greyhound racing industry over many years

now, and many of the issues that he referred to around so-called wastage and overbreeding and the like have been systematically tackled and responded to by this government. We are proud of the work that we have done in partnership with the greyhound racing industry to dramatically improve standards, albeit from a very challenging situation from both an animal welfare perspective and a greyhound racing industry perspective. I take the opportunity to extend my condolences to Ollie's people and supporters. They are beautiful, beautiful creatures, and I know that Mr Meddick well knows that I am a slave to a couple at home, as are other members in this place and in the other place. But on your specific question about the industry, I will seek a written response from the Minister for Racing for you.

Mr MEDDICK (Western Victoria) (12:16): Thank you, Minister, for that. By supplementary, as stated, injury is a growing concern in greyhound racing. In Traralgon a $6 million government-funded racetrack set to promote welfare and safety has injured 37 greyhounds since its rebuild at the start of the year. In just one day of January, 12 greyhounds were injured at a single race event. Will the minister acknowledge that there is no safe form of greyhound racing?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:16): I thank Mr Meddick for his further question and specific questions of track design and the like and the relationship between these things and injuries. Again, we have made very significant changes to improve safety and standards and welfare through the entire life cycle of racing greyhounds and non-racing greyhounds, and we are really committed to continuing to support those reforms and the ongoing implementation of those newer, much higher standards. But, again, I will seek a response from the Minister for Racing for Mr Meddick.

MINISTERS STATEMENTS: WORKFORCE TRAINING INNOVATION FUND

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:17): Last week I was pleased to launch a new program that will boost skills in Victoria's electrical workforce. Through the Workforce Training Innovation Fund the Andrews Labor government is investing more than $950 000 in a pilot program for 500 licensed electricians to upskill and work on electric vehicle technology to support our plan to reach net zero emissions by 2050.

This pilot program is led by the Electrical Trades Union and delivered by training providers the Centre for U and Holmesglen TAFE, and it will help inform the development of new course curriculum. It also demonstrates the importance of strong industry collaboration, and I am pleased that the program has the support of the Electric Vehicle Council, EVchoice, Energy Safe Victoria and Future Energy Skills. This program will also enhance community understanding ahead of the significant uptake of EV technology, which is anticipated in coming years. It is a great example of this government's investing in Victoria's clean energy future and promoting the expansion of the clean economy workforce.

But I must say the highlight of the launch was the excited looks on the faces of so many of the apprentices who were in attendance at the launch, including many female electrical apprentices, I might add, as they looked to their future, a future where training and upskilling opportunities continue to develop and respond to the needs of a modern clean economy, a future that ensures their skills and jobs will remain relevant and their careers will continue to grow.

EARLY CHILDHOOD EDUCATION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:19): My question is for the Minister for Early Childhood. I refer to the government's decision, supported by the opposition, to expand early childhood education for all Victorian children. When the Premier said he would build and operate early childhood centres across the state, many in the not-for-profit community and municipal sectors were cautiously concerned. In this context will the minister guarantee that the not-for-profit, faith-based, philosophical and municipal sector providers will remain the cornerstone of the

delivery of early childhood education in Victoria and that the government will not override these longstanding and trusted providers by building and operating early childhood centres in competition with or opposition to them?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:20): I thank Mr Davis for his question and welcome the opposition's support of our ambitious reform agenda in early childhood to the tune of $9 billion. That is a shot in the arm for the early childhood education and care sector. It is a massive signal to that sector that we are going to continue to invest, that we are going to continue to provide the infrastructure that our community needs and that we are going to actually double the number of hours of four-year-old kindergarten. So any suggestion by those opposite that that somehow means that there is any part of this sector that is not going to thrive in this kind of environment where the government is backing them in is a nonsense.

What I can say, Mr Davis, is that, just like the way that we rolled out our three-year-old reforms, we will work really closely with the sector. A feature of the success of the rollout of three-year-old kinder is our partnership with every single part of the early childhood sector. And I know Dr Bach agrees with me on this, because—

A member: You reckon he does?

Ms STITT: He does; he is nodding. He is nodding because he knows that it does not matter whether you are a long day care service or whether you are a parent committee run kindergarten service. It does not matter whether you are in rural or regional Victoria or in metropolitan Melbourne in a growth corridor. Those services know that we are going to back them in and we are going to work really closely with them as we not only roll out double the number of hours guaranteed for every four-year-old child and continue to deliver our three-year-old kindergarten and build those hours up between now and 2029 to 15 hours per week for three-year-olds, but we are also going to make sure that in those parts of the state where the market is just not there and there is additional demand we will work very carefully and do the detailed planning work of where these 50 additional childcare services need to be located. It will not be at the expense of anyone—most definitely not at the expense of anyone in the community. This is all about working closely with the sector, backing in families through free kinder and providing our children in Victoria with absolutely the best start in life.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:22): My supplementary question is a simple one: how much capital will be allocated to upgrade not-for-profit, faith-based, philosophical and municipality-run childhood centres to achieve the government's objectives?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:23): I thank Mr Davis for his supplementary question. Perhaps he can listen in when I do my ministers statement in a moment about the infrastructure program of this government in early childhood. But what I can say is that we have a range of different streams already available in terms of upgrades for facilities, and that is something that the early childhood education and care sector have fully participated in, regardless of what setting they are in. The $9 billion commitment of our government will also include the capacity to upgrade and expand our kindergartens, because we know that with doubling the hours for four-year-olds and increasing the hours for three-year-olds of course we will need to look carefully at the capacity of services right across the state, and that will form part of the work that we will do in close consultation with the sector, the Victorian School Building Authority and the department.

DEER CONTROL

Mr BOURMAN (Eastern Victoria) (12:24): My question is for the minister representing the minister for the environment in the other place. As many will know, I am not a fan of aerial culling, mainly due to animal welfare issues and cost, and in the case of the brumbies the fact that it is happening at all. But the CSIRO did a study, and that found a wide variance in animal welfare outcomes for aerial deer culling in Australia, with as many as 14 per cent of deer suffering wounding.

Victoria declined invitations to participate in that study. Minister, if there is nothing to hide, there is nothing to hide. Will you advise what independent monitoring is in place to ensure animal welfare in aerial culling and where we can find the results of that monitoring?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:24): Thank you, Mr Bourman, for your question. It is a question directed to the minister for the environment, and I will make sure she receives Mr Bourman's question and Mr Bourman gets a response in line with the standing orders. I thank Mr Bourman again for his concern for animal welfare, which he has consistently spoken about in this chamber, along with Mr Meddick.

Mr BOURMAN (Eastern Victoria) (12:25): I kind of thank the minister for his answer. Minister, Victoria spends a whopping $270.88 per deer culled, with no credible understanding of the impact of that harvest on the population numbers or the environment. By contrast, Victoria's 52 000 recreational deer hunters put over $220 million into the economy whilst harvesting around a quarter of a million deer a year. What is the government doing to improve access for recreational deer hunters to the parks?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:25): That is also a question from Mr Bourman to the minister for the environment, and I will make sure that she receives the question and responds to Mr Bourman within what is prescribed in the standing orders. Once again, I acknowledge all members of this chamber's concerns about animal welfare, including Mrs McArthur.

MINISTERS STATEMENTS: EARLY CHILDHOOD EDUCATION

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:26): It has been wonderful to officially open a number of new and upgraded kindergartens across our state recently and see the benefits of the Andrews Labor government's record investment in kinders for Victorian children and their families. To support the rollout of three-year-old kinder and meet growing demand for four-year-old kinder across Victoria, this government has allocated $880 million since 2015 to build, expand and improve early years infrastructure. Today I would like to update the house on the progress of these very important investments in the early learning environment of our youngest learners.

Since 2015 the Andrews Labor government has allocated funding for the delivery of 171 new kinders, and it pleases me to update the house that to date more than 100 of those projects have now been completed. This government has also funded a further 1178 kindergartens across Victoria since 2015 to upgrade, and I can report that more than 862 of those projects have now been completed. These upgrades range from renovation and expansion of kinder facilities all the way through to new playgrounds and inclusive education equipment to provide safe and accessible environments for children of all needs and abilities.

This month I was pleased to announce the opening of a new round of the Building Blocks inclusion grants, giving kinders a further opportunity to upgrade their buildings and equipment. As the Andrews Labor government embarks on the biggest investment in early childhood education in our state's history through the $9 billion Best Start, Best Life set of reforms, it is more important than ever that we put quality kinder infrastructure in place where it is needed, giving our children the very best start in life.

EARLY CHILDHOOD EDUCATION

Ms CROZIER (Southern Metropolitan) (12:28): My question is also directed to the Minister for Early Childhood on the issue that she has just raised in her ministers statement. Minister, non-government early childhood services that are partially funded currently face the risk of an expanded funding gap under the government's proposed Best Start, Best Life program. Given the government has committed to full funding of the program—

Members interjecting.

Ms CROZIER: President?

The PRESIDENT: Order!

Ms CROZIER: Thank you, President. Given the government has committed to full funding of the program in 2023, how much additional financial support will be provided to the community-based and not-for-profit sectors to ensure that the promise of full funding of kindergarten for every Victorian child is met?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:29): I thank Ms Crozier for her question. I do not accept the premise of the question, where she presents that this is not going to be to the benefit of those particular community services. I am proud that through that $9 billion investment we will be able to make kindergarten more affordable for families right across the state, regardless of what setting they choose to send their children to a kinder program in. We will spend $3 billion over the next decade to make three- and four-year-old kinder free, and that will commence from 2023 onwards. It will save families between $2000 and $2500 per child each year, and that is absolutely critical particularly at the moment when families have real cost-of-living pressures on them. This will take away the uncertainty and ensure that our participation rates in kindergarten not only remain strong but actually build from where they are now. It is a really powerful way to give children the best start in life—to provide free kindergarten for both three- and four-year-olds.

I just want to remind Ms Crozier that when we introduced free kinder in 2021 as part of our COVID recovery measures we had 98.9 per cent of community-based sessional kindergartens participate in the free kinder program and 98 per cent of long day care providers take up the offer, so the suggestion that somehow this is not something that will be strongly embraced by the early childhood education and care sector, particularly the sessional kindergartens in the community-based services, I reject. I know that the sector are very keen for more information about next year's free kinder program, and that is why the department will work incredibly closely with the sector as we develop the funding arrangements for next year. That has been absolutely the way in which we have engaged the sector on every reform that we have brought forward, and we will do so again in relation to free kinder next year.

Ms CROZIER (Southern Metropolitan) (12:31): I note the minister was unable to provide the specifics on the question I asked about how much additional financial support will be provided to this sector, so I will ask the minister to see if she can answer this question for me on behalf of the sector. Minister, the government's early childhood announcement will require additional staff in the not-for-profit and community sectors, as many as 18 000 staff by 2032, so I ask: how much money has been allocated to fund the education and training of these early childhood educators, and what funding will be made available to the community and not-for-profit sectors?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:32): It is interesting to be asked about not supporting the sector in a circumstance where we have just made the biggest investment in early childhood education in our state's history. Our three-year-old kindergarten reforms—

Members interjecting.

Mr Gepp: On a point of order, President, the opposition had a sook earlier, when they were asking their question, about interjections. The minister has been on her feet for 25 seconds, and they have not shut up.

The PRESIDENT: We have to be careful with how we raise our points of order. While I do not agree with most of it, I agree that interjections are not acceptable.

Ms STITT: We will continue to work closely with the sector on the workforce strategy that we have already released for the early childhood education and care sector, which we developed in concert with the sector because that is the way that we do things. There are 6000 jobs that will be created just as a result of the three-year-old kindergarten reforms. Early development shows that at least another 5000 teachers and educators will be required on top of that 6000 as we double the number of four-year-old kinder hours, and we will ensure that the incentives are in place to deliver on that commitment.

TAXI FARES

Mr BARTON (Eastern Metropolitan) (12:34): My question is for the Attorney-General, representing the Assistant Treasurer. Victorian taxi fares are some of the lowest in the country, as we all know. The industry has taken battering after battering, first with the reforms of 2017 that created mountains of legacy debt and now with the pandemic. On top of this, despite surging inflation, taxidrivers have only had one fare increase in the past 14 years. In the past year alone fuel prices rose by 32.3 per cent. The price of fruit and veg has increased in some cases over 70 per cent. Rent and house prices continue to increase. We are in the midst of a cost-of-living crisis, and the lowest paid workers are bearing the brunt. The industry needs a fair increase today. Attorney, for the minister, when will the Essential Services Commission complete their fare review and publish the results?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:35): I thank Mr Barton for his question and his continued passionate advocacy for the taxi industry here in Victoria. You have raised important issues that I will seek some further advice on, if you like, but I do have information in relation to that report that there will be a decision in early July, with a final decision in September. The commission advises that it expects to release a draft by early July. But I will refer your question to the Assistant Treasurer to provide any further details, and I am sure you are going to ask more in you supplementary anyway.

Mr BARTON (Eastern Metropolitan) (12:35): Thank you, Attorney. Last year I moved an amendment that the Essential Services Commission had to consider the Fair Work Commission's minimum wage review and the commercial viability of operating a taxi. Minister, can you confirm to us that the Essential Services Commission has taken into account these considerations?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:36): You make very good points, Mr Barton. I will pass them on to the Assistant Treasurer and get you an answer.

MINISTERS STATEMENTS: SUBURBAN DEVELOPMENT

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:36): Last week I was pleased to visit some excellent projects currently being delivered through the suburban development program. On Tuesday I was in Mordialloc with Tim Richardson, good MP, and Meng Heang Tak, good MP, to visit some of the sites where Kingston council have utilised COVID-safe outdoor activation funding, including a temporary road closure and parklet in Owen Street. The parklet has been so successful that mayor Cr Steve Staikos confirmed they are going to permanently close that section of Owen Street, upgrade the outdoor furniture and lighting, install bike racks and extend landscaping into a permanent gathering place for visitors to the Mordialloc shops and the dining precinct.

I was also pleased to visit the Springvale Boulevard project with Dr Tien Kieu, good MP, and Lee Tarlamis, good MP, and Meng Heang Tak was there as well—good MP times two. The mayor of Dandenong and Cr Richard Lim were proud to show us the major streetscape improvements undertaken by the council to Springvale Road in the Springvale shopping precinct. The Andrews Labor government has supported the project through the suburban revitalisation program allocated in this year's budget. It was fantastic. The final designs reflect the diverse cultures in Springvale, and the improvements have greatly benefited traders and visitors in the area. I know Professor Kieu had a

conversation with a lot of traders there after I left, and they cannot wait for this project to be completed in coming months.

WRITTEN RESPONSES

The PRESIDENT (12:38): Regarding questions and answers today: Dr Cumming to transport, Ms Pulford, question and supplementary, two days; Mr Hayes to Ms Symes, two days, question and supplementary; Mr Meddick to racing, Ms Pulford, two days, question and supplementary; Mr Bourman to environment, Mr Leane, two days, question and supplementary; and Mr Barton to the Assistant Treasurer, Ms Symes, two days, question and supplementary.

Mr Davis: On a point of order, President, the questions to Ms Stitt, which sought specific answers about the amount of money allocated to capital and another relating to funding for workforce, were not answered at all. There was no number given. The number was sought.

The PRESIDENT: Mr Davis, I was listening very carefully to Ms Stitt. She indicated some numbers and she indicated that she cannot talk about the individuals, so I was happy with the answer.

Mr Davis: On the point of order, President, I wonder, in good faith, whether you might just look at the transcript, because she gave a general number. She gave no specific number for the not-for-profit sector.

Mr Gepp: On the point of order, President, this is becoming a bit of a theme, a bit of a pattern, in this place, where the standing orders are being abused by, I would suggest, Mr Davis, where after every question time he seeks to get to his feet and repeat the question because he did not like the answer that a minister has given. He understands fully that the Chair is not able to direct the minister on how to answer. Secondly, President, as you were ruling, he was yelling out.

The PRESIDENT: Thank you, Mr Gepp. We are into debate now, and I am not going to accept that. I have ruled on the point of order. Mr Davis has got the right to ask me if we can check *Hansard*. I have already ruled on it, Mr Davis, but I am happy to do it, for the last time.

Constituency questions

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:40): (1866) My constituency question is for the Minister for Police. The people of Coburg are concerned about hooning and antisocial behaviour. Two years ago I invited them to complete a survey for me and I fed back that information to this house, and nothing has happened. Those same residents have come back to me and reported they do not feel safe on Nicholson Street, and I thank local resident Tom Wright for his advocacy and also for bringing this to my attention. Coburg is such a diverse community, and the residents are concerned about pedestrian safety, particularly the mums walking along Nicholson Street with their prams. So could the minister advise me, and the question is: will the government commit to extra police or other resources to better monitor and deter speeding and hooning along Nicholson Street, Holmes Street and Moreland Road to better protect pedestrians in Coburg, who want safer streets to raise their families?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:41): (1867) My question is to the Minister for Health in the other place, and it is from a resident in Caroline Springs and another in North Sunshine. Will the minister please advise when we can expect surgery waiting times to improve so my constituents do not have to continue to suffer constant pain? Cathy's daughter had to wait four years to have her tonsils removed, and her son is still on a waiting list and is being told it will be five years. Johanna has been diagnosed with chronic sinusitis and two polyps, and she has constant headaches and jaw pain. Last August she was put on a waiting list for the eye and ear hospital. She has recently been advised that the waiting list is nearly 1100 days. That will be four years after her diagnosis. This is not good enough. We need to know when these waiting list times will be reduced for my residents in the west.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:42): (1868) My constituency question is for the Minister for Transport Infrastructure in the other place. A constituent contacted me yesterday to question your media release in relation to newly minted federal minister Catherine King, where she deceptively said:

> That's why the Australian Government is investing $447.7 million into this upgrade, creating better transport links in the region for locals and visitors.

This significant funding was provided by the former Liberal and National government and indeed specifically through the hardworking efforts of my colleague the Honourable Darren Chester, the member for Gippsland. Announced in 2018, upgrades to Gippsland stations are long overdue, and my constituent is sceptical that these time lines for completion will occur by the end of 2022. Will you, Minister, guarantee that the completion date for the end of 2022 will be met?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:43): (1869) My constituency question is to the Minister for Agriculture in the other place regarding ongoing funding for management of fruit fly in Northern Victoria. High numbers of Queensland fruit fly have recently been found in table grape vineyards across Sunraysia, demonstrating that management of this pest will be an ongoing challenge for industry, community and government. We know the fruit fly management programs work. The Goulburn Murray fruit fly areawide management program recently received an industry award for their work. In addition to our growers, fruit fly needs to be managed in the community and on public land. This is not just an industry issue. The government needs to stay at the table and continue to pay its share. This is an ongoing issue and one that I have raised before, so my question to the minister is: will she give an assurance to growers in my electorate and commit to continued government funding for the management of Queensland fruit fly?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:44): (1870) My question is to the Minister for Energy, Environment and Climate Change and regards advice given by Parks Victoria to climbers in the Grampians, specifically:

> A rope may be used to assist hikers on a designated trail. However, the use of additional equipment outside of a designated climbing area is not permitted.

Carabiners, slings, belays, stoppers and camming devices are apparently banned despite leaving no trace. Serious accidents may occur if essential safety equipment is not carried by climbers fearing prosecution. Minister, will you urgently review this extremely dangerous policy advice and, if not, will you accept responsibility and liability for any injuries that occur?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:45): (1871) My constituency question is to the Minister for Health. Minister, Melton City Council is a particularly good council. Most of its councillors are very proactive and set a fine example to nearby councils—I wish they would pay attention. Cr Goran Kesic, the mayor of Melton, has written to me outlining problems concerning a lack of GPs serving locals.

Mr Ondarchie: A good man.

Mr FINN: He is a very good man. The shortage is bad enough now, but as Cr Kesic points out, it will become critical as Melton continues to grow at an astonishing pace. I should also point out that the shortage of doctors is widespread across much of Melbourne's west and in particular new suburbs and subdivisions that are popping up almost on a daily basis. It is a serious issue for hundreds of thousands of my constituents. Minister, what incentives can the government offer to attract more general practitioners to not just the City of Melton but all of Melbourne's west?

EASTERN VICTORIA REGION

Ms BURNETT-WAKE (Eastern Victoria) (12:46): (1872) My constituency question is to the Minister for Roads and Road Safety on behalf of a Gembrook resident. Minister, when will Wellington Road in my electorate receive the upgrades it so desperately needs? Wellington Road is notorious for fatal and dangerous accidents. The road is a critical link between the Casey and Cardinia regions and is relied upon by thousands of my constituents every day. It was reported back in 2019 that the main thoroughfare between Napoleon Road and Berwick Road carried more than 10 000 vehicles per day. As one of the main roads in and out of Gembrook, Cockatoo and Emerald, this is particularly dangerous given Wellington Road is only a single lane. Federal member for La Trobe Jason Wood announced $110 million in federal funding back in April 2019 to go towards upgrades. The state government say they are currently considering the upgrade, but my constituents deserve action. The government's own studies have already shown them that 93 per cent of survey respondents support the upgrade. Wellington Road has missed out on much-needed upgrades for far too long. We must get this done urgently before more lives are lost.

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (12:47): (1873) My constituency question is directed to the Honourable Jacinta Allan MP, and it relates to the minister's portfolio responsibilities for transport infrastructure. Wyndham is one of the largest and fastest growing municipalities in Australia. By 2041 Wyndham's population is forecast to grow to 512 591. With the rapid population growth in the west, residents from the suburbs of Tarneit and Truganina have raised their concerns about currently not having an adequate number of train stations in the area. The existing Tarneit station is a very busy train station, so even with the expansion of the station's car park and the introduction of high-capacity trains the need still remains for additional train stations in the area. My question to the minister is: when does the government intend to build a new train station at Tarneit West and Truganina in my electorate, which will help in reducing traffic congestion?

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:48): (1874) My constituency question is directed to the Minister for Planning. It is in relation to the site where the Bentleigh Club was formerly situated at 32–46 Huntley Road, Bentleigh. It has been sold off, and there is a proposed new development. Residents around this area are very concerned about the scale and density of the proposed development and the parking and traffic issues—it is a very congested, narrow street now—and the negative impact on the neighbourhood's character is also particularly concerning to many residents in and around this area. I have been in correspondence with the Liberal candidate for Bentleigh, Debbie Taylor-Haynes, who has been meeting with these residents, and I am asking the minister: would he join with me and Ms Taylor-Haynes to meet with these concerned residents and to see firsthand the proposed development and how such a large development will impact on the local amenity?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:49): (1875) My constituency question is to the Minister for Public Transport. Minister, when will you return a passenger train service to Mildura? It has been close to 30 years since Mildura's passenger trains were removed. The neglect of Mildura's passenger rail has happened under successive state governments; you cannot continue to blame this on the Kennett government. Mildura is the only one of Victoria's major regional cities without a passenger rail service. It is our most isolated city, home to over 30 000 people, including in Wentworth, the Mallee and the corridor, and 250 000 people call the north-west home. Recently the Rail Revival Alliance released a detailed proposal for reintroducing a passenger rail service between Mildura and Melbourne. The report sets out how communities along the line will benefit economically. The proposal is to support strategies outlined in the Victorian visitor economy master plan. Having a passenger rail line to Mildura will make the rest of the state accessible to some of our most isolated Victorians and vice versa. It is time to bring passenger rail back to Mildura.

SOUTH EASTERN METROPOLITAN REGION

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:50): (1876) My constituency question is to the Minister for Planning, and it relates to a proposed development in Noble Park at 51A Douglas Street, which is a site owned by VicTrack. The proposal is for a development of 97 dwellings with only 49 car spots. Under planning provisions, 125 car spots are required for a development of that size, but this proposal would lead to less than half of the required number of car spots being allocated at that development, with obvious consequential impacts on traffic congestion in surrounding streets in Noble Park. My question to the Minister for Planning is: will he outline what criteria he would apply as justification for allowing less than the statutorily required number of car spots in that development?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:51): (1877) My matter is for the attention of the Minister for Transport Infrastructure, and it is on a long-running issue with the Surrey Hills and Mont Albert level crossing removal project. I am in possession of correspondence from Susannah Aumann in Mont Albert, and she makes very good points about the process that operated at these crossings and the failure of the Level Crossing Removal Project to properly engage with the community and the failure of the LXRP to honestly engage with the community. She goes through in great detail the time line and the sequence of this project. You know, the truth is that the community has been ridden over roughshod by the minister, almost certainly in breach of the requirements for honest engagement under the Public Administration Act 2004. I ask that she have this matter reviewed. Will you have this matter reviewed to ensure that these overreaches and lack of consultation do not occur again?

Mrs McArthur: On a point of order, President, I just want to raise the issue of unanswered questions, if possible. Question on notice number 4925—

The PRESIDENT: Not questions on notice, Mrs McArthur.

Mrs McArthur: Only constituency questions, okay. Number 1495 was due on 11 November last year from the Minister for Health, number 1569 was due on 16 December last year from the Minister for Health, number 1644 was due in March this year from the Attorney-General and number 1720 was due 7 April this year from the Attorney-General.

The PRESIDENT: Thank you for raising that, but, as you know, I do not have any power to do anything about it.

Bills

CHILD EMPLOYMENT AMENDMENT BILL 2022

Second reading

Debate resumed.

Dr KIEU (South Eastern Metropolitan) (12:53): With great pleasure I rise to speak to and support the Child Employment Amendment Bill 2022. Gone are the eras when children were exploited and forced into very unsafe employment. Now we certainly still see some places around the world where children are being exploited, but in Victoria the Andrews Labor government continues to ensure that the regulatory framework to protect our most vulnerable workers is strong and effective—and that includes the regulation of child employment.

The Child Employment Act 2003 at present regulates when and in what circumstances children under 15 years of age can work in Victoria, and we know that for children doing part-time or casual work it has many positive impacts for them. They can learn new skills and they gain confidence, experience and also independence—not to mention they may get some pocket money as well for themselves. However, the benefits must be balanced against the requirements of education and the need for additional safeguards due to their vulnerability in the workplace, particularly for children under 15.

The act of 2003 sets out the age, types of work and conditions that apply to child employment and aims to protect children from doing work that could be harmful for them or even affect their attendance at school. It should be remembered that in Victoria children up to the age of 17 are required to be at school and are only exempted in very exceptional circumstances.

However, we undertook a review of the act in 2021, and in this amendment bill there are several amendments being proposed to strengthen the protections, which arose from that review process. The review highlighted opportunities to improve the child employment regulatory regime, particularly with respect to streamlining the permit system and adopting a risk-based regulatory approach. It has to be emphasised that this piece of legislation does not propose to alter at all the minimum age for work nor to displace a number of important exclusions.

Under the current act of 2003 any children aged 11 and over can do and take on delivery work and children aged 13 and over are able to be employed in some other non-hazardous work. However, there is no minimum age for children to work in the entertainment industry, which, as we know, can employ people and young children in performing, modelling, photography and television or film work. Children of any age working in a family business are exempt from the permit requirements at present. Children are only permitted to undertake very light work, but they are excluded from employment in a number of hazardous industries and from performing dangerous tasks. These age limits for child employment regulation in our state are aligned with the international labour standards on child labour. Victoria's occupational health and safety laws also ensure that children from age 15 to 17 are afforded strong protections in the workplace.

On the key reforms of this bill, I would like to mention the licensing system. At present employers are required to apply for individual permits for each and every child they engage in employment, and the bill now introduces a streamlined child employment licensing system to replace that individual permit system. So instead of the requirement for obtaining permission to employ a child, one licence application would be in place annually for an entertainment licence and biennially for a general licence. We know, for example, in the entertainment industry we may have a lot of children being employed for filming or performing. Take *Oliver Twist*, for example. That would require a lot of children to be on stage, so now the new licensing system will streamline the process with a single permit application. The new licensing system also enables better targeting of resources to focus on licence-holders in the highest risk areas, who must provide more information and will receive more oversight than those in lower risk areas. Current levels of protections for children in the workplace will be enhanced.

Sitting suspended 1.00 pm until 2.03 pm.

Dr KIEU: I would like to continue my contribution to the Child Employment Amendment Bill 2022. I have been talking about the streamlining of the permit system. In addition to that, the bill also provides for a public register of all employers who employ children and who have been granted a licence. This is to enable parents and other people acting with child employees to assess a given workplace compliance for their safety. The measures will also build on the Andrews Labor government's recent adoption of new child safety standards to ensure a focus by service providers and employers on children's safety and wellbeing.

Under this bill a decision made by the wage inspectorate about a licence—whether they decide to grant one or to cancel or to suspend a licence—will be reviewable by VCAT to ensure procedural fairness for the applicants or the licence-holders.

Again, in response to the evidence presented to us from the review, the bill also aims to address certain areas of uncertainty in the regulatory framework in order to promote better understanding and compliance and ultimately a greater level of protection for children covered by the existing act. This includes amendment of the definition of 'employment', which is very broad deliberately. This bill will amend the definition of 'employment' to remove the exclusion for door-to-door fundraising, as the

risks to children in this setting are high. So it will no longer be excluded. It also removes the exclusion of work performed for not-for-profit organisations that might not meet the definition of a formal work contract. On the other hand it provides an exclusion for children who appear in the background of news, current affairs, lifestyle, documentary or education programs where they are not given direction about how to appear in the program—so they are just in the background. It also provides clarification that children providing babysitting and other domestic services are not covered by the act. The bill also extends the current tutoring exclusion to those outside residential premises so that tutoring occurring at a library or other premises will not be covered.

Some of the changes include (1) making it clear that a child employment permit is not required for formal work experience arrangements, (2) clarifying what is meant by 'direct supervision' for children working in a family business and (3) increasing the minimum age of a person supervising a child under 15. Those supervisors have to be a minimum of 18 years of age. This is for consistency and to address the concern that if a person under 18 is placed under obligation to supervise children under 15, it might create potential friction because they are themselves subject to protection. There also will be a new requirement for children who are auditioning for a role or participating in the casting process to be supervised by a person who will need to have working with children clearance to ensure that the children are safe.

Currently not-for-profit organisations are covered by the act if they engage children under a formal work contract. This bill will amend that inconsistency so that any work meeting the definition of 'employment', as in some of the amendments that I just outlined, under the act will be regulated, whether the employer is for profit or not for profit.

In order to ensure compliance and also enforcement the Wage Inspectorate Victoria will be responsible for administering the act and has a dedicated child employment team. The authorised officers from the Wage Inspectorate Victoria will have additional enforcement tools, including compliance notices, as a way of achieving compliance with the act, and infringement notices. The infringement notices are provided when a breach has been detected but has yet to meet the requirements for prosecution. The penalties for offences under the act have also been increased to more closely align with other comparable regulatory schemes, such as working with children requirements, and also to reflect the seriousness with which conduct that puts children at risk of harm is viewed.

In order to provide sufficient time and also opportunity for stakeholders and industry participants to prepare and achieve compliance, some amendments in the bill that impose new requirements, including the new licensing scheme, are proposed to commence from 1 July 2023—next year. Likewise, the slightly expanded coverage of not-for-profit organisations and the supervision requirements for audition and casting by people over 18 will also commence on 1 July 2023.

In summary, the Child Employment Amendment Bill 2022 will amend the act to ensure that it will remain a targeted, effective and responsive approach to contemporary workplace issues in response to the numerous changes to the employment landscape and to regulations around child protection in recent times.

Ms TAYLOR (Southern Metropolitan) (14:11): Certainly there are some really important reforms being brought about through this bill, which is very pleasing to see. We note that the challenge we have with the current system is that it requires an employer to apply for individual permits for each child they engage. Our review has identified the permit system as one of the biggest issues for stakeholders, who supported a more efficient, responsive and flexible approach. So it is really common sense.

The bill introduces a streamlined child employment licensing system to replace the individual permit system, and it will simplify the process for obtaining permission to employ a child by requiring one licence application annually for an entertainment licence and biennially for a general licence. Under the current act some employers who engage children frequently, such as those in the entertainment

industry, can have hundreds of permits at a time, and this can create a significant amount of administrative work. Moving to a targeted licensing system where an employer only requires one licence will streamline the process and make it easier for employers to comply.

The actual application process under the new licensing system will also require provision of different information depending on the level of risk involved in the work. The new licensing system will also enable better targeting of resources to focus on licence-holders in the highest risk areas—again, a good, commonsense approach—who must provide more information and will receive more oversight, including an increased emphasis on compliance, monitoring and audits, than low-risk areas, which again makes good sense.

Employers will be able to employ multiple children under one licence rather than applying for individual permits for each child employed prior to their employment. They will then inform the Wage Inspectorate Victoria of each child who is employed. There will be no cost associated with applying for a child employment licence.

Current levels of protection for children in the workplace will be enhanced under the new system by the inclusion of a fit and proper person test and the creation of new roles for nominated officers and employer representatives for entertainment licences. These employer representatives will have responsibility for ensuring compliance with the act and any licence conditions. The bill provides for a public register of all employers with a child employment licence, which will enable parents and other persons interacting with child employees to assess a given workplace's compliance.

You can see the various protections that are being included with this licensing arrangement but at the same time creating some commonsense reforms which make a simpler approach, I would suggest, for managing what could otherwise be quite a convoluted process for employers. These measures will build on the Andrews Labor government's recent adoption of new child safety standards to ensure a focus by service providers and employers on children's safety and wellbeing. We can see that this is very much supportive of employment in this context. It is not pulling away from it in any sense or form.

With this bill I was reflecting on my first jobs. I think one of them was taking care of a neighbour's kids, and that was more an ad hoc arrangement, but I also remember making pizzas. What are the lessons that you get out of that kind of job? You have to turn up on time and you have to take direction. Those orders have got to go out in a systematic manner, because otherwise people in the community who are waiting on those pizzas or whatever the service is are going to get pretty testy. They want their dinner or their lunch or otherwise. I remember also you had to make sure you did not put too much topping on or the pizza would not cook through properly in the time that it went through the oven process.

Ms Symes: Oh, no. There's nothing worse than uncooked pizza.

Ms TAYLOR: That is right. And sometimes I would want to put too much topping on, and they would go, 'No, no, no'. There is a rationale to why you just keep it at a certain level, a certain amount, so it—

Ms Symes interjected.

Ms TAYLOR: Exactly: consistency. So you can relate. Already I was learning about the discipline associated with making that pizza.

Mr Ondarchie interjected.

Ms TAYLOR: It certainly does; I am coming back. Stay with me, because I am seeing the value in taking employment even from a young age, providing of course there are appropriate caveats and protections in place. Some people who perhaps are not as familiar with the central tenets of the bill might be concerned—'Oh, what does this mean for younger people taking jobs et cetera'. I am just

affirming that, yes, our government sees value in these kinds of experiences. For me it was in adolescence. The only thing I must say is that my fingers got pretty stinky, particularly making the seafood pizzas. That was not my favourite. But, anyway, again sometimes in work we have to do things that are less palatable—nothing inappropriate. I do remember that as well, but I am really grateful for the opportunity that I had to do that.

Mr Ondarchie: On a point of order, Acting President, I understand the marinara connection to the bill that the member is outlining here, but perhaps she could bring it back to the exact purpose of this bill, please.

The ACTING PRESIDENT (Mr Gepp): There is no point of order. Reflecting on earlier debate, some of these matters have been canvassed. I think the member is still—

Mr Ondarchie: Not pizza.

The ACTING PRESIDENT (Mr Gepp): It might not be specifically pizza, Mr Ondarchie, but certainly in terms of members' early childhood employment experiences.

Ms TAYLOR: I am just getting back to the point that from a government perspective we can see the value in having these early experiences in employment—and I would not look down on the making of pizzas. What I am trying to say in the thread of the message that I am trying to give is there is value in the process, in the discipline—I am deeply grateful for that—and hence keeping this system well regulated and having an appropriate licensing system makes good sense.

I just wanted to reiterate our government's position with regard to children and employment. I should say that there are certain caveats in place, just to offset some concerns that may have been raised or reflected on by those who may not have been as close to the bill—about what it does encompass and what it does not encompass. Under the current act, employment of children under 15 years is primarily regulated through a permit system. I did speak to this before in some detail, but it is just to make sure and be really clear what is and what is not incorporated in the bill.

Interestingly—and I had not thought about this—when you reflect even on films that you have seen, there is no minimum age for children to work in the entertainment industry. It can include performing, modelling, photographic and television or film work. However, a specific entertainment industry permit is required. A mandatory code of practice further prescribes conditions around the employment of children in the entertainment industry where the risk is deemed to be higher and where the vast majority of working children are currently employed. Children of any age working in family businesses, including family farms, are exempt from the permit requirements. I am just speaking to what is and what is not included. Children are only permitted to undertake light work and are excluded from employment in a number of hazardous industries and from performing dangerous tasks.

This again makes very good sense, and I do not think it requires a lot of explanation to understand why there are those appropriate caveats and protections for people who, we would suggest, are more vulnerable because of their age and life experience. These age limits for child employment regulation in Victoria are aligned with the international labour standards on child labour. Victoria's occupational health and safety laws also ensure that those children aged 15 to 17 years are afforded strong protection in the workplace. School attendance is compulsory for children in Victoria until the age of 17 years, with exemptions only granted in limited circumstances.

The reason for me raising those points is of course that when we are discussing the ambit and the premise upon which regulation is undertaken in this space, when we are talking about the employment of children, you can see why it is very important that there are these protections in place for those who are vulnerable. It is certainly very important that all these matters are debated and discussed today to give people comfort with the regulation that we are undertaking and the reforms that we are undertaking in this space.

If we just go to another issue of not-for-profits, currently not-for-profit organisations are only covered by the act if they engage children under a formal work contract. This bill will amend that inconsistency so that any work meeting the definition of 'employment' under the act will be regulated whether the employer is a profit or not-for-profit entity. Again we can see that there is value in consistency, I think certainly for employers, which will make it easier for them to understand that sort of streamlined principle, but also I think it makes good sense because I cannot see why from a pragmatic point of view you would want to lower the protection whether someone is in a profit or not-for-profit entity. It makes good sense that in both circumstances there would be reasonable protections in place. The impact on not-for-profit organisations is considered to be low. That is another important thing, because we understand that if they are not for profit it is harder to operate and a more challenging environment to operate in. They may have fiscal constraints et cetera. But the good thing is that with the undertakings in preparation for the bill it has been established that the impact on not-for-profit organisations is considered to be low and in any event offset by the greater protections that coverage of the act will provide to children.

As was previously the case, local sporting clubs—and this is another issue actually somebody asked me, and so I just want to be clear about this caveat—will not be covered where they are engaging children in work that is considered low risk, such as umpiring or coaching team sports. I have to say that I had these specific questions put to me, and hence the purpose of this kind of debate—to be really clear about what is in and what is not in the bill and the rationale that underpins that decision-making.

The Child Employment Act 2003 aims to regulate risks to children associated with work and the tasks they are required to perform as part of that work, such as fatigue, risk of injury, disruption to education et cetera. We can see the necessity for these appropriate protections to make sure that children, their health and safety, is taken care of. These work-related risks are considered unlikely to arise in the context of the above excluded activities children might be employed to undertake, so that just validates the rationale as to why those particular items—for example, umpiring or coaching team sports—are not actually within the ambit of the bill. However, work related to high-risk activities, including martial arts, horseriding and gym instruction, will still be covered by the act. Again we can see the logical thread there because of the higher risk, so that makes good sense. Certainly it is appropriate that those protections are appropriately covered by the act.

What about compliance and enforcement? The Wage Inspectorate Victoria, set up by the Andrews Labor government, is a statutory authority and is responsible for administering the act and has a dedicated child employment team. These amendments will see the WIV provided with a stronger and more responsive enforcement regime to enable the inspectorate to effectively carry out its role as a risk-based modern regulator.

We can see there are some really sensible reforms being put in place here to ensure best possible outcomes for children who are employed within the state of Victoria, but at the same time appreciating the value that there is in work and work experiences for younger persons in our community where it is age appropriate and appropriately supported, with protections in place.

Dr RATNAM (Northern Metropolitan) (14:26): I rise to speak to the Child Employment Amendment Bill 2022. The bill seeks to reform the laws that oversee how children aged under 15 are employed in Victoria. Community groups have sought reform for a number of years, building on a review undertaken in 2009 and further consultations with stakeholders over the last few years. The bill makes a number of reforms. It provides greater clarity on what activities performed by children are considered employment and includes removing the requirement of the employer to be engaged in for-profit enterprise. This ensures children working in not-for-profit organisations are captured under the act. It also provides that a child under 15 years of age must be supervised by a person aged at least 18 years or older. The minister's second-reading speech rightly notes that children under 15 are particularly vulnerable in the workplace, so requiring their supervision to be provided by an adult adds a further safeguard. The bill gives the Wage Inspectorate Victoria greater powers and scope for compliance activities, and indeed the effectiveness of the compliance regime is crucial to ensuring

children are not exploited or harmed when employed. Given the age limit of 13 does not apply to children in the entertainment industry, further protections are included for children working in that industry.

However, I am going to focus my comments today on industries other than entertainment—specifically food services and retail—and the key reform in this bill: the shift from a permit system for every child employed to a licensing system for employers who seek to employ kids under the age of 15. The survey conducted by the Department of Jobs, Precincts and Regions as part of developing this bill found that 35 per cent of children were employed in retail and 21 per cent in food services—that is, a majority of children aged under 15 are employed in those two industries. We have had concerns raised with us by the Retail and Fast Food Workers Union about the potential impact of this change from permits to licensing. RAFFWU is a union focused on the industries that employ the most kids under this act. They are concerned that removing the need for individual permits and making it easier to employ kids will see more kids employed in the fast-food and retail industries—in places like McDonald's and Hungry Jack's as well as the two major supermarket companies, places that are well known for their churn of teenage workers as they can pay teenagers less than adults—and given that the big companies in this industry were consulted on the bill and pushed for this change, it seems a not-unwarranted concern.

We always need to be on alert when words like 'efficiency' and 'streamlined' are used to justify changes. They usually mean that changes are in the interests of employers and not workers. It is important to note we are also talking about industries well known for exploitative practices. One of the government's signature reforms that we very much welcomed was its wage theft laws. These were needed because workers were being cheated of their wages and entitlements, and the worst offenders were in the hospitality and retail industries. In fact last year RAFFWU was successful in having a McDonald's franchise penalised for repeated breaches of workplace laws, including denying workers paid 10-minute breaks and preventing them from drinking water or using the toilets during their shifts—essentially coercing children and young staff into working in conditions which were illegal. Following on from that case, there is now a class action against McDonald's for the theft of rest breaks.

On this issue of rest breaks, I want to note that the legislation maintains the provision that children are required to have rest breaks after 3 hours but they can be paid or unpaid, while under the relevant awards, entitlements to paid rest breaks are after 4 hours. But again, it makes no sense to me that when we are talking about 13- and 14-year-olds being employed by the likes of McDonald's or Hungry Jack's, we would not be mandating paid rest breaks after their maximum shift time.

These are also industries where bullying behaviours and sexual harassment are known to exist and put young people at risk, so we understand where the union concerns are coming from. RAFFWU also raised with us concerns that in workplaces employing kids, only the supervisor has to have a working with children check, but obviously children employed in places like McDonald's or Coles will be coming into contact with a range of different adults across different spaces and times in what are supposed to be trusted settings. As the minister said, children under 15 are particularly vulnerable in the workplace. We believe requiring working with children checks is a simple step to providing additional protection. They are required in other circumstances where children regularly come in contact with a range of adults in positions of responsibility.

I have an amendment to require all adults in workplaces where children are employed to have a working with children permit, and I would like those amendments to be circulated now.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: I appreciate the government will not be supporting these amendments and acknowledge they could have been more tightly drafted, but to the extent that working with children checks are a burden, maybe having a hurdle to employing children when that hurdle is concerned with their safety is not a bad thing.

One of the rationales for shifting from individual permits to a licensing system for employers is that by removing the administrative burden of processing permits there will be more resources for compliance. I certainly hope that is the case. Strong and broad compliance measures focused on the industries where children are clearly at risk of exploitation and harm must be prioritised. I also have amendments to require the wage inspectorate to report on the number of children employed under the act and its compliance activities.

I also acknowledge the intent of the bill is to strengthen protections for children in employment by modernising the act. The government maintains the changes will not lead to more kids being employed or the exploitation concerns raised by RAFFWU being realised. I hope so. Let us not forget we are talking about 13- and 14-year-old kids being employed by businesses known to be exploitative. This bill is providing a licensing system to enable child labour. While there can be benefits from kids having paid work, there are also lots of risks. We urge close monitoring of the new system and that we all continue to regularly review the protections in place to ensure kids are not exploited or harmed at work.

Ms TERPSTRA (Eastern Metropolitan) (14:33): I rise to make a contribution on the Child Employment Amendment Bill 2022 as well. I note there has been some discussion as part of the debate today around reflections on members' early memories of working as children, and I am going to top the pizza example.

Mr Ondarchie: Oh no. You're not going to do this. If you go from pizza to fish and chips—

Ms TERPSTRA: No, I am not going from pizza to fish and chips. I have got something loads better than that, Mr Ondarchie, I can assure you. I guarantee you. But I want to talk about this bill. It is an important bill, and I think that the value of work cannot be understated or underestimated for children, certainly as a mum. I have got two kids, and one of the first things that I did with both of my children as soon as they were 15 was say, 'Go and get a job. Go out to work'. So my son got a job at KFC—

Mr Ondarchie interjected.

Ms TERPSTRA: No, I am going to talk about mine in a minute. But anyway, my daughter is working for a large supermarket. What I noticed with both of my children as soon as they were able to get into work was how they developed as a consequence of working. They understood much more clearly that if they were late to work there would be consequences for not getting to work on time. They also understood the value of money a little bit more. At the bank of Mum and Dad money seems to grow on trees, but when all of a sudden you have got your own money and you have to pay for something yourself you say, 'Oh, that's a little bit expensive', and it is like, 'Yeah, I know'. So we cannot underestimate the value of work for kids who are old enough to work, as I said, as part of their development. They learn to interact with people in that workplace environment as well. They learn about respectful interactions—what is respectful, what is not respectful—and their rights as well.

Actually, just as I was sitting here listening to this debate—and this is not completely related to do the bill, but hey, here we are. As an aside—

Mr Ondarchie: I'm just getting ready for my point of order.

Ms TERPSTRA: I have not even said anything. Well, it kind of is related because it is work related. But this is important. If you think about families today and if you look at wages and the cost of living and those sorts of things, children can contribute to household income, and sometimes families might have to rely on their children to help contribute to household income.

I might note that from 1 July this year, 2022, employers will be required to make superannuation guarantee contributions to an eligible employee's super fund regardless of how much an employee is being paid. That is a good thing, because with the super guarantee it used to be that you had to be either 18 or earning over $450 a month. That is gone. The benefit to young people who work at the

age of 15 or even below is that those early retirement savings will compound over their lifetime and add so much more to their superannuation savings. It is a wonderful thing. So that is what I was saying; it is not entirely related to the bill, but in terms of work and children working it is a good thing that these reforms to super will come into place from 1 July 2022. Likewise, just getting back to my children's experiences, I am really grateful for the fact that they both have access to an industry super fund, and they know that their contributions are going into that industry super fund. They are saving for their retirement right now, and that is a good thing. That is a great thing. I do not want to see my kids as they get older perhaps struggling to find meaningful work. They might be in and out of work over time, but the point is they will have that money that they can fall back on.

This bill, though, goes to talking about and regulating—Dr Ratnam and Ms Taylor spoke about this as well—why we need to have greater protections for kids. There are examples where some kids under 15 are in fact working. They are working in family businesses or they are working in the dance or entertainment industries. If you go to the pool, you see a lot of young kids at the pool doing lifeguard duties and those sorts of things, and it is really important that they have those protections. With delivery work, for example, we never used to have the delivery of alcohol and we never used to have delivery of even pharmaceuticals. Those sorts of things are all coming up now, so it is very appropriate that we look to these new forms of work that did not used to exist, and they are things that kids can do. If I try to look for a parallel form of work that might have existed—the paperboy—

Mr Barton: The newspaper boy.

Ms TERPSTRA: The newspaper boy or newspaper person used to carry the little trolley around with all the newspapers, and they were usually young kids. You have done it, Mr Barton. I can see you nodding there, so there you go. We do not have newspapers anymore, so that is a job that clearly does not exist anymore. Everyone is now going to talk in the chamber about their newspaper delivery stories, as paperboys in the past. But you can see how these sorts of roles have changed. It was a job that kids used to do for pocket money. We want to make sure with the deregulation of markets—I am not saying you can drive an Uber at 15—

Mr Barton interjected.

Ms TERPSTRA: No comment. But the thing is we are seeing lots of different forms of work being available to younger people because they are able to do it, so it is a good thing that we properly regulate these things.

I might say, I think one of the first jobs that I had—there you go, Mr Ondarchie, I am getting to it—as a young person, and I was definitely under the age of 15, was I worked in a horse yard. I was shovelling horse manure and feeding horses, and I would do that—

Mr Ondarchie interjected.

Ms TERPSTRA: I told you I would top the pizza example. I really enjoyed that because it was my first job and I got money in my hand and had independence as well. That goes to the point I was making about when young people actually get out to work. There is that sense of personal development and growth that comes with it, and it is a good thing. But again, some families might be struggling as either Mum or Dad might be unemployed, and they may have to rely on their children to contribute to the household income. That is the reality for some people, so it is only appropriate that we look to strengthening the sorts of protections that are available. But I must say I enjoyed myself in my first job, in that horse yard. My friends and I used to try to hide behind the 44-gallon drums because the horse used to try and kick us—things like that. It is good that we have got health and safety protections these days, because I can assure you, back then we used to run for it.

Mr Ondarchie: Sounds like caucus.

Ms TERPSTRA: No, it definitely wasn't. But I enjoyed that job. It taught me a lot about not only caring for animals, which is something I still have a passion for today, but working with another

person, working as a team, making sure I did the job and then getting paid at the end of the week. So that was a great thing.

In terms of this bill, there is a permit system in place now anyway. Under the current act employment of children under 15 years old is regulated through the permit system. Provided the employer obtains a general industry permit, children aged 11 years and over can undertake delivery work and children aged 13 years and over are able to be employed in other non-hazardous work. So you have got that there now, but as Ms Taylor said earlier, there is no minimum age for children to work in the entertainment industry. This can include performing, modelling, photographic and television work, but a specific entertainment industry permit is required. The mandatory code of practice further prescribes conditions around employment of children in the entertainment industry where the risk is deemed to be high and where the vast majority of working children are currently employed. Children of any age working in family businesses, including family farms, are exempt from the permit requirements, and children are only permitted to undertake light work and are excluded from employment in a number of hazardous industries and from performing dangerous tasks.

The age limits for child employment regulations in Victoria are aligned with the international labour standards on child labour. Victoria's occupational health and safety laws also ensure that those children aged 15 to 17 years are afforded strong protection in the workplace, and school attendance is compulsory for children in Victoria under the age of 17 years, with exemptions only granted for limited circumstances.

Indeed as I noticed when I was looking at some stuff to do with TAFE and kids, at what age they leave school and then even after leaving school whether they re-engage with further education through TAFE and the like, one of the leading reasons for children wanting to leave school earlier than 17 years of age is not only for independence but because they want to gain access to the workforce and money. So that is about independence and wanting to get some money and then developing independence away from Mum and Dad and supporting themselves.

I will not go on. I know Mr Melhem wants to speak on this as well.

Mr Melhem: No, keep going.

Ms TERPSTRA: No, I got told before. I got written instructions about how long I was meant to speak for, so I will do the right thing. I am a good girl today. But I think it is an important bill. It is important to make sure we protect children and make sure we have strong protections in place. You do not want children to be exploited or taken advantage of in the workplace.

I will just finish on this point: it is important for children, if they are going to enter the workplace, to understand their rights, so I would encourage anyone playing along at home and listening to these contributions today, if they are children wanting to work, to make sure they join their union, because that is the best place that they can learn about their workplace rights and get help and assistance—from their union—because sometimes they will get taken advantage of. I know that anyone who has worked at any point in their life will at some point have had a question about their pay, a question about their superannuation, a question about their rights around safety, and I know many young people who work in the hospitality industry, in fast food and the like—it is horrible. You can see they get abused in some of these jobs. People get angry because they do not get their food on time and all the rest of it, so there is abuse, there is bullying, there is harassment—all those sorts of things. So health and safety protections are very important in the workplace, and as I said, there is no better organisation to help—

Mr Ondarchie: I thought you were finishing up.

Ms TERPSTRA: Yes, I am getting there. There is no better organisation to help young people understand their rights than the union. I will conclude my contribution there. I commend this bill to the house without amendment.

Mr BARTON (Eastern Metropolitan) (14:44): I rise to speak on the Child Employment Amendment Bill 2022. I will be supporting this bill today. The reforms of this bill have been welcomed by many to streamline the oversight of child employment. The bill will also free up the Wage Inspectorate Victoria to educate employers about their obligations under the act and increase their ability to address risky employment situations for children. This is very important. I welcome the increased range and size of sanctions, as they will increase the ability to derive compliance from businesses and other organisations that employ children.

Currently children aged 11 years and over can undertake delivery work where their employer obtains a general industries permit. Children aged 13 years and over can be employed under the general industries permit. We all agree we must have protections in place to protect these children who are vulnerable to exploitation from employers. Up till this point there has been widespread misunderstanding among employers when it comes to child employment. There is a commonly held belief that children are able to be employed from the age of 14 years and nine months. This is not the case. Clearly, further education on the act is needed for employers.

There are a number of points I urge the government to consider when developing and enforcing the regulations of this bill. One: the streamlining provided by the licensing must not result in any cuts to the funding and levels of staff that provide oversight of compliance with the Child Employment Act 2003. Compliance oversight is critical to protecting children. This cannot be compromised. Two: the new system must continue to make sure that the parents are making informed decisions in approving the work that their children do. Not only are employers largely unaware of the act but parents are as well. They should be fully informed prior to giving their approval or disapproval for their child to work. Three: there is also a need for the Victorian government to monitor that children are not subjected to exploitative and harmful employment arrangements through the gig economy. Gig economy platforms and businesses may seek to implement models to avoid being captured by the provisions of the Child Employment Act. We know the gig economy is founded on exploitative workplace practices. We also know that they have been under-regulated and allowed to take over a large portion of our workforce. Children must be protected from the gig economy. But I will commend this bill to the house.

Mr MELHEM (Western Metropolitan) (14:47): I also rise to speak on the Child Employment Amendment Bill 2022. Following on from various speakers in relation to this particular bill, I think it is a very important bill. Some people will think, 'Okay, well it's just straightforward', that it is not a big issue, but it is a big issue actually. It is important that we have the bill. We always should be reviewing the circumstances and the conditions under which our children are sent out or could do some work.

I think a lot of speakers talked about their own experiences over the years. I recall one of my first jobs. I am not sure if it was a job, but it was sort of doing some work, paid work, as a child. I think I was 12 or 13. I do not remember the exact age, like most people. It was selling newspapers. I was going around, and I tell you it was very attractive back then at the time. I made some really good cash out of it—good money. I used to go and tease my oldest brothers and sisters about it—my other brother was only about two years older than me—and we used to make good money in comparison with them, and they were going to go and do adult jobs. So it was a good job at the time.

I think it is important to have that experience and for kids to be able to go and do some work, but we need to make sure the conditions are right. We do not want to end up with what is happening in other, Third World countries where we are facing a child labour situation, where kids are forced to work in horrendous conditions—and the word is 'forced'. You know, child labour still exists around the world, unfortunately, and I am hoping the day will come when we are able to eliminate that. Thankfully, I am reasonably confident that we do not have that problem in this country where we have child labour, and I hope we never do.

I just take a quote from the ILO, which states:

> Not all work done by children should be classified as child labour that is to be targeted for elimination. The participation of children or adolescents above the minimum age for admission to employment in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive.

The reason I have quoted that goes back to the point I made earlier. I think it is great experience for kids to be able to go and do some work to give them a taste for what it is like to go to work and earn a bit of money, and it does not have to be that you are a member of a family who cannot afford things or maybe is struggling financially. It applies to all kids—of rich or middle-class or working-class families. I think it is a good experience for kids to actually get that taste early on—not because of need, necessarily, but for experience.

That is why the review that was conducted by the Andrews Labor government in 2020–21 was to look at the current legislation we had in place and whether that legislation was still fit for purpose or whether we were able to make some changes to make sure we improve on that. So that is the purpose of bringing to the house this bill and the various amendments to the existing act, to make sure we can fine-tune the current legislation so we are able to provide opportunities for young kids—I call them kids because we are talking about people under the age of 16 and even under the age of 17—to work and also to look at employers' abilities to provide those opportunities while not necessarily putting an additional burden on them but making life easier, cutting some of the red tape and making sure employers are able to do that. But it will also balance the responsibility of making sure that these kids are not being subjected to any abuse and they are working under a decent standard, because we do not want to be facing a situation where children go back to child labour. As I said earlier, we are not facing that situation, thankfully, in this country, but you never know. There may be some cases we do not know about, but it is important to empower the inspectorate to do some further work to make sure we do not get to that point and make sure employers are doing the right thing.

I mean, I dealt with my own kids. They did not get into doing some work probably until the age of 15 or 16. They did the odd job here and there. They always did one day here and one day there, but as they got into high school and then at university I always thought about this lesson, because I learned it from my own parents: if you work hard, you will get somewhere. I actually said to them that they are welcome to stay at home as long as they do two things: they work when the work is available, and they study and complete their studies. That is the advice I have given them, and so far they are adhering to that. So you can stay home until you complete that, but if you are not going to work or study, then you are on your own. The point I am making is this: it is important that we provide our kids with the opportunity, and we need to encourage them to do some work, to actually go and do the odd job.

Ms Terpstra talked about delivering newspapers as no longer being available the way it used to be, because everybody is going online. I think the only one that is available now is the weekend paper. I think some people still probably use that, but the Monday to Friday delivery of newspapers is probably a thing of the past now because everyone is going online. Now you have got to have a car because the volume is not there to be able to deliver them, so maybe it is no longer available much for young kids to be able to deliver newspapers as most people in this chamber at a point in time probably did in their early teens. That may not be available for kids these days.

So it is an important bill to make sure that we address some of the issues that were highlighted in that review of the act in 2020–21. For example, one of the changes the bill will provide is a public register for all employers with a child employment licence, which will enable parents and other people interacting with child employers to assess their workplace compliance. I think it is very important to give that comfort to parents that employers are doing the right thing, because the other definition which is in the bill is 'fit and proper'. I think it is important to make sure that if someone wants to employ someone, they are a fit and proper person to employ young children. We do not want shonky employers or individuals who may prey on children to be given the privilege of employing children—or of employing anyone, really.

Also the bill provides that a decision made by the Wage Inspectorate Victoria about a licence—a decision to cancel or suspend a licence—will be reviewable by the Victorian Civil and Administrative Tribunal to ensure procedural fairness. Other changes in this bill include that employers, instead of having to apply for a permit every time they employ someone, can now apply for an annual permit, which will give them the opportunity to employ people throughout the year. The entertainment sector, I think, will be able to apply biennially.

Those are some of the changes contained in this bill. As I said, enforcement is very important to make sure there is full compliance and that the appropriate penalties are put in place to deter people who are likely not to comply with the requirements. For example, the penalty for employing a child without a permit, a licence, has increased from 100 penalty units, or $18 174, for a body corporate and 60 penalty units, or $10 904, for any other case to 1200 penalty units, or $218 088—a big jump, and rightly so—for a body corporate and 240 penalty units, or $43 617.60, in any other case. So it is important that we remind people that if they break the rules or break the law, particularly in relation to children, heavy penalties will be coming their way.

The commencement of the bill obviously will allow sufficient time and opportunity for stakeholders and industry participants to achieve compliance. Some amendments which will impose new requirements, including new licensing systems, are proposed to come into effect on 1 July 2023. I think that will be plenty of time for the industry and stakeholders to be able to make themselves familiar with the process and comply with the new regulations and the new requirements.

With these comments I definitely commend the bill to the house. I want to congratulate the Minister for Industrial Relations and the whole of government on bringing this to the house and making sure that children in the state of Victoria will be able to participate in the workforce—hopefully not in a full-time capacity, because we do not necessarily want them to work full time but to basically get a taste of working. What is most important for us as a society and a government is to make sure children actually attend their schooling and finish their schooling. We hope to continue to make sure that kids are able to finish years 10, 11 and 12 as a minimum and then go on to do whatever they want to do with their lives, whether it is university, trades, TAFE training or non-accredited training. There are a lot of opportunities available there for our kids to be able to thrive into the future. With these comments I commend the bill to the house.

Ms SHING (Eastern Victoria) (14:59): This is a really important bill to be discussing, and it is important in the context of not only understanding workplace rights, entitlements and obligations but also in understanding how they apply to different groups and different parts of our community. I want to at the outset set a little bit of a scene in terms of the work that I was involved in about 740 years ago, when I worked for the then Department of Innovation, Industry, and Regional Development. In particular Industrial Relations Victoria was based in that department at the time, and the Child Employment Act 2003 was passed in relation to a permit system that required a number of different preconditions to be satisfied in order for children to be employed. This was a response to the policy shortcomings and gaps that existed in affording children and young people a fair and consistent safety net in the work that they undertake.

As I recall at the time, one of the things that prompted that was a range of young actors who were involved in stage productions here in Melbourne. We have got an enviable culture of theatre, and as I recall, there were productions such as *Annie* that had a number of child stars, for want of a better term, who were engaged in contracts for performance and really needed that safety net and terms and conditions framework to make sure not only that they had a balance but also that their families were aware of the framework within which they were working, often at really unsociable hours, and that the employer, the production company for whom they were working, had a certain set of obligations that would sit around the nature of engagement of these children to take account of their particular circumstances as employees and the needs that they have, including and by reference to wellbeing, balance and the unique occupational health and safety considerations that are at play when young

people are in a workplace setting, which as we know does not usually kick in in the structured way that we understand it to be until we are 16.

In my case I was 16 when I first started working at the Great Australian Ice Creamery on Main Street in Lilydale, after which time I worked at the Taco Bill just adjacent to that on Main Street in Lilydale. But the point remains that—

Mr Ondarchie: The sun would come out tomorrow.

Ms SHING: Thank you, Mr Ondarchie. You have just quoted *Annie* at me, and the sun did come out tomorrow. That is why I am going to come back to what I was talking about before being so interestingly and gastronomically distracted by my first-ever job. I tell you what, I had a scooping arm like nobody's business.

But on a serious note, it is actually really important to make sure that when children and young people are engaged in work, we are holding their employers to account but we are also providing a framework of oversight and of regulation that does not impose onerous obligations upon employers. To that end, this bill streamlines the way in which permits can be allocated by having an employer-based licensing framework which will attach to the employer rather than to the permit which needs to be sought by an employer in every instance of child employment. This has a number of features that add, I think, to a landscape of protection, of intervention and of recognition of the needs of children in a workplace setting. That sits with the employer, as it should. This allows for clear messages to be sent and to be received through the oversight mechanism and through the register that an employer will go onto for—six years?—a period of time. I will just revise that, should I need.

But what happens with this register is that it then actually puts the responsibility for compliance on the employer as that relates to a particular class of workers within that workplace setting, specifically children. We see that that is important, including by reference to the deterrent impact that that will have upon any unlawful or inappropriate conduct, behaviour or workplace practice that an employer might engage in. It creates obligations for employers to positively act to ensure that the workplace environment is safe and suitable for children in that setting. It is also making sure that where we have children under the age of 15 who are working, we have a situation of consistency, of transparency and also of accountability.

In that setting the Child Employment Act 2003 refers to a balancing, as I said, of various needs and various balances that need to be struck as far as children's hours of work et cetera go, and school and education are a really central part of that. It is very, very easy to make aspirational commitments that a child will not be disadvantaged by virtue of his or her role on a stage or indeed elsewhere, but in fact to deliver on that is hard, where the bright lights might be shining, the boards might be there to be trodden and the attention might be there to be received as far as momentary celebrity and an opportunity to sit in the limelight for a time go.

That is where educational development is such an important thing to recognise as part of this child employment framework and making sure also that there are safeguards around that vulnerability piece that we need to really recognise and build into the legislative response to these issues, and this is something that was raised in the review of the act which took place in 2020–21. It talks about the importance of understanding these dynamics of children in a workplace setting where their needs differ, often very significantly, from the adults with whom they are working, and that was a process that involved some pretty extensive consultation and discussion with employer groups, unions, key stakeholders across child welfare groups and also other government departments and agencies. Mr Melhem has covered that in his contribution as well, and I think it is a point worth underscoring in the context of this particular bill. But it is also about identifying changes and opportunities to improve, and continuous improvement is a responsibility not only of government and of the Parliament, including here in this bill that we are talking about, but also as it relates to what employers are doing—how they are spending their time, what they are doing on a workplace level to help young people to

understand their rights and entitlements and also what it is that parents, caregivers or kinship carers are able to understand about the obligations that an employer has and the way in which those obligations need to be met.

Going back to the point that I made earlier about the permit system, where we have an employer who employs large numbers of children there can often be an enormous number of permits that are in the system at any one time, and that is a huge volume of administrative work. It is also a volume of administrative work that can be streamlined, and that is precisely what this bill does. The application process and moving to that targeted licensing scheme will make it easier in practical terms but also in terms of accountability and transparency for an employer to complete that one overarching permit application and to be able to employ multiple children under that one licence, rather than applying, as I said earlier, to receive individual permits for children before they are employed.

The work associated with employment of children is also worth commenting on in the context of broader workplace reform, including the framework within which we have applied as a Labor government a system and indeed a culture that over time recognises the importance of safe workplaces, of a fair safety net of minimum terms and conditions, of the requirement to provide information to workers, of workplaces that are free from discrimination and harassment and of a workplace safety framework which is rigorous, independent and well resourced. That is something that we have discussed many times in this chamber. It is also an enduring feature of the work that has guided our legislative agenda as it relates to everything, including industrial manslaughter, and we have talked about that as it relates to cases that have led to tragedy, particularly in the agricultural sector, where young people have been working on farm and there have been rollovers of quad bikes and similar. That, if nothing else, speaks to the importance of understanding the impact of a productive, collaborative but also, importantly, rigorous framework of regulation for the way in which children work.

So there are necessarily flexibilities built into the system, but at the heart of what this bill seeks to achieve is a continuation of the rigour attached to child employment, of terms that actually extrapolate a number of the themes that we, as a Labor government, have pursued—have always pursued—around equity and safety in employment terms and conditions and of making sure that we are building on the child safe standards and the work that we have done to implement those changes to ensure that service providers, including employers, have that focus on child safety and wellbeing.

We have got work for the Wage Inspectorate Victoria to be able to make decisions around the cancellation or suspension of a licence. Those decisions will be reviewable by VCAT, so there is an element of procedural fairness built into that through the administrative law framework.

Making sure that we can continue this work is a key part of this discussion that we are having here today, and I would like to make sure that we are under no doubt about the importance of an ongoing discussion on child safety and on child employment but also that we can amend and remove—which is what this bill does—the uncertainties that are attendant upon the existing framework, including by reference to an amended definition of 'employment'. This is something which has been canvassed by other speakers in this place today, including by Mr Melhem, who was on his feet immediately before me: the removal of the exclusion for door-to-door fundraising and the removal of the exclusion for work performed for a not-for-profit organisation. Other areas of uncertainty that are amended include an exclusion for children who appear in the background of news and current affairs, lifestyle, documentary or education programs; clarification that children providing babysitting and other domestic services are not covered by the act; and also an extension to the current tutoring exclusion outside of residential premises so that where it is happening at a library or indeed somewhere else of that nature, children will not be covered.

These are practical changes, and these are changes which acknowledge the reality of the world in which we are living and working now. They are also changes which pick up the occurrence of unintended consequences, including, as I flagged earlier, the way in which children might appear in

the background of certain televised footage where they are not being directed to act a certain way—so, for example, a news report. I have done a few of these at kindergartens, where kids are frolicking in the background—and they do frolic because there are often a lot of good things to celebrate. But where they are frolicking in the background, they would not need to be engaged in the course of employment where there is in fact not a direction in place for them to work or to behave in a certain way. So it is a clear delineation between the world in which we live, the way in which people interact, including children, and a more formal and crystallised employment situation which engages a framework of directions for work to be undertaken by a child and the framework of regulation that sits around that.

These are, I think, really important improvements. They are improvements which go, as I said, to the heart of subject matter that addresses an asymmetry in power and therefore a corresponding increase in obligation that needs to be put in place to make sure that that is recognised but also that safety is paramount for children in these settings and that there is no wriggle room for employers because of any regulatory gaps to escape the obligations or responsibilities that they have or indeed to act inadvertently without there being some form of sanction in place. So I am really pleased to support this bill that we are discussing here today. I am glad to hear of the support of others in achieving the objectives of this bill. I wish it a speedy passage, and I thank the house for the time afforded to me this afternoon.

Ms WATT (Northern Metropolitan) (15:14): It is such a delight to be here today to speak to this chamber on the Child Employment Amendment Bill 2022, and I thank Ms Terpstra for already providing remarks earlier on. Is that right? I am really kicking myself that I missed that.

A member: You can read *Hansard*.

Ms WATT: I will take the time to check *Hansard* and read what was no doubt a very powerful contribution on this important bill, which establishes a regulatory framework to protect Victoria's most vulnerable workers and make sure that it is strong and effective. The regulation of child employment is indeed no exception. The Child Employment Act 2003 currently regulates when and in what circumstances children under 15 years in Victoria can work. We know that part-time or casual work can have many positive impacts for children: they learn new skills and gain confidence and indeed independence. What is going on with the clock?

Members interjecting.

Ms WATT: Oh, I am sorry. I am very happy to—

The ACTING PRESIDENT (Mr Gepp): Order! We are still in session, people. Please recommence your contribution, Ms Watt.

Ms WATT: From the top, perhaps. Thank you, Acting President. I do so much appreciate that.

Ms Shing: On a point of order, Acting President, I am just wondering whether the member might take the contribution from the top.

Mr Ondarchie: That is what he just said.

Ms Shing: Oh, sorry. I thought he said 'recommence your contribution'. My apologies, Acting President, it has been a long week.

Mr Ondarchie: On the point of order, Acting President—

The ACTING PRESIDENT (Mr Gepp): Mr Ondarchie, there is no point of order.

Mr Ondarchie: Well, I would put to you that she was more than 40 seconds into this contribution.

The ACTING PRESIDENT (Mr Gepp): Well, I think, Mr Ondarchie, given that we have now chewed up almost a minute and I cannot ascertain clearly how long Ms Watt had been going for, I will

invite her to start from the top. She has already had a 1-minute haircut. Ms Watt, begin your contribution from the top, thank you, in the remaining time.

Ms WATT: I appreciate that. And thank you to members of this chamber for speaking up for me to make sure that my contributions are heard here today on the Child Employment Amendment Bill 2022. I indeed have so very much to say about it that I do appreciate the extra time, Acting President.

As I was saying, the regulation of child employment is no exception in our state as we protect Victoria's most vulnerable workers and make sure that it is strong and effective. The Child Employment Act 2003 currently regulates when and in what circumstances children under 15 years can work. We know, as I said, that part-time or casual work can have many positive impacts for children: they learn new skills, gain confidence and independence and get to earn a bit of money for themselves. I could talk about some of my experiences in my younger years and the new skills and confidence that I learned, and indeed one of those was about the administration of ventolin to young children as I babysat some young kids. And that, in my later years, has been very, very helpful. These benefits, however, must be balanced against their educational development and the need for additional safeguards due to their vulnerability in the workplace.

The act sets out the age, types of work and conditions that apply to child employment and aims to protect children from doing work that could be harmful or affect their attendance at school and to protect children from exploitation. The Andrews Labor government undertook a review of the act in 2020–21, and the amendments proposed in this Child Employment Amendment Bill arise from that process. As part of the review process we consulted with employer groups, unions, industry associations, child welfare groups and other government departments and agencies. That review highlighted opportunities to improve the child employment regulatory regime, particularly with respect to streamlining the permit system and adopting a risk-based regulatory approach. The final amendments aim to ensure that the act and the child employment regulatory scheme remain targeted, effective and responsive to the contemporary workplace issues in a changing work landscape.

This legislation does not propose to alter the minimum age for work nor to displace a number of important exclusions. Under the current act employment of children under 15 years old is primarily regulated through a permit system. Provided the employer obtains a general industry permit, children aged 11 years or over can undertake delivery work and children aged 13 years and over are able to be employed in other non-hazardous work.

There is no minimum age for children to work in the entertainment industry, which can include performance, modelling, photographic and television or film work. However, a specific entertainment industry permit is required. A mandatory code of practice further prescribes conditions around the employment of children in the entertainment industry, where the risk is deemed to be higher and where the vast majority of working children are currently employed.

Children of any age working in family businesses, including family farms, are exempt from the permit requirements. Knowing just how many of us have spent time in our early years helping our family businesses to thrive, I know that family businesses will be very happy to see that no changes have been proposed there—that is, children of any age working in family businesses, including the family farm, are exempt from the permit requirements. Children are only permitted to undertake light work and are excluded from employment in a number of hazardous industries and from performing dangerous tasks.

The age limits for child employment regulation in Victoria are aligned with the International Labour Organization's international labour standards on child labour. Victoria's occupational health and safety laws also ensure that those children aged 15 to 17 are afforded strong protection in the workplace. School attendance is compulsory for children in Victoria until the age of 17 years, with exemptions granted only in limited circumstances.

I will just take a moment to acknowledge just how challenging it can be for those adolescents and young people undertaking performing arts and television and film work. I indeed attended school with a very talented young woman who was a model. I still remember her name to this day: Helena. She was a model of the very famous *Dolly* magazine. If any of you were around and read *Dolly* magazine, you will know just how much of an important publication that was for young women and girls. To know that my colleague at school Helena would often feature in the pages of *Dolly* magazine meant that sometimes she missed school. So Helena, you are in *Dolly* mag, and I was so proud to know you, but it did mean that sometimes you missed out on school and school excursions and the school camp and other fun things. But *Dolly* mag was a pretty special part of my monthly ritual: go down to the shop and buy a *Dolly* mag and see if I can spot my friend Helena in it.

There are of course age limits for child employment regulation in Victoria. I have spoken about that, and I could go on for quite some time, but I am just thinking about the *Dolly* mag and the good times reading that as a younger woman. Back to the bill perhaps, Sheena.

The current scheme requires an employer to apply for individual permits for each child they engage. A review identified the permit system as one of the biggest issues for stakeholders, who supported a more efficient, responsive and flexible approach. The bill introduces a streamlined child employment licensing system to replace the individual permit system. It will simplify the process for obtaining permission to employ a child by requiring one licence application annually for an entertainment licence and biennially for a general licence. Under the current act some employers who engage children frequently, such as those in the entertainment industry, can have hundreds of permits at a time, creating a significant amount of administrative work. I reckon that was the case at *Dolly* mag. Moving to a targeted licensing system, where an employer only requires one licence, will streamline the process and make it easier for employers to comply.

The actual application process under the new licensing scheme will also require the provision of different information depending on the level of risk involved in the work. The new licensing system will also enable better targeting of resources to focus on licence-holders in the highest risk areas, who must provide more information and receive more oversight, including an increased emphasis on compliance monitoring and audits, than lower risk areas. Employers will be able to employ multiple children under the one licence rather than the individual permits for each child employed. They will then inform the Wage Inspectorate Victoria of each child who is employed. There will be no cost associated with applying for a child employment licence.

Current levels of protection for children in the workplace will be enhanced under the new system by the inclusion of a fit and proper person test and the creation of new roles for nominated officers and employer representatives in entertainment licences. These employer representatives will have responsibility for ensuring compliance with the act and any licence conditions.

The bill provides for a public register for all employers with a child employment licence, which will enable parents and other persons interacting with child employees to assess a given workplace's compliance. These measures will build on the Andrews Labor government's recent adoption of the new child safety standards to ensure a focus by service providers and employers on child safety and wellbeing. Under the bill, decisions made by the wage inspectorate about a licence, such as a decision to cancel or suspend a licence, will be reviewable to the Victorian Civil and Administrative Tribunal to ensure procedural fairness.

Just again in response to the evidence presented to the review, this bill aims to address areas of uncertainty in the regulatory framework to promote better understanding and compliance and ultimately a greater level of protection to children covered by the act. This includes an amended definition of 'employment'. The concept of employment is deliberately broad in the act and is intended to capture a range of working arrangements that may not meet the legal definition of a contract of employment. Consistent with the purposes of the act, this is designed to ensure the protection and wellbeing of children in employment-like scenarios. The amended definition removes the exclusion

for door-to-door fundraising, as the risks to children in this setting are high, and removes the exclusion for work performed for a not-for-profit organisation that may not meet the definition of a formal work contract. There we go—that is actually a really meaningful one.

Some other areas of uncertainty are also amended, with exclusions for children who appear in the background of news, current affairs, lifestyle, documentary or education programs where they are not given directions about how to appear in the program; clarification that children providing babysitting and other domestic services are not covered by the act; and extension of the current tutoring exclusion to outside of residential premises, so that if it is occurring in a library or other premises, it will not be covered. Other changes include making clear that a child employment permit is not required for formal work experience arrangements, clarifying what is meant by direct supervision for children working in a family business and increasing the minimum age of a person supervising a child under 15 years in the workplace to 18 years to address concerns about the potential friction in placing protective obligations on children who are still subject to protection themselves. There will also be a new requirement for children who are auditioning for a role or participating in a casting process to be supervised by a person with a working with children clearance to ensure that they are safe in this setting.

Currently not-for-profit organisations are only covered by the act if they engage children under a formal work contract. This bill will remove that inconsistency so that any work meeting the definition of 'employment' under the act will be regulated, whether the employer is a profit or non-profit entity. The impact on not-for-profit organisations is considered to be low and in any event offset by the greater protections that coverage of the act will provide to children.

As was previously the case, local sporting clubs will not be covered when they are engaging children in work that is considered low risk, such as umpiring or coaching team sports. Now, that is a really common area for young people to seek some of their earliest employment—around coaching a team or umpiring—and you know, I am sure that there are others in this place that could tell a story or two about coaching the younger members of the team or other teams at their club.

The child employment act aims to regulate risks to children associated with work and the tasks that they are required to perform as part of that work, such as fatigue, risk of injury, disruption to education et cetera. These work-related risks are considered unlikely to arise in the context of the above excluded activities children might be employed to undertake. However, work related to high-risk activities, including martial arts, horseriding and gym instruction, will still be covered by the act.

There is so much more to be said, but any bill before us that strengthens protection for children and makes robust laws to protect workers in Victoria is a good thing, and I am very pleased to see this bill before us. And yes, I did tell the story about Helena in the *Dolly* mag, and I am sorry that I have run out of time to share my story about my colleague on the set of *Neighbours* and how very much I admired her contribution to that important, remarkable Australian TV show.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:32)

Mr ONDARCHIE: Minister, thanks for the opportunity to address this very important bill. I just want to touch on one major issue that has come to me on a number of occasions, including through the course of this debate, by messaging. Mr Melhem referred to this bill as 'a bill that will ensure that shonky individuals do not prey on children'. I want to go to that for a moment because I have had a number of instances that have been relayed to me about younger people that start in a workforce,

particularly in retail or hospo, where the relevant union involved has had a shop steward or an official approach the children to sign them up to union membership and to have some deductions taken out of their salary for—well, I said it was in retail and hospo, so I am sure you can put it all together. Parents were concerned that their children were—I am not going to use the word 'forced'—encouraged to sign up for this paperwork and sign up for deductions out of their salaries without the parents getting the opportunity, because these kids were under 18, to examine the documentation and ensure that all was appropriate before the kids signed up. The advice I got from one particular parent was:

> I saw … first hand when a child commenced work at—

a place—

> … the shop union rep was very … demanding …

that the kid signed the document before they went home.

Ms Terpstra: I think you're making that up.

Mr ONDARCHIE: Ms Terpstra, this was not from me, this was sent to me. You can be as defensive as you like, but this is reality. As you walk out of the chamber, the question I have for the minister is: how do we ensure that our kids who are in workplaces are protected from that sort of pressure?

Ms SYMES: I thank Mr Ondarchie for his question. Mr Ondarchie, the conduct that you have articulated and described to the chamber is not something that the bill deals with. In relation to any conduct in relation to a union official, that is a federal matter. There are federal bodies that could look into complaints of that nature.

Mr ONDARCHIE: Minister, given this bill is about ensuring protection for children in employment in Victoria, does the government have no view on ensuring they are protected not only from employers' inappropriate practices but also from those of trade unions?

Ms SYMES: Mr Ondarchie, that is not what I said. What I am saying is that this bill is about the conditions that children can be employed under and the supervision requirements et cetera. There have been a lot of speeches today that have gone through what this bill does, and what it does is not go to the matters that you have referred to. There are other potential mechanisms for complaints to be made in relation to those matters and indeed numerous ways to make complaints against concerning conduct. If you have got any specific examples, you can send them through to the national body that can look at unions, but in relation to workplaces, of course we want children to be employed by responsible employers, be looked after in the workplace and have a positive and indeed safe experience. We want to make sure that there are the appropriate supervision mechanisms and the like in place, and that is what this bill goes towards.

Mr ONDARCHIE: Minister, should children under the age of 18 be required to sign documentation about their employment and anything relating to their employment without the opportunity for them to refer that to their parents or a responsible adult?

Ms SYMES: Mr Ondarchie, you are asking me questions that are outside the bill. You are also asking me for an opinion.

Mr ONDARCHIE: No, I did not ask you for an opinion.

Ms SYMES: You asked me for legal advice, effectively.

Mr ONDARCHIE: So is the answer that you are not responding?

Ms SYMES: I am saying it would be useful if the committee stage were confined to the contents of the bill. If there is a specific clause that you want to draw my attention to to have a conversation about, then I am more than happy to do so.

Mr ONDARCHIE: I do not have any further questions for the Attorney-General on this point, so this is not a question, it is a statement: once again the government is abrogating responsibility to the children of Victoria.

Clause agreed to; clauses 2 to 17 agreed to.

Clause 18 (15:39)

Ms SYMES: I am sorry, Deputy President. Mr Ondarchie and I are having a conversation across the table because he gave me notice that he would require some information in the committee stage, so I was waiting for some questions that he did not ask. But he did ask them, so I am wondering if, by leave, perhaps I could respond to the questions that he asked in his second reading.

The DEPUTY PRESIDENT: We are up to clause 18, so let us just pass clause 18.

Clause agreed to.

The DEPUTY PRESIDENT: Now, before we move to clause 19 and the amendment, Mr Ondarchie, by leave, will ask the question that the minister wants to answer.

Mr ONDARCHIE: By leave, one of the things that we are concerned about is that the Wage Inspectorate Victoria undertake a comprehensive information campaign to ensure that businesses are well and truly aware of what these changes are and how they may affect them. Minister, would you respond to that, on how the Wage Inspectorate Victoria will undertake such a campaign or if they will?

Ms SYMES: Thank you, Mr Ondarchie. Yes, this is a bill that has been subject to a lot of consultation, so a lot of people already know about this. This is not a surprise to many people in the sector. It has been through forums with industry and worker representatives in its development. A working group was established to represent industry, unions and children in the entertainment sector. They met regularly throughout the development of this legislation, and that group has been updated about the changes which we are currently discussing at the moment.

The wage inspectorate will be putting in place a comprehensive communications and engagement plan to ensure that any further relevant stakeholders are aware of the changes to the regulatory scheme. In the coming weeks meetings will be held with targeted groups to commence this consultation process, including the following groups: the Victorian Small Business Commission, the Commission for Children and Young People, the Victorian Chamber of Commerce and Industry, the Australian Industry Group, the Council of Small Business Organisations Australia, Trades Hall, the Restaurant and Catering Industry Association of Australia, the National Retail Association, the Australian Retailers Association, the Victorian Farmers Federation and the Pharmacy Guild of Australia.

The government wants to provide sufficient time and opportunity for industry to achieve compliance, so some amendments which impose new requirements, including the new licensing scheme, will not commence until 1 July 2023. The new requirements for supervision during auditions and casting and slightly expanded coverage for non-profit entities will also commence on 1 July 2023, allowing ample time for industry participants not only to become aware of the new requirements but to engage with forums that have been set up for them to ask questions about how they will be able to follow the guidelines in their own workplaces and to give them time to transition and be set up and implemented by that start date of the middle of next year.

Mr ONDARCHIE: Minister, as I said in my second-reading contribution, which was a long time ago today and well before members of the government were talking about the construction of pizzas and moving horse manure around, one of the concerns we have about the new system of regulation is the imposition or the impact it will have on small business. Can you outline to the house what involvement the Minister for Small Business had in the construction of this bill?

Ms SYMES: Mr Ondarchie, I do not know the answer to that because I am not the Minister for Small Business, but obviously with our bills, contrary to yours—I do not know what happens with

yours, because I asked Mr Davis yesterday and he could not tell me what happens in the shadow cabinet process—when it comes to the cabinet process for government, the departments that are responsible for drafting bills have an initial discussion with all of the other departments. So it would have picked up the Department of Jobs, Precincts and Regions, where the small business portfolio sits. Then issues are canvassed out, and there is a coordination process. It goes to cabinet in the first instance and then gets approval in principle to go forth and be developed further. There is a time gap there for further conversations between government ministers, relevant departments and indeed our industry as required. As I identified in the consultation in relation to this bill, that would have happened in that period then. Then again they come back to cabinet for final approval before they are agreed to to go into the Parliament. So the Minister for Small Business would have been engaged for some time through the normal process, and indeed I have no doubt that the department that looks after small businesses and the related agencies would have been heavily involved in the development of this legislation.

Mr ONDARCHIE: Last one, Minister: this bill imposes a significant increase in penalties. As a result of that and associated activities, is the government foreshadowing an increase to the workforce required to issue compliance infringement notices?

Ms SYMES: Thank you, Mr Ondarchie. Just for the house's interest on the matter of penalties, a penalty for employing a child without a permit licence will increase from 100 penalty units, which is around $18 000, for a body corporate and 60 penalty units in any other case to 1200 penalty units for a body corporate and 240 penalty units in any other case. The penalties are effectively for failing to produce documents, hindering authorised officers and giving false or misleading information. These have increased to 100 units for body corporates and 60 units for any other case.

My advice in relation to the staff to oversee the new system and the like is that, because it is a streamlining system, it is anticipated it will actually free up a lot of compliance and enforcement activity, plus the streamlining and licensing system will actually be a help to small businesses.

The expectation is that this legislation and the systems that support it will make the job easier. It will be clearer for employers, small businesses in particular, because there are less permits to obtain because you are no longer having to obtain them for individual kids. It is for a two-year period, so there is going to be less impost, less paperwork and therefore that streamlining effect should not have a massive burden, in fact it could actually be less work for the people that are overseeing this system.

Mr ONDARCHIE: This will be the last one, depending on the answer of course. Minister, given you have outlined what the penalties are going to be, which I did in my second-reading speech, and you have talked about how the system becomes more efficient as a result of the activities you are undertaking, are you foreshadowing some redundancies required then in the system?

Ms SYMES: No, Mr Ondarchie. I am not foreshadowing redundancies. That is not a matter for me to foreshadow.

Clause 19 (15:46)

The DEPUTY PRESIDENT: Dr Ratnam, I invite you to move your amendments 1 to 4, which are a test for your amendments 5 to 8.

Dr RATNAM: I move:

1. Clause 19, after line 1 insert—

'(1) For section 19A(1) of the Principal Act **substitute**—

"(1) The **Worker Screening Act 2020** extends and applies—

(a) to the supervision of a child in employment that requires a permit under this Act as if that supervision were child-related work for the purposes of the **Worker Screening Act 2020**; and

(b) except in relation to employment in entertainment, to any adult who performs work (other than the supervision of a child) in the same workplace as a child in employment that requires a permit under this Act as if the adult's work were child-related work for the purposes of the **Worker Screening Act 2020**.".

(2) In section 19A(2) of the Principal Act—

(a) for "subsection (1)" **substitute** "subsection (1)(a) or an adult referred to in subsection (1)(b)";

(b) in paragraph (c)—

(i) for "19A(1)" **substitute** "19A(1)(a)";

(ii) after "**2003**" **insert** "or is an adult referred to in section 19A(1)(b) of that Act";

(c) for paragraph (d) **substitute**—

'(d) section 78 applies as if the following subsection were substituted for section 78(3)—

"(3) For the purposes of Chapter 6—

(a) a person supervising a child referred to in section 19A(1)(a) of the **Child Employment Act 2003** who has been given an interim WWC exclusion under section 66 is not to be regarded as having a current WWC clearance in respect of that supervision; and

(b) an adult referred to in section 19A(1)(b) of the **Child Employment Act 2003** who has been given an interim WWC exclusion under section 66 is not to be regarded as having a current WWC clearance in respect of work in the same workplace as a child as referred to in section 19A(1)(b) of that Act.";';

(d) in paragraphs (h), (k) and (m)—

(i) for "19A(1)" **substitute** "19A(1)(a)";

(ii) after "**2003**" **insert** "or is an adult referred to in section 19A(1)(b) of that Act".'.

2. Clause 19, line 2, before "At" insert "(3)".

3. Clause 19, line 8, after "employees" insert "or adults who perform work in the same workplaces as child employees".

4. Clause 19, line 9, after "employees" insert "or adults who perform work in the same workplaces as child employees".

I just want to make some general comments relating to my other set of amendments, which I originally proposed. First, I want to thank the Treasurer for committing to a review of the changes in this bill. Importantly, the review will look at whether there has been an increase in the number of children under 15 years in employment, in particular in the fast food and retail industries, and whether there is any evidence that the amendments have led to additional or higher risk for that age group. The bill represents a significant change to the framework for employing children under 15. The key change is one that has been pursued by employers, so a review to ensure it is working in the interests of children is important. The minister I understand perhaps will put on the record that Wage Inspectorate Victoria is expected to report on the number of licences issued, children employed and the use of their compliance tools. In view of that commitment, I wish to withdraw my amendments 6, 7 and 9 regarding reporting requirements for the wage inspectorate.

However, I do want to address my amendments regarding working with children checks. As I covered in my second-reading speech, and as broadly acknowledged, children are particularly vulnerable in workplaces. They are vulnerable to the types of exploitation other workers can experience but are at a further disadvantage due to their youth and the power dynamics at play. Over 50 per cent of children employed pursuant to the Child Employment Act 2003 work in retail or food services, which are known to be industries with high levels of non-compliance with workplace laws. We think that, as well as a supervisor, it is appropriate to require a working with children check for other workers who will be working with children. It is a simple additional protection.

While I acknowledge my amendments go further than just the fast food and retail industries and have the potential to capture large numbers of workers, they only capture workplaces where children are employed. If there is a choice between the administrative burden of a check versus employing a child, maybe the right decision is not to use child labour. I do believe that the value of working with children checks as additional protection for kids at work should be considered by the government. I move amendments 1 to 4 as they will be a test for my subsequent amendments.

Mr ONDARCHIE: After some consideration by the shadow cabinet and the shadow minister, the Liberal-Nationals coalition will not be supporting these amendments.

Ms SYMES: Thank you, Dr Ratnam, for your consideration of withdrawing your amendments. I thank the Treasurer's office for facilitating some positive conversations with you. I guess I just put on record that Wage Inspectorate Victoria will as a matter of course report publicly on its activities. Noting that this is the first year of its operation as a standalone entity, it has not yet had the opportunity to do so. We expect that after the commencement of this bill the inspectorate will report on the numbers of licences issued, children employed and use of compliance tools.

Under the bill the inspectorate will already be required to establish and keep a public register for all employers with a child employment licence, and the inspectorate must record in the register for each licence issued details of the licence-holder and its nominated officer, the date the licence came into force and its expiry, and any conditions on the licence. The inspectorate's published compliance and enforcement policy describes its regulatory approach and has been in the practice of reporting publicly about its compliance and enforcement work where there is a public interest to do so. Of note, the inspectorate in the year to date has assessed and issued more than 7000 child employment permits, completed 159 proactive compliance checks resulting in 35 matters referred for further investigation and initiated 211 investigations.

Thank you, Dr Ratnam, for taking the time to have conversations and have a constructive outcome in relation to that matter. They are important issues that you have raised, and it is good that we have been able to resolve that in a manner that is satisfactory to both parties.

Similarly to Mr Ondarchie and the coalition, the government is not in a position to support your amendments in relation to working with children check expansions. We do not think that these amendments are necessary, and the legislation already further protects children in employment. Expanding the working with children check scheme is not a solution to resolving the concerns that you have raised in relation to child exploitation.

From the Attorney-General's perspective—I oversee the working with children check scheme—a lot of people require it already, as you have identified. We do not think expanding it to what we are anticipating could be approximately 500 000 workers employed in both the retail and hospitality sectors who may come into contact with children is a good use of resources. It is a system where the numbers are quite high already. For example, there are 1.73 million working with children clearance holders. That is how many people in Victoria have a working with children check as of April this year. The number of applications processed between July 2021 and April 2022 was 281 792. The way it works is if people ping in relation to relevant offences that are deemed to put children at unnecessary risk of harm, then those people can be excluded. There were 6292 working with children exclusions issued as of 30 April 2022.

It is a scheme that has been around for some time. It has been expanded. I know for my purposes you cannot volunteer at a school without a working with children check. Even as Attorney-General I still have to get a working with children check to be able to help out at the school fete, for instance. There is a lot of work that goes into it, and it is expensive. The 2021–22 budget provided output funding of $33.3 million until 2024–25 alone to support the continued operation of the working with children check. So I guess from that perspective, the advice from the Treasurer's office is that it is unnecessary. I think my concern and my position is that it would swamp our system and not necessarily produce

the outcome that you think it would. Balancing effort for outcome, we would be concerned about having to create a whole new workforce just to process cards for people that may come into contact with kids, as opposed to the targeted approach and the categories that the working with children check system already covers.

As I said, we want employers to be ensuring that all of their staff are fit and proper for the role that they undertake, and really the criminal history information that the working with children checks uncover is really only one aspect of these suitability tests. Given supervisors of child employees are already required to obtain the check, the child safe standards provide a better mechanism for organisations to ensure the broader workforce are fit for the roles that they perform.

As I said, expanding the scheme would lead to a blowout of not only costs and staff that I would need to process those increased applications but also the wait times. In fact without having received formal advice on it, I cannot see how it would not actually increase the costs for all cardholders with that sort of massive injection of additional cardholders. So we are concerned about your amendment to broaden the scope of the scheme, and we do not think it fits with recent reforms around spent convictions either and think it may result in unfairly preventing people from accessing the workforce. We understand your intent. Everyone wants kids to be as safe as possible and you want to do everything possible, but we just do not think that this is the right approach. So we will not be supporting this amendment. It is just a little bit disproportionate to the risk that can be identified.

Mr MEDDICK: Minister, what is the interaction between the working with children scheme and the child safe standards in this legislation, please?

Ms SYMES: Thank you, Mr Meddick—a good question. I have got some advice that hopefully will go to the issues that you have raised. The working with children scheme is administered by the Department of Justice and Community Safety, as I have indicated. That is a portfolio responsibility of my office. The Child Employment Act and the amending bill that we are discussing today mirror the provisions of the Worker Screening Act 2020 in section 19A of the Child Employment Act, and the exceptions are in 19B. The only amendments to these provisions aim to clean up the drafting a bit and provide more clarity regarding their application. However, if you do need a working with children clearance under the Worker Screening Act, you will also need it under the Child Employment Act. Conversely, if you are exempt under the Worker Screening Act, you will be exempt under the Child Employment Act, with the exception of persons providing supervision, who will need a working with children clearance in all circumstances.

The child safety standards have been updated, and the new standards take effect from July 2022. The wage inspectorate becomes the new sector regulator from 1 January 2023. Child safe standard 6 provides that people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. In complying with child safe standard 6 an organisation must, at a minimum, ensure recruitment—including advertising, referee checks and staff and volunteer pre-employment screenings—emphasises child safety and wellbeing; relevant staff and volunteers have current working with children checks or equivalent background checks; all staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations; and ongoing supervision and people management is focused on child safety and wellbeing.

The standards are expressed to apply to particular organisations, including organisations that employ a child and that are required to hold a permit issued under the Child Employment Act 2003 for that employment. The Wage Inspectorate Victoria will have responsibility for ensuring compliance with the child safe standards for entities that hold a child employment permit from 1 January 2023, and compliance with the child safe standards will also be a condition of the child employment licence. Hopefully that explained the interaction and where individuals and organisations will have requirements under both versus where people do not.

Mr MEDDICK: Thank you, Minister, for that. I have three other questions, one of which is general; the other two relate to that same section of the Child Employment Act, sections 19(1)(a) and (b). The first one is: clause 17 amends sections 19(1)(a) and (b) of the principal act to introduce a requirement for persons who supervise children in employment to be adults. Can we take this to mean then that, say, in a fast-food outlet, for instance, a supervisor of employed children cannot be under the age of 18? Now, the question is raised because in some instances in fast-food outlets—some of the larger chains, for instance; I will not mention any names of course—

A member interjected.

Mr MEDDICK: Well, it is a bit like the ABC, isn't it? You cannot mention names. Sometimes a trainee manager, for instance, might be under the age of 18 but they might be considered to be in charge of younger children. Will this amendment capture that and make sure that, regardless of that position, the person in charge must be 18 years of age or older?

Ms SYMES: Just for the avoidance of doubt, Mr Meddick, yes, supervisors will have to be 18-plus under the amended act.

Sitting suspended 4.00 pm until 4.18 pm.

Mr MEDDICK: Attorney, can you please explain the changes to section 19 in relation to keeping records of who supervises a child in employment?

Ms SYMES: Thank you, Mr Meddick. In relation to the changes in section 19 in relation to keeping records of who supervises a child in employment, it is a requirement under the current act that has been amended but not deleted. Clause 16 amends sections 18B(4) and (5) of the Child Employment Act to introduce a new record-keeping requirement for employers to keep a written record of the name of any person who supervises a child in the course of the child's employment and the number of any current working with children check clearance for that person. The employer must keep the written record for a period of five years after the person last supervised the child in the course of the child's employment, or any other prescribed period.

Mr MEDDICK: Thank you, Attorney, for that. This is my last question. Can you please describe the new roles for nominated officers and employer representatives, including how they might apply to a franchise?

Ms SYMES: Yes, Mr Meddick. The act introduces the new roles that you have identified—nominated officers for all licences, and for an entertainment licence, employer representatives. Licence applicants will be required to nominate an officer of the employer who will have responsibility for ensuring that requirements under the act, including any licence conditions, are complied with. This is to ensure that large organisations who may, for example, have corporate headquarters outside of Victoria have a nominated officer and do not just defer it to a HR person in a corporate office which may be miles away from where the child is employed. For example, that nominated officer within the company has to have knowledge of the Victorian child employment laws and responsibility for compliance with those laws.

Nominated officers will be required for all child employment licences. There is nothing in the legislation that prevents an employer from nominating multiple officers to undertake this role, provided there is at least one. If there are multiple sites and different corporate structures for each of those sites, it may be appropriate for the employer to nominate more than one nominated officer in the same way a large company can have multiple officers under the corporations act, and each of those officers had responsibility for ensuring legislative compliance. If the employer is a franchise, each franchise will have to obtain a child employment licence and nominate an officer.

In relation to your questions around employer representatives, they are only required for an entertainment licence. They are responsible for ensuring compliance with the act, any licence conditions and the mandatory code for children working in the entertainment industry. This role

recognises the fact that there are often multiple parties involved in the engagement of a child in entertainment, such as producers, directors, choreographers, photographers et cetera, and having an employer representative ensures that there is an identified person with an overarching responsibility for compliance on the ground.

Amendments negatived; clause agreed to; clauses 20 to 80 agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:23): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:24): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The DEPUTY PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Ms TAYLOR (Southern Metropolitan) (16:25): The Casino and Liquor Legislation Amendment Bill 2022 is really the next stage of our government's overhaul of gambling regulation following the Royal Commission into the Casino Operator and Licence. We know at the end of last year our government established the Victorian Gambling and Casino Control Commission as a standalone gambling regulator to focus on holding the industry to the highest standards. This bill will finalise the governance and structure of the VGCCC and respond to further recommendations of the royal commission with enhanced powers and functions, including giving casino inspectors greater access to surveillance equipment and casino records and requiring casino employees to assist inspectors to access and operate surveillance equipment to monitor all activity on the gaming floor. The bill will also protect Victorians from gambling-related harm by embedding this as part of the VGCCC's core functions, mandating that this shapes every decision it makes. Liquor regulation—I am just giving a bit of an overview here, I should say—will be transferred to a new liquor regulator within the Department of Justice and Community Safety (DJCS), allowing the VGCCC to focus solely on regulating the casino and gambling industries. The bill contains measures to ensure continuity in the transition to new regulators, ensuring there is no disruption to regulatory activity, giving businesses the certainty that they need.

The royal commission handed down its final report in October last year, and the government has indeed responded expeditiously—I should say, in record time. We legislated the commission's nine priority recommendations through the Casino and Gambling Legislation Amendment Act 2021 in December last year. This set up the framework necessary to start holding Crown to account, including

establishing the role of the special manager. Stephen O'Bryan QC, Victoria's first IBAC Commissioner, has been appointed to the role, overseeing every single aspect of casino operations and reporting on its suitability to hold a licence over the next two years. Make no mistake, unless Crown can demonstrate to the regulator that it has become suitable, the licence will be automatically cancelled.

This legislation also dismantled what we might term the sweetheart deal put in place by the previous Liberal government, which made Crown untouchable. This arrangement meant that Crown would be entitled to compensation for any changes to rules governing its operation. The royal commission was highly critical of this deal, which only served to shield Crown from accountability. Abolishing it has paved the way for our reform program to restore integrity to Victoria's casino. The legislation also increased the maximum penalty Crown could face from $1 million to $100 million, above and beyond what the royal commission recommended, and empowered the regulator to act directly on the royal commission's findings. We have accepted the remaining recommendations in principle and will bring further legislation to Parliament this year to address these, ensuring the injustice uncovered by the royal commission can never happen again.

The former regulator, the Victorian Commission for Gambling and Liquor Regulation, was established by the previous Liberal government, and its merged model of gaming and liquor regulation was not fit for purpose. We are now completely overhauling how we regulate gambling in this state with a dedicated new regulator, the Victorian Gambling and Casino Control Commission. The new VGCCC has oversight of all gambling and gaming activities within Victoria, from pokies through to the casino, with its core business also focused on protecting Victorians from gambling-related harm, which is of course incredibly important.

Led by inaugural chair and CEO Fran Thorn and Annette Kimmitt, the VGCCC has wasted no time holding Crown to account. Since commencing on 1 January 2022 it has already taken disciplinary action against Crown, imposing an $80 million fine for the China UnionPay process uncovered by the royal commission. This is one of the largest fines imposed on a casino anywhere in the world. It has also been conducting a thorough investigation of unpaid casino tax, having already recovered $61 million from Crown, responding directly to findings of the royal commission. And it signed a new memorandum of understanding with the federal anti-money-laundering authority, protecting Victorians from serious financial crimes.

Now, just to zone in on that particularly important element of harm minimisation, our Victorian government is doing more to tackle problem gambling and the harm it creates than any government has before, and this bill is really a testament to that. This bill will enshrine harm minimisation as the guiding principle of how we regulate gambling and protect Victorians from associated harms by embedding this as a key objective. The VGCCC does not currently have legislated objectives which guide how it regulates gambling; hence the bill will insert new objectives into the Victorian Gambling and Casino Control Commission Act 2011 to legally oblige the regulator to have regard to minimising gambling harm in its decision-making. Specifically, it will make minimising gambling-related harm part of the VGCCC's core business by requiring the commission to consider this in each and every decision it makes. It will also expand the regulator's education function to include educating the public and delivering activities which minimise gambling harm.

These reforms build on our strong record of tackling gambling-related harm, including increasing funding to the Victorian Responsible Gambling Foundation to $153 million over four years, the largest commitment to address problem gambling in Australian history. Labor also introduced YourPlay, the nation's first statewide precommitment scheme, and tightened restrictions on how much and where gamblers can access money in venues. Only this Labor government can be trusted to ensure that we have the most comprehensive harm minimisation measures across the country and will work with responsible venues and the people they employ.

What about disciplinary action? The bill will empower the VGCCC to take disciplinary action against the casino for a single breach of the responsible gambling code of conduct. Currently this can only be done for multiple breaches, so you can see the tightening elements in this bill. This further strengthens the regulator's role in minimising gambling harm, particularly in the high-risk environment of the casino. The Crown Melbourne Responsible Gambling Code of Conduct includes rules on promoting responsible gambling, interacting with customers and how customers can access self-exclusion or gambling support services. Crown Melbourne specifically breaching the code is also a breach of the licence. This will mean that Crown could face fines of up to $100 million for any single breach of these rules, empowering the VGCCC to take a stronger stance on breaches of the code by the casino operator than has ever been done before.

What about the inspector powers? The bill will introduce mandatory reporting requirements for casino inspectors who observe or suspect criminal activity, specifically money laundering, loansharking or the sale of illicit drugs. The VGCCC must refer any such report to the agency responsible, whether that be law enforcement or the federal anti-money-laundering agency, AUSTRAC. The bill will also enhance inspectors' powers, with increased access to surveillance equipment, books, records or documents at the casino. These were recommendations of the Royal Commission into the Casino Operator and Licence, which identified consistent failures on the part of the casino operator to use its surveillance equipment to detect money laundering and other crime. These measures will give inspectors the powers they need to do their job and also assist law enforcement to be able to do their job.

Further, I should speak to ministerial directions powers. The bill will empower the minister to provide high-level directions to both regulators to ensure that their overarching priorities are consistent with the government's. This new directions power will allow the minister to issue written directions of general application but expressly excludes directions on specific regulatory functions. Ministerial directions, along with a statement of reasons, will be published in the *Victoria Government Gazette*. This approach will preserve arms-length, independent regulatory decision-making whilst ensuring consistency in policy objectives.

As part of this bill, the VGCCC will have powers to require and accept an enforceable undertaking from the casino operator as part of its compliance and enforcement powers. If the casino operator breaches that undertaking, a court may direct them to comply, and it will also become a ground for disciplinary action under the Casino Control Act 1991. This will provide the VGCCC with an additional mechanism to improve compliance.

What about the very important issue of VGCCC governance? The bill will fully establish the VGCCC, providing for its organisational structure and governance arrangements. This will include dedicated casino and gambling divisions and commissioners established administratively to provide strengthened oversight of the casino. The bill will require that there be a spread of skills across the VGCCC commissioners, including finance, regulatory and legal experience. The bill will also provide that key functions of the VGCCC which carry high risk are no longer able to be delegated, to ensure decisions are being made at the appropriate level.

With regard to the establishment of a new liquor regulator, the bill separates the regulation of liquor from the VGCCC's functions and establishes a new liquor regulator within the DJCS. Similarly to the VGCCC—

Mr Ondarchie: Similarly?

Ms TAYLOR: Yes, exactly. What you said. There will be required to be a spread of—

Mr Ondarchie: It was almost like a soliloquy, wasn't it?

Ms TAYLOR: Almost. There will be required to be a spread of skills across Victorian Liquor Commission commissioners, including health sector experience and legal qualifications. Independent

commissioners will be supported by staff from DJCS—and wow, we are clocking up the acronyms, but it is critical in this space and it is fair enough—who will undertake licensing, compliance and enforcement activity.

So our government is getting on with the job, and we are ensuring our regulatory framework is in place to uphold the highest standards in Victoria's casino and gambling industries. The bill will provide a focused new regulator with enhanced powers to hold the casino to account and a dedicated focus on protecting Victorians, very importantly, from gambling-related harm. The government is committed to implementing all recommendations of the royal commission and ensuring the wrongdoing it uncovered can never happen again.

Ms SHING (Eastern Victoria) (16:39): I would like to think that indeed, if there were a mechanism by which words could be converted into successful policy outcomes, Ms Taylor and I would be in fact well at the forefront of continuous improvement in our statute book. But that being as it may, I want to talk today about the way in which regulation and oversight have not only been understood and recognised as a priority within the casino environment but have also led to a pretty significant discussion around regulation, compliance and enforcement. In doing so, I am picking up on a number of the themes that we have discussed earlier today as they relate to gambling controls and harm minimisation, through other amendments relating to gambling legislation, including as they relate to the very grassroots end of the scale and changing the regulatory environment for threshold values before a community raffle can be undertaken. That is one end of the spectrum.

At the other end of the spectrum we have the subject matter of the bill before us today, which deals with some extraordinary incidents of improper and inappropriate behaviour and conduct not just by individuals but on a large, systemic scale. These issues are well known to Victorians and indeed at a federal level as exemplifying some of the worst behaviour and exemplifying the complete absence of best practice, and indeed, as was found in the inquiry and the commission's findings around the work of the Victorian Gambling and Casino Control Commission (VGCCC) in the Royal Commission into the Casino Operator and Licence, they need to be addressed as a matter of urgency. And we can see from the fines that have been levelled already that this is a matter of enormous significance not just as it relates to the way in which unpaid moneys have not been acquitted or returned—and that is to the tune of around $61 million in unpaid casino tax—but also the $80 million fine which was levelled against Crown Casino as a consequence of the royal commission.

When we look to the royal commission's recommendations it is really important to note that of those recommendations there have been nine responses to date and there are a further two recommendations which are acquitted as a consequence of the passage of this bill. That is out of a total of 33 recommendations, and it is again something I want to put beyond any doubt around the response to the remaining recommendations: they will also be a feature of a government response in the remainder of the term of this Parliament, and that legislation will be developed and indeed before the legislative process prior to the caretaker period.

One of the things that I also want to do with the time I have available is to talk about notice requirements and the nature of notice that is required to be given prior to inspectors' attendance at the casino to access particular resources or data or information. That includes surveillance footage; it might also include books and records or other documents. It is broadly defined, and it is within the scope of investigators' powers to inspect these records in order to assess the extent to which there has been any infringement, and that notice is an important part of this framework. There have been concerns raised by the opposition around the requirement to provide written notice, and I think it is really important that we go through the consequences of not providing written notice in a situation such as that which the opposition is seeking to prosecute with its amendments and what that means for the rigour and the accountability of the framework of inspection, what that means for obfuscation by a large-scale operator, particularly where there are multiple layers of reporting and compliance within that organisation, and also as it relates to transparency of process.

We know that where people have access to written information there is a greater capacity to understand the intent of the inspection, the basis upon which the inspection is occurring, the activities that will be undertaken in relation to the inspection and further actions that might result as a consequence of the inspection. This is pretty important stuff. It is important because not only does it provide a mechanism of protection for the inspectors who are undertaking this work but it provides a clear and consistent basis upon which an organisation, as I said, with those multiple layers of responsibility, from direct employees at one classification on the floor, as it were, right through to senior management and the C-suite operators within a large-scale organisation, is able to understand what is being required and why and for people to all understand the nature of that requirement without the ambiguity that might otherwise arise.

Obfuscation is another really important part of the landscape which has prompted this particular written requirement of notice. It is also a requirement that provides an element of procedural fairness that is also attendant on the nature of access to information. It is a common application of these principles to require written notification at the time of the exercise of functions such as the collection of materials or the access to those materials. One of the things that I can think about, for example, is the execution of a warrant which indeed requires that written framework. That can be issued relatively instantaneously in this setting, and that is an important thing to note: that where in fact there may be a concern raised by the opposition which has perhaps underpinned its desire to see this written notice requirement removed we understand the nature in which these notices can be approved by the commission and the consequence of that in a temporal sense—namely, that this is not intended to give anybody the heads-up. It is not intended to facilitate a quick getaway, indeed as it might relate to a hypothetical destruction of documents or removal of material from a premises. It is, rather, intended to make sure that accompanying a decision to request and indeed require an inspection, and indeed to request and require access to documents and materials, is a written notice that sets out the basis for those actions being undertaken.

These are the things which underpin the provisions here in this bill, and they are the reasons why we will not be supporting the opposition's amendments as proposed. We want to make sure that there is a process in place to protect, as I said, inspectors, to make sure that there is no ambiguity in the terms of the execution of an inspection and to make sure that there is a mechanism to document the exercise of those powers and the casino's compliance or indeed non-compliance with those powers.

We have a range of other matters that have been discussed by the opposition in the course of this debate. As I said, they go to the heart of the totality of 33 recommendations following the royal commission—the nine recommendations which have already been acquitted or indeed are part of a government response and the two additional recommendations that are part of this bill.

The Victorian Commissioner for Gambling and Liquor Regulation, on a separate note, is also something which the opposition has raised. It is really, really good to see that they are on board with the reform processes and mechanisms that flow from the royal commission. I would really like to see ultimately that those on the benches opposite would see fit to accept and indeed endorse this model for reform that delivers new and enhanced powers and that also ensures that the VGCCC's leadership team has got not just a preparedness to use these powers but an acceptance of the necessity to use them in practical circumstances where they are warranted.

Making sure that we can also work within a multijurisdictional framework, the memorandum of understanding that was entered into with the federal government earlier this year—I think it was around Easter—was a really important component of understanding the way in which anti-money-laundering authorities can function together at a state and federal level. These are matters of enormous significance in making sure that here in Victoria we are able not only to deter, to intercept, to prevent and indeed to sanction money-laundering activities and what those anti-money-laundering frameworks look like but also to assist the commonwealth in the way in which it might also engage with other jurisdictions at a state and territory level around similar levels of cooperation. It is this

memorandum of understanding that I hope the Albanese government will also be in a position to work alongside other states and territories to implement.

These are the sorts of things that are really relevant to tackling the issues of gambling and of the knock-on impacts that necessitate a conversation around harm minimisation—again, a number of those elements which I discussed earlier this morning in a bill as it relates to much, much smaller operations but applies by extension nonetheless to these large-scale operators and indeed to Crown and the royal commission recommendations.

The understanding of the way in which regulators are being split is important—and that work is underway—as well as understanding the division of inspectors between those two regulators. Making sure that there are issues around resourcing is key to understanding where we go from here. The 2022–23 budget has around $55 million—an investment of that sum—in gambling regulation. That funding for the VGCCC is again a framework that will include and practise and promote deterrence and indeed sanction of non-compliance of an area of law that has, as we have all seen from public reports, been mired in shadowy behaviour, in illegal behaviour and in behaviour which has caused enormous loss and enormous damage for individuals and for their families and indeed for communities. So we have, I think, a solid basis on which to proceed with this bill.

As I indicated earlier, it is not appropriate—for the circumstances that I outlined—to support the removal of a written notice requirement. It is also not appropriate to countenance the changes that have been put, I think by Derryn Hinch's Justice Party, as they relate to those splitting functions and the concerns that were raised there. These are important matters to discuss as a chamber and to discuss by reference to questions and queries that others may have, and to that end I note that there does not appear to have been any objection from the Greens. I am not sure—Dr Ratnam is not here—but I am hoping that she will able to make a contribution on this matter and that we can continue to have conversations about the practical effect of this bill in delivering recommendations from the royal commission, the way in which we can continue this work, the importance of cooperation at a state and commonwealth level and the way in which we can more broadly embrace a culture of transparency and accountability, particularly given the size and scale of these operations, the reach that they have and the hitherto really shadowy practices that have only recently and as a consequence of the royal commission been uncovered and subjected to the sort of sunlight that they deserve and that I hope will lead to the reforms continuing and being acquitted in full. I commend this bill to the house.

Ms PATTEN (Northern Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

I rise to make a contribution to the Casino and Liquor Legislation Amendment Bill 2022, a bill that will fully establish the Victorian Gambling and Casino Control Commission and separate out liquor regulation.

Insofar as this bill implements recommendations of the Royal Commission into the Casino Operator and Licence, it has my support.

But it should go further.

As members of this house will recall, several years ago I brought a motion of urgent public importance to this chamber in relation to Crown. The motion may not have been successful then—but it was clear at the time that there was insufficient oversight of Melbourne's casino and that it was not free from criminal influence.

Ultimately, those same concerns led to a royal commission and if my actions contributed in any small way to that commission being established or expedited, then I am pleased.

Of the 33 recommendations made by that royal commission we will legislate for two here today to supplement the nine recommendations implemented earlier this year.

I am assured by the government that legislation for the remaining 22 recommendations will follow by the end of the year. They must make good on those assurances. The changes due are important and go to the heart of the problems at Crown, including the manager, inspectors, the structure of the operator, money laundering and responsible gambling.

> Royal Commissioner Finkelstein referred to Crown's failure to implement effective harm prevention measures as amongst its most egregious failures. That is why six of his recommendations addressed that issue.
>
> We should be doing so much more in relation to gambling harm.
>
> It is curious that this bill will amend the VGCCC act to introduce new objectives in terms of gambling harm minimisation, yet this government continues to shy away from pokies reform that could make a real difference.
>
> For years I have advocated for $200 daily limits on EFTPOS withdrawals at pokies venues, maximum opening periods of 16 hours per day, an outright ban on cashless gaming and maximum bets of $1.
>
> We saw that during the pandemic, with poker machines off limits for periods, Victorians not only saved millions of dollars but saved lives and livelihoods—the consequences of problem gambling are that real.
>
> That break from pokie play meant that problem gamblers were able to 'detox' in a sense, making this the perfect time to implement harm reduction measures—before people fall back into damaging habits.
>
> That window is closing, so I urge the government to act.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (16:54): I just would like to do a brief summary on the Casino and Liquor Legislation Amendment Bill 2022 before we go into committee. This bill marks the next steps in this government's overhaul of gambling regulation—the most comprehensive set of reforms in a generation. It builds on our reforms to increase oversight of the Melbourne Casino in response to the Royal Commission into the Casino Operator and Licence. It will finalise the establishment of the strengthened new regulator, the Victorian Gambling and Casino Control Commission, the VGCCC, focused solely on upholding the highest standards in the casino and gambling industry. Importantly this bill will protect Victorians from gambling-related harm by embedding this within the regulator's legislative framework, ensuring this shapes every decision it makes.

The bill also responds to further recommendations of the royal commission by enhancing the functions and powers of inspectors at the casino. The bill will also separate liquor regulation into a new regulator within the Department of Justice and Community Safety, allowing each regulator to focus solely on their respective industries.

I need to touch on Mr Ondarchie's amendments. The opposition has proposed amendments that would remove the requirement for inspectors to provide written notice to the casino to access surveillance facilities, books and records. The government will not support the amendments on the basis that they would make it more difficult for inspectors to use their enhanced powers. Without providing written notice, the practical implication is an absence of a legalised process to ensure that the casino is cooperating with inspectors and complying with its obligations.

While it appears the intention of these amendments is to improve the inspectors' power at the casino, the reality is that it would be counterintuitive to this end. An inspector may seek to access these parts of the casino in the course of their work, but they need a process to rely on in the face of non-compliance. Written notice provides that process. Legislating that notice is required in writing also provides a mechanism to document the exercise of inspectors' powers as well as the casino's compliance with them.

The bill does not specify a period of time for a notice to be provided. This means that there is no minimum requirement for the amount of notice given. The royal commission recommended expanding inspectors' powers to access the casino, and that is what this bill will do. These amendments would only undermine this.

The opposition has raised a number of royal commission recommendations that are currently outstanding. The commission made 33 recommendations. Nine were acquitted last year, and this bill responds to two further recommendations. I want to take this opportunity to reaffirm the government's commitment to all remaining recommendations. The government will implement reforms this year and acquit all recommendations of the royal commission. Further legislation will be before this house within this term of government.

I just want to touch on Mr Barton's comments and reassure him. I understand Mr Barton has some concerns about written notice being required to be issued to the casino for inspectors to access surveillance, books and records. I want to thank Mr Barton for his advocacy on this point and his interest in seeing the royal commission recommendations implemented. I know he has raised this with the Minister for Consumer Affairs, Gaming and Liquor Regulation to ensure that inspectors' powers are used in the spirit in which they are intended. Let me assure you there is no minimum notice period for inspectors to use their powers. Once approved, there is nothing in this bill preventing an inspector from issuing written notice to the casino immediately. By no means are these provisions intended to delay the process. This is about ensuring that the process is in place and that there is a paper trail to ensure the casino complies. You could think of it as being similar to a warrant in that respect.

I want to thank all members for their contributions on the bill. We will be enshrining a dedicated focus on harm minimisation within the core business of the VGCCC, providing increased protection for gambling-related harm for all Victorians, getting on with restoring integrity to Melbourne's casino and completely overhauling how we regulate gambling to ensure the highest standards are upheld. This bill is a critical part of that reform.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:00)

Mr ONDARCHIE: The Liberal-Nationals coalition will not be opposing this legislation, and we give our full support to the recommendations of the Royal Commission into the Casino Operator and Licence. I have to say, Minister, if this bill passes today, the government will have 22 outstanding recommendations of the possible 33 recommendations that the royal commission has made, so only 33 per cent will go through. If we do the mathematics, that means it is going to take you until 2025 to complete all of the 33 recommendations. Minister, when will we see the balance of these recommendations come before the Parliament?

Mr LEANE: Thank you, Mr Ondarchie, for your question. The government will implement this year reforms that will acquit all recommendations of the royal commission. Further legislation will be before this house within this term of government.

Mr ONDARCHIE: Why don't we have them now, before the winter break?

Mr LEANE: Look, I think, Mr Ondarchie, these are very important reforms, and we have committed to implementing the recommendations of the royal commission. The easiest way for the government to do that within best practice is to do it in three tranches. We did one previously and this is the second one. I can only, again, put on the record that there will be a further piece of legislation in this house within this term, and this term, as we both know, is rapidly running out.

Mr ONDARCHIE: Minister, thank you for your answer. I am just a bit concerned given that you have got 22 more to do in the last tranche, and even as soon as next week you might not even be the minister responsible for this in this chamber, come what might happen in the next week.

Ms Taylor interjected.

Mr ONDARCHIE: That is why I am keen to make sure that we get the recommendations of the royal commission through. You cannot excuse me, Ms Taylor, for that. Minister, let me take you then to the movement of the liquor control bit to the new regulator—the Victorian Liquor Commission (VLC) moving out of the Victorian Gambling and Casino Control Commission. How will the government measure the effectiveness of the VGCCC, given you are moving the liquor part out of it?

Mr LEANE: Mr Ondarchie, it is the same as any measures of any agency similar to this—budget paper 3 performance measures. And our expectation is that with the new powers that the legislation will give them, they will perform their role very well.

Mr ONDARCHIE: I will take the 'trust me' answer then, Minister, thank you. What are the staffing requirements for the VLC?

Mr LEANE: That will be a responsibility for the VGCCC, so the manning levels are not part of the scope of this bill.

Mr ONDARCHIE: Is the government foreshadowing an increase in employees to service the needs of the VGCCC and the VLC, or are they just taking some staff from one to the other?

Mr LEANE: That will be a matter for both of those agencies.

Mr ONDARCHIE: Minister, are you then telling us that we could see an additional expense to the public purse as a result of this legislation?

Mr LEANE: I am not necessarily saying that, Mr Ondarchie; I am just saying that the staffing levels of these two agencies will be up to them.

Mr ONDARCHIE: It is a bit opaque, Minister, that in bringing this legislation before this place and talking about the establishment of a new organisation, a new commission, and it taking some responsibilities out of an existing commission you are not able to articulate exactly what the workforce requirements are for both those organisations. Why is that?

Mr LEANE: It is not for us in this committee to determine the operational needs of those two agencies when they are formed.

Mr ONDARCHIE: I am not asking that. I am just asking if it means more workforce. You can take advice if you want to.

Minister, like a lot of legislation that comes before this place, this bill will not really take effect until it gets royal assent, and it is up to the government when they present it to Her Excellency the Governor for royal assent. When will you be presenting this piece of legislation, should it pass this house, to the Governor for royal assent?

Mr LEANE: Mr Ondarchie, as you would know, there is a standard process for any sort of item that needs to go to the Governor in Council or the Governor in particular for royal assent, and that practice will not be any different as far as the time frame for this bill goes, or any other bill I would imagine.

Mr ONDARCHIE: Given the comments of Commissioner Ray Finkelstein AO, QC, regarding his final report on 15 October 2021 about how important this is, the government as a matter of practice choose when they take legislation to the Governor for royal assent. It does not happen with certain immediacy. I am looking for some certainty from the government that they will take this to the Governor at the earliest possible opportunity.

Mr LEANE: Putting my old hat on from a previous role I had here, it is my understanding that the Clerk of the Parliaments meets with the Governor when it comes to royal assent for bills. I suppose, to alleviate your concerns, there is no intent of the government to put any artificial delays into when this bill, or I can say any other bill, receives royal assent.

Clause agreed to; clauses 2 to 8 agreed to.

Clause 9 (17:08)

Mr ONDARCHIE: I move:

1. Clause 9, page 7, lines 19 to 20, omit "may, by notice in writing," and insert "may".

2. Clause 9, page 8, lines 7 to 13, omit all words and expressions on those lines.

The amendments relate to clause 9 of this bill, specifically around the requirement for gambling inspectors to provide notice in writing if they choose to view the CCTV at Crown Casino. I say that because at other places they can go to—hotels, clubs, pub TABs—they do not need to provide notice in writing when they turn up and want to inspect the CCTV, as is their need, but there is a specific clause in this bill that says they have to when they go to Crown Casino.

If I cast my mind back to other commentaries—by whistleblowers, et cetera, et cetera—right now they are just allegations, but there was some suggestion that there is a time lag between when gambling inspectors turn up to look at things and the time they get to view the footage. There has been some suggestion that in that time lag there is a capacity or an ability for that footage to be edited. I am not suggesting it is, but it does cast some doubt on the ability to do this. The concern I have about this is that if there is a time delay, it could lead to some inappropriate, dare I say it, illegal behaviour. I do not think there is a need to have that time delay in there. They should be able to, the inspectors—like they do at other places, like pub TABs and clubs and hotels—turn up and say, 'I want to see the CCTV footage', and be able to do that forthwith.

You would not expect Victoria Police, to use the example that was used earlier today, to turn up at a premises with a warrant and say, 'I've got a warrant to inspect your premises', and the people say, 'Just hang on a little bit while we get ourselves sorted'. You can hear some running around in the house, maybe some flushing of toilets, things being washed down the sink and things being hidden and taken away, and then, 'Okay, you can come in now and execute your warrant'. You would not expect ASIC to turn up at a business premises to do some audits and be told, 'Just hang on a minute before you come in. Just have a seat in the foyer and we'll get to you when we can', and they can hear shredders running. You would not expect to hear that happen.

The same applies here, Minister. I put to you that having a clause that says they have to do it in writing is actually against what we are trying to achieve here, given what Commissioner Finkelstein said in his report. So I put it to you that this clause should be amended to allow inspectors to turn up as part of their role and say, 'I want to see CCTV footage right now', and they should be allowed to do so without any time delay, without any lag. It could take up to half an hour by the time they turn up at the casino, present their credentials in writing and get to go downstairs and look at the CCTV footage. What could happen in that up to 30 minutes could be anybody's guess. I think as legislators in this place, given what Commissioner Finkelstein said, we should be giving them the opportunity to do their job correctly and to do their job swiftly.

Mr LEANE: The government will not support the amendments, on the basis that they would make it more difficult for inspectors to use their enhanced powers. Without providing written notice the practical implication is the absence of a legislative process to ensure that the casino is cooperating with inspectors and complying with its obligations. While it appears the intention of these amendments is to improve the inspectors' powers in the casino, really they would be counterintuitive to this end. An inspector may seek to access these parts of the casino in the course of their work, but they need a process to rely on in the face of obfuscation and non-compliance. Written notice provides that process. Legislating that a notice is required in writing also provides a mechanism to document the exercise of inspectors' powers as well as the casino's compliance with them.

I know Mr Ondarchie quoted a period of time, but the bill does not specify a minimum period of time to be provided. This means there is no minimum time. I think the legislative process to ensure the casino is cooperating with the inspectors and complying with its obligations but also make sure the inspectors are following a process that is transparent is very important. There is no basis for a minimum time. The government will not support Mr Ondarchie's amendments.

Committee divided on amendments:

Ayes, 15

Atkinson, Mr	Davis, Mr	Maxwell, Ms
Bach, Dr	Finn, Mr	McArthur, Mrs
Bath, Ms	Hayes, Mr	Ondarchie, Mr
Crozier, Ms	Limbrick, Mr	Quilty, Mr
Cumming, Dr	Lovell, Ms	Vaghela, Ms

Noes, 18

Barton, Mr	Meddick, Mr	Symes, Ms
Elasmar, Mr	Melhem, Mr	Tarlamis, Mr
Erdogan, Mr	Pulford, Ms	Taylor, Ms
Gepp, Mr	Ratnam, Dr	Terpstra, Ms
Kieu, Dr	Shing, Ms	Tierney, Ms
Leane, Mr	Stitt, Ms	Watt, Ms

Amendments negatived.

Clause agreed to; clauses 10 to 63 agreed to.

Reported to house without amendment.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:21): I move:

That the report be now adopted.

I thank the Deputy President and Mr Ondarchie for their cooperation during the committee stage.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:21): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the same without amendment.

CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION AND OTHER MATTERS) BILL 2022

Introduction and first reading

The PRESIDENT (17:22): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Children, Youth and Families Act 2005**, the **Social Services Regulation Act 2021**, the **Child Wellbeing and Safety Act 2005**, the **Commission for Children and Young People Act 2012**, the **Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021**, the **Magistrates' Court Act 1989**, the **Health Services Act 1988** and the **Public Health and Wellbeing Act 2008**, to make minor and consequential amendments to other Acts and for other purposes'.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:23): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr LEANE: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:23): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022 (the **Bill**).

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

Overview of the Bill

The Bill amends the *Children, Youth and Families Act 2005* (**CYF Act**), the *Child Wellbeing and Safety Act 2005* (**CWS Act**), the *Social Services Regulation Act 202*1 (**SSR Act**), the *Commission for Children and Young People Act 2012* (**CCYP Act**), the *Health Services Act 1988* (**HS Act**), the *Public Health and Wellbeing Act 2008* (**PHW Act**) and other acts to:

- Amend the provisions of the CYF Act for protecting children and providing community services for children and families to advance Aboriginal self-determination;
- Amend the HS Act and the PHW Act to recognise and advance Aboriginal self-determination in Victoria's health and wellbeing services;
- Amend the CWS Act to expand the definition of 'employee' consistent with the intended scope of the Reportable Conduct Scheme, provide the Commission for Children and Young People (**Commission**) with an express power to commence proceedings for offences under the scheme, and powers to effectively enforce requirements relating to notifying the Commission about reportable allegations;
- Amend the SSR Act to provide for transitional provisions relating to the Suitability Panel and other consequential amendments;
- Amend the CYF Act to enable the Children's Court to make rules that delegate certain powers of a registrar or magistrate to a judicial registrar; and
- Amend the CCYP Act 2012 to enable the Commission to advocate on behalf of children and young people who have had contact with the child protection and out of home care systems.

Human rights promoted by the Bill

The Bill promotes the following rights under the Charter:

- Right to equality (s 8(2)–(3))
- Protection of children (s 17(2))
- Cultural rights (s 19(2))

Amendments to the Children, Youth and Families Act 2005, the Health Services Act 1988 and Public Health and Wellbeing Act 2008

Cultural rights

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their

culture, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Advancement of the self-determination of Aboriginal people in relation to child protection, community services and health and wellbeing services

One of the main purposes of the Bill is to advance the self-determination of Aboriginal people in relation to the protection of children, the provision of community services and in the health system. Clause 4 of the Bill inserts new a Part 1.1A in the CYF Act, in which new section 7A contains a Statement of Recognition that acknowledges that Aboriginal people are the First Nations people of Australia, and acknowledges the role played by the child protection system in the policies that led to the dispossession, colonisation and assimilation of Aboriginal people. A new section 7B expressly acknowledges the treaty process in progress in Victoria and the aspirations of Aboriginal people to achieve increased autonomy and control of decision-making in relation to the administration of services for Aboriginal children and families.

Clause 4 then inserts new Part 1.1B into the CYF Act which sets out binding principles relating to the recognition of Aboriginal children in respect of child protection. The principles aim to guide decision making in relation to Aboriginal children and to ensure that the distinct cultural rights of Aboriginal children and families are recognised, respected and supported in the context of child protection and other services.

Similarly, clause 60 of the Bill inserts new Part 1A into the HS Act, to enshrine a Statement of Recognition and Statement of Recognition principles into the Act. Clause 61 of the Bill inserts new Part 1A and a Statement of Recognition and Statement of Recognition principles into the PHW Act. Although the Statement of Recognition principles do not expressly guide or aid in the interpretation of the HS or PHW Acts, these changes also embed the recognition of the cultural rights and self-determination of Aboriginal people in relation to the health system, and to ultimately improve health and wellbeing outcomes for Aboriginal people in Victoria.

The insertion of an Aboriginal Statement of Recognition and associated recognition principles in the CYF Act, the HS Act and the PHW Act seeks to promote the protection and maintenance of cultural rights of Aboriginal people, particularly children, in respect of child protection and the provision of community services and the health system. The right to self-determination of Indigenous peoples is recognised in international law, including under article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The new provisions expressly recognise and promote the self-determination of Aboriginal people in respect of decision making in the child protection, community services and health and wellbeing contexts.

Powers of Principal Officers

Clause 6 substitutes section 18 of the CYF Act and inserts new sections 18AAA and 18AAB. New section 18 enables the Secretary to authorise a principal officer of an Aboriginal agency to perform certain functions and exercise certain powers conferred on the Secretary as a protective intervenor or in relation to the making of a protection order or other relevant order, in respect of an Aboriginal child or class of Aboriginal children, or their non-Aboriginal siblings. New section 18 aims to empower principal officers to exercise the functions and powers of the Secretary with regard to the entire course of a child protection investigation: from the investigation of the first report until the making of a protection or other order. The new provision also avoids the need for a principal officer to obtain authorisations at different stages of a case, for example at the commencement of a protective intervention investigation, and then again once a protection order is made.

Clause 6 also inserts new section 18AAB which provides that the principal officer of an Aboriginal agency must notify the Secretary if they consider an authorisation for them to exercise various powers to no longer be in the best interests of the particular child or children to whom it relates. In reaching this conclusion, the principal officer must have regard to any views expressed by the child or children and their parent if their views can be obtained. The Secretary must then revoke the authorisation under section 18 of the Act.

These changes are intended to streamline the authorisation process that empowers principal officers of Aboriginal agencies to exercise the functions and powers of the Secretary in relation to Aboriginal children and to ensure these children receive continued culturally safe services from the protective investigation stage through to the making of protection orders. The exercise of powers by principal officers of Aboriginal agencies will also only remain in place while they are in the child's best interests, and the views of the child and their family will be centred in the decision-making processes that affect them. Accordingly, new section 18 will ensure the effective functioning of the Aboriginal Children in Aboriginal Care program and in so doing, promote the cultural rights of Aboriginal people, in particular the right to self-determination.

Amendments to the Children, Youth and Families Act 2005, Child Wellbeing and Safety Act 2005, Health Services Act 1988 and Public Health and Wellbeing Act 2008

Rights of Children

Statement of Recognition and associated principles

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

The amendments to the CYF Act to include a Statement of Recognition and its associated binding principles in respect of child protection and the provision of community services promote the best interests of Aboriginal children, as the Statement of Recognition expressly recognises the right to self-determination of Aboriginal children. New section 7E(2) provides that when considering the views of Aboriginal children, decision-makers must uphold their cultural rights and sustain their connections to family, community, culture and Country. This promotes the best interests of Aboriginal children by seeking to ensure they are respected and that their treatment is culturally safe and appropriate.

New functions of the Commission and enforcement of the Reportable Conduct Scheme

The changes to the CWS Act and other consequential amendments that give the Commission new functions in respect of advocacy for protected children and young people, as well as the introduction of new reportable conduct authorised officers to investigate and enforce that scheme, all seek to promote the rights of children. The amendments aim to protect vulnerable children and young people by allowing the Commission to advocate for them in certain circumstances as well as ultimately seeking to prevent child abuse and neglect through stronger enforcement of reporting requirements and the investigation and prosecution of failures in this regard.

Equality

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

Statement of Recognition and associated principles

The inclusion of a Statement of Recognition and associated principles in the CYF Act, the HS Act and the PHW Act seeks to promote the right to equal protection of the law without discrimination and the right to equal and effective protection against discrimination. These aspects of the Bill aim to ensure that the specific and distinct cultural needs of Aboriginal adults and children are recognised, respected and protected, and act as a bulwark against discrimination in the context of child protection, community and health and wellbeing services.

Engagement of Rights

The following rights are engaged by the Bill:

- Right to privacy (s 13(a))
- Rights of children (s 17(2))
- Property rights (s 20)
- Right to freedom of expression (s 15)
- Right to the presumption of innocence (s 25(1))
- Right against self-incrimination (s 25(1)(k))

Amendment of the Children, Youth and Families Act 2005

Use and Disclosure of Information

The CYF Act permits the Secretary of the Department of Families, Fairness and Housing (**DFFH**) to authorise the principal officer of an Aboriginal agency to perform certain functions and exercise certain powers in relation to the protection of specific Aboriginal children and young people or their non-Aboriginal siblings. To enable these principal officers and their agencies to operate effectively in carrying out these authorised functions, clause 8 of the Bill inserts new section 19E into the CYF Act that sets requirements for the use and disclosure of information from the Secretary to principal officers and vice versa.

Broadly, these new provisions allow for the use and disclosure of information between the Secretary and principal officers of Aboriginal agencies if the information is necessary for the performance of a function or the exercise of a power of the principal officer under authorisation from the Secretary. New section 19E(3) also allows a principal officer to disclose to any person any information obtained by them in the course of performing a function or exercising powers if they reasonably believe that the information is necessary for

the performance of those functions or exercise of those powers. These provisions will allow for principal officers to have access to information recorded by child protection practitioners in DFFH regarding their work with Aboriginal children and their families.

Clause 10 then inserts new subsection 192(4) which authorises and protects the disclosure of certain information by or to a principal officer, where they are exercising the powers or carrying out the functions of the Secretary or a protective intervener (such as the Secretary or a police officer) under a relevant authorisation.

These provisions engage the right to privacy under section 13(a) of the Charter.

Privacy

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

The new provisions will allow information regarding children and their families to flow between DFFH and Aboriginal agencies under the new provisions, and possibly to other entities where it is considered necessary for the exercise of a principal officer's powers and functions under authorisation from the Secretary. While this may interfere with the privacy rights of these children and their families, I am of the view that clauses 8 and 10 of the Bill do not limit the right to privacy, as any interference pursuant to these provisions is prescribed by legislation that is precise and accessible, and is non-arbitrary in that the provisions are reasonable and proportionate to achieving the legitimate aim of ensuring the proper functioning of the child protection system and the protection of children from abuse and neglect through the appropriate sharing of relevant information between agencies.

Authorised Officers for the Reportable Conduct Scheme—amendments to the Child Wellbeing and Safety Act 2005

In order to bolster the enforcement and compliance powers of the Commission in relation to the Reportable Conduct Scheme, clause 30 of the Bill inserts new Part 5B into the CWS Act. New section 16ZO provides for the appointment of reportable conduct authorised officers (**authorised officers**) by the Commission. The remaining provisions in new Part 5B relate to the powers of these authorised officers in investigating non-compliance with and potential contraventions of section 16M of the CWS Act, namely the requirement for the head of an entity to notify the Commission of a reportable allegation against an employee of the entity within the specified time frame.

New Part 5B of the CWS Act engages the right to privacy (s 13(a)), the rights of children (s 17(2)), the right to property (s 20), the right to freedom of expression (s 15), the right to the presumption of innocence (s 25(1)), and the right against self-incrimination (s 25(1)(k)). These rights are discussed below.

Privacy

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

Powers of authorised officers

Clause 30 inserts new sections 16ZR to 16ZZH into the CWS Act, which provide for a range of powers enabling authorised officers to enter and inspect premises and seize documents and items.

New section 16ZR provides that an authorised officer may enter and inspect any premises or place if they reasonably believe it is a premises or place from, or in which, an entity: (a) operates; or (b) exercises care, supervision or authority over children; or (c) provides support for an activity referred to in paragraph (a) or (b).

Authorised officers may enter such premises:

- If the authorised officer has provided notice to the occupier of the premises and they have consented to the entry for the purposes of the authorised officer monitoring compliance by the head of an entity with section 16M(1) of the CWS Act;
- pursuant to a warrant; or
- for premises that are not residential premises, without a warrant and without consent if the authorised officer reasonably believes that the head of the entity is not complying, or has not complied with the notification requirement in section 16M(1) of the CWS Act.

New section 16ZV provides that warrants can be issued by a Magistrate where there are reasonable grounds to believe that entry to the premises or place is necessary to investigate whether the head of an entity is not

complying or has not complied with section 16M(1) or that documents relevant to the possible contravention of section 16M(4) may be, or within 72 hours may be, present at the premises.

Where an authorised officer enters a place or premises, they may exercise the powers specified in new sections 16ZT (in the case of entry authorised by consent), 16ZX (in the case of entry by warrant), and 16ZZ (in the case of entry without consent or warrant). These powers vary, depending on the basis on which a person's entry is authorised, but broadly include powers to search the premises or place, inspect or examine documents, make enquiries of persons at the premises or place, observe activities being conducted there, take photographs or make recordings or sketches, copy or take an extract from documents, use and operate materials at the premises or place, secure electronic equipment, request information from persons at the premises, take into or onto the premises or place any person, equipment or materials, and seize documents or things in certain circumstances.

Further, an authorised officer who has entered a place or premises by consent may request that persons at the premises or place provide reasonable assistance, to or comply with lawful directions of the authorised officer. Where the entry does not rely on consent, authorised officers have stronger powers, and may require a person to produce documents, disclose certain information, operate equipment, provide assistance or comply with lawful directions. Under new sections 16ZY and 16ZZB, it is an offence for a person to fail to provide assistance to an authorised officer without reasonable excuse, respectively in relation to entry to premises with a warrant, and entry to premises without consent or a warrant.

The powers enable significant interference with privacy, including information privacy and privacy of the home, as authorised officers may inspect both workplaces and, in limited circumstances, residences and accommodation. However, a number of safeguards apply to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. In particular, authorised officers who enter a premises:

- must produce their identity card and inform the occupier of the purpose of the entry and their right to refuse to consent to entry or to the exercise of various powers, where the authorised officer is entering the premises by consent (new s 16ZS);
- must only enter a part of a premises in which there is accommodation or in which residential services are provided if the resident of that part of the premises consents, or if the resident is unable to consent, the resident's parent or guardian has provided consent, unless they are entering the premises under a warrant (new s 16ZR(3));
- must provide notice to a resident, parent or guardian of the purpose of entry and of the rights and the powers that the authorised officers may exercise, amongst other things, before authorised officers can enter a residential part of a premises (new s 16ZR(4));
- must only exercise powers of entry during normal business hours of the premises or during the entity's usual hours of operation (unless otherwise provided for under a warrant, or by consent) (new s 16ZR(8));
- must leave a premises or place if consent is withdrawn (unless the entry is by warrant or does not require consent) (new s 16ZR(9));
- may only exercise powers (other than under a warrant) if they reasonably believe it is necessary to do so to investigate whether a relevant entity is not complying or has not complied with section 16M(1) of the CWS Act (new ss 16ZT(3) and 16ZZ(6));
- must not secure electronic equipment for more than 24 hours (other than with consent or under a warrant, or with an extension granted by a magistrate) (new ss 16ZX and 16ZZ);
- when consent is required to exercise a power, must explain certain matters including the person's right to refuse to consent, and seek a signed acknowledgment of consent (new ss 16ZU and 16ZZA); and
- when exercising powers of entry under a warrant, must generally announce that they are authorised by warrant, give a person at the place or premises the opportunity to allow entry, and provide a copy of the warrant to the occupier (if present) (new s 16ZW).

Further, new section 16ZZR sets out a complaints process enabling a person to complain about the exercise of a power by an authorised officer under that Division or under a warrant issued under new section 16ZV to the Commission. The Commission must investigate the complaint and provide a written report to the complainant and the authorised officer, after giving the authorised officer the opportunity to comment on the proposed report.

Accordingly, a broad range of safeguards are incorporated into the Bill to ensure the powers of authorised officers may only be exercised in a reasonable and proportionate way that protects the privacy of individuals to the greatest extent possible. The powers serve the important purpose of enabling authorised officers to effectively investigate potential non-compliance with the notification requirements for heads of entities set

out in section 16M of the CWS Act. This serves the broader purpose of ensuring that heads of entities are properly reporting potential child neglect or abuse, and thus promotes the safeguarding of children and their best interests more generally. This follows the Royal Commission into Institutional Responses to Child Sexual Abuse finding that sexual abuse of children had occurred in almost every type of institution, and that institutions had largely failed to report and respond to allegations of abuse over many years and decades.

The powers are appropriately tailored to reflect the source of the authority to enter premises and exercise associated powers, with the most significant powers requiring the issue of a warrant by a magistrate. Unless a person consents to entry of a residential premises or accommodation, or unless a warrant is issued, authorised officers are restricted to entry of commercial or public premises and places, at which there is generally a lesser expectation of privacy. Further, where a person considers that powers have been exercised inappropriately, the legislation sets out a complaints process.

Accordingly, I consider that, to the extent that the authorised officer powers authorise interference with privacy rights, that interference will be lawful and non-arbitrary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justified in accordance with section 7(2) of the Charter.

Notices to produce

Clause 30 also inserts a new section 16ZZI into the CWS Act providing that the Commission may issue a 'notice to produce' if it reasonably believes that the head of an entity is not complying with section 16M(1) of the CWS Act, requiring production of a specified document or information by the head of the entity or any other person, within not less than 14 days.

Under new section 16ZZL of the CWS Act, inserted by clause 30, the Commission may apply to the Magistrates Court for a declaration that a person has failed to comply with a notice to produce, and an order requiring the person to pay a civil penalty. The Magistrates Court must be satisfied that the person has failed to comply with the notice to produce and that the failure was unreasonable.

The above provisions authorise an interference with privacy, as notices may be issued in relation to the documents or information of any person, which may involve personal information relevant to the compliance of the head of an entity with its notification requirements under section 16M(1).

In my view, any such interferences will not be arbitrary or unlawful. The power serves the important purpose of promoting compliance with the notification requirements for reportable allegations, which aims to reduce the risk of child abuse occurring, and enabling an effective response when it does occur. It is being provided for in the context of the Royal Commission's findings of widespread failure to report such conduct. It allows the Commission to better regulate the reportable conduct scheme in a more responsive manner. This is particularly important given the broad scope and diversity of organisations required to comply with the scheme.

Importantly, clause 30 of the Bill inserts new section 16ZZP into the CWS Act, and this allows a person to seek an internal review by the Commission of a decision to give a notice to produce. This internal review mechanism is a key safeguard in ensuring that any interference with privacy in the issuance by the Commission of a notice to produce is reasonable and proportionate.

In relation to non-compliance, the Bill provides for the Commission to apply to the Magistrates Court for a declaration that the person failed to comply with a notice to produce in new section 16ZZL. The Court must be satisfied that the person failed to comply and that the non-compliance was unreasonable. Further, in determining the amount of a civil penalty, the Court must consider the impact of the civil penalty on the person and whether the non-compliance with the notice to produce was wilful or serious. This ensures that civil penalties imposed for failure to produce are not unduly harsh and adequately take into account the individual circumstances of the person on which they are imposed.

In addition, the Commission, remains subject to a range of confidentiality and information sharing restrictions in the CWS Act, the CCYP Act and the *Privacy and Data Protection Act 2014* in relation to how private information is collected, handled and disclosed. These requirements impose additional safeguards to ensure that personal information collected through the notice to produce is dealt with appropriately.

I therefore consider that the notice to produce provisions are compatible with the right to privacy. However, insofar as privacy rights may be limited, I am of the view that any such limit is reasonable and proportionate in accordance with section 7(2) of the Charter.

Rights of children

As discussed above, section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children, and requires states to adopt social, cultural and economic measures to protect children to foster their development and education. The scope of the right is

informed by the United Nations *Convention on the Rights of the Child*, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration.

Overall, clause 30 of the Bill and new Part 5B of the CWS Act promotes this right by improving the enforcement of and compliance with the notification requirements of the reportable conduct scheme, in order to reduce the risk that children will be subject to neglect or abuse. However, certain provisions may limit the individual rights of particular children, as discussed below.

Disclosure of information

It is possible that the new provisions requiring persons to provide documents or information to authorised officers (under one of the provisions discussed above) may identify a child and disclose sensitive information about them. However, in my view, because the amendments are for the purpose of protecting children from abuse, they are likely to be in every child's best interest overall. In addition, safeguards are contained in the CWS Act and the CCYP Act to limit the disclosure and use of protected and sensitive information.

Accordingly, I consider that the provisions requiring the production of documents or information to authorised officers are compatible with the right of the child to such protection as is in their best interests under section 17(2) of the Charter.

Power to interview children

Pursuant to new section 16ZZD, an authorised officer is empowered to interview a child who is present on the premises when exercising powers of entry under the Bill. Before interviewing a child, the authorised officer must consider, and take all reasonable steps to mitigate, any negative effect that the interview may have on the child. The authorised officer must also consider whether the child's primary family carer should be present during the interview. However, in some circumstances, the exercise of this power may not be in the best interests of a particular child, and so may limit the rights of the child under section 17(2) of the Charter.

However, to the extent that the right may be limited by new section 16ZZD, I consider any such limit to be reasonable and proportionate for the important purpose of ensuring section 16M of the CWS Act is complied with and that reportable conduct relating to child abuse and neglect is properly notified to the Commission. While such an interview may have a negative effect on the child, the overall intention of the scheme (including the power to interview children) is to protect children from harm associated with non-compliance with section 16M. Further, the power is appropriately tailored to limit any negative effects on children, having regard to the requirements that the authorised officer consider steps to mitigate the negative effect of the interview on the child. I note that while a primary carer is not always required to be present for an interview, this is consistent with child empowerment principles, which may be undermined if there is a general requirement for a parent or independent person to be present regardless of the child's circumstances, ability, and support needs.

As information about the experience of children in relation to an entity will sometimes be essential to identifying whether the entity has complied with its statutory requirements, I consider that there is no less restrictive means reasonably available to achieve the purpose of effective regulation and enforcement in respect of the reportable conduct scheme. I therefore consider that the limit on rights is reasonable and justified in accordance with s 7(2) of the Charter.

Property rights

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

As set out above, the Bill enables authorised officers to seize documents and things in certain circumstances. Under the new CWS Act provisions, items may only be seized with a warrant or with consent. Where an item is seized, new section 16ZZF provides a process by which the owner must be given a receipt for the seized items that identifies the documents seized, sets out the name of the authorised officer, and the method for contacting them as well as the reason for the seizure.

This new provision requires that the items must be returned to their owners once they are no longer required or not later than three months after seizure, or once consent to seizure is withdrawn by the owner. An authorised officer must not hold seized items for longer than three months unless they obtain an order from a magistrate extending the period during which the item may be held (for a total extension period of no more than 12 months), or if the owner provides consent, or if the proceedings or investigation for which the item was seized remains ongoing but not resolved. The magistrate can only grant such an extension if satisfied that the extension is necessary for the purposes of an investigation into a relevant entity's compliance with section 16M of the CWS Act. Under new section 16ZZG, seized items may only be destroyed where an

authorised officer is not able to return them to the owner after taking reasonable steps to do so, with the permission of a magistrate who must consider the destruction appropriate.

These powers engage the right not to be unlawfully deprived of property under s 20 of the Charter. However, as any deprivation of property associated with these provisions will be governed by a clear and accessible process set out under the legislation, any interference with property rights will be lawful, and the right will therefore not be limited. To the extent that it is relevant, I also consider that any limit on the right would be reasonable and justifiable in accordance with s 7(2) of the Charter.

Freedom of expression

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

This right may be engaged by the new section 16ZZH which stipulates that it is an offence to obstruct or impersonate an authorised officer. These provisions may engage the right to freedom of expression by limiting the kind of information that a person may impart by preventing that person from misleadingly presenting themselves as an authorised officer. However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. The restriction on impersonating an authorised officer enables protection of the right to privacy (by preventing people from purporting to exercise the powers of authorised officers where they are not authorised officers) and of the rights of the child (by promoting the effective monitoring and enforcement of section 16M of the CWS Act). They also protect public order by promoting the effective operation of the reportable conduct scheme. Accordingly, I consider these provisions to be compatible with the right to freedom of expression under section 15 of the Charter.

Presumption of innocence

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

'Reasonable excuse' defence

Offence provisions for failure to provide assistance to an authorised officer

The right to the presumption of innocence is engaged by various new sections 16ZY,16ZZB of the CWS Act, inserted by clause 30 of the Bill, which provide that it is an offence to fail to provide assistance to an authorised officer 'without reasonable excuse'. As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'reasonable excuse' exception to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse.

By creating 'reasonable excuse' exceptions, the offences in the Bill may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge (for example, why the accused failed or refused to assist an authorised officer), the burden shifts back to the prosecution who must prove the absence of a reasonable excuse beyond reasonable doubt. I note that case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused.

Accordingly, I am of the view that the right to be presumed innocent under section 25(1) of the Charter is not limited by these provisions.

Compliance notices

New sections 16ZZJ and 16ZZK may engage the right to presumption of innocence as the provisions provide for the Commission to give the head of an entity a notice to comply if the Commission suspects that that head is not complying with section 16M(1)(a) or (b) of the CWS Act, that is the notification requirements of the reportable conduct scheme. The notice must state the action that the person must take to address any issues identified in the notice and the date by which such action is required to be taken. It is an offence to fail to comply with a compliance notice, by failing to take the action specified in the notice by the specified date, without reasonable excuse.

As the prosecution of a failure to comply with a compliance notice does not require proof of the commission of the underlying contravention to which the notice was issued, this may engage the right to the presumption of innocence in the Charter (s 25(1)). Additionally, a proceeding for a non-compliance offence may also require a person to respond to matters relevant to the alleged contravention, engaging s 25(2)(k) of the Charter which provides that a person cannot be compelled to testify against themselves or confess guilt. The scope of both these rights have been interpreted as extending to protect a person to circumstances prior to the issuing of a criminal charge.

However, in my view, the provision attracts adequate safeguards so as to not constitute a limit on these rights. As a preliminary point, the compliance notice scheme serves an important objective of providing the Commission with a timely and targeted mechanism for compelling a head of an entity to take necessary remedial action in response to suspected contravention of the reportable conduct notification requirement. It facilitates the immediate and direct prevention or remediation of conduct which may be putting a child at risk and may be continuing, in a way that proceeding with a prosecution for an alleged contravention is not able to do.

The Bill provides for rights to seek internal review and review by VCAT in relation for review of a decision by the Commission to give the head of an entity a reportable conduct notice to comply, which provides a person with an avenue to contest the notice where it is disputed that any alleged contravention has been committed.

Accordingly, I am satisfied the compliance notice scheme provided for in the Bill is compatible with the Charter.

Amendment of the Commission for Children and Young People Act 2012

Clause 39 of the Bill inserts new Part 4A into the CCYP Act. New section 30B sets out the new functions of the Commission to advocate for the human rights of protected children, new section 30C allows the Commission to request information, documents or records from the Department of Families, Fairness and Housing or an alternative care service, and new section 30D provides for the Commission to liaise with other entities from whom the child or young person has sought assistance to avoid unnecessary duplication. These new provisions engage the right to privacy under section 13(a) of the Charter.

Privacy

As outlined above, section 13(a) of the Charter protects the right not to have a person's right to privacy unlawfully or arbitrarily interfered with.

New functions of the Commission

New section 30B sets out the new functions of the Commission which include seeking assistance from a government department or other organisation or making representations on behalf of the protected child or young person. This might engage the right to privacy through the disclosure of information about the child.

However, I am of the view that the new functions of the Commission would not limit the right to privacy, as any interference is prescribed by clear, precise legislation that is non-arbitrary in that it is a reasonable and proportionate measure to improve the advocacy for, and protection of, vulnerable children. Indeed, the new section 30B promotes the rights of children. Accordingly, I consider that new section 30B is compatible with the Charter.

Request for information by the Commission

The Commission may request the Secretary of the Department of Families, Fairness and Housing or an out of home care service to provide information, documents or records to it under new section 30C, if the same is reasonably required for the Commission's advocacy functions under new section 30B. The Secretary or out of home care service may then disclose the relevant material if it is reasonably necessary for the performance of the Commission's advocacy functions. The disclosure of information relating to a child engages the right to privacy.

Given the information sharing under section 30C is pursuant to properly prescribed and clear legislation that is non-arbitrary in that it is a reasonable and proportionate measure to ensure that the Commission can properly carry out its advocacy functions in respect of protected children and young people, and in so doing promote their rights, I am of the view that the right to privacy is not limited by new section 30C.

Avoiding unnecessary duplication

New section 30D provides that if the Commission becomes aware that a protected child or young person has sought assistance from another entity, the Commission must liaise with that other entity to avoid the unnecessary duplication of assistance to the protected child or young person and to facilitate coordination and expedition of that assistance. Given this would necessarily require the sharing of information relating to children by these entities, new section 30D engages the right to privacy.

However, I consider that any interference with privacy does not limit the right under the Charter, as the same would occur pursuant to precise and accessible legislation that is reasonable and proportionate to achieve the aim of avoiding duplication and wastage of public resources in respect of child protection, and ultimately the promotion of the rights of vulnerable children more broadly.

Children, Youth and Families Act 2005—amendments relating to judicial registrars

The Bill will:

- enable the Children's Court to make rules authorising judicial registrars to exercise certain magistrates' powers, namely the *in personam* powers of a magistrate to issue warrants related to the care and protection of a child, and
- clarify that judicial registrars can exercise any power of a registrar.

The amendments will allow the Court to delegate power to issue certain warrants to judicial registrars but will not change the substantive nature of the power. The warrants may engage the right to freedom of movement (section 12), the right to privacy and reputation (section 13), and Aboriginal cultural rights (section 19(2)(a)). However, allowing judicial registrars to issue the warrants will not affect the extent to which those rights are engaged, as the existing framework of safeguards will apply. These amendments promote the right to a fair hearing (section 24), and protection of families and children (section 17).

Right to a fair hearing

Section 24(1) of the Charter provides that criminal and civil proceedings be heard by a competent, independent and impartial court or tribunal after a fair and public hearing. The right generally encompasses the established common law right of each individual to unimpeded access to courts and an implied right to a reasonably expeditious hearing.

Allowing the Court to extend certain powers of magistrates and registrars—such as the power to issue warrants—to judicial registrars will promote the right to a fair hearing by allowing the Court to operate more independently, flexibly and efficiently.

These amendments promote the Court's independence by giving the Court greater control over its internal procedures, including how matters are allocated. Allowing the Court to delegate warrant powers will support the timely resolution of warrant applications and ensure magistrates have capacity to hear more complex matters. This will better equip the Court to manage demand, including the sustained increase in warrant applications, by allocating its resources appropriately. Efficiencies created by the amendments will help the Court to ease COVID-19 related backlogs, which will improve access to the Court.

Judicial registrars possess the requisite competence, independence and impartiality to exercise the powers that may be delegated. Judicial registrars must demonstrate a level of experience and comply with ethical obligations set out in Part 7.6A of the Act. In addition, existing safeguards in the Act relating to judicial registrars will continue to apply—for example, a judicial registrar must refer a proceeding that they consider inappropriate for their determination to a magistrate (section 542J). The Act also sets out review and appeal processes for decisions of a judicial registrar (section 542K). For these reasons, the right to a fair hearing will not be limited by the amendments.

Protection of families and children

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

Allowing the Court to delegate powers to issue warrants to judicial registrars will promote children's rights to protection by ensuring vulnerable children are protected as soon as possible. As outlined with respect to the right to a fair hearing, the amendments will provide the Court with more flexibility in allocating matters, which will help to ease magistrates' workloads. This will contribute to the protection of families and children by ensuring magistrates have capacity to hear more complex matters relating to child protection in a timely manner.

Ingrid Stitt MP
Minister for Workplace Safety
Minister for Early Childhood

Second reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:24): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LEANE: I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Bill amends six different legislative systems to make progress on embedding the Government's commitment to Aboriginal self-determination in Victoria's laws and make technical amendments to other key regulatory schemes.

In 2018, *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement* established a landmark partnership between the Aboriginal community, Government and the child and family services sector to commit to better outcomes for Aboriginal children and young people. This is the foundation of Victoria's plan to meet the National Agreement on Closing the Gap target to reduce the rate of over-representation of Aboriginal children in care by 45 per cent by 2031. At the heart of Wungurilwil Gapgapduir is a commitment to the reduction of the over-representation of Aboriginal children in child protection and alternative care. We are going to achieve that by enabling the advancement of Aboriginal models of care and transferring decision making for Aboriginal children to Aboriginal Community Controlled Organisations. This Bill is an important part of achieving that vision.

This Bill also supports the Victorian Aboriginal Affairs Framework, through the Government working in partnership with Aboriginal people to meet the goal that Aboriginal children are raised by Aboriginal families. In particular, the Bill advances the objectives of:

- Eliminating the over-representation of Aboriginal children and young people in care,
- Increasing Aboriginal care, guardianship and management of Aboriginal children and young people in care, and
- Increasing family reunification for Aboriginal children and young people in care.

In the health sector, the Bill progresses a major priority of the Aboriginal Health and Wellbeing Partnership Forum by enshrining commitments to Aboriginal self-determination in our health legislation. This also progresses the Government's commitment to Aboriginal self-determination as set out in the *Victorian Government Self-Determination Reform Framework*.

Through the Bill, this Parliament will specifically acknowledge Victoria's Treaty process and our shared aspiration to achieve increased autonomy and Aboriginal decision-making. This includes greater control of planning, funding and administration of services, including through self-determined Aboriginal representative bodies established through Treaty. Through this, the Government will make clear our commitment to Treaty and the reform work currently underway.

To achieve these goals, the Bill focuses on the following key objectives:

i. Embedding the Victorian Government's commitment to Aboriginal self-determination in the legislative framework for children and families services, and providing critical enablers to support Aboriginal-led models of care,

ii. Advancing Aboriginal self-determination to improve health outcomes and the delivery of health services, recognising the key role of the Aboriginal health sector in the delivery of Aboriginal health services, and supporting healing, acknowledging trauma and providing a foundation for future reform,

iii. Amending the Reportable Conduct Scheme to address critical regulatory gaps impacting on the effectiveness of the scheme,

iv. Providing necessary transitional provisions to support the new Social Services Regulator and the Worker and Carer Exclusion Scheme,

v. Ensuring the Commission for Children and Young People can advocate for children and young people and support them in understanding and exercising their right to raise issues of concern, and

vi. Enabling the Children's Court of Victoria to make rules that delegate certain powers of a registrar or magistrate to a Judicial Registrar.

As well as advancing these objectives, the Bill makes technical and clarifying amendments to make sure our laws operate as effectively as possible.

I will deal with each policy within the Bill in turn.

Introducing an Aboriginal Statement of Recognition and accompanying principles

The evidence is clear that the single biggest factor in improving health and social outcomes is self-determination. The Bill provides significant reform to achieve self-determination and self-management for Aboriginal people and to strengthen provisions that uphold the importance of culture for the safety of Aboriginal children. We recognise that Aboriginal people are best placed to lead and inform responses for Aboriginal children and families and that Aboriginal people have the strengths and the right to lead change for their children. Where this is unable to do be done, it is our intent to guide decision makers to use an Aboriginal lens when making their decisions.

The Statement of Recognition and accompanying principles in the Children, Youth and Families Act 2005 are a critical commitment to enacting self-determination for Aboriginal communities. Many are currently experiencing an increase in the over-representation of their children coming into contact with the child protection system and entering into care.

We know, through the impact of colonisation and its disconnect from Aboriginal culture, that Aboriginal people are 22 times more likely than non-Aboriginal people to be in out of home care. By guiding non-Aboriginal decision-makers through the Statement of Recognition principles, the Bill aims to retain Aboriginal children with their culture and community and break the intergenerational trauma contributed to by past policies.

The journey to develop this work by acknowledging the past wrongs, was co-designed with the Aboriginal children and families sector. The intent of the Statement is lead from the front by acknowledging the injustice of the past so we can collectively walk and work together towards a brighter future for Aboriginal people, for their children and for all of Victoria.

These principles are a critical step to building a system that is culturally responsive; trauma-informed, and therefore enables Aboriginal self-determination. The rebalancing of power will lead to a decrease in the over-representation of Aboriginal children in the child protection and care system.

Critically the principles enact policy into practice and guide decision making by supporting all decision-makers to approach their decisions through an Aboriginal lens. This aims to protect and connect Aboriginal children to culture, family and Country. We should all agree this is a shared vision.

Enabling the effective functioning of Aboriginal Children in Aboriginal Care

We know that when Aboriginal people make decisions for their own people, they do better in life. For this reason, the Bill provides critical enabling functions that support the expansion of the nation-leading Aboriginal Children in Aboriginal Care program.

Through the Aboriginal Children in Aboriginal Care program, Aboriginal agencies are making decisions and providing culturally grounded support for Aboriginal families. This program is self-determination in action and is delivering better outcomes for those families.

The Bill broadens the authorisations for Aboriginal agencies under the Aboriginal Children in Aboriginal Care program, allowing agencies to be authorised for any specified child protection functions following receipt and classification of a report. This will allow Aboriginal agencies to undertake investigations of allegations of child abuse and neglect about Aboriginal children and young people, engaging those families and connecting them to the supports they need to address protective concerns. By providing an Aboriginal response to child protection reports delivered by Aboriginal agencies, there is potential to reduce the need for further child protection intervention and reduce the number of Aboriginal children entering care.

The Bill expands information sharing provisions for Aboriginal Children in Aboriginal Care, allowing the Secretary to disclose, and provide access to all child protection records and those currently held in the child protection Client Relationship Information System to Aboriginal agencies authorised under section 18 of the Act. This is consistent with child protection practice and addresses the risk of the emergence of a two-tiered child protection system should child protection practitioners employed by the department have greater access to information that may be relevant to a child's safety and wellbeing than an authorised agency. The key issue is that if someone is making decisions about the safety and wellbeing of a child or young person, regardless of whether they are a public servant or an employee of an Aboriginal agency, they need access to all information recorded that is relevant to that child. This Bill provides that access.

Introducing a Statement of Recognition and non-binding principles for the health sector

The Bill amends the Health Services Act 1988 and Public Health and Wellbeing Act 2008 to include a Statement of Recognition and accompanying principles.

The Statement of Recognition acknowledges past wrongs and mistreatment within the health system, the strength of Aboriginal people, culture, kinship and communities in the face of historic and ongoing injustices and the essential role of Aboriginal Community Controlled Health Organisations in meeting the health, wellbeing and care needs of Aboriginal people in Victoria.

The accompanying principles reinforce the Victorian Government's commitment to Aboriginal self-determination in health and acknowledge the importance of culturally safe and appropriately resourced services to meet the health and wellbeing needs of Aboriginal people in Victoria.

Both the Statement of Recognition and principles have been developed in close partnership with the Aboriginal Health and Wellbeing Partnership Forum. The amendments ensure that, for the first time, the Health Services Act and Public Health and Wellbeing Act acknowledge the importance of Aboriginal self-determination in improving the health and wellbeing of Aboriginal Victorians. We will also seek alignment between the Statement of Recognition and Principles and the upcoming Mental Health and Wellbeing Bill.

These amendments closely align with the priorities of the Aboriginal Health and Wellbeing Partnership Forum and the guiding principles of both the Victorian Government Self-Determination Reform Framework and Closing the Gap Agreement.

Together, the Statement of Recognition and principles represent an important step in reforming the health system to strengthen Aboriginal self-determination and lay the foundation for future reforms which continue to embed Aboriginal self-determination across health and wellbeing services in Victoria.

Updating the Reportable Conduct Scheme

Victoria's Reportable Conduct Scheme was introduced in response to recommendations of the 2013 'Betrayal of Trust' report from the Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

The Scheme protects children from abuse and misconduct in entities that exercise care, supervision and authority over children. The Commission for Children and Young People (Commission) has oversight of the Scheme, which commenced in phases from 1 July 2017.

The intent of the Scheme is to require entities to respond to certain serious—reportable—allegations against its employees, including volunteers and contractors. The Act includes a wide definition of employee to capture a person regardless of their employment status.

To ensure the Commission can fulfill its critical oversight role, the Act requires that the Commission is notified of every allegation of reportable conduct. Failing to notify the Commission is an offence.

This Bill introduces amendments to enable the Scheme to operate as intended and ensure the original policy intent is reflected.

The Bill proposes amendments to the definition of 'employee' for the purpose of the Scheme, to clarify that the Scheme also applies to labour hire arrangements, secondments and independent contractors.

This will mean that, for example, relief teachers, nurses and youth justice workers in custodial settings, that are contracted through labour hire or similar arrangements will be covered by the Scheme. It recognises that the risks to children are the same for non-labour hire staff, who are already captured by the Scheme.

The Bill includes an amendment to clarify that the Commission and Victoria Police can commence proceedings under the Act. It also includes amendments to enable the Commission to monitor and enforce compliance with the requirement for entities to notify the Commission about reportable allegations, including:

- Extending the timeframe to three years for commencing proceedings in relation to non-compliance with the requirement to notify the Commission about a reportable allegation, and
- Providing the Commission with a suite of contemporary powers to enable the Commission to monitor and enforce compliance with the requirement to notify the Commission about a reportable allegation.

The powers are modelled on similar provisions in the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* for regulators to monitor and enforce compliance with the Child Safe Standards.

The amendments in the Bill will ensure that reportable conduct can be responded to regardless of a person's employment status, and that possible non-compliance with the requirement to notify the Commission about

a reportable allegation can be appropriately investigated and enforced. The amendments will help to protect children from the risk of abuse and mistreatment, making organisations safer for children.

Amendments to the Social Services Regulation Act

The Social Services Regulation Act establishes a new Worker and Carer Exclusion Scheme to ensure that individuals who pose a serious risk of harm to children and young people are excluded from the social services sector. The scheme replaces and strengthens existing arrangements regulating workers and carers in out-of-home care, currently administered by the Suitability Panel.

The amendments in the Bill enable the Suitability Panel to continue to deal with transitional matters. That is, to make determinations about matters that are before it prior to the new scheme commencing, once the new scheme takes effect.

Advocacy function for the Commission for Children and Young People

Victorian children and young people in care do not currently have access to an independent, child and young person-friendly body that can act on their behalf, is responsive to their concerns, respectful, culturally inclusive, and trauma-informed.

The amendments in this Bill will empower the Commission for Children and Young People to advocate for children and young people in the child protection and out-of-home care systems, or who were in those systems in the previous six months, to have their issues raised and resolved either directly with government agencies and non-government service providers or referred to a relevant complaints body where necessary. The amendments are intended to support another person, such as a parent, guardian or peer, to seek assistance and advocacy from the Commission on behalf of those children and young people unable to raise their issues themselves.

The Bill includes amendments to ensure adequate information sharing between the Commission for Children and Young People and government agencies and non-government service providers to allow the Commission to obtain information it needs for its advocacy function from the department and alternative care providers.

The proposed function will also enable the Commission for Children and Young People to advocate on behalf of young care leavers aged up to 21 years who are accessing services through the Home Stretch and Better Futures programs. This is consistent with the Government's commitment to these landmark programs and implementing policy, legislative and systems enablers that enable all young people transitioning from care to thrive as they grow older.

Enabling the Children's Court Rules to delegate warrant powers to a Judicial Registrar

Judicial registrars play a crucial role in the smooth and efficient running of the courts, helping the judiciary to manage their workload and performing key administrative and judicial tasks. In 2021, the Victorian Government's Justice Recovery Plan established four new judicial registrar positions in the Children's Court, to help the Court respond to the effects of the COVID-19 pandemic.

The amendments in this Bill will support those earlier reforms by:

i. allowing the Children's Court to authorise judicial registrars to exercise the *in personam* powers of magistrates under the Children, Youth and Families Act to issue search and protect orders or warrants, and

ii. clarify that a judicial registrar can exercise any powers of a registrar under the Children Youth and Families Act, or any other Act or the rules of court.

These reforms will help the Children's Court to manage applications for search warrants to locate children and place them in emergency care. The reforms will also provide greater flexibility for courts to manage administrative tasks, which will particularly assist in regional areas where administrative flexibility is required.

In summary, the Bill makes significant progress on embedding Aboriginal self-determination in the laws of our State. It also makes a number of changes to increase the effectiveness of Victoria's legislative system.

Most importantly, this Bill represents a very tangible step towards empowering and supporting Victoria's Aboriginal community to improve outcomes for children and families and improve the health of the community.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:24): I move, on behalf of my colleague Dr Bach:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022

Introduction and first reading

The PRESIDENT (17:24): I have a message from the Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Child Wellbeing and Safety Act 2005**, the **Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021**, the **Education and Training Reform Act 2006**, the **Public Administration Act 2004**, the **Sex Offenders Registration Act 2004** and the **Worker Screening Act 2020** and for other purposes'.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:25): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr LEANE: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:25): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this statement of compatibility with respect to the Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022 (the **Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview of the Bill**
>
> The Bill amends a variety of Acts. It introduces, most relevantly, reforms to the *Education and Training Reform Act 2006* (**ETRA**) designed to strengthen the ability of the Victorian Registration and Qualifications Authority (**VRQA**) to act as an integrated sector regulator, and to modernise the framework for the access, use and disclosure of the Victorian student number (**VSN**) and related information on the Student Register.
>
> **Human rights issues**
>
> ***Power of Secretary to authorise access to, use and disclosure of VSNs or related information***
>
> Clause 49 of the Bill replaces section 5.3A.9 of the ETRA. Section 5.3A.9 sets out the powers of the Secretary to authorise access to, use and disclosure of VSNs and related information. 'Related information' is defined in section 5.3A.1 of the ETRA, and includes a student's full name, date of birth, gender, and their date of enrolment by an education or training provider, or registration for home schooling (and date of cancellation, where applicable) (ss 5.3A.4(1) and 5.3A.7).
>
> The Charter rights to privacy and protection of children, summarised below, are relevant to this clause.
>
> Section 13 of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise, accessible and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.
>
> Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children. The scope of the right is informed by article 3 of the United Nations *Convention on*

the Rights of the Child, which requires that in all actions concerning children, the best interests of the child shall be a primary consideration.

By expanding the Secretary's power of authorisation and repealing the requirement to publish notice of an authorisation in the Government Gazette, clause 49 engages, but does not limit, the above Charter rights, for the reasons set out below.

Expansion of Secretary's power to authorise persons to access, use or disclose VSNs or related information

Existing subsection 5.3A.9(1) of the ETRA exhaustively lists the persons and bodies that the Secretary may authorise to access, use or disclose VSNs and related information. Clause 49 of the Bill removes these limits, allowing the Secretary to authorise any person, body or class of persons or bodies to access, use or disclose VSNs or related information. In addition, new section 5.3A.9(2) adds four purposes for which the Secretary may authorise persons to access, use or disclose VSNs or related information: i) to ensure students' educational records are accurately maintained; ii) as required or authorised by or under law; iii) for a purpose prescribed in regulations; and iv) for a purpose specified in a Ministerial Order. Last, new section 5.3A.9 does not retain a prohibition on the Secretary authorising the disclosure of personal information relating to an individual student (previously in subsection (5)).

Expanding the Secretary's power to authorise access, use and disclosure of VSNs or related information reflects a greater interference with the right to privacy of students, as the VSNs and related information include personal information of individual students. That information must be provided to the Secretary in order for a student to be allocated a VSN and, therefore, to access education in Victoria (ss 5.3A.4, 5.3A.7 of the ETRA). The interference with privacy is amplified by the fact that, in many cases, the personal information of children (who are entitled to special protection under section 17(2) of the Charter) may be made more widely available.

An interference with privacy authorised under new subsections 5.3A.9(1)–(2) is, in my opinion, lawful, as the criteria under new section 5.3A.9 are accessible and precisely formulated. Whether an interference is arbitrary will depend on whether, in all the circumstances, it extends beyond what is reasonably necessary to achieve the statutory purposes.

Clause 49 of the Bill serves four principal purposes. First, to permit persons who require access to VSNs or related information to perform their roles to access the information expeditiously and without unnecessary restriction. This may include, for example, IT contractors whom the Department of Education and Training have engaged to develop and maintain departmental IT systems. Although this is a permitted purpose under existing subsection (2), these persons are not presently listed under subsection (1), such that they cannot be authorised to access, use or disclose VSNs or related information.

Second, to allow access to student information (e.g., regarding enrolment and attendance) by children's lawyers, the Youth Justice Division of the Children's Court, and the Department of Justice and Community Safety in order to support a child's re-engagement with the education system during, or after, court proceedings (e.g., in the context of sentencing and bail applications). Currently, a court order may be required for these persons or entities to access information relating to a child's education history.

Third, to permit inter-departmental committees to access student information when considering young people who have been identified as being at a high risk of offending, where this poses a serious threat to public safety, health or welfare.

Fourth, to permit IT contractors to draw on VSNs or related information to ensure the quality of education-related data on other systems (e.g., to verify a student's identity), and to facilitate cloud-based systems managed by third-party providers.

Importantly, a number of privacy safeguards are included in the ETRA and in the Bill. First, new section 5.3A.14 (inserted by clause 53 of the Bill) provides that the Secretary must not use or disclose a VSN or related information to any person or body, except: to an authorised user in accordance with an authorisation, as required or authorised by of under law, or in the exercise of any other function, power or duty under Part 5.34 of the ETRA. In granting an authorisation under section 5.3A.9, the Secretary is a public authority who is subject to the obligation in section 38 of the Charter to give proper consideration to, and to act compatibly with, human rights. This reduces the risk of any particular interference with privacy being arbitrary. New section 5.3A.9A(a) (inserted by clause 50) provides that the Secretary must also have regard to any guidelines made under new section 5.3A.10A(2)(a) (inserted by clause 51) before giving an authorisation.

Second, clause 52 of the Bill inserts new sections 5.3A.10A, 5.3A.10B, and 5.3A.10C into the ETRA. New section 5.3A.10A(1) requires the Secretary to make guidelines, including with respect to: the manner in which an authorised user may access, use and disclose VSNs or related information for a purpose specified in new section 5.3A.9(2); the storage and destruction of VSNs and related information; any prescribed matter; or any matter specified in a Ministerial Order. New section 5.3A.10A(2) provides, in addition, that the Secretary

may make guidelines with respect to other matters, including with respect to notification of the making of an authorisation and reporting requirements for authorised users. Guidelines must be published on an appropriate internet site as soon as possible after they are issued (new section 5.3A.10A(4)). New section 5.3A.10B provides that an authorised user must comply with any guidelines issued by the Secretary.

Third, with respect to the new purposes in subsections 5.3A.9(2)(g)–(h) for which an authorisation may be granted, regulations and Ministerial Orders are legislative instruments and must undergo a Charter assessment (including for compatibility with privacy rights) before they are adopted.

Fourth, section 5.3A.10(1) of the ETRA (as replaced by clause 51 of the Bill) states that an authorised user must only access VSNs or related information in accordance with Division 3 of Part 5.3A of the ETRA and the *Privacy and Data Protection Act 2014* (**PDP Act**). In addition, new section 5.3A.10C (inserted by clause 52) provides that the PDP Act applies to the handling of personal information or unique identifiers by an authorised user (who is not an organisation under the PDP Act or subject to the Commonwealth *Privacy Act 1988*) as if the user were an organisation within the meaning of the PDP Act.

In my opinion, the expansion of authorised persons to 'any' person, combined with the expansion of the purposes for which authorisation may be given and the repeal of the prohibition on disclosing individual student personal information, are reasonably necessary to achieve the legislative objectives. The safeguards described above ensure that any interference with privacy is confined to what is necessary to achieve the legislative objectives. I do not consider that any less-restrictive means (e.g., specifying additional authorised users in subsection 5.3A.9(1)) would achieve the objectives. On balance, in my opinion, clause 49 does not authorise an arbitrary interference with privacy.

Repeal of gazetting requirement

Clause 49 implicitly repeals section 5.3A.9(3), which means that the Secretary is no longer required to publish notice of an authorisation to access, use or disclose VSNs or related information in the Government Gazette. This is relevant to the lawfulness aspect of the right to privacy, which requires any restriction on a person's privacy to be authorised by a positive law that is sufficiently precise and accessible to allow persons to regulate their conduct.

As described above, new section 5.3A.10A(2) provides that the Secretary may issue binding guidelines prescribing notification requirements in respect of an authorisation. The guidelines must be published on an appropriate Internet site as soon as possible after they are issued.

Moreover, in exercising the power to authorise persons to access, use and disclose VPNs or related information, the Secretary will be required to give proper consideration to, and to act compatibly with, human rights (s 38 of the Charter). To the extent that any contemplated authorisation under new section 5.3A.9(1) might interfere with the privacy of persons to whom the information relates, the Secretary must give proper consideration to the privacy rights of those persons under section 13(a) of the Charter. That exercise will include consideration of whether the proposed authorisation is 'lawful', in the sense that it is accessible and precise.

In addition, Information Privacy Principle 1.5 in Schedule 1 of the PDP Act requires an organisation (e.g., an authorised user) which collects personal information about an individual from someone else (e.g., the Secretary) to take reasonable steps to ensure that the individual is or has been made aware of the matters listed in Information Privacy Principle 1.3, which includes information about to whom the organisation usually discloses information of that kind.

These protections ensure that any authorisation which interferes with privacy will be accessible. Therefore, I am satisfied that any interference with a person's privacy as a result of an authorisation will be lawful.

VRQA's power to issue notices to produce

Clause 62 of the Bill amends subsection 5.8.10(1) of the ETRA, as inserted by section 76 of the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021*. Relevantly, the clause replaces the word 'necessary' with 'relevant', such that the power of the VRQA to issue a notice to produce is enlivened where it reasonably believes that a document or information is *relevant* for one of the purposes listed in subsection 5.8.10(1). The objective of the amendment is to support the ability of the VRQA to regulate the Child Safe Standards as an integrated sector regulator.

This amendment engages the right to privacy in section 13(a) of the Charter because a notice to produce may require production of private documents of persons who have no association with a school or relevant entity, on the basis of the lower threshold of 'relevance'. In my opinion, however, any interference with privacy is lawful and non-arbitrary, such that there is no limit on the Charter right.

In particular, even though clause 62 enacts a less stringent threshold in subsection 5.8.10(1) of the ETRA, the VRQA may nevertheless only issue a written notice under subsections 5.8.10(2)(a)–(d) where the relevant

document or information is 'required' for the prescribed purpose. This constrains the scope of the power to what is 'required' to achieve specific legislative purposes.

In addition, as a public authority, the VRQA is subject to the requirement in section 38 of the Charter to give proper consideration to, and to act compatibly with, human rights when exercising its power to issue a notice to produce. This operates as a further constraint upon any interference with privacy.

The Hon. Gayle Tierney MP
Minister for Training and Skills

Second reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:25): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LEANE: I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to be introducing the Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022. The Bill proposes various amendments to the *Education and Training Reform Act 2006* (Education Act), to the *Child Wellbeing and Safety Act 2005* (CWS Act) and to the *Child Wellbeing and Safety Amendment (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* (CWS Amendment Act).

The Bill will amend the Education Act to:

- clarify and modernise the powers, functions and governance arrangements of the Adult, Community and Further Education Board (ACFE Board);
- remove adult education institutions as a category of providers of adult, community and further education (ACFE) and confine the provisions relating to adult education institutions to AMES Australia;
- modernise the framework for access, use and disclosure of the Victorian Student Number (VSN) and related information on the Victorian Student Register (VSR);
- provide the Victorian Registration and Qualifications Authority (VRQA) with greater discretion on whether to conduct a compliance audit of a registered training organisation (RTO);
- clarify in line with the original policy intent that post-secondary education institutions and post-secondary education providers may provide education to people who are of compulsory school age, including to ensure those entities are subject to the Child Safe Standards (CSS) under CWS Act;
- allow the Minister for Education to appoint an acting member of the Board of the Victorian Academy of Teaching and Leadership.

The Bill will also amend the CWS Act as amended by the CWS Amendment Act to:

- ensure that a person, body or school registered in respect of a foundation secondary course or foundation secondary qualification is subject to the reportable conduct scheme and the CSS;
- allow the VRQA to continue to use and disclose information about complaints in accordance with existing provisions in the Education Act and *Privacy and Data Protection Act 2014* (PDP Act).

Finally, the Bill will amend the Education Act as amended by the CWS Amendment Act to:

- lower the threshold for the VRQA to issue a notice to produce;
- allow the VRQA to issue notices to comply to schools, school boarding premises and RTOs.

ACFE Board

The Bill will implement recommendations of the Review of Governance of ACFE in Victoria (ACFE Governance Review) by removing barriers to effective governance to help the ACFE Board meet its goals and aspirations in the Ministerial Statement on the Future of Adult Community Education in Victoria 2020–25 (Ministerial Statement). These amendments will support the objectives of improving access to, and quality of, post-secondary education and training for Victorian learners.

The Bill will substitute outdated, repetitive functions of the ACFE Board to address recommendation 4 of the ACFE Governance Review, including to reflect the current remit of the ACFE Board under the Ministerial Statement. The Bill will also repeal a redundant provision requiring the Board to have regard to advice of Regional Councils and substitute the requirement for the ACFE Board to have 12 members with a requirement to have between 8 and 12 members. This is consistent with the approach to membership requirements for other authorities in the Education Act.

The Bill will also modernise other provisions relating to the ACFE Board, including by requiring the ACFE Board to have sufficient "governance" expertise, rather than "management" expertise. The Bill will provide that the General Manager of the ACFE Board is to be employed under the *Public Administration Act 2004*, rather than under the Education Act, and will specify that Regional Councils consist of between 5 and 9 members.

AMES Australia

The Bill also implements recommendations of the Review of AMES Australia to better enable AMES Australia to fulfil its functions relating to settlement services, employment services and vocational education and training for multicultural communities. The amendments will ensure AMES Australia remains a sustainable organisation that is well positioned to continue to deliver public value and meet the needs of Victoria's multicultural communities for settlement services, vocational education and training and related services.

The Bill will tailor provisions relating to adult education institutions specifically to AMES Australia. The Bill will also better align the governing provisions in the Education Act for AMES Australia with the provisions for TAFE institutes, which:

- recognise the commercial nature of the services AMES Australia provides;
- provide for the CEO to be a member of the Board of AMES Australia; and
- reflect that there is no longer a direct relationship between the ACFE Board and AMES Australia.

The Bill will better target the objectives and functions of AMES Australia, including by specifically referring to services for migrants, refugees and asylum seekers. The Bill will also specify circumstances in which AMES Australia may engage in activity on a commercial basis and that AMES Australia has the powers conferred under the *Borrowing and Investment Powers Act 1987*. The Bill will require that the Minister and members of the Board of AMES Australia must endeavour to ensure that members include persons with knowledge of, or experience in, the education needs of, and services required by, migrants, refugees and asylum seekers in the Victorian community.

VSN

The VSN was introduced in 2008 as a unique identifier assigned to all Victorian students. VSNs are held in the Victorian Student Register (VSR), which is maintained by the Victoria Curriculum and Assessment Authority (VCAA) under delegated authority from the Secretary to the Department. The VSR records limited information about students under 25 years of age who are enrolled with an education or training provider or registered for home schooling. The information collected in the VSR includes a student's VSN, full name, date of birth, gender, date of enrolment and date of cancellation of enrolment from an education or training provider.

Under Part 5.3A of the Education Act, only certain bodies and persons, including Department employees (excluding contract workers), registered school and training providers, the VRQA, and the VCAA, are permitted to access, use or disclose VSNs and related information recorded in the VSR. Further, an authorisation to access, use or disclose VSNs and related information must be for one of the prescribed purposes, which include:

- monitoring and ensuring student enrolment and attendance;
- ensuring education or training providers and students receive appropriate resources;
- statistical purposes relating to education or training;
- research purposes relating to education or training; and ensuring student's education records are accurately maintained.

Since the introduction of the VSN over a decade ago, the list of authorised users and permitted purposes has not kept pace with operational and technological change within and beyond the Department. The current regime for accessing, using and disclosing VSNs and related information has not been able to accommodate new requirements for user groups and use cases as they emerge.

Consequently, the Department and associated education and training providers have increasingly been unable to carry out critical functions using the VSN, which is still considered the most effective mechanism to ensure quality of student data, as a proof of identity tool.

Due to the narrow list of authorised users and permitted purposes to access, use and disclose VSNs and related information, the legislative environment governing the use of the VSN is out of step with how information is managed and exchanged in contemporary society. Requirements for access to the VSN under the current legislation are highly restrictive and limit authorised users from using the VSN as intended to:

- improve capability to verify student identity and monitor student journeys through the education and training system
- identify areas for improvement in Victoria's education and training system
- analyse trends and anticipate the needs of students.

These constraints inhibit helping students who stand to benefit most from a unique identifier that improves the collection and analysis of timely and accurate data about education in Victoria.

As the body with governance responsibility for the VSR, the VCAA routinely receives requests for VSNs and related information from law enforcement bodies to support investigations or justice proceedings. While some information sharing schemes (like the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme) override the Education Act to enable the sharing of VSNs and related information with Victoria Police where the threshold for sharing under those schemes is met, these schemes do not cover disclosing VSNs and related information with federal police (who routinely request access to VSN information) or disclosing information to law enforcement if the subject in question is no longer a child. Similarly, under Part 5.3A, the VCAA (and any authorised user) is unable to disclose VSNs and related information to any law enforcement body in instances where a request is not required or authorised by or under law.

To address these constraints the Bill will provide greater flexibility for persons and entities who may be authorised to access, use and disclose VSNs and related information in the VSR and expands the purposes for which VSNs and related information can be accessed, used and disclosed. These amendments will facilitate more accurate reporting to the community on the state's education and training system.

The Bill will ensure that VSNs and related information will be regulated in accordance with the Information Privacy Principles in the PDP Act and any guidelines issued by the Secretary to ensure that VSNs can be used as intended for their primary purposes. Those purposes include monitoring student enrolment details, verifying student identity and providing data for strategic insights into the movements of students, including identifying students at risk of disengaging from education or training.

VRQA compliance audits

The Bill will seek to align the VRQA's approach to conducting compliance audits of RTOs under the Education Act with the approach of the national VET regulator: the Australian Skills Quality Authority (ASQA). ASQA has discretion to decide whether to conduct a compliance audit when considering an application for registration or re-registration of an RTO. The Bill will give the VRQA greater flexibility to consider whether an audit is necessary as part of an application for registration or re-registration of an RTO. This will reduce regulatory burden on RTOs and allow the VRQA to focus on RTOs posing a greater risk when determining when to conduct an audit.

VRQA as integrated sector regulator of the Child Safe Standards and other consequential amendments

From 1 January 2023, the CWS Act will be amended by the CWS Amendment Act to make the VRQA the integrated sector regulator of the Child Safe Standards. The CWS Amendment Act implemented a number of recommendations of the 2019 Review of the Victorian Child Safe Standards, including making the VRQA the sole regulator of the child safe standards in relation to the entities that the VRQA already regulates, including schools, school boarding premises and RTOs.

The Bill amends the CWS Amendment Act, and the CWS Act and the Education Act as amended by the CWS Amendment Act, to ensure that the VRQA's regulatory powers and functions are adequate to perform this expanded role including by:

- allowing the VRQA to continue to use and disclose information about complaints in accordance with existing provisions in the Education Act and PDP Act, which would otherwise be limited by the proposed new information sharing provisions proposed to be inserted into the CWS Act by the CWS Amendment Act;
- lowering the threshold for the VRQA to issue a notice to produce to be consistent with the existing thresholds for other similar information gathering powers available to the VRQA;
- allowing the VRQA to issue notices to comply to schools, school boarding premises and RTOs, in addition to the other entities that are subject to the Child Safe Standards which the VRQA regulates, to ensure a consistent suite of regulatory tools available to the VRQA in the regulation of the Child Safe Standards; and

- clarifying in line with the original policy intent that post-secondary education institutions and post-secondary education providers may provide education to people who are of compulsory school age, including to ensure those entities are subject to the Child Safe Standards (CSS) under CWS Act;

The Bill also makes other consequential amendments:

- to the CWS Act to ensure that a person, body or school registered with respect to a foundation secondary course or a foundation secondary qualification is subject to the reportable conduct scheme and the Child Safe Standards; and
- to Schedule 2 to the Education Act to allow the Minister for Education to appoint an acting member of the Board of the Victorian Academy of Teaching and Leadership, which was established by the *Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021* on 1 January 2022, in line with the other statutory authorities set out under Schedule 2 to the Education Act.

In summary, the amendments in this Bill are mainly technical in nature and seek to make important improvements to a number of components of the Government education and training system established under the Education Act.

For these reasons, I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:25): I move, on behalf of my colleague Dr Bach:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022

Introduction and first reading

The PRESIDENT (17:26): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Local Government Act 1989** in relation to rates and charges, to make miscellaneous and technical amendments to the **Local Government Act 2020**, to make miscellaneous and technical amendments to the **Essential Services Commission Act 2001**, the **Accident Compensation Act 1985** and the **Workplace Injury Rehabilitation and Compensation Act 2013**, to amend the **Domestic Animals Act 1994** in relation to reuniting pets with owners, and for other purposes'.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:26): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr LEANE: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:27): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022.

In my opinion, the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends:

- The *Local Government Act 1989* (LG Act 1989) to implement reforms to the local government rating system, including arrangements for ratepayers facing financial hardship;
- The *Local Government Act 2020* (LG Act 2020) to make various amendments including to update confidentiality and councillor conduct provisions;
- The *Domestic Animals Act 1994* (DA Act) to permit regulations to be made related to reuniting lost pets with their owners.

The Bill will also make minor related amendments to:

- The *Workplace Injury Rehabilitation and Compensation Act 2013* and *Accident Compensation Act 1985* to ensure consistency of exclusions from compensation for misconduct and serious misconduct processes; and
- The *Essential Services Commission Act 2001* to clarify the functions of the Essential Services Commission in relation to the LG Act 1989.

Human Rights Issues

The Bill may engage the following rights under the Charter:

- Section 13(a)—privacy;
- Section 8—equality before the law;
- Section 20—right to property.

Right to privacy and reputation

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

The right to privacy is broad and extends beyond information privacy to include, for example, the right to personal autonomy, dignity and identity. It may also apply to protect a person against unlawful or arbitrary restrictions on employment, which may affect a person's personal relationships and private life.

The following clauses may engage the right to privacy and reputation:

- Clause 19, which amends a confidential information provision (section 125 of the LG Act 2020); and
- Clause 26, which amends section 149 of the LG Act 2020 to give the Principal Councillor Conduct Registrar (**PCCR**) the function of publishing any decision made by an arbiter and the reasons for that decision.

Section 125 of the LG Act 2020 prohibits the intentional or reckless disclosure of 'confidential information' by a current or former Councillor, member of a delegated committee or member of Council staff, except in the circumstances set out in that section. Clause 19 amends section 125 to provide that documents containing certain categories of confidential information are not 'exempt documents' by virtue of section 38 of the *Freedom of Information Act 1982* (**FOI Act**). The purpose of this amendment is to improve consistency with exemptions under the FOI Act, whilst upholding the principles of transparency and accountability that underpin both Acts. The amendment will not require that confidential information be disclosed, but will enable FOI applications to Councils to be processed and considered in a manner consistent with FOI Act exemptions. While there is a small possibility that this amendment may result in some disclosure of personal information, when balanced against the right to access certain government-held information in the FOI Act I am satisfied that any limitation of the right to privacy would be neither unlawful or arbitrary.

The role of the PCCR includes receiving applications for an internal arbitration regarding an allegation of Councillor misconduct, and the appointing of an arbiter to hear that matter. Section 147 of the LG Act 2020 enables the arbiter to make a finding of misconduct against a Councillor if the arbiter determines that the Councillor has failed to comply with the standards of conduct, and to impose certain sanctions on the Councillor. The ability to publish an arbiter's decision and reasons for the decision concerning Councillor

misconduct may engage an applicant or Councillor's right to privacy, to the extent that a person's personal information is captured within a decision or reasons for a decision. However, I consider that any interference that occurs will be authorised by law and not arbitrary, and can be balanced against the need to ensure the transparent and accountable operation of councils and to prevent the misuse of public positions. Safeguards against arbitrary interference with privacy include specifying internal arbitration information (as specified in substituted section 145—inserted by clause 20) as 'confidential information' under the LG Act 2020, where section 125 (as amended by clause 19) restricts the circumstances in which such information may be disclosed. In addition, section 147 of the LG Act 2020 requires an arbiter to redact any confidential information from the copy of their decision and statement of reasons that is provided to the Council, applicant, respondent, and PCCR.

Equality before the law

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* on the basis of an attribute in section 6 of that Act (including, for example, age, sex and disability). Discrimination can either be 'direct' or 'indirect'. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

The following provisions of the Bill may engage the right to equality:

- Division 4 of Part 2, which amends the LG Act 1989 to permit Councils to offer payment plans to ratepayers for unpaid rates or charges and imposes further restrictions on when a Council may commence proceedings for unpaid debt; and
- Division 5 of Part 2, which inserts new section 181AA to enable the Minister to issue guidelines relating to payment of rates and charges, including the meaning of hardship, content of hardship and financial hardship policies, and the process of applying for a payment plan.

I consider that these provisions promote the right to equality, as they will enable Councils to offer persons who are financially disadvantaged (including by reason of a protected attribute) more flexible options for the payment of rates and charges. The Bill does not impose specific eligibility criteria for payment plans. The Bill creates a head of power for ministerial guidelines to be made (clause 15) regarding payment plans and other matters related to hardship. Councils will be required to comply with those guidelines.

Right to property

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

Where the Bill impacts obligations and liabilities related to matters such as rates and charges, it does so in a clear, precise and structured manner, consistent with the Charter.

Section 181 of the LG Act 1989 permits a council to sell land to recover unpaid rates or charges in limited circumstances, where the amount is more than 3 years overdue, no current arrangement exists for the repayment of that amount, and the Council has a Court order requiring payment of the amount or part thereof. That section also sets out the process to be followed if land is to be sold on that basis. Clause 14 will amend section 181, to provide that a Council is additionally restricted from pursuing the sale of land for unpaid rates or charges if there is a payment plan. I consider that this amendment will promote the right to property, as it will impose additional restrictions on when Councils may sell land to recover rates or charges.

The Hon. Shaun Leane MP
Minister for Local Government

Second reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:27): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LEANE: I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Bill forms the first part of legislative reforms arising from the Local Government Rating System Review from December 2020. It also incorporates recommendations from the Victorian Ombudsman's 2020 report 'Investigation into how local councils respond to ratepayers in financial hardship'.

These reports have shone a light on the way many councils respond to ratepayers in need. Some councils have clearly improved their practices as a result of the pandemic, but overall, the local government sector has fallen behind other sectors in the compassionate and proportionate treatment of those who are facing financial difficulties.

Amendments to the Local Government Act 1989

The Bill will improve council practices for imposing rates and ensure ratepayers experiencing financial hardship are treated fairly. Alternative means of paying rates via a payment plan will be formalised in legislation, especially for those experiencing financial hardship and family violence.

The Bill provides a new requirement for the Minister for Local Government to set the maximum rate of interest that may be levied by councils on unpaid rates and charges. This will ensure the maximum interest rate amount—which is currently 10 per cent—does not place those experiencing financial hardship under even more financial strain and is proportionate for unpaid local government rates and charges.

The Essential Services Commission will be required to provide advice to the Minister in setting the maximum interest rate.

The Bill will also allow for the Minister for Local Government to make Ministerial Guidelines for councils on the collection of unpaid rates and charges and financial hardship. The Ministerial Guidelines will require councils to proactively work with ratepayers experiencing financial hardship to explore different arrangements and solutions, and more punitive actions such as legal actions and the application of penalty interest will be only available when ratepayers refuse to engage and all other approaches are exhausted. Councils will be required to comply with the Ministerial Guidelines.

Currently 77 of the 79 councils routinely use debt collectors to recover unpaid rates. The new arrangements will ensure that people are treated fairly and that the use of court actions and forced sale of property are an absolute last resort.

The Bill makes improvements to 'service rates and service charges', ensuring all contemporary waste and recycling management costs for councils may be recovered through service charges.

The Bill makes improvements to 'special rate and special charge' schemes declared by councils to ensure that affected ratepayers enjoy the benefits of such schemes promptly.

The Bill will allow councils to offer new rate concessions and rebates for properties that provide a public benefit. The new contemporary criteria—developed by the Ministerial Panel for the Local Government Rating System Review following extensive consultation—will allow councils to offer rate rebates and concessions for properties that offer a public benefit that is available free or at minimal cost to their communities.

The changes to legislation will be supported by changes to regulations and guidance to councils to support better practices.

Amendments to the Local Government Act 2020

The Bill will amend the confidentiality provisions in the *Local Government Act 2020*, which affect the processing and handling of Freedom of Information (FOI) requests by councils. The Bill will improve transparency of council information by ensuring that councils process FOI requests for certain categories of confidential information under the *Local Government Act 2020* in accordance with the applicable exemptions under the FOI Act.

The Bill will make technical amendments to improve aspects of the *Local Government Act 2020* in relation to council electoral provisions and councillor conduct processes without significantly altering the policy objectives of the legislation.

Amendments to other legislation

Further, this Bill will make minor technical amendments to correct inaccurate or outdated legislative references, and make technical consequential changes to, the *Workplace Injury Rehabilitation and Compensation Act 2013,* the *Accident Compensation Act 1985,* and the *Essential Services Commission Act 2003.*

Amendments to the Domestic Animals Act 1994

This Bill also makes a minor amendment to the *Domestic Animals Act 1994*, introducing a regulation making power relating to reuniting lost pets and deceased pets.

Any specific requirements relating to deceased pets will be implemented via amendments to regulations. These will be designed to minimise unnecessary burden on councils and largely align with existing council practices.

In summary, this Bill covers a wide range of matters but its objectives are clear and focused on better supporting ratepayers who are dealing with financial hardship and improving council operations.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:27): I move, on behalf on my colleague Mr Davis:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022

Introduction and first reading

The PRESIDENT (17:28): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Sustainable Forests (Timber) Act 2004** in relation to enforcement and other matters relating to timber harvesting operations and for other purposes'.

I advise the house that the Office of the Chief Parliamentary Counsel has advised that the explanatory memorandum of the Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022 has been updated since the printing of the bill. The explanatory notes for clauses 7 to 9 have been corrected. The updated explanatory memorandum can be found on the legislative website.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:28): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr LEANE: I move, by leave:

That the second reading be taken forthwith.

Mr Ondarchie: On a point of order, President, would the minister like to explain the alterations to the explanatory memorandum prior to us granting leave?

The PRESIDENT: Minister, you do not have to.

Mr LEANE: President, I think your explanation was quite comprehensive and I understood it, so I think I will rely on that.

Motion agreed to.

Statement of compatibility

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:29): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022 (**Bill**).

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

Overview

The Bill amends the Sustainable Forests (Timber) Act 2004 to strengthen the enforcement framework for timber harvesting safety zones so as to reduce the risks to public safety and disruption of timber harvesting safety zones and to better deter activities that create risks to public safety in timber harvesting safety zones.

It achieves this by:

- Increasing penalties for existing offences
- Expanding what is a 'prohibited thing' in a timber harvesting safety zone
- Providing appropriate search and seizure powers for prohibited things; and
- Creating a framework for banning notices.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill are:

- Freedom of movement (section 12); and
- Property (section 20).

For the following reasons, I am satisfied that the Bill is compatible with the Charter, and if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

The measures in the Bill are designed to improve the enforcement framework to better manage the safety risks presented by protest activity in timber harvesting safety zones. Timber harvesting safety zones are intended to be closed, controlled spaces in which the safety risks inherent in work involving heavy machinery can be safely managed. The protest activities targeted by the Bill create an unacceptable risk of serious injury or death for workers, authorised officers and the protesters themselves.

Banning notices

Section 12 of the Charter provides that every person within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. The Bill engages the right to freedom of movement by providing a framework of banning notices. The framework for the banning notice regime closely mirrors those of the Wildlife Act 1975.

An authorised officer or a police officer who suspects on reasonable grounds that a person has committed or is committing a specified offence may give the person a notice banning the person from any or all specified timber harvesting safety zones for a period specified in the banning notice which does not exceed 28 days.

The officer may only give the banning notice if he or she believes on reasonable grounds that giving the notice may be effective in preventing or deterring the person from continuing to commit the specified offence or committing a further specified offence, and where the continuation of the commission of the specified offence may give rise to a risk to the safety of any person or may hinder or obstruct a person engaged in timber harvesting operations in a timber harvesting safety zone.

It is an offence to contravene a banning notice.

A banning notice may be varied or revoked by the Secretary of the Department of Jobs, Precincts and Regions or a police officer of or above the rank of sergeant. The information to be provided within a banning notice is prescriptively outlined in the Bill, so a person handed a notice can know their rights, how to avoid breaching the notice and that the notice may be varied or revoked.

The banning notice regime provides an additional enforcement tool, which is only available where a person has entered a timber harvesting safety zone and an officer suspects on reasonable grounds the person has committed or is committing a specified offence. The effect of the notice is to ban a person from an area they have no lawful reason to be, and where their continued presence is an unacceptable risk to safety.

Given the narrow application of the banning notice and the safety risks being managed, I consider any limitations on the right to movement are reasonable and justified.

Search and seizure of prohibited items.

The bill engages the right to property at section 20 of the Charter by providing for the search and seizure of certain property within timber harvesting safety zones.

The Act already prohibits in timber harvesting safety zones certain things which can be used to disrupt timber harvesting such as bolt cutters. The Bill expands the prohibited things to include polyvinyl chloride (PVC)/metal pipes, to reduce the chance of this equipment being used to prolong protest duration in ways that risk harm to protesters and contractors and reduce the likelihood that protesters will place themselves in hazardous areas that risk the safety of both protesters and contractors.

The Bill creates specific search powers (new section 88A) to allow Authorised Officers and Police Officers to search and seize prohibited things in timber harvesting safety zones where the officer believes on reasonable grounds that a person has committed, is committing, or is about to commit an offence against the Act or the regulations.

These powers go no further than necessary to adequately manage the safety risks these items create for protesters, Authorised Officers and Police Officers, Search and Rescue personnel, and timber harvesting workers within the timber harvesting safety zone. The power is limited to searches of vehicles, bags, containers and other receptacles. It does not permit body searches. There is no valid reason for unauthorised vehicles to enter and remain in a timber harvesting safety zone.

Any seizure is subject to the existing framework for the return of seized items (section 88), retention and return or forfeiture of certain seized items (section 89A), a right for a person to recover a seized item and compensation (section 90) and arrangements for forfeiture to the Crown (sections 91 and 92).

The new search and seizure power is a relatively narrow tool which is only enlivened within a timber harvesting safety zone. It is specifically targeted at managing the risk presented by prohibited items and in those zones. For these reasons I consider that any limitation on the right to property is reasonable and justified.

The Hon. Gayle Tierney
Minister for Training and Skills
Minister for Higher Education

Second reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:29): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LEANE: I move:

That the bill be now read a second time.

Incorporated speech as follows:

All Victorians deserve to have a safe working environment. Forestry workers, like other workers, are entitled to be mentally and physically safe as they go about their work regardless of how people may view that work. This same principle applies to authorised officers and police officers as they go about performing their duties.

The Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill will deliver safer workplaces for Victorian forestry workers and authorised officers and polices officers assisting in these workplaces, by making a set of targeted reforms aimed at reducing the use of dangerous forest protest tactics in Timber Harvesting Safety Zones (THSZs) and closing existing gaps in the law which allow them to occur.

Since the announcement of the Victorian Forestry Plan in late 2019, not only has forest protest activity increased in Victoria but protesters have developed dangerous new tactics to deploy at these protests. These tactics are continuing to evolve. These activities create an unacceptable risk to the safety of workers, authorised officers and police officers and the protesters themselves.

As a result, this shift in protest tactics has had a significant and detrimental impact on the mental health of some native forestry contractors and their families who are placed at risk of hurting themselves or others by these tactics.

This government supports the right to protest. However, this right does not extend to putting the safety of others at risk or harming them physically or mentally. The Bill therefore contains a set of targeted reforms aimed at reducing the most dangerous forest protest tactics and closing existing loopholes which allow them to occur.

Importantly, these reforms are limited in application to Timber Harvesting Safety Zones (THSZs) which are relatively small, restricted areas where forestry activities are being undertaken and are inherently dangerous for members of the public to be due to, amongst other things, the use of heavy machinery. Active THSZs are identified in the forest by signs on roads which may provide access to the THSZ and via notices on VicForests' website and members of the public are excluded from them for safety reasons.

The three most common and dangerous tactics which have emerged in forest protests in THSZs are:

- The erection and occupation of 'tree-sits' at hazardous heights. These 'tree sits' have been built at heights where falls can cause death and with structures that are intentionally built to collapse if they are attempted to be removed.
- Protesters locking onto or attaching themselves to active timber harvesting machinery. Due to the nature and size of this machinery this can cause significant safety issues.
- 'Black wallaby' tactics, which involve camouflaged, masked protesters running in and out of THSZs and back into the surrounding bush. This can cause significant safety issues as it can be very hard to detect their presence.

This Bill aims to reduce the use of each of these tactics and to deter the development and deployment of further dangerous tactics by:

- Increasing penalties for most offences related to THSZs;
- Expanding the scope of what things are prohibited in THSZs;
- Providing for search and seizure powers within THSZs;
- Explicitly providing for offences for obstructing or hindering authorised persons and machinery in THSZs;
- Providing for banning notices which ban individuals from THSZs under certain circumstances.

The Bill increases penalties for various offences related to THSZs, including hindering, obstructing or interfering with authorised officers, threatening or abusing authorised officers, entering or remaining in THSZs and failure to comply with various directions in relation to THSZs. This broadly aligns with reform trends in other jurisdictions aimed at addressing dangerous forest protest behaviour.

This will have a deterrent effect on protesters and will help reduce the overall number of protesters committing these offenses. The increases align with an increased acknowledgement of the importance of workplace safety matters, particularly relating to the psychological safety of workers and the need to deter dangerous behaviour in workplaces such as THSZs.

The Bill expands on the definition of prohibited item, to remove more items used in dangerous protest tactics from THSZs and does this in two ways.

Firstly, it directly prevents the possession of PVC and metal pipes, which protesters use in locking themselves onto each other protesters or machinery, in THSZs. These types of pipe have been deployed to prevent the use of bolt cutters to easily and safely break the locks or chains attaching protesters to each other or machinery, rendering the chains dangerous to remove.

Secondly, the Bill provides the Governor-in-Council with a power to prescribe further prohibited items that are banned in THSZs. This allows the legislation to be more responsive to the continued evolution of forest protest tactics by allowing for additional items used in future protests to be banned.

A related reform addresses the search and seizure of prohibited items in THSZs. Even though individuals are currently prohibited from being in possession of a prohibited item in a THSZ, authorised officers and police officers do not currently have the power under the Act to search vehicles, bags, containers or other receptables for prohibited items or other items used in or about to be used in the commission of an offence.

The Bill addresses this deficit by creating a specific power allowing officers to conduct searches for prohibited items or items that the officer reasonably believes have been or are about to be used in the commission of an offence, where that officer reasonably believes that someone is in possession of them. This power has been narrowly crafted, only being able to be exercised in a THSZ and not extending to body searches. This minimises the risk of it unduly interfering with the rights of protesters.

The Bill also corrects another shortcoming of the current legislation. Currently, the offence of intentionally hindering, obstructing or interfering with timber harvesting operations does not always address individual offenders if they aren't considered to be interfering with overall harvesting operations.

The Bill amends the offences related to interference with timber harvesting operations to explicitly include interfering with a person who is engaged in timber harvesting operations or with timber harvesting machinery being used in a THSZ. This will ensure that the offence is fit for purpose to address interfering with the work being conducted in a THSZs.

The Bill also includes a framework for the issuance of banning notices which will enable more immediate and effective action to be taken to prevent forest protesters from repeatedly engaging in protest activity and placing themselves and others at risk of death or injury.

The banning notice framework is modelled on similar notices that can be issued under Division 2 of Part 7A of the Wildlife Act 1975. Once issued, a banning notice will ban an individual from entering one or more THSZs for a period of up to 28 days.

Banning notices will only be able to be issued when the officer believes on reasonable grounds that the banning notice will prevent or deter the person from continuing to commit an offence or from committing a further offence or believes that the continuation of an offence may involve or give rise to a risk to safety of any person or hinder or obstruct a person engaged in timber harvesting operations in a timber harvesting safety zone.

In each instance, a banning notice can only be issued when an authorised officer or police officer believes on reasonable grounds that the person has committed or is committing a specified offence. For a banning notice to be valid, an authorised officer must provide evidence of their identity, and in the case of a police officer, proof of identity and official status will be required (unless they are in uniform).

Each of the reforms contained in the Bill will reduce the risks and harms that dangerous protest tactics have been causing and continue to cause for forestry workers, authorised officers and protesters alike.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:30): I thank the minister for his comprehensive response. I move, on behalf of my colleague Ms Bath:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022

Introduction and first reading

The PRESIDENT (17:30): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to provide for various matters in relation to the Treaty Authority, to amend the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** and for other purposes'.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:31): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr LEANE: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:31): I lay on the table this statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this statement of compatibility with respect to the Treaty Authority and Other Treaty Elements Bill 2022 (the Bill).

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

Overview of the Bill

The Bill supports the delivery of the key elements of Victoria's treaty process, which must be established by agreement between the State and the First Peoples' Assembly of Victoria (the Assembly) under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act). Specifically, the Bill: i) recognises the establishment of the Treaty Authority under the Treaty Authority Agreement; ii) facilitates the operations of the Treaty Authority by giving legal force to its activities; and iii) amends the Treaty Act to support the establishment of the treaty negotiation framework and the administration of the self determination fund.

The State is advancing the treaty process with Aboriginal Victorians to promote reconciliation between Aboriginal and non-Aboriginal Victorians, and to support recognition of Victoria's First Peoples and their ongoing laws, customs, culture and rights, including the right to self-determination. In this way, the Bill promotes the distinct cultural rights of Aboriginal persons, recognised under section 19(2) of the Charter.

Human rights issues

Clause 17(2) of the Bill provides that a member of the Treaty Authority is not personally liable for any acts or omissions of the Treaty Authority in the performance of a function or the exercise of a power by the Treaty Authority.

Similarly, clause 18(1) of the Bill provides that Treaty Authority members or employees are not personally liable for their own acts or omissions, done in good faith, in the performance of a function or the exercise of a power under a delegation (or in the reasonable belief that the act or omission was in the performance of such a function, or the exercise of such a power). However, clause 18(2) provides that any liability that, but for clause 18(1), would attach to a member or employee of the Treaty Authority, attaches instead to the Treaty Authority.

These clauses may engage the Charter rights to property (s 20) and to a fair hearing in a civil proceeding (s 24(1)). For the reasons set out below, however, it is my opinion that neither Charter right is limited.

Property

Section 20 of the Charter states that a person must not be deprived of property otherwise than in accordance with law. The right will not be limited where the law (whether legislation or the common law) authorising the deprivation of property is clear and precise, accessible to the public, and does not operate arbitrarily.

Insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, clauses 17(2) and 18(1) may engage the right. However, in my opinion, these clauses do not effect a deprivation of property, because they do not extinguish any cause of action which a person may have against a Treaty Authority member or employee. Rather, liability is transferred to the Treaty Authority.

Even if clauses 17(2) and 18(1) could be considered to deprive a person of property, any such deprivation will be 'in accordance with law' and will therefore not limit the Charter right to property. In particular, the clauses are drafted in clear and precise terms. In addition, any deprivation of property is reasonably necessary to achieve the important objective of ensuring that Treaty Authority members and employees may perform their functions in good faith without being impeded by the prospect of personal liability. Moreover, the scope of any deprivation is minimal, because a person may still sue the Treaty Authority directly.

Fair hearing in a civil proceeding

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right is concerned with procedural, rather than substantive, fairness. Its precise content depends on the circumstances of any given case, including the nature of the decision being made and the significance to a party of an adverse decision.

Clauses 17(2) and 18(1) do not, in my opinion, limit the right to a fair hearing because persons who would otherwise have a cause of action against a member or employee of the Treaty Authority can still bring an action against the Treaty Authority (whether for its own acts or omissions, or those of members or employees). In other words, these clauses do not impose an absolute bar to bringing proceedings in relation to the acts or omissions of the persons who benefit from the statutory immunity, but simply shift liability to the Treaty Authority.

The Hon. Shaun Leane MP
Minister for Local Government

Second reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:31): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LEANE: I move:

That the bill be now read a second time.

Incorporated speech as follows:

With deep respect, I acknowledge the Traditional Owners and custodians of the land on which this Parliament stands, the Wurundjeri. I pay my respects to their Elders and ancestors—past, present and future; Elders from all Victorian First Peoples, and any Elders and other Aboriginal people who join us here today. Since time immemorial, First Peoples have practiced their laws, customs and languages, and nurtured Country through their spiritual, material and economic connections to land, water and resources. Victoria's First Peoples maintain that their sovereignty has never been ceded.

The reality of colonisation involved the establishment of laws and policies with the specific intent of excluding Aboriginal people and their customs, cultures and traditions. I acknowledge that the impact and structures of colonisation still exist today. For generations First Peoples have called for treaty to secure structural change to improve the lives of First Peoples, and ensure have they have the freedom and power to make the decisions that affect them, their communities and Country.

Treaty is also a shared opportunity to create a better and fairer Victoria. Every Victorian has a part to play in reconciliation.

We stand together to advance Victoria's treaty process, to address the unfinished business of this state and its relationship with its First Peoples. Through treaty we can formalise a better and fairer relationship between government, First Peoples and all Victorians.

In 2016, this government committed to advancing treaty with Victoria's First Peoples as a necessary step in realising Aboriginal self-determination. This commitment was formalised in law through this Parliament, with the passage of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*—the first treaty legislation in Australia's history. That Act set out a roadmap for the treaty process and ensured we listened to and were led by Aboriginal people and communities. The Act committed the State to work in partnership with the Aboriginal Representative Body to establish elements necessary to support future treaty negotiations.

Since its establishment in 2019, the government has been working in partnership with the First Peoples' Assembly of Victoria, as the Aboriginal Representative Body and the first democratically elected representative body for Traditional Owners and Aboriginal Victorians in the state's history. Today we take another step together on the historic journey towards treaty and to realising genuine self-determination for Aboriginal Victorians.

I am proud to introduce to Parliament the Treaty Authority and Other Treaty Elements Bill 2022.

This Bill will support the establishment and ongoing operation of the Treaty Authority, required by the Treaty Act as a necessary element of Victoria's treaty process to support future treaty negotiations. The Bill will also amend the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, in relation to the treaty negotiation framework and self-determination fund.

This Bill continues the government's strong commitment to treaty, truth, justice and self-determination for Victoria's First Peoples.

Treaty Authority

The Treaty Authority has been established by agreement between the State and the First Peoples' Assembly of Victoria. The Treaty Authority will support treaty negotiations to occur on an equal footing and ensure treaty can realise positive outcomes for every Victorian.

The State and Assembly have developed a unique Treaty Authority model as an independent unincorporated body, with the necessary powers and capacities to operate effectively. This novel legal form will provide independence from all parties to ensure public trust and integrity in the treaty process, while being publicly accountable to all Victorians and culturally accountable to First Peoples.

The Treaty Authority will be the first body of its kind in Australia. The Treaty Authority is modelled on best practice examples internationally, including Canada and New Zealand. Learnings from these processes have demonstrated the need and value of an independent body, such as a Treaty Authority, to facilitate and oversee treaty negotiations. Treaty processes underway in other Australian jurisdictions have also identified the need for independent bodies with similar functions, to ensure accountability in negotiations.

The Bill will facilitate the operation of the Treaty Authority and give legal force to its actions. In doing so, this Bill provides for a Treaty Authority that is truly independent and can fulfil its role in the treaty process in a way that is impartial, fair and culturally sound.

The Treaty Authority will oversee and facilitate treaty negotiations and administer the treaty negotiation framework, to ensure negotiations proceed in accordance with the guiding principles for the treaty process and the rules and processes set out in the framework.

It will be a facilitative body which is called on to perform its functions in a manner that can preserve, restore and build respectful relationships between First Peoples and the State as well as between First Peoples' groups. In doing so, the Treaty Authority will support treaty negotiating parties to work together to reach agreements and enter treaties that observe and uphold the self-determination of First Peoples, and lead to strong ongoing relationships.

The Treaty Authority will provide for the resolution of disputes arising in the treaty process, including disputes between parties to negotiations as well as disputes incidental to or in connection with treaty negotiations. This will make available culturally-appropriate dispute resolution support to all parties engaged in the treaty process.

The Treaty Authority will also support the treaty process by undertaking research. The Treaty Authority's research will support best practice approaches and continuous improvement in the treaty process and ensure treaty negotiations can lead to evidence-based outcomes.

The Treaty Authority will be called on to observe and uphold the unique Lore, Law and Cultural Authority of First Peoples in the treaty process to ensure it is genuinely bicultural. In this way, the treaty process will proceed in a manner that respects and is guided by the distinct cultural rights of First Peoples and is consistent with the principles articulated in the United Nations Declaration on the Rights of Indigenous Peoples.

This unique Treaty Authority model is reflective of the need to do things differently as we advance Victoria's treaty process.

Treaty Act amendments

The Bill will also amend the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* to support the delivery of the other foundational elements of the treaty process: the treaty negotiation framework and the self-determination fund.

Firstly, the Act will be amended to specify that the Aboriginal Representative Body is not prevented from being a party to treaty negotiations.

The amendment will remove any legal barrier to the Aboriginal Representative Body participating in treaty negotiations, but will not prioritise any particular party. As with any other party seeking to negotiate a treaty, including the State, the Aboriginal Representative Body will itself need to meet minimum standards to enter treaty negotiations. The minimum standards will be set out in the treaty negotiation framework and must be met by any party before it can participate in treaty negotiations.

Secondly, the Act will be amended to provide greater flexibility in how the self-determination fund can be administered.

This will ensure the Aboriginal Representative Body has sufficient flexibility to administer the self-determination fund based on good financial practice and in a manner that most effectively satisfies its purposes and supports the self-determination of Aboriginal Victorians in the treaty process.

Closing remarks

This government has been working in partnership with Aboriginal Victorians to advance the treaty process, through the First Peoples' Assembly of Victoria as the Aboriginal Representative Body.

This Bill represents an outcome of this partnership and will help lay the foundations for future treaty negotiations in Victoria, by supporting the establishment of necessary elements of the treaty process.

With this historic Bill we take a significant step towards the commencement of treaty negotiations. The establishment of the Treaty Authority is a ground-breaking milestone that will ensure a genuinely fair and bicultural treaty process that can deliver for every Victorian.

This important step on the journey to treaty brings us closer to addressing the unfinished business of our state, and realising treaties which can recognise historic wrongs and address ongoing injustices. It acknowledges

and promotes First Peoples' fundamental rights, including the right to self-determination. It will help heal the wounds of the past, support reconciliation, and pave the way for a better future rooted in truth, justice, equality and respect. It will bring pride and help create a fairer Victoria that we can all be proud of.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:31): I move, on behalf of my colleague Dr Bach:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (17:32): During question time Ms Stitt was asked questions by Mr Davis and Ms Crozier. I ruled that the questions were answered. Mr Davis asked me to check *Hansard*, and after checking *Hansard* my ruling is still that she did answer.

Adjournment

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:32): I move:

That the house do now adjourn.

GREATER SHEPPARTON SECONDARY COLLEGE

Ms LOVELL (Northern Victoria) (17:32): (2011) My adjournment matter is directed to the Minister for Education, probably for the next 5 minutes, and details another example of ongoing bullying that is occurring at Greater Shepparton Secondary College. The action that I seek is for the minister to provide immediate funding to provide more wellbeing support for all students at Greater Shepparton Secondary College by appointing additional wellbeing officers at the school, including Koori welfare officers for Indigenous students. Since the amalgamation of Greater Shepparton's four public secondary schools to create one campus at Greater Shepparton Secondary College, the new school has been plagued by many reports of bullying behaviour between students. Whether it has been while the school operated over three campuses or at the new school site that opened in January, many victims of relentless harassment and bullying and their families have contacted me unsatisfied with the school's response to this disgusting behaviour.

A recent case of systemic bullying was reported to me by the mother of the victim, the details of which I forwarded to the minister for investigation. The mother of the victim informed me that in early March the victim endured daily racial abuse for three weeks. The victim reported the incidents to teaching staff, but no action was taken against the offender. The victim finally retaliated and was suspended for two days. Again, no action was taken against the perpetrator. The student's mother wrote to the minister, and whilst waiting for the minister to respond, the same victim was being taunted daily by another offender, who told the victim to go and commit suicide. Again, these incidents were reported to teachers, who I am told took no action, and eventually the victim again retaliated and was again suspended, for one day. Once again, I am told, no action was taken against the offender. Heartbroken from observing their child being the victim of such disgusting behaviour, the mother was extremely distressed by the minister's response to the bullying incident, which asserted that no such bullying had occurred.

Prior to the amalgamation of the four schools, many parents raised concerns about the probability of student bullying caused by the integration of four different student cohorts. School leaders dismissed these concerns at the time, claiming that the new Greater Shepparton Secondary College would have the resources required to support students and act decisively against bullying. This is not the case, with reports that the school employs just nine wellbeing officers to assist a cohort of 2135 students, a ratio of one wellbeing officer to approximately 300 students. Clearly the support network is completely

inadequate and is not supporting victims of systemic bullying when they need it the most. There have been further reports that indicate that year 12 students are assisting in this area as peer support officers, and this is totally unacceptable. The students of Greater Shepparton college need support from the Andrews Labor government, and the minister must immediately ensure wellbeing officers are placed at the school. This includes designating welfare officers to help all students get assistance.

COVID-19 VACCINATION

Mr FINN (Western Metropolitan) (17:36): (2012) I wish to raise a matter for the attention of the Premier. I use this last sitting day before the winter recess to raise the issue of mandates and the continuation of mandates. I have been of the very strong view for quite some time that there is a gross breach of civil liberties occurring when a government forces people to have medical treatment against their will by coercion. It seems to me that that is the last thing that any government should be doing. It is bullying. It is wrong. And it is something that, as I say, I do not believe any government should be involved in, and I do not believe that, as Victorians, we should have to accept that sort of appalling behaviour.

Premier, the fact of the matter is that there are many people in this state who are still suffering because of these mandates, because they cannot work—they are not allowed to work. They can work, but they are not allowed to work. And, Premier, you are the one who is not allowing them to work, and that is just not good enough. It is quite ludicrous. The fact of the matter is that we have somewhere around a 98 per cent vaccination rate, as I understand it, and the vaccine anyway does not actually stop you from catching COVID and does not stop you from passing it on, so I am not even sure why we would be forced to have this vaccine apart from the fact that you, Premier, say that we have to. That seems to be the only reason. It seems to me that the continuation of these mandates is a form of punishment for those who will not do as they are told, those who will not bow down to the power of the Premier. And again that is something that I do not believe is acceptable in any free and democratic state, although it is probably debatable as to whether Victoria is still a free and democratic state at this time.

What I am asking the Premier to do is to remove all mandates—very simply, remove all mandates. It is just ridiculous that they continue. There is no sense in having the mandates continue, so why doesn't the Premier just do the job that he is elected to do and give the people of Victoria a fair go, allow people to get on with their lives and give them back the freedoms that they have lost as a result of his actions. I ask the Premier to, tomorrow, if he is not too busy removing ministers, remove these mandates to ensure that people are allowed to get on with their lives, to work and to pay their bills, their mortgages, their rent, whatever it may be.

ATTWOOD POLICE PATROLS

Mr ONDARCHIE (Northern Metropolitan) (17:39): (2013) My adjournment matter is for the Minister for Police. The people of Attwood are concerned about the antisocial behaviour and the illegal dumping of rubbish in their suburb. I recently invited the people of Attwood to complete a community survey.

Mr Finn: Did you have a survey?

Mr ONDARCHIE: I did. I thank the many, many people that responded to my survey, and they are very grateful that a member of Parliament asked them what is important to them. They are very grateful.

Attwood is such a diverse and wonderful community. They have great reserves and parks and places that residents want to feel safe in. The action I seek from the minister is for the government to commit to extra police patrols in the Attwood area to deter antisocial behaviour and the illegal dumping of rubbish near Cambridge Gardens, along Haddon Hall Drive and the Moonee Ponds Creek reserves and along Stonebridge Way and Chisholm Avenue. Attwood residents really care for their suburb, and they deserve a cleaner and safer environment in which to raise their families.

THE WELLINGTON COLLINGWOOD

Dr RATNAM (Northern Metropolitan) (17:40): (2014) My adjournment matter tonight is for the Treasurer, and the action I seek is that he guarantees core funding of $175 000 per year for three years for the Wellington Collingwood. The Wellington is a community centre located at the Collingwood public housing estate and has been supporting the Collingwood community since 2004. It is a fantastic organisation that provides really crucial services and support to Collingwood public housing residents and the broader Collingwood community. It offers everything from allied health services like osteopathy and chiropractic services to community cooking sessions, yoga, knitting, drop-in services and information and referrals. It is also an important provider of food security for locals, delivering 27 000 kilograms of food to over 2000 families in a nine-month period. During the pandemic the Wellington has also begun to offer a range of outreach services, helping the centre engage and support vulnerable groups in the community, particularly young people and families from the African nations.

Right now the Wellington is one of the few frontline services providing direct services to tenants within the Collingwood public housing estate. The Wellington has operated without any state government funding for most of its history. It recently received a one-off grant from the Department of Families, Fairness and Housing but was given no guarantee of future funding. For the past three years it has relied on core funding from the federal Department of Social Services and from a philanthropic funding trust. All of these funding sources have concluded, putting the financial sustainability of the Wellington at risk.

Because the Wellington provides so many services to the Collingwood community, it does not fit any of the slots of funding offered by the government. It supports public housing tenants, but it is not a homelessness service. It offers allied health services, but it is not a formal health provider. The breadth of the services offered by the Wellington and the fact they are one of the only frontline services supporting the Collingwood public housing estate makes it clear they are filling gaps in service provision in the area. Cutting them off from funding because they do not fit neatly into a funding box makes no sense. Without recurrent funding from the Victorian government, the Wellington will have no choice but to cease operation at the end of this year. I know I and many members of the Collingwood community will be devastated if the centre is forced to close its doors.

The Wellington is seeking core funding of $175 000 per year for three years from the Victorian government. I echo its ask and ask the Treasurer to commit to ongoing core funding so the Wellington can continue its fantastic work to support the Collingwood community.

GLENELG SHIRE COUNCIL RATES

Mrs McARTHUR (Western Victoria) (17:42): (2015) My adjournment matter is for the Minister for Local Government and concerns the extraordinary increase in rates proposed by the Glenelg shire and included in the draft budget due to be discussed and voted on by councillors next week. The Andrews government boasted that the introduction of its Fair Go Rates cap in 2016–17 would prevent councils from socking ratepayers with above-inflation bill hikes. The cap for the 2022–23 year is 1.75 per cent, yet despite this and despite the glaring fact that this draft budget from Glenelg promises no new council services to hard-pressed ratepayers, it shows the total rate revenue will increase from $25.1 million to a staggering $28.8 million. That is an awful lot more than 1.75 per cent. It is an extra $3.7 million, or 14.7 per cent to be exact. On top of significant increases last year, this proposal would make the Glenelg shire one of Victoria's highest taxing regional councils. What is this if not a mockery of the Fair Go Rates policy? More than $3.5 million for no new services—it has been described to me as a blatant money grab.

I also want to comment on the effect on farmers, who appear in current drafts to be worse affected even than other ratepayers. While the average general rate will increase to $2065, representing a 20 per cent increase, for farmers it is even higher. Their rise is nearly 25 per cent. It is a huge cost. Many already pay tens of thousands of dollars for very little service and will now see rate increases—not total rates—well into five figures. Tens of thousands of dollars more for what? For some, rates will

become the biggest annual cost beyond even fertiliser or bills or employee costs, so how can we expect these businesses to operate in this environment? If the Glenelg shire is allowed to exploit a technicality, ditch the Fair Go principle and arbitrarily increase rates by tens of thousands of dollars, why would anyone want to do business there? Minister, the action I seek is a further assessment by you of the Glenelg shire's proposed budget and its compliance with the letter and spirit of the Andrews government's Fair Go policy.

GROWING SUBURBS FUND

Dr CUMMING (Western Metropolitan) (17:45): (2016) My adjournment matter is for the Minister for Local Government, and the action that I seek is for the Victorian government to increase investment in the Growing Suburbs Fund and commit to the long-term delivery of $75 million per year over the next four years. Hume city is one of Australia's fastest growing cities and is currently home to more than 257 000 residents, and it is expected to reach over 394 000 residents by 2041. The Victorian government's Growing Suburbs Fund is vital in delivering community infrastructure for a city that is growing as quickly as Hume.

Since its inception in 2015 the Growing Suburbs Fund has been vital in delivering millions of dollars in funding for Hume infrastructure. Through the fund the council has partnered with the Victorian government to support and deliver sports facilities, integrated community centres and play spaces in Hume's growth areas when our community has needed it. The projects supported by the Growing Suburbs Fund all have a common goal: they are ensuring better access to facilities that can help improve health, wellbeing and social outcomes for all our residents in Hume growth areas. The fund has already helped deliver much-needed community infrastructure, such as Sunbury's Hume Global Learning Centre, the Craigieburn inclusive play space Livvi's Place, the Kalkallo North community centre and the redevelopment of Sunbury's John McMahon Reserve. Other projects to receive funding include a community centre and play space upgrades.

These funded projects ensure a more livable Hume and reflect how vital the fund is for the community, which continues to grow. As Hume city continues to grow, council cannot meet the needs of its community on its own and requires a long-term commitment that the Victorian government will support the Growing Suburbs Fund. Additionally, the Victorian government's decision to include peri-urban councils in the fund has resulted in a dilution of funds for councils in the interface. More funding is needed to address this, and I do hope that this government makes Hume and my outer metropolitan councils a priority.

HEALTH SYSTEM

Ms CROZIER (Southern Metropolitan) (17:48): (2017) My adjournment matter this evening is to the Minister for Health, but I am actually not sure who the Minister for Health is going to be tomorrow. It might be you, Mr Leane.

Mr Leane: I don't think so.

Ms CROZIER: Ms Taylor, you might step up. We have got a revolving door of health ministers at a time when we need stability and certainty. That is what we have seen. I have seen off two health ministers now, and I am just wondering if you are going to be the third, Mr Leane.

But this is a serious issue because Victoria does have a health crisis. I would like the health minister, whoever it is to be, to reflect on Victoria's health crisis: the record numbers of Victorians who are waiting on that elective surgery waitlist for vital surgery, the ambulance ramping that is occurring every day, the code yellows that are across so many regional hospitals on a regular basis, the worsening response times for our ambulances. Tragically, we have had 21 Victorians who have died since October because they could not get an ambulance or could not get through to 000. This is absolutely shocking—shocking. There are senior clinicians walking away, calling the system dire and dangerous. The system is in crisis.

Of course let us not forget about the failures in the COVID response—the government not ordering rapid antigen tests until virtually Christmas Eve, 23 December. The code brown that was implemented in Victoria in January was the only one in the country. It has put more pressure on our health services and sadly delayed too many Victorians from getting their necessary surgery. Cancer screenings have been cancelled, putting more Victorians at risk of developing cancer and having shocking outcomes because of that. Suspension of IVF services—this is a time-critical procedure that was suspended over January; there has been no understanding of that by this minister. The dental waitlist—151 000 Victorians are waiting for dental treatment and care. That was last December. We do not even know what the numbers are, and this is after all of this.

I am asking this new minister, whoever it is, to adopt the Liberal-Nationals plan to fix the health crisis and to start building the infrastructure that is required in regional Victoria, such as in Warragul, Albury-Wodonga—just put money into Melton; do not talk about it, just put some dollars into it—and Mildura. There are very critical needs around Victoria, including of course for an infectious diseases response centre, because that is the way that we need to be managing future pandemics. This government has completely botched it from go to whoa, and as a result Victorians are the clear losers.

ELECTRIC VEHICLES

Mr QUILTY (Northern Victoria) (17:51): (2018) My adjournment matter is for the Minister for Roads and Road Safety. Personal e-scooters are still illegal to ride on public roads and footpaths in Victoria. In the Melbourne CBD you can hire one from Lime or Neuron, but if you are anywhere else or if you use your own e-scooter you risk a fine of up to $909. The problem is that our regulatory and road safety systems are designed to ban everything and then to make exceptions for approved vehicles. From the government's perspective, everything that is not currently allowed is bad, risky, dangerous and a problem. This attitude is distinctly anti-innovation. It is a Luddite view of the world that sees improvement and progress as a bad thing.

E-scooters and e-bikes are a lot like pushbikes. We are not talking about some far-flung, world-warping alteration of the fabric of society. They have not split the atom; they have attached a small motor to a frame. They are not even motorised eskies, although perhaps we should be talking about them as well. It is embarrassing that this government cannot find a way to allow these devices to operate safely. Many people who are keen on e-scooters are using them anyway. Despite bans on their use, there are no bans on their sale. People using these devices are cutting down costs, saving time and reducing their environmental impact. We should not have to wait 12 months to determine if the current rules are too strict; we know they are too strict. Queensland, South Australia, Tasmania and the ACT have legalised private e-scooters, and the sky has not fallen. The action I seek is for the minister to change the road rule regulations to allow the practical use of e-scooters and e-bikes in Victoria.

PERRY BROAD

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (17:52): (2019) My adjournment tonight is for the attention of the Minister for Workplace Safety, and I have to say I was distressed today to read details of a traffic controller, Perry Broad, who was crushed to death by a truck. This was up in the Shepparton area, where this beloved traffic controller died doing a Rail Projects Victoria traffic management subcontracting role, acting as a spotter for a vehicle at the time of his tragic death. He was talked about by his grandchildren, and this is clearly a very, very sad day for the family. Many of his workmates have made what I think are very generous comments that show how much esteem he was held in. Rail Projects Victoria's chief executive has also expressed his condolences, and he is clearly saddened too.

But I have to say many people inside the rail construction area inside government have rung me today to talk about this, and they are pointing very strongly to failures inside V/Line and inside parts of government to have the political skill and the ability to ensure that projects are run properly. They are not only over budget—and we know this is happening—they are often far, far behind time. There is politicisation of large parts of the public service, including within V/Line, which has some auspices

over this project although it is delivered by Rail Projects Victoria. For this contractor doing the rail upgrade, it is a shocking outcome. There are political appointments that are running parts of government now, and V/Line is a terrible case study. They have no idea. They have no rail experience. This is politics being put ahead of public safety. We actually saw in the last 24 hours VicTrack doing work that resulted in the closure of the whole system across the state unexpectedly because of mistakes by VicTrack and some of its contractors. Again, this is the politicisation of the public service—people without rail knowledge and people without rail experience—and the consequences are quite serious. It is a poorly run system, but in this case, it appears, there was a terrible death.

What I am asking for here is for the Minister for Workplace Safety to ensure there is a full investigation done of this terrible death. In fact in my view there should actually be a full coronial inquiry into this. How can this have happened in this way? How can this have happened where a person who should not have died has died? Let me just say, will Evan Tattersall at Rail Projects Victoria go to jail, as the government wants to point to with its strict liability arrangements? I do not think so, but he should be held accountable. He should be responsible for what has happened with this terrible death.

NEPEAN HIGHWAY, FRANKSTON, SPEED LIMIT

Mr RICH-PHILLIPS (South Eastern Metropolitan) (17:55): (2020) The matter I raise tonight is for the attention of the Minister for Roads and Road Safety in the other place, and it relates to the relatively recent introduction of a 40-kilometre-an-hour speed zone on the Nepean Highway at Frankston. This was done last year to facilitate on-street dining because no-one could go into restaurants or any other venue last year through the lockdowns. As a consequence of the introduction of that 40-kilometre-an-hour speed zone on, I emphasise, the Nepean Highway, an enormous number of people have been fined at the speed camera at Nepean Highway and Davey Street. Now, the speed camera is not new—it has been there for quite some time—but the reduction in the speed limit from 50 kilometres per hour to 40 kilometres per hour has not been well signed and there is limited signage identifying the change in speed. Unlike most 40-kilometre-an-hour speed zones there are no flashing signs, as you would expect to see in a school zone—this is not a school zone, it is a retail strip—and as a consequence many people in the Frankston area are not aware that the speed zone has been dropped from 50 kilometres an hour to 40 kilometres an hour. As a consequence, since May of this year more than $20 000 a day in fine revenue has been collected from that Davey Street–Nepean Highway speed camera.

This is absolutely unconscionable conduct on the part of the government—to drop a speed zone in an area in a way in which it would not normally be lowered, on a main highway, to do it without signage and then to collect $20 000 a day in fine revenue. It is absolutely unconscionable on the part of the government. So the actions I seek from the Minister for Roads and Road Safety are to ensure, firstly, that appropriate signage is put in place—flashing signage as you would expect in any other 40-kilometre-an-hour zone—that there is adequate notice of that and that the fines which have been incurred to date, effectively tricking people into fines by inadequately signing the change of zone, are all considered and, where appropriate, reversed to reflect the fact that this change in speed zone was not properly notified and was not properly identified to the Frankston community.

RESPONSES

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:58): Tonight there were 10 adjournment matters from MLCs, and seven of them were directed to ministers other than me—eight matters to seven different ministers other than me. Two matters were directed to me as Minister for Local Government.

If I could start with Dr Cumming's adjournment, I actually thank her for her insight and appreciation of the Growing Suburbs Fund and what it can deliver. As far as the action to increase the annual amount from $50 000 to $75 000, there would be scope in the budget process, which is not completely in my realm, but I can advocate to the expenditure review committee. I think this is a really good thing

to advocate for. I agree with Dr Cumming. It is a really important fund, and I appreciate that the project she put on the record is a fantastic project. So that is a commitment I can give personally to her.

Mrs McArthur asked me as an action to examine the draft budget of a council. That is far from within my responsibilities, given that councils have autonomy to set their own draft budgets and set their own budgets. Mrs McArthur, I think for the concern you have about the government's rate capping policy not being effective I can quote some figures that are indicative. If the rate cap were not in place and the average annual 6 per cent increase in rates had been maintained, the average rate levied in Victoria in 2021–22 would have been around $2346 rather than the actual of $1830, so we are talking about a difference of about $500. Because of the rate cap, property owners across Victoria have saved an average total of $1655 each since 2015–16. As I said, these figures are indicative across the whole state, so I can definitely support that the rate cap has been a good vehicle for ensuring that ratepayers are not asked to pay exorbitant rates. I can add I was a bit disappointed to hear the opposition spokesperson say in the Assembly today that the opposition do not support the rate cap. I am not too sure if that is a policy that the opposition are going to go to the election with, but I can put on the record that our government will maintain the rate cap policy for the election and into the next term.

Mrs McArthur: On a point of order, President, I would just like to draw to your attention some adjournment matters that have not been answered: 1863, due 5 May this year, to the Attorney-General, for the Minister for Industrial Relations; and 1024, due 25 December 2020, to the Minister for Training and Skills, for the Attorney-General.

Mr LEANE: On the point of order, President: Mrs McArthur, I cannot tell you at this point where those particular responses are at, but I can give you a commitment that those adjournment matters will be in *Hansard*. I will get my chief of staff early next week to contact the chiefs of staff of those particular ministers and make sure that you receive your responses within a reasonable time.

Dr Cumming: On a point of order, President, I thank the Minister for Local Government tonight for answering my question. It has been quite rare for me to get an adjournment answered. I was looking through some, and some have lasted years—from other ministers, not this minister. So I would like to thank the Minister for Local Government tonight.

The PRESIDENT: The house stands adjourned.

House adjourned 6.03 pm until Tuesday, 2 August.