

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 30 OCTOBER 2019

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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Deputy Premier and Minister for Education	The Hon. JA Merlino, MP
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Minister for Energy, Environment and Climate Change, and Minister for Solar Homes	The Hon. L D'Ambrosio, MP
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Minister for Health and Minister for Ambulance Services	The Hon. J Mikakos, MLC
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Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, and Minister for Racing	The Hon. MP Pakula, MP
Minister for Roads, Minister for Road Safety and the TAC, and Minister for Fishing and Boating	The Hon. JL Pulford, MLC
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Minister for Prevention of Family Violence, Minister for Women and Minister for Youth	The Hon. G Williams, MP
Minister for Planning, Minister for Housing and Minister for Multicultural Affairs	The Hon. RW Wynne, MP
Cabinet Secretary	Ms M Thomas, MP

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

Ms Blandthorn, Mr J Bull, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Kilkenny, Mr McGuire,
Mr Richardson, Ms Spence, Ms Suleyman and Ms Ward

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The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. MA O'BRIEN

Deputy Leader of the Parliamentary Liberal Party

The Hon. LG McLEISH

Leader of The Nationals and Deputy Leader of the Opposition

The Hon. PL WALSH

Deputy Leader of The Nationals

Ms SM RYAN

Leader of the House

Ms JM ALLAN

Manager of Opposition Business

Mr KA WELLS

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: Mr P Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-NINTH PARLIAMENT—FIRST SESSION

Member	District	Party	Member	District	Party
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
Connolly, Ms Sarah	Tarneit	ALP	Richards, Ms Pauline	Cranbourne	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Crugnale, Ms Jordan Alessandra	Bass	ALP	Riordan, Mr Richard Vincent	Polwarth	LP
Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Ryan, Stephanie Maureen	Euroa	Nats
Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Burnbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
Fregon, Mr Matt	Mount Waverley	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
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Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
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Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

PARTY ABBREVIATIONS

ALP—Labor Party; Greens—The Greens;
Ind—Independent; LP—Liberal Party; Nats—The Nationals.

Legislative Assembly committees

Economy and Infrastructure Standing Committee

Ms Addison, Mr Blackwood, Ms Connolly, Mr Eren, Mr Rowswell, Ms Ryan and Ms Theophanous.

Environment and Planning Standing Committee

Mr Cheeseman, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Mr T Smith.

Legal and Social Issues Standing Committee

Ms Couzens, Ms Kealy, Mr Newbury, Ms Settle, Mr Southwick, Ms Suleyman and Mr Tak.

Privileges Committee

Ms Allan, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Ms Neville, Mr Pakula, Ms Ryan and Mr Wells.

Standing Orders Committee

The Speaker, Ms Allan, Ms Edwards, Ms Halfpenny, Ms McLeish, Ms Sheed, Mr Staikos, Ms Staley and Mr Walsh.

Joint committees

Dispute Resolution Committee

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Council: Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge.

Electoral Matters Committee

Assembly: Ms Blandthorn, Ms Hall, Dr Read and Ms Spence.

Council: Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty.

House Committee

Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt.

Integrity and Oversight Committee

Assembly: Mr Halse, Mr McGhie, Mr Rowswell, Mr Taylor and Mr Wells.

Council: Mr Grimley and Ms Shing.

Public Accounts and Estimates Committee

Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallence.

Council: Ms Stitt.

Scrutiny of Acts and Regulations Committee

Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.

Council: Mr Gepp, Mrs McArthur, Ms Patten and Ms Taylor.

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Wednesday, 30 October 2019

The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 am and read the prayer.

Announcements**ACKNOWLEDGEMENT OF COUNTRY**

The SPEAKER (09:33): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Petitions

Following petition presented to house by Clerk:

ROBINVALE-SEA LAKE ROAD

To the Legislative Assembly of Victoria,

The Petition of the Manangatang Branch of the VFF, local residents of Manangatang and district and other concerned road users,

Draws to the attention of the house the terrible state of the Robinvale-Sea Lake Road.

The petitioners therefore request that the Legislative Assembly of Victoria make available adequate funds to bring the Robinvale-Sea Lake Road up to standard therefore removing the need to lower the speed limit on the road to 80km/hr.

By Ms CUPPER (Mildura) (539 signatures).

Tabled.

Documents**DOCUMENTS**

Tabled by Clerk:

Subordinate Legislation Act 1994—Documents under s 16B in relation to the Privacy and Data Protection Act 2014—Victorian Protective Data Security Standards.

Bills**PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2019****RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES DELIVERY AND RELATED REFORMS) BILL 2019**

Council's agreement

The SPEAKER: I have received messages from the Legislative Council agreeing to the following bills without amendment: the Primary Industries Legislation Amendment Bill 2019 and the Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Bill 2019.

Members statements**GIPPSLAND DROUGHT FUN RUN**

Mr D O'BRIEN (Gippsland South) (09:35): We have many organisations doing wonderful things to support our farmers through the drought in Gippsland. I recently welcomed to Sale a convoy of hay trucks heading for East Gippsland as part of the Lions Need for Feed campaign, which was funded on this occasion by Freemasons Victoria. But while adults are doing their bit, one 11-year-old boy from Munro takes the cake. Alex Nicholls lives on a farm and has seen firsthand how the drought has affected his family and neighbours, so he decided to do something about it. Alex organised last Sunday's Gippsland Drought Fun Run around Sale's Lake Guthridge, with over 200 runners coming

along to support him. Alex's efforts, supported by local businesses and other volunteers, raised an incredible \$7000 for the Heyfield Lions Club, which supports local farmers. Well done to Alex and his proud parents, Casey and Luke.

GIPPSLAND SOUTH ELECTORATE POLICE NUMBERS

Mr D O'BRIEN: It is time the Andrews Labor government got serious about police numbers in South Gippsland. I recently raised concerns that the usual deployment of three officers in Mirboo North has been reduced to zero, with the station there generally closed and little visible police presence. Since raising it publicly I have had concerns raised from other communities, including Meeniyan, Leongatha and Korumburra, about police presence. Our local police do a good job but they are hamstrung by a lack of support from the Andrews Labor government, with a lack of replacements for officers on leave or secondment leading to staffing shortfalls. The minister says staffing decisions are operational matters. Well, it did not seem beyond her to direct police where to put resources when she pledged new numbers for the Bellarine in the last Parliament. The crime rate in South Gippsland shire has risen 32 per cent since Labor was elected, and it is time our stations were properly manned.

HERBERT MASON

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:36): I rise to mourn and pay tribute to Mr Herbert Alec Mason, who sadly passed away on 23 October 2019. Herb was a club life member of the Epping RSL, having been secretary in 1998 and 1999 before becoming sub-branch president from 2000 until the end of 2017, when he retired. For more than 20 years Herb demonstrated outstanding service to the Epping RSL and the wider RSL network. He represented the RSL on the City of Whittlesea Australia Day Awards Committee. He was active in local school visits to promote the importance of Anzac Day services and commemorations, and he developed a strong relationship with and provided support to Ivanhoe Grammar School cadets. Herb was the City of Whittlesea Australian Citizen of the Year in 2009. He also provided one-on-one Anzac Day services in local nursing homes. In 2003 Herb was involved in the establishment of bowling greens and a bowling club at Epping RSL, which today is a vibrant sporting club at Epping RSL. He developed and maintained support for a disadvantaged girls basketball team annually.

I had the pleasure of knowing Herb and joining with him at many Anzac Day remembrance events at the Epping RSL, and I cannot imagine not having his presence at future events. Herb lived and breathed the Epping RSL, and his legacy will live on for future generations. I offer my sincere condolences to Herb's wife, Teresa, his children, Jennifer, Brett and Maddie, and his son-in-law, Stephen. Vale, Herb Mason.

CHEMICAL WASTE DUMPS

Mr MORRIS (Mornington) (09:37): This morning we awoke to revelations that yet again we have a toxic waste crisis in this state. Of course that is nothing new given the incompetence of this government, but the scale is epic even by Labor's standards. Twenty-seven million dollars of taxpayers money has already been spent on 13 sites, with potentially another \$76 million required for full mitigation. A site in the west of the state, containing an estimated 50 million litres of chemical waste, may cost an additional \$125 million to clean up. Worryingly, there is talk of simply encasing the waste in a concrete shell and leaving the chemicals permanently on site. That option must not be considered for one second. That site must be cleaned up, and it must be cleaned up without delay. WorkSafe have spent \$15 million from internal sources and expect to spend a further \$41 million from their existing budget. That is \$66 million that was collected to promote and enforce workplace safety, not to clean up toxic waste dumps that should never have been allowed to build up in the first place. The Environment Protection Authority Victoria and WorkSafe say they will pursue the issue in the courts. Good luck with that.

These stockpiles could have done, and still may do, enormous damage to the environment and potentially place lives at risk. It is no good having rules and regulations if you do not enforce them. Labor has been in power for almost 16 of the last 20 years. This has happened on their watch. They have failed to enforce their own rules. There is no excuse.

COLIN SIMPSON

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (09:39): It is with deep sadness that I rise to inform the house of the sudden passing of Colin Simpson on the weekend. Colin was much admired as the foundation principal of Richmond High School. Colin, an alumni of the original Richmond High School, taught in government and independent schools across our state, as well as working in the tertiary and arts sectors.

A visionary leader, Colin was universally respected for his passion, dedication and belief in the transformative power of education. In this time of sadness and shock, it is important to celebrate Colin's life and achievement. A collegiate leader, Colin was responsible for the establishment of a network of inner-city schools to help each other share resources and professional development, and was a champion of the student voice, having students on employment selection panels in the schools he taught at and advising on curriculum.

Colin's impact on our education system was broad, profound and will endure. For my electorate of Richmond he leaves behind a world-class education facility that is exceeding enrolment expectations and fostering a diverse cohort with a terrific learning culture. Colin's dedication will continue to be an enormous legacy, an inspiration for his students, colleagues and all of us who worked with him. The Richmond High School staff and students and the broader education community are hurting badly because of Colin's sudden loss. I just want to read something from an officer here in the Parliament. *(Time expired)*

TRINITY GRAMMAR SCHOOL

Mr T SMITH (Kew) (09:40): I rise to congratulate the Trinity Grammar School year 8 students who have recently been successful at the state championships in the professional junior class for the F1 in Schools, which is a STEM challenge to make miniature Formula One cars. They took home a number of awards, including the best managed enterprise, the best engineered car, the best marketing and the best portfolio. I was delighted to support the team from Trinity Grammar School and the year 8 students, Ben Noonan, Alex Liu, Tim Crichton, Hamish Stephens and Andrew Yang. They will go on to the national championships in March 2020. I think this is a terrific initiative, and I congratulate Trinity Grammar for getting right behind their year 8 students, particularly in this important area of study, STEM, for young people, which is so important to our country's future.

GLENFERRIE BRASS

Mr T SMITH: I had the pleasure on Saturday night, along with the member for Hawthorn, to attend the merger of the Kew and Hawthorn brass bands at Camberwell High School. It was a wonderful evening. It was a cabaret. Those two bands are now forming Glenferrie Brass. Both the Kew and Hawthorn bands are historic brass bands which have done remarkably well over the years, the Hawthorn band in particular winning in the national championships on a number of occasions. The Kew band has been an important part of our local community, and I wish the merged bands all the success for the future.

AUSTRALIA AND NEW ZEALAND BUDDHIST CENTRE

Ms KAIROUZ (Kororoit—Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Suburban Development) (09:42): On 20 October I was delighted to attend the official opening ceremony of the new Australia and New Zealand Buddhist Centre in my electorate of Kororoit. Kororoit is one of Victoria's most culturally diverse electorates, with over 50 per cent of

residents having been born overseas. It is home to a vibrant Buddhist community of whom many are born in Vietnam or have Vietnamese heritage.

The Australia and New Zealand Buddhist Centre is the first of its kind in Victoria and comprises an administration headquarters, a Buddhist education training institute, a Buddhist unity and interreligious dialogue conference, and a life, family and public engagement group. It will be a space for Victorians and other Australians who follow Buddhism to come together, share their beliefs and remain connected to their identity and faith. After many years of hard work the opening of the centre was a great occasion for the Victorian Buddhist community. I would like to thank the united Vietnamese Buddhist congregation in Australia and New Zealand, and particularly president Senior Venerable Thich Thien Tam, vice-president Senior Venerable Thich Phuoc Tan, and chairman of the fundraising committee and my good friend, Dr Phuc Nhan Pham, for their hard work in bringing this project to fruition. The Vietnamese community make a valuable contribution to Kororoit and to Victoria by sharing the Buddhist values of peace, compassion and kindness with the wider community.

DIWALI

Ms KAIROUZ: I would also like to pass on my best wishes to the Indian community in my electorate and everyone that celebrates Diwali during this wonderful season.

WARRANTYTE ELECTORATE SCHOOLS

Mr R SMITH (Warrandyte) (09:43): I would like to congratulate Warranwood Primary School for another fantastic Spring Fair held on Saturday, 19 October. It was great to attend and see the school and wider community come together with entertainment throughout the day, including rides for the kids, crafts and cakes for purchase and the ever-popular wine stall for the adults. Congratulations to principal Shane Harrop, staff and the army of volunteers for their efforts on another successful Spring Fair.

I was also pleased to attend the celebrations for the 60th birthday of Beverley Hills Primary School. The school put on a fantastic twilight fair showcasing the school's rich multicultural community. Congratulations to principal Jennifer Watson and the whole school community for a fantastic afternoon. Happy birthday, Beverley Hills Primary School.

It is, however, unfortunate that both Warranwood Primary School and Beverley Hills Primary School did not receive any funding in the 2019–20 planned maintenance funding. For the 13 state schools in the Warrandyte electorate, \$50 000 worth of funding was allocated in total to those 13 schools. Schools in my electorate, such as Beverly Hills Primary School and indeed Warrandyte High School, need much more substantial capital investment, as I have supported many times in this place. Unfortunately this is a point that continues to fall on the deaf ears of a government which has refused to allocate any substantial funding to schools in my electorate consistently over five successive budgets. The lack of support for the schools in my area from this government and from this politically driven minister show once again that the Education State slogan is just an empty slogan.

VICTORY PARK PLAY SPACE

Ms EDWARDS (Bendigo West) (09:45): I was delighted to join with the mayor of Mount Alexander shire, Bronwen Machin, and the Castlemaine community to open the new play space in Victory Park last week that was made possible with more than \$89 000 from the Andrews Labor government. Last week was national Children's Week, and how fitting that the theme this year was the right of every child to good health and wellbeing. Victory Park is a community hub for the residents of Castlemaine. The new play space reflects the history of Victory Park, which celebrates its centenary next year. It was originally created to provide a memorial garden and gathering place for ceremonies associated with the adjacent RSL.

Thank you to our local Aboriginal community, the Dja Dja Wurrung, and Nalderun for their important input into the design of the play space, which reflects many Aboriginal cultural aspects and art. The play space features a zip-line, rock climbing boulders, a babel drum, a ping-pong table, a basket swing

and a wheelchair-accessible carousel. Thank you to the Mount Alexander shire and the Variety Club for their contributions and commitment to the project. Playgrounds are vital in encouraging children of all abilities to get outdoors, get active and build their skills.

BENDIGO CHANGING PLACES FACILITY

Ms EDWARDS: I also had the pleasure of launching Bendigo's first Changing Places facility last week. Changing Places are larger than standard accessible toilets, have extra features like more space to meet the needs of people with complex disabilities and their carers, and provide a safe and dignified place to meet their needs. There are 26 Changing Places being built across Victoria thanks to a \$2.6 million investment by the Andrews Labor government in partnership with local governments and not-for-profit organisations.

BUNYIP BUSHFIRES

Mr BLACKWOOD (Narracan) (09:46): The Bunyip complex of fires is well and truly extinguished, but the recovery process is still underway and will be for some time, as was our experience after the Black Saturday fires of 2009. The response from the Andrews government to the Bunyip fires earlier this year has been very disappointing, especially compared to the response of the Brumby government in 2009.

Following the 2009 fires there was financial assistance provided to all businesses impacted either directly or indirectly by the fires. All those who lost their home, insured or not, received a one-off payment of around \$40 000 to help with the clean-up and rebuild. None of this has been made available to those who lost homes, businesses, outbuildings, fencing, pasture or water infrastructure during the Bunyip fires earlier this year. A recent survey conducted by the community recovery committee found that the issues residents needed assistance with included roadside clearing of fire-created debris and revegetation; fencing on private land, especially on land sharing a boundary with a government agency; rate relief—somehow property valuations have increased despite being completely burnt out; and also pasture re-establishment.

The community becomes the engine room of recovery after disasters, and the four distinct communities of Tonimbuk, Garfield North, Bunyip North and Tynong North have assisted each other brilliantly, but the Andrews government needs to step up and partner with these communities. Assets like halls, community centres and meeting places must be built or rejuvenated. Tony Fitzgerald and his recovery committee are doing a great job, but they genuinely need more government assistance. A visit from the Premier and ministers would be a good start given they have never visited the area since the fires.

GISBORNE MONTESSORI SCHOOL

Ms THOMAS (Macedon) (09:48): Last week I had the privilege of attending the United Nations Day celebration at Gisborne Montessori School. To celebrate the day the students held a Model United Nations Assembly with other Montessori schools from across the state. Students came together to research their chosen countries and discuss global issues, including waste management and climate change, as well as potential solutions to each of these problems. Well done to Gisborne Montessori students Ariel, Zoe, Rhylee, Oliver, Diani and Sarah, who represented the countries of Vanuatu, Marshall Islands, Fiji, the Solomon Islands and Kiribati. I was very impressed with the quality of research, the creative ideas and the presentation skills of the students whose work I saw on the day. It is truly inspiring to meet young people committed to global engagement and cooperation as a force for good in the world.

MACEDON RANGES OBEDIENCE DOG CLUB

Ms THOMAS: The Macedon Ranges Obedience Dog Club recently celebrated its 40th birthday. The club has been training dogs of all sizes—but let us face it, mostly their owners—since 1979. With a group of almost 20 volunteers the club has been an important part of the Macedon Ranges community. Congratulations to president Ben Were and the club's 20 volunteers on a fur-tastic 40 years.

KYNETON MUSIC FESTIVAL

Ms THOMAS: The Kyneton Music Festival has taken its final bow after eight years of bringing the best of international and local rock music to the Macedon Ranges. Congratulations to co-directors Jess Grant and Rob Jones and all the amazing volunteers who have made the festival happen over the last eight years and who have contributed to Kyneton's increasing renown as a home to creativity, music and the arts.

JACKSON'S EARTHMOVING

Mr TILLEY (Benambra) (09:49): I want to talk up a Wodonga family business and call for the support of this government. Jackson's Earthmoving has now diversified into recycling. They take bottles and crush them into pipe bedding, plumbers grit, road base and a surface for hundreds of kilometres of bike trails. They anticipate a significant increase and ongoing demand for this terrific alternative to sand. This should be great news for Wodonga—Wodonga's expansion, investment and more jobs. But they continue to be overlooked by this government.

Melbourne is facing a critical shortage of sand, and extractive industries cannot get approvals to keep up. Without sand there are no metro tunnels and no suburban loop. It is a key to building and construction. I do not need to remind anyone about the recycling bingles of the past two years that have seen hundreds of thousands of tonnes of glass and bottles end up in landfill. So it would seem an absolute no-brainer for the government to get behind this great Wodonga business. I get that this government does not have any money left for country Victoria, but for the sake of jobs, the environment, regional Victoria and the construction industry, it is time to use some of the \$500 million in the Sustainability Fund to support communities beyond the tram tracks.

INDIAN ASSOCIATION CARDINIA CASEY

Ms CRUGNALE (Bass) (09:51): I rise to acknowledge the Indian Association Cardinia Casey (IACC), who have brought so much colour, goodness and positive spirit into our lives, our streets, parks, gathering places and our region as a whole. The team, president Aanchal Meshram alongside committee members Aditi Maini, Ranbir Kathuria, Aman Arora, Mayur Meshram and Ruchi Singla, are all about strengthening community, and they do it by sharing their Indian culture.

Diwali's celebrations have been the focus this last week, and they have organised not one but three, in varied locations so everyone has the opportunity to attend. The one at Bunjil Place was literally one massive synchronised heartbeat of joy. The drummers and performers, young and old, were just exceptional. In their mix of enriching activities they also run language classes for children, yoga classes, a TechX program and 4VR Women: Our Tribe, Our Pride—a campaign to empower women through program areas like career guidance, mentoring, driving lessons and general wellbeing. They have also run a blanket drive for those in need over winter, organised food and clothing during the Bunyip fires and health checks for parents and grandparents.

Through the work they do we gain new perspectives, we broaden our own, and this binds us as a community and enriches us a society. If we are valued, we contribute, we link arms and we walk forward together. I thank the IACC and all those around them for their invaluable contribution to making our community and region an even better place to live.

BIG BUFFALO DAM

Mr McCURDY (Ovens Valley) (09:52): I am absolutely thrilled about the support that I am receiving from my community about referring the Big Buffalo concept to the National Water Grid Authority. Drought across regional Australia is taking its toll on farmers and certainly farming communities. Climate change scientists insist that with rain events we will see heavier downpours less often and with longer periods of dry, so the logic to build Big Buffalo is certainly compelling. I want to educate groups and individuals about The Nationals' plan to build and expand Big Buffalo, and I want to alleviate any concerns and help people to understand this project, including the generation of

hydro-electricity. For anyone who wants to understand, I encourage them to call my office and I can take them through this process step-by-step. It is a tri-state, multibeneficiary project that helps farmers, farming communities and of course the environment.

I genuinely hope that the Andrews government will reach out to understand this proposal. This plan embraces commonwealth funding: firstly, to research the economics, and secondly, to build it if required. If the government of Victoria really cares about the region, they will embrace this concept. Let us look at the economics and let us do it for our farmers, because our farming communities and our farmers are counting on us.

BROADMEADOWS ELECTORATE REVITALISATION

Mr McGuire (Broadmeadows) (09:53): Australia needs a bipartisan commitment to define our manufacturing future in blue-collar communities that matches the regional response to drought. There is now a unity ticket on jobs, so let us deliver them where they are needed most and will deliver the greatest value. We have a one-off opportunity to drive advanced manufacturing and infrastructure, but the Australian government must be a partner, not a bystander, particularly in Melbourne's north.

Three years after the closure of the Ford Motor Company's iconic assembly line marked the demise of Australia's once proud automotive industry, the hardest hit community, Broadmeadows, is fighting back, but we need a coordinated strategy and anchor industries.

The fourth industrial revolution and advanced manufacturing define how high-value, high profit, well-paid manufacturing is more likely to establish what Australia makes and sells to the world to help us earn our way, with a model driven by investment in research and development rather than simply cost cutting. The proposed city deal for Melbourne's north-west is one mechanism to deliver collaboration and funding. The \$480 million investment just announced to upgrade the M80 ring-road is another state-shaping project, part of Victoria's once-in-a-generation infrastructure investment. This is the collaboration that we need. My call is to ensure infrastructure projects, including further developments at Melbourne Airport and eventually a third runway, deliver local jobs for local people. After helping to attract a \$500 million investor to the redeveloped Ford site, now is the time to capitalise.

MITCH DARRAGH

Mr Northe (Morwell) (09:55): I wish to acknowledge the extremely sad passing of Mitch Darragh, who recently lost his brave fight with cancer. Aged 37 years, Mitch leaves behind a legacy of volunteering and community service with his beloved Morwell SES and the Fortuna 60 Soccer Club. Mitch's passing has left a huge hole in the hearts of those who loved him. Condolences to Belle, Evelyn, Graeme and Tenae, along with Mitch's wide network of friends, family and colleagues.

TERRENCE 'TERRY' GOODWIN

Mr Northe: Local volunteer hero Terrence 'Terry' Goodwin was recently awarded the Order of St John for his sterling and outstanding service to St John Ambulance and in turn to the Gippsland community. Terry has been a volunteer since 1980 with the St John Ambulance Latrobe division, where he met his wife, Margaret, who has also been a huge part of our local service. Terry is also a long-serving volunteer firefighter with the Traralgon fire brigade. Terry, I know that you make your wife, children and grandchildren very proud, and we sincerely thank you for your continued dedicated community service and congratulate you on this momentous achievement.

COUNTRY WOMEN'S ASSOCIATION, TRARALGON

Mr Northe: I rise to extend my congratulations to the Traralgon branch of the Country Women's Association, whose members will celebrate the association's 90th birthday on 4 December. As the oldest group in the Latrobe Valley, Traralgon CWA was originally formed in 1929 by Mrs Whittaker and Mrs Brereton and continues its strong tradition of tireless fundraising that has assisted many community organisations across the region. It now also boasts an evening group. The

CWA Traralgon branch will celebrate its milestone with a luncheon and an opportunity for current and former members to connect and reminisce. Congratulations to president Barb Derham and the entire CWA family on this most momentous of occasions.

VCE EXAMS

Mr BRAYNE (Nepean) (09:57): I just want to wish all the year 12 students in Victoria the very best for their exam period, which has begun today with the English exam underway as we speak right now. In particular I want to wish the students of Rosebud Secondary College, Dromana College and Padua College all the very best as they sit their exams. I remember sitting my all-important VCE exams eight years ago and know the anxiety and nervousness that comes with not just sitting your end-of-year exams but finishing a huge chapter of your life.

I was blessed to go to a school where desks were not an issue, but this has not been the case for all the schools on the peninsula. When I visited all the schools earlier this year Rosebud Secondary College's desks were just not up to scratch. They were well-worn, graffitied and wobbly—sounds like my uncle! I spoke with the kids and said I would do everything I could to try and ensure they had new desks to work on by the end-of-year exams. With the maintenance blitz funding announced by the Minister for Education a month back, this school was able to use that money for new desks. Our kids should know that when they do these important exams they will not be stymied by desks not able to serve their purpose.

Also, as important as these exams seem right now, the results do not define you or your future. Your attitude matters so much more. So once again I wish all the year 12s a very successful exam period and subsequently a very safe schoolies.

COLIN SIMPSON

Mr DIMOPOULOS (Oakleigh) (09:58): Just to conclude the Minister for Planning's beautiful tribute to former principal of Richmond High School: Colin Simpson, the minister was going to conclude by saying that a senior parliamentary staffer wrote to him saying the following:

With both my kids in the public school system, it has been a privilege to observe so many amazing Principals and staff over the years, but none were more inspiring than Colin Simpson.

OAKLEIGH PRIMARY SCHOOL AND KINDERGARTEN

Mr DIMOPOULOS: On to the Oakleigh electorate: it was a great pleasure of mine to attend Oakleigh Primary School and Kindergarten. We provided \$330 000—delivered by our government—for an extra 22 much-needed places here, and they are now open. I would like to thank the passionate centre director, Naomi Pritchard-Tiller and school principal Michele Nolan, as well as the staff and the parents. This is a fantastic place for our local kids, and they are really good kids too—confident and bursting with energy. It is also a fantastic place because they have a great school to graduate to, which is Oakleigh Primary School.

GOODSTART EARLY LEARNING

Mr DIMOPOULOS: That is not all we are doing in early childhood. We are doing a lot more. At nearby Goodstart Early Learning in Oakleigh we are now funding weekly tuition in Mandarin at no cost to parents. We are doing second-language teaching in 150 kindergarten centres around Victoria, and 10 kinders are actually totally bilingual. That is up to 5000 kids across Victoria benefiting from a second language. It was incredible to see the four-year-old kids getting involved, laughing, singing along, dancing and learning all the way from the very passionate Jing, their Mandarin teacher.

REPUBLIC OF TURKEY ANNIVERSARY

Ms SULEYMAN (St Albans) (10:00): Happy 96th anniversary to the Republic of Turkey. The date 29 October is a day of great pride for those of Turkish heritage all around the world. It commemorates Mustafa Kemal Atatürk for leading the independence movement to create the Republic of Turkey. Democracy, progress, equality for women, the value of science and education

and pride in our heritage were the foundations of the republic. I join with the Australian-Turkish community and all friends of Turkey to remember and acknowledge one of the greatest leaders and visionaries of all time, Mustafa Kemal Atatürk, the father of Turkey.

ARDEER PRIMARY SCHOOL

Ms SULEYMAN: Also, congratulations to Ardeer Primary School, a fantastic primary school in my electorate, and to the grade 2 and 3 students who participated in the writer-in-residence program. They had the opportunity to write a book with Emma Bowd. Thank you to her for all her efforts and for publishing their book called *Mrs Balil's Brilliant Boots*, a copy of which I have been presented with. That was a fantastic effort by the grade 2 and 3 students at Ardeer.

KEILOR DOWNS COLLEGE

Ms SULEYMAN: A big shout-out to Keilor Downs College. Congratulations to the year 7–9 students, who again successfully completed the 2019 Premiers' Reading Challenge. This event is a milestone event for the students, who get an opportunity to organise the event and really take up the reading challenge. Well done to the students.

DIWALI

Ms SULEYMAN: Of course, on another note, happy Diwali to our Indian community. I had the opportunity of attending many events over the weekend.

BUNINYONG ELECTORATE COMMUNITY EVENTS

Ms SETTLE (Buninyong) (10:01): With winter behind us and the weather warming up it is festival and show season in the Ballarat and Buninyong region. Community events such as festivals and family days exemplify the very best of regional life. They are wonderful ways to bring communities together, and these events are only possible with the dedication of many volunteers. Last weekend there were fabulous festivals in the townships of Buninyong, Linton and Lal Lal, each with its own character but each a highlight of the calendar.

On Sunday I was delighted to be on a stall with federal member Catherine King at the Buninyong Festival. The festival is a celebration of the community's diversity, and there was something to please everyone. One favourite of many is the Crack the Crater fun run, a 10.6-kilometre race up the mountain. There was lots of art, music and stalls.

In Linton over the weekend the LOLA festival was held for the second time, and again it was a great success. LOLA stands for Linton on Literary Arts and is a weekend focused on arts, local history and a celebration of the township.

One of the smaller towns in the region, Lal Lal, held its annual market day, which I was thrilled to attend. Lal Lal is a small town, but what it lacks in size it makes up for in community spirit. Despite the chill in the air on the day and the late rain, nothing was going to dampen the spirits of those enjoying Lal Lal market. I would like to acknowledge the wonderful input of so many community members in creating these events. We love our towns and we love to show them off.

AUSTRALIAN ORPHANAGE MUSEUM

Mr EREN (Lara) (10:03): It was very poignant to attend the opening of the Australian Orphanage Museum in my electorate recently. The museum tells the important stories of many incredibly brave children who grew up or spent time in orphanages across the nation. The objects throughout the museum act as a reminder of the suffering these children experienced during this time. Thank you to Care Leavers Australasia Network co-founder and CEO Leonie Sheedy for inviting me to attend the emotional opening.

VIETJET

Mr EREN: There is also some good news in relation to Avalon in my electorate. You will soon be able to fly from Avalon Airport to Vietnam through Vietjet. Up to four direct flights a week to and from Ho Chi Minh City should begin from late next year. This is in addition to the international flights between Malaysia and Avalon through AirAsia X that began in December last year. It is great news for our tourism industry and great news for local jobs; fantastic work by Justin Giddings and the team out at Avalon Airport.

NORTH GEELONG SECONDARY COLLEGE

Mr EREN: What an amazing morning it was at North Geelong Secondary College last Friday for their 2019 Multicultural Festival. Despite the weather, the morning was full of excitement, celebration and unity. Well done to all involved for celebrating the diversity within the school community, especially the students who performed and the school captains who MC'd the opening. It is a great tradition of the school and a great day of celebration which I was honoured to be a part of.

LARA RSL

Mr EREN: It was an honour to attend the Lara RSL sub-branch on Saturday for their 'Thank you for your service' day and also to mark the first day of Veterans' Health Week. It was an amazing morning and, importantly, a great opportunity to say thank you to our veterans.

RESERVOIR LEVEL CROSSING REMOVAL

Mr SCOTT (Preston—Assistant Treasurer, Minister for Veterans) (10:04): I rise to congratulate those involved in the construction of the Reservoir railway crossing, which will have a tremendous benefit to the community which I am greatly honoured to represent. There is a significant division of the Reservoir community between east and west, and the construction will allow easier access for traffic, allowing the community to be united for the first time.

Statements on parliamentary committee reports**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE***Report on the 2019–20 Budget Estimates*

Ms STALEY (Ripon) (10:05): Today I am going to talk about the *Report on the 2019–20 Budget Estimates* from the Public Accounts and Estimates Committee (PAEC). This was of course tabled yesterday.

This report is like a box of chocolates. There is just so much to talk about on this report that it is hard to know where to start, so I will be focusing on the transcript of the Treasurer's appearance at the PAEC hearings. That was on 31 May 2019. In that appearance there were a couple of areas that I particularly want to talk to today. The first one occurs on pages 20–21 of the transcript and it relates to a series of questions on expenditure-based reviews that were asked by the deputy chair of PAEC, the member for Polwarth.

What we were trying to get a sense of, I can see from his questions, was where the cuts are going to fall in relation to the expanded efficiency dividends that are mentioned in the budget. The secretary of the department, Mr Martine, had taken us through some explanations, and then we got to the pointy end of it where it became clear that the way in which the government is implementing this is through base reviews. Base reviews are a well-established practice; there is nothing surprising there other than the scope of them. These are base reviews across all areas of government. Why do we see these base reviews? It is of course because the government has run out of money. They are now looking at where they can cut sometimes longstanding programs to try and prop up their budget.

One of the areas which we asked specifically about and which the Treasurer completely did not rule out—he was offered many opportunities to rule it out—is cutting country hospital budgets. Country

hospitals are of course close to the hearts of the member for Polwarth and me as we both represent country electorates. If we look at the situation in country hospitals, it is truly frightening that the Treasurer would not rule out further cuts to these hospitals, because what we are seeing is that all hospitals, I believe, across the network are in deficit. What that means is that if a hospital has low cash reserves and is in deficit, it gets to a point where it cannot pay its bills. There are a number of hospitals that are facing this at the moment.

So what has the government done? The government has come out and done their pea and thimble trick and put out a fund for flu—a \$200 million flu fund was announced. This is the third year we have had a flu fund. The first one was because electricity prices went up so dramatically with the closure of Hazelwood that the hospitals could not pay their power bills. This time it is largely on the back of the nurses' enterprise bargaining agreement causing an 8 per cent increase in wages and also the nurse-to-patient ratios, which hospitals have not been funded for. So we are in the situation where we have services being cut in the country and no belief that we will have them quarantined from further cuts. It is just not good enough.

The one other thing that I want to briefly touch on is a project in my electorate, the road between Ararat and Stawell, which the federal government has offered money for. I note in the transcript that the Treasurer was not even aware of this, despite the fact that there are hundreds of millions of dollars in the federal budget. He had not bothered to reflect that in the state budget. We still have not seen that money allocated into the state funds despite the fact that the federal government has it in their budget. It is not an election commitment, it is actual budget money, and it is well overdue that this government got on and finished that road.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Ms BLANDTHORN (Pascoe Vale) (10:10): I rise also to speak on the *Report on the 2019–20 Budget Estimates*. I came as chair to this committee halfway through the process of this inquiry, and it certainly was well underway. The hearings had concluded at the point at which I became chair of the Public Accounts and Estimates Committee.

The questionnaire obviously had been agreed to and distributed to the departments back in April, the budget was obviously on 27 May, and then the hearings were from 31 May to 14 June, on what I understand from fellow committee members was a rather gruelling schedule. Then of course there was an extensive process of questions on notice, both those taken within the hearings and also, in a new process, some questions that were tabled outside of the hearing and those questions being responded to.

We then had our deliberation meetings, and that was also quite an extensive process, going chapter by chapter through this new report. The new report follows a new structure this year and, instead of just being an overall assessment of the accounts of the estimates, it goes chapter by chapter through each of the departments, giving an overview of expenditure measures and outcome measures within each of the departments.

Throughout this process I have been ably supported by the committee members, and I would like to acknowledge the deputy chair, the member for Polwarth, who is in the chamber now; the member for Mordialloc; the member for Narre Warren South; the member for Cranbourne; the member for Gippsland South; and the member for Prahran; as well as in the other place a member for Western Metropolitan Region, Ingrid Stitt.

Of course I would like to also acknowledge the work of the committee secretariat, Dr Caroline Williams and her team. They have put in many, many hours of work into this report, and if I could mention Jessica Strout, Marianna Stylianou, Igor Dosen, Janithri Wickramaratne, Krystle Gatt Rapa and Amber Candy, and consultant Steven Vlahos, who supported the committee in their work in scrutinising the budget estimates for this budget.

I also acknowledge those ministers and their staff and departments who participated in this process, the parliamentary Presiding Officers, the Victorian Auditor-General, the various departments, and the staff associated with the committee hearings. On a schedule such as the one that I understand the hearings took, staff play a big role in supporting the work of this important committee, and we do thank them.

This report comes at an important time for the government and for the Parliament. It has been tabled at an important time in that it scrutinises the government's \$70 billion 2019–20 budget, and the committee's primary aim was obviously to promote the accountability, transparency and integrity of the executive government and of course the public sector as a whole. Significant public spending is committed to large infrastructure projects in this budget, and we have heard about many of those. Indeed the minister at the table, the Assistant Treasurer, spoke just now about the Level Crossing Removal Project. This budget certainly allocates a lot of money to big infrastructure projects, and the scrutiny of those projects through this process is obviously an important one in ensuring the delivery is efficient.

Victoria obviously also has a rapidly growing population, which is placing increased pressure on critical health and education services. Again I note the role of this committee in assessing the expenditure on health and education, particularly when the government as a whole has the highest expenditure in relation to education and rebuilding our Education State. The report looks, significantly, at the issues associated with expenditure in the education department.

The report as a whole includes 63 recommendations, which I am sure over subsequent weeks members will consider and perhaps speak about in this place. The 63 recommendations to departments are designed to encourage the effective and efficient delivery of public service and assets and improve understanding of the budget papers as a whole. There are several themes which are reflected in the committee's recommendations, including the need to review or establish performance measures and targets for initiatives that are of significant interest and for initiatives that attract significant funding allocations. There are some key recommendations which I obviously do not have time to go into today. In particular I would like to draw out some of the recommendations in relation to gender-responsive budgeting and note that the committee has decided, partly influenced through this process, to undertake a subsequent inquiry into gender-responsive budgeting.

I look forward to the continuing work of the committee and our follow-up reports to the Auditor-General's previous reports, and I thank the members for their work.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr T BULL (Gippsland East) (10:15): I rise to make some comments on the Public Accounts and Estimates Committee's *Report on the 2019–20 Budget Estimates*. There are a couple of issues that I would like to cover off in this contribution.

The first refers to page 136 of that report and the reference to the Gippsland Lakes commercial fishing buyout. What I want to talk about today is a situation that has arisen out of that decision that is going to have a detrimental impact on a local business in Bairnsdale. A gentleman called Matthew Holley, who operates the Bairnsdale Bait Supply, is facing this issue at the moment where he cannot access sandworm because the drought in East Gippsland is having an impact on those stocks, so what he does is source prawns to supplement his business and keep his business afloat. At present he only has a 100-metre conventional bait net to catch his prawns and he has to get the additional prawns from the Gippsland Lakes fishers. Now, come April next year, they are going to be gone. Matthew has made a request to get his stake net licence out to 300 metres and for some other benefits from Fisheries Victoria. The answer to that question that he put forth was that he will still be able to get the prawns from the commercials. Subsequent to that, the commercials have said they are not staying in the sector,

so I currently have a question pending and a letter pending with the minister. We need to keep Mr Holley's business afloat and we need the minister's support to be able to do that.

Page 224 of this report relates to regional jobs. Robbie Brunt is a timber harvester contracted to VicForests in Orbost, and he has now been told that there are no logging coupes available in his contracted area of Orbost, Cann River and Bendoc. This is very alarming for Mr Brunt because he is only one year into a five-year contract. Instead VicForests have allocated to him a coupe at the faraway location of Benambra, and this is logistically challenging for a logging business based out of Orbost.

Mr Brunt believes the reason he has been allocated this coupe so far away and not a local coupe is the exclusion areas put in place around the proposed Emerald Link trail. If we want to be fair dinkum about saving regional jobs, Mr Brunt needs to be offered more coupes in his local area, and this will require more resources being made available. We cannot just continue to lock up areas and not replace them and expect these timber industry businesses to survive. What I want the minister to do is look after Mr Brunt, and if we are going to put more areas in reserve for the proposed Emerald Link trail, we need to open up commensurate areas of bushland for these timber workers to be able to operate.

I am sure every member in this chamber would know that Orbost as a community has had more than its share of kicks in the guts with the downturn in the timber industry and that is simply because we have more areas going into reserve—and often that is for good reason. Often they are put into reserve because of particular species protections, and that is fine—that is okay—but we do not have the same area replaced for those workers. If we continue to take, take, take, that will be to the detriment of that town and that industry. We need some balance restored here, and I would ask the minister to allocate more timber resource areas in the Orbost region.

Mr Brunt is not the only contractor that is facing this at the moment. He is employing people with kids at school, and he is employing people that have got mortgages. They should have the right to work in their local area and not have those resource areas taken from them.

The final comment I want to make on this report relates to the Avon River rail bridge at Stratford, and I refer to page 121 of this report, which covers off regional rail projects. The budget papers themselves state that this very important piece of infrastructure, the Avon River rail bridge, will be completed in the first quarter of the 2020–21 financial year. That is 11 months away, and on that site we have seen nothing at all at the moment. I would like the minister to reassure locals that this project will be completed on budget and on time. It needs to be up and operating and taking trains, really, by September next year. I cannot see it happening, but the locals are waiting for it—not only from a passenger rail perspective of saving time, but also from a freight perspective to look after those businesses in our region that are looking at transporting their materials by freight. So I would ask the minister to please confirm that this project will be completed on time.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr MAAS (Narre Warren South) (10:20): It gives me great pleasure to rise and also speak on the *Report on the 2019–20 Budget Estimates*, which is hot off the press, of course, and was just tabled yesterday. It gives me great pleasure also because—as a first-time parliamentarian—it is the first committee that I have sat on. As a part of the great Westminster tradition, where governments are held to account through committee processes, it is really a very special thing to be sitting on this committee and to be able to scrutinise our budget papers, which is a key component of the Public Accounts and Estimates Committee's work.

On this committee we have representation from both houses. I would like to acknowledge the work of the previous chair as well, the Honourable Philip Dalidakis. Some would say his approach was crash through or crash, others would say that he was very able, but we acknowledge his contribution as we do the contribution of our new chair, the member for Pascoe Vale, who is doing a stellar job in that

role. We have also got the deputy chair, the member for Polwarth; the member for Prahran; the member for Gippsland South; and the outstanding contributions from the member for Cranbourne and the member for Mordialloc, of course.

A member: Hear, hear!

Mr MAAS: Indeed. We have also got Ms Stitt from the other place as well as the member for Evelyn. It would be remiss of me at this point not to acknowledge the work of the secretariat, who have really been doing a powerhouse of work to ensure that this report has got to this stage. We thank them, especially the executive officer, Caroline Williams, and her team, in getting to this point.

The report itself is split into some 13 parts. We have obviously got the introduction and there is the budget overview. It moves through into the whole-of-government review, the Department of Health and Human Services review and the reports on the Department of Education and Training, the Department of Transport, the Department of Justice and Community Safety, the Department of Environment, Land, Water and Planning, and the Department of Jobs, Precincts and Regions. There are also reports on Court Services Victoria, the Department of Premier and Cabinet, the Department of Treasury and Finance, the Parliament, the Victorian Auditor-General's Office and the Parliamentary Budget Office.

All of these combine together to form the overall report, of which there has been some 63 recommendations made to departments, which have been designed to encourage the effective and efficient delivery of public services and assets and to improve understanding of the budget papers. Whilst there are several themes which are reflected throughout the committee's recommendations, including the need to review and establish performance measures and targets for initiatives that are of significant public interest or attract significant funding allocations, indeed the government itself is still in the process of forming its view before giving a response to those recommendations.

As I close, I would just like to thank the committee for the functional nature in the way that it is working. I commend the report and I thank the secretariat and all members involved in producing the report.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr NORTHE (Morwell) (10:25): I rise to speak on the *Report on the 2019–20 Budget Estimates* of the Public Accounts and Estimates Committee (PAEC) and particularly on the hearing on 13 June in relation to the Minister for Ambulance Services. I wish to initially just pick up some points that the minister raised in her contribution to the committee, where she said:

The 2019–20 ... budget provides \$108.8 million over four years with a specific focus on additional paramedic resources across rural and regional Victoria, fully funding our election commitment.

I, firstly, take the opportunity to acknowledge the fantastic work that our paramedics do. I can certainly speak on behalf of my community, where we have some amazing paramedics who do an incredible job. Their dedication, commitment and skill are absolutely amazing. Knowing many of them as friends, I know that they are there to serve our community, and they do that with aplomb.

In the transcript the minister also said that new and additional paramedic resources will be deployed in a number of areas. One of those mentioned that is of interest to me is Churchill. Now this is an interesting comment, because Churchill actually does not have an ambulance station as such. It is certainly a community that is serviced by neighbouring stations, whether that be in Morwell, Traralgon or Moe, but in terms of the minister's contribution at PAEC, and noting Churchill, it is unknown at this stage what actual services or resources will be provided to Churchill, what those additional resources are or if they have been implemented. That is certainly something we would like the minister to take up further.

The minister also in her contribution talks about capital investment. I wish to turn to the commitment by the government, and indeed the minister and previous ministers, about ambulance station upgrades within my community. If you go back and have a look at the 2017–18 Public Accounts and Estimates Committee presentation by the then Minister for Ambulance Services, it notes on a very good graph that a number of ambulance stations in my region were due to receive upgrades. It actually says ‘funded ambulance station upgrades’. Moe and Warragul were due for those upgrades in 2016–17, and Traralgon and Morwell in 2015–16.

I congratulate the government because the Traralgon ambulance station has been built, but the Morwell ambulance station, which was committed to in PAEC back in 2015–16, still sits idle. I have an article from the *Latrobe Valley Express* of 22 October 2018—12 months ago—under the headline ‘Sign points to station’. This article says:

The state government has chosen an empty paddock in English Street, Morwell, as the site for a new ambulance station to be built by the end of next year.

There is actually a photo from 12 months ago, a big sign saying, ‘Your new Morwell ambulance branch—opening 2019’. But the reality is this site is still vacant. The sign has been removed. Residents have expressed some concern about the locality of the site. The facts are that we have no information as a community as to what is happening with this Morwell ambulance station now. As I said, the site is still vacant, the sign has been removed, and we really need some information from the minister in regard to that.

As I said, the minister notes in her testimony at PAEC that new and additional paramedic services are due for Churchill. We really need to understand what that actually means, given they do not have an ambulance station. In terms of the capital investment I congratulate the government for building the new Traralgon ambulance station, but we really need to know what is happening with the Morwell and Moe ambulance stations which were committed to as far back as 2015–16.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr PEARSON (Essendon) (10:30): I am delighted to make a contribution on the *Report on the 2019–20 Budget Estimates*. As a regular contributor to committee reports I am absolutely thrilled and delighted with the outstanding work of the Public Accounts and Estimates Committee in producing this outstanding report. It seems to be significantly thicker than the one I last presided over, which means there will be more material. Indeed these reports play a very important contribution because they enable us to have an ability to peer into and see the current state of play in relation to the state finances. It is important that you have got that ability to have a deep dive and a ready reckoner in terms of how the budget is going and how the economy is going. It is important that one is able to be numerate because it is important that someone is able to count and have a deep appreciation of the budgetary position, the finances, the state of the budget, the surplus and the like.

Being able to count is a very important skill in this place. Being able to appreciate one’s position and being able to have a deep appreciation of the current state of play is important. I do note, for example, that the member for Malvern currently has only 11 votes in the Liberal Party room. I would have thought that it is important that the member for Malvern has an appreciation of this fact, because being able to count is indeed important, because you need to—

Ms McLeish: On a point of order, Deputy Speaker, on relevance. I think the member on his feet has strayed very far from committee reports and I ask you to bring him back to the report.

Mr PEARSON: On the point of order, Deputy Speaker, would the member for Eildon be able to confirm whether she is one of the 11?

The DEPUTY SPEAKER: That is not a point of order, and I ask the member for Essendon to return to speaking on the committee report.

Members interjecting.

Mr PEARSON: If you do not ask, you do not get on in life, I have learned, Deputy Speaker.

A member interjected.

Mr PEARSON: Well, the member for Forest Hill is now in the chamber. I am sure he is one of the 11, because but for the member for Malvern he would be languishing on the backbench.

The DEPUTY SPEAKER: Order! I would ask the member for Essendon to not reply to interjections. The member for Essendon, to continue.

Members interjecting.

Mr PEARSON: Thank you, Deputy Speaker. It is always a joy to be on this side of the house. I want the record to reflect I will be happy to be a government backbencher for the rest of my days, rather than spend a single day over there, even if it is at the table and even if it is at the expense of the member for Eildon's car.

Anyhow, it is important to have an appreciation for the current state of the books. I would draw the house's attention to page 9 of the report where we talk about the net debt to gross state product (GSP) ratio and state that this will reach 10 per cent as of 30 June 2023. This is an increase on the previous debt levels. Although I would indicate to the house—I think the house does make an important acknowledgement of this—that debt levels actually decreased over the course of the previous term of office. In fact under the Baillieu-Napthine governments debt levels increased significantly and it was at a time when gross state product was very low. Deputy Speaker, you will also note that, in relation to this, real GSP grew by 3.5 per cent in 2017–18. This is on page 13.

Compare that to the lacklustre performance of the member for Malvern when he was Treasurer. In the last full financial year that he was Treasurer of this state, gross state product grew by a paltry 1.7 per cent, which I think demonstrates the fact that the member for Malvern has been a serial underperformer throughout his career. I suspect that the member for Malvern probably peaked when he was Peter Costello's valet and it has been all downhill ever since.

Members interjecting.

Mr Angus: Deputy Speaker, I raise a point of order on relevance. The member is already defying your earlier instruction in relation to being relevant to the committee report and not straying off into a whole world of fantasy that he is trying to share with the rest of us. Can you bring him back to order?

The DEPUTY SPEAKER: I do encourage the member for Essendon to speak to the committee report. I do not mind comparisons, but keep it minimal.

Mr PEARSON: Thank you, Deputy Speaker. I am sure the member for Kew will ensure the member for Forest Hill keeps his place in shadow cabinet when he becomes leader.

Anyhow, this is an outstanding body of work. There is much material and there is much to be excited about. It provides a great opportunity for many of us to get up and to have a deep appreciation of the current state of the economy. As I said, it is an important skill to have, to be able to count. I note that the member for Ripon is here at the table. She has been very silent in terms of defending—

The DEPUTY SPEAKER: Order! The member's time has expired. The time for committee reports has now concluded.

Bills**BUILDING AND ENVIRONMENT PROTECTION LEGISLATION AMENDMENT BILL
2019***Statement of compatibility*

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (10:36): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Building and Environment Protection Legislation Amendment Bill 2019.

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 Building and Environment Protection Legislation Amendment Bill 2019.

In my opinion, the Building and Environment Protection Legislation Amendment Bill 2019, as introduced to the Legislative Assembly, 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 makes a number of amendments to the *Architects Act 1991* and the *Building Act 1993* to improve regulation of the architect, building and plumbing industries, and to modernise and strengthen relevant governance arrangements. The Bill also makes some further miscellaneous amendments to the amending legislation of the *Environment Protection Act 2017*.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill are the right to privacy and reputation (section 13), and certain rights in criminal proceedings (section 25).

Right to privacy and reputation

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

Information-gathering powers

Clause 6 of the Bill amends the *Architects Act 1991* to insert section 17B, which provides that, in order to carry out any of its functions under that Act, the Architects Registration Board of Victoria (ARBV) may give a person a notice in writing requiring the person to provide information or documents in the custody or control of the person to the ARBV or an appointed person. The ARBV may require a person to provide such information or documents if the ARBV has reasonable grounds to suspect that an architect has contravened a provision of the Act or the regulations, to determine whether the Act or the regulations have been complied with, to assist in the enforcement of any standards of professional conduct and practice for architects, or to assist the ARBV or an appointed person in making a decision whether or not to hold an inquiry into an architect's fitness to practise or professional conduct.

In my view, although the right to privacy is relevant to these information-gathering powers, it is not limited by new section 17B. While the ARBV may require information or documents from any person, the confined purposes for which the information or documents can be required mean that such information or documents will typically be in the custody or control of a person participating in the architecture industry, who will have a diminished expectation of privacy with regard to such material. The information that can be requested by the ARBV is limited to information that is necessary for, or relevant to, determining whether an architect has complied with or contravened the regulatory scheme and assisting in its enforcement.

To the extent that section 17B could be considered to interfere with a person's privacy, the interference would not constitute an unlawful or arbitrary interference. The power to compel information in relation to potential contraventions of the Act, regulations or associated professional standards is necessary for the ARBV to be able to effectively monitor and enforce compliance with the scheme, which operates to regulate the professional conduct of architects. In my view, to the extent that clause 6 interferes with the right to privacy, it is neither unlawful nor arbitrary, and is therefore compatible with the Charter.

Register

Section 216D of the *Building Act 1993* requires councils to establish and maintain a register of swimming pools located in the municipal district of the council. Clause 30 of the Bill amends section 216D to increase the categories of material that must be contained on the register from 'information' to 'information, records and documents'. The inclusion of 'records' and 'documents' reflects the intention that copies of certificates and other documents issued in respect of pools be permitted to form part of the register, as well as information that is manually recorded.

The register may be inspected by: owners or occupiers of land on which a swimming pool is located; swimming pool inspectors in relation to a barrier that the inspector has been engaged to inspect; and prescribed persons, agencies or bodies if the inspection is necessary for the performance of their functions. The council must ensure that no information in the register is published or made available to any other person, agency or body. The Victorian Building Authority (VBA) may publish information on its website about the number and types of swimming pools in the municipal district in general terms but must not disclose details of any owner or specific location of a swimming pool.

To the extent that the expanded categories of material to be included on the register include additional personal information, I believe that any interference with the right is lawful and not arbitrary. The establishment and maintenance of a register of private swimming pools is intended to facilitate inspections to ensure compliance with relevant safety requirements. Only limited personal information may be shared between regulators where necessary for the performance of their functions, and will not be made public. Further, occupiers and owners of land on which a swimming pool is located will only be able to inspect the register in relation to information recorded in the register about that swimming pool. The collection and publication of information on the register is necessary for, and tailored to, ensuring compliance with safety requirements, and accordingly does not constitute an arbitrary interference with privacy.

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 in section 25(1) 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' exception

Clause 6 of the Bill amends the *Architects Act 1991* to insert section 17C, which provides that a person must not, without reasonable excuse, refuse or fail to comply with a requirement of the ARBV or an appointed person. Failing to comply with a requirement of the ARBV is an offence.

By creating a 'reasonable excuse' exception, the offence in section 17C places an evidential burden on the accused, in that it requires the accused to raise evidence of a reasonable excuse for non-compliance. 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, the burden shifts back to the prosecution to prove the essential elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach. Accordingly, I am satisfied that this provision is compatible with the right to the presumption of innocence.

Right to protection against self-incrimination

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to, or subsequent to, the charge being laid.

New section 17D(2) of the *Architects Act 1991*, inserted by clause 6 of the Bill, provides that it is not a reasonable excuse for a natural person to refuse or fail to produce a document that the person is required to produce to the ARBV or an appointed person if the production of the document would tend to incriminate the person. This may constitute a limited abrogation of the privilege against self-incrimination because a document required to be produced may contain evidence that would tend to incriminate the person.

The privilege against self-incrimination generally covers the compulsion of any information or documents which might incriminate a person. However, the application of the privilege to pre-existing documents is considerably weaker than that accorded to oral testimony or documents that are required to be brought into existence to comply with a request for information. Some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination. In my view, even if it does, it is reasonable and justified.

The primary purpose of this limited abrogation is to enable the ARBV to require production of information or documents to support its regulatory activity. Any limitation on the right in section 25(2)(k) is directly related to this purpose. The documents that the ARBV can require to be produced are limited to those necessary for the purposes of determining contravention of or compliance with the regulatory scheme, assisting enforcement of standards of professional conduct and practise for architects, or deciding whether an inquiry should be held into an architect's fitness to practise or professional conduct. Importantly, the requirement to produce a document to the ARBV does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate, the privilege would still be available.

There are no less restrictive means available to achieve the purpose of enabling the ARBV to have access to relevant documents, and access to such documents is necessary to enable the ARBV to effectively carry out its regulatory role. To provide for a 'use immunity' that restricts the use of produced documents to particular proceedings would unreasonably obstruct the role of the ARBV and the aims of the scheme, as well as give the holders of such documents an unfair forensic advantage in relation to criminal and civil penalty investigations. Any limitation on the right to protection against self-incrimination is therefore appropriately tailored and the least restrictive means to achieve the regulatory purpose.

For the above reasons, I consider that to the extent that new section 17D(2) may impose a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the Charter.

Hon Richard Wynne MP, Minister for Planning

Second reading

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (10:36): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Victorian Government is committed to ensuring Victorians can live in houses, townhouses and apartments that are liveable, safe and compliant. The safety of building occupants is our top priority.

The government has progressively implemented a program of industry reform since 2016, including:

- the **Building Legislation Amendment (Consumer Protection) Act 2016**;
- the **Building Amendment (Enforcement and Other Measures) Act 2017**;
- the **Building Amendment (Registration of Building Trades and Other Matters) Act 2018**;
- the Building Regulations 2018 and Plumbing Regulations 2018, following sunset reviews; and
- the Better Apartment Design Standards and Guidelines.

These changes were made to improve industry performance and consumer protection by establishing a new dispute resolution system, modernising the regulation, registration and discipline of building practitioners, and improving apartment design standards.

The Bill amends the **Architects Act 1991** and the **Building Act 1993** to further implement the government's commitment to improve the regulatory regime in the building and construction industry. A robust, performance-based legislative framework helps maintain strong and resilient building and plumbing industries and helps Victorians to feel confident in the products and services they provide.

In summary, the Bill will:

- modernise and strengthen the Architects Registration Board of Victoria;
- modernise governance arrangements to strengthen building industry engagement and advice to the Minister for Planning;
- wind up the Building Practitioners Board and transfer inquiries to the Victorian Building Authority (the Authority);
- strengthen financial probity requirements for building practitioners to enable greater scrutiny of company directors, secretaries and influential persons in the registration process and as a ground for disciplinary action;

- introduce a power for the Authority to immediately suspend the licence or registration of a plumbing practitioner on public safety grounds, pending an inquiry process;
- introduce an expiry date for certificates of accreditation issued by the Building Regulations Advisory Committee;
- clarify the specification of builders in relation to specific building work as it applies to partnerships; and
- make minor corrections to provisions of the Building Act that relate to the establishment of a register of private swimming pools and spas.

The Bill will also make minor, technical corrections to the **Environment Protection Amendment Act 2018** (EP Amendment Act 2018) to ensure the **Environment Protection Act 2017** (EP Act 2017) operates as intended once the amendments in the EP Amendment Act 2018 commence.

Modernise and strengthen the Architects Registration Board of Victoria

The Architects Registration Board of Victoria is the responsible regulator for professional architects. The number of new architects registered in Victoria continues to grow year on year and their role in the design and construction of new buildings or alteration to existing buildings is significant.

However, the legislative framework has not changed significantly since the Board was first established in 1922. Limitations of the legislation in relation to governance arrangements and disciplinary action have constrained the Board in effectively carrying out its regulatory role and meeting community expectations.

The Bill amends the Architects Act to ensure that the Board can effectively respond to present and future challenges with a strengthened regulatory framework.

The Bill replaces the outdated ‘good character’ test with a provision to enable the Board to be satisfied that the architect is a fit and proper person, having regard to a number of probity matters. The Board will be able to consider the probity matters when an application for registration as an architect is made. If the Board becomes aware that the architect ceases to become a fit and proper person, this provides grounds for immediate suspension or cancellation of an architect’s registration.

A key complaint about architects is the lack of knowledge in a number of critical areas, including the National Construction Code. The Board currently has limited powers to impose requirements to ensure that architects are staying up to date with key developments, including products.

The Bill therefore introduces a requirement for architects to comply with any continuing professional development requirements, which are to be prescribed in regulations. Architects will be required to provide written proof of compliance with prescribed requirements by 1 July in each year. Failure to comply with relevant prescribed continuing professional development requirements is a ground for immediate suspension of an architect’s registration.

The Bill aims to improve the robustness and effectiveness of the Board as the key regulator of architects. Currently, the key mechanism for taking disciplinary action against an architect is a review by a tribunal, which is largely focused on complaints and results in lengthy complaint resolution timeframes. The Bill therefore provides a number of grounds on which the Board may immediately suspend the registration of an architect, subject to an inquiry being conducted by a Tribunal.

Currently, the Board may request either a complainant or an architect to provide information or to assist the Board determine if a disciplinary inquiry should be held. The Bill will broaden this power to enable the Board to request information or documents to support all its regulatory activities.

The Bill will also increase the term of appointment for Board members from two to three years, to bring it in line with other regulators. Longer term appointments provide better continuity for the Board, enable members to take a much longer-term view which improves strategic thinking and improve Board cohesion and effectiveness. The Bill will also improve the agility and reactivity of the Board by enabling it to delegate its functions and duties to the Registrar or other officer appointed under the Architects Act.

Modernise governance arrangements to strengthen building industry engagement and advice to the Minister for Planning

The Building Act establishes three advisory bodies to support the Minister for Planning in fulfilling the functions and duties under that Act, including the Building Advisory Council, Plumbing Advisory Council and the Building Regulations Advisory Committee. These bodies largely constitute a legislative industry engagement model, as the members are drawn from across the different elements of the building and plumbing industries. Such engagement is a critical part of an effective process to advise the Minister of issues being experienced by the building sector. However, these arrangements must be fit for purpose.

There is considerable duplication and overlap between the Building Advisory Council and the Building Regulations Advisory Committee, both in terms of its membership and functions. The Bill will therefore abolish the Building Advisory Council and establish a single source of advice on building industry matters by transferring functions to the Building Regulations Advisory Committee. The Bill will also add a new member to be nominated by the Building Designers Association of Victoria, as the key industry stakeholder that is currently represented on the Building Advisory Council but not the Building Regulations Advisory Committee.

The Bill also proposes an additional amendment to remove an anomaly in the Building Act which relates to the remuneration of public sector employees or statutory office holders when appointed to boards and advisory bodies. Decisions around remuneration should be addressed under the Appointment and Remuneration Guidelines 2018 following advice by the Department of Premier and Cabinet. Where it is considered appropriate to appoint public servants to boards or advisory bodies, there should be a parallel decision related to remuneration or allowances. It is rare that legislation puts a prohibition on remuneration and it is believed that its removal will bring the Building Act in line with contemporary approaches that leave such decisions to government.

Wind up the Building Practitioners Board and transfer inquiries to the Authority

Prior to 1 September 2016, the Building Practitioners Board had responsibility for the registration of building practitioners and for the administration of the disciplinary actions against registered building practitioners. The **Building Legislation Amendment (Consumer Protection) Act 2016** abolished the Building Practitioners Board and the functions exercised by the Board were transferred to the Authority. However, transitional provisions provided for the Building Practitioners Board to continue to operate for the purpose of concluding any inquiries into the conduct of a building practitioner referred to it before 1 September 2016.

There are several inquiries still to be determined by the Building Practitioners Board, including high-profile disciplinary inquiries into the conduct of building practitioners. These outstanding matters have been affected by significant delays, often due to adjournments and difficulties in rescheduling hearing dates, as well as challenges in relation to the practice and procedure of hearings.

The Bill will therefore amend the Building Act so that outstanding inquiries with the Building Practitioners Board are transferred to and determined by the Authority. The Bill provides that the Authority will determine these matters in accordance with the old provisions of the Building Act that would have applied if the Board were determining the matter. This will ensure the fair, efficient and satisfactory resolution of the outstanding inquiries.

Strengthen financial probity requirements for building practitioners

The government has been made aware that some building companies are deliberately going into external administration to avoid liability for building work following completion of that work. The conduct of illegal phoenix activity—when a new company is created to continue the business of a company that has been deliberately liquidated to avoid paying its debts, including taxes, creditors and employee entitlements—will not be tolerated.

The Bill will amend the financial probity requirements that form part of the fit and proper test for building practitioners to better enable the Authority to examine the conduct of practitioners and determine if they are engaging in a pattern of behaviour that is illegal phoenix activity. The Authority will be able to consider, as part of assessing an application for registration or renewal, if an applicant, or in the case of a body corporate applicant a director of that body corporate, was a director, secretary or influential person of a body corporate for up to two years before that body corporate went into external administration, and if the applicant or director has engaged in a pattern of doing so. In this case, the application for registration or renewal can be refused.

A new definition of ‘influential person’ will be inserted into section 3 of the Building Act to capture individuals who do not act in any official capacity in relation to a body corporate practitioner but exert significant influence on the body corporate practitioner’s business and operations.

In addition, where illegal phoenix activity is detected and the Authority considers the new financial probity requirements of the fit and proper person test are not met, it may choose to instigate disciplinary action following a show cause process. If the Authority makes a finding during the course of disciplinary proceedings that the practitioner, or director of the body corporate practitioner, is not a fit and proper person, the Authority must cancel the practitioner’s registration.

Power to immediately suspend the licence or registration of a plumbing practitioner on public safety grounds

The Bill provides for the Authority to be able to immediately suspend a licensed or registered plumbing practitioner on public interest grounds including, for example, where a practitioner has repeatedly shown a

disregard for public health and safety considerations, a lack of concern for potential damage to neighbouring properties or has been subject to multiple disciplinary proceedings.

Introduce an expiry date for certificates of accreditation issued by the Building Regulations Advisory Committee

One of Building Regulations Advisory Committee's functions is to accredit a building product, construction method, design, component or system connected with building work. Currently, the accreditation remains in force until it is revoked. However, the circumstances in which an accreditation may be revoked are limited, and the onus rests with the Committee to actively investigate and determine whether any of the criteria are met for revocation.

Expiry and renewal of accreditations provides opportunity for review and reassessment of compliance with standards and legislative requirements that may have changed over time, as well as changes in industry practices, technological developments and community expectations. Given inherent defects in building products, such as combustible cladding, the government considers accreditations should be subject to review to validate continued accreditation and support consumer protection.

The Bill will therefore introduce an expiry date for certificates of accreditation issued under the Building Act. Given the potential risk and liability that attaches to accreditation decisions, it is considered this will provide the Building Regulations Advisory Committee (and others) with an opportunity to review the validity of those accreditations currently registered and determine whether they should continue.

The Bill will provide that new accreditations are to remain in force for a period of up to three years unless revoked earlier. Regulations will be made that outline the renewal process for accreditations. Existing accreditations issued on or after 1 January 2019 will be deemed to expire within three years from the date of issue of the certificate of accreditation. The Building Regulations Advisory Committee will be required to provide a notice to accreditation holders advising of this.

For those accreditations issued prior to 1 January 2019, a transition period of six months will apply before an expiry date is applied. Within that six months, the Building Regulations Advisory Committee will write to accreditation holders and seek confirmation that accreditation is still required. If confirmation is provided, the certificate of accreditation will be reissued with a three-year expiry date. If no confirmation is provided, the accreditation will be automatically revoked, and the Building Regulations Advisory Committee will issue a notice to this effect.

Clarify the specification of builders in relation to specific building work as it applies to partnerships

The Bill will amend the Building Act to provide greater clarity on how certain requirements apply where building work is to be carried out by a partnership. This is to address inconsistencies between who is named as building practitioner on a certificate of insurance and a major domestic building contract.

The Bill provides that if the builder is a member of a partnership, the major domestic building contract and the certificate of insurance must both specify the name of the builder and the name of the partnership. Therefore, the relevant building surveyor will be required to check that the names of the builder and the partnership specified on the certificate of insurance are identical to the names of the builder and the partnership specified in the contract.

Minor corrections to provisions regarding the establishment of a register of private swimming pools and spas

The Bill will insert a definition of 'swimming pool' into the Building Act that is consistent with the Building Code of Australia definition and includes spas, relocatable swimming pools and relocatable spas. Definitions of 'relocatable swimming pool' and 'relocatable spa' are also to be inserted.

The Bill also amends the Building Act to:

- make it clear that the regulations may provide for either an indefinite or time limited registration to be granted;
- allow the swimming pool and spa register to include 'records' or 'documents' as well as information, which will allow for copies of certificates and other documents issued in respect of pools and spas to form part of the register.

Minor, technical amendments to the EP Amendment Act 2018

The Bill will amend the EP Amendment Act 2018 to rectify minor errors in that Act that create inconsistencies and could result in unintended consequences. Rectifying these errors will ensure the EP Act 2017 operates as originally intended upon commencement of the EP Amendment Act 2018.

The Bill will amend the EP Amendment Act 2018 to:

- integrate advertising an environment effects statement under the **Environment Effects Act 1978** with advertising of a development licence under the EP Amendment Act 2018 to ensure that the provisions exempting a decision on the development licence from review by the Victorian Civil and Administrative Tribunal are functionally the same as those for a works approval decision under the current **Environment Protection Act 1970**;
- ensure that references to procedures and processes under the Environment Effects Act are correctly aligned with the provisions of and practices under that Act; and
- clarify that the Environment Protection Authority or a council is able to amend a licence or permit to add conditions, in addition to amending and revoking conditions.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:36): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 13 November.

WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019

Statement of compatibility

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (10:38): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019.

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 Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019 (Bill).

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

Overview

The Bill amends the *Occupational Health and Safety Act 2004* (Act) to introduce new criminal offences of workplace manslaughter. The Bill aims to hold organisations and individual officers to account where they engage in negligent conduct causing the death of a worker or member of the public.

The Bill implements the government's election commitment to introduce workplace manslaughter as an offence, and sends a clear message that putting lives at risk in the workplace will not be tolerated.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill are:

- The right to liberty and security (section 21)
- The right to be presumed innocent (section 25(1)); and
- The right to protection against self-incrimination (section 25(2)(k)).

Right to liberty and security

Section 21 of the Charter provides that every person has the right to liberty, and that a person must not be deprived of his or her liberty arbitrarily and except on grounds, and in accordance with procedures, established by law. Section 21 also provides that every person has the right to security, which includes safety of the person.

The purpose of this provision is to ensure that a person is not arbitrarily arrested or detained and that the circumstances of any such detention are sufficiently circumscribed and subject to the independent scrutiny of the courts. Clause 4 will insert new section 39G(2) into the Act, which creates an indictable offence where an officer of an applicable entity engages in conduct that is criminally negligent, constitutes a breach of an existing duty under Part 3 of the OHS Act, and causes the death of a worker or a member of the public to whom the duty is owed. This offence carries a maximum penalty of 20 years' imprisonment for individual officers or self-employed persons.

Although conviction for the new offence may result in the deprivation of liberty, it will only arise as a result of a sentence imposed after conviction by an independent court after a fair hearing. Further, the requirement for conduct to amount to criminal negligence ensures that the right to liberty is only limited where a sufficiently high threshold is met. In my opinion, interferences with the right to liberty under this Bill are neither arbitrary nor unlawful and are compatible with section 21 of the Charter.

This Bill promotes the right to security and right to life of workers and members of the public by providing a deterrent to poor safety practices, and encouraging organisations and their officers to dedicate sufficient resources and training to workplace safety.

Right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. Section 25(1) is relevant in relation to the workplace manslaughter offence for an individual officer.

The Bill applies to officers, which is consistent with the Act's obligations and definitions. The Act adopts the definition of an officer in the *Corporations Act 2001* (Cth). Officers include people at the highest level of the organisation (for example, directors). It also includes people who participate in making decisions that affect a substantial part of the organisation's business, or who have the capacity to affect significantly the organisation's financial standing, regardless of their position title within the organisation.

Officers currently owe duties to their employees and members of the public under Part 3 of the Act. The Bill is not amending these duties, but is introducing a substantial consequence where an officer engages in negligent conduct causing the death of an employee or member of the public. An officer cannot be convicted for the offence of workplace manslaughter unless they have been personally criminally negligent in the discharge of their duties, and this causes the workplace fatality, or negligent conduct is attributed to them under the OHS Act for failing to take reasonable care.

The prosecution bears the legal and evidential burdens of proof for each element of the offence, including that the officer's conduct amounted to criminal negligence and caused the death. These elements require a high threshold to be met before an officer is found individually liable. As a further safeguard, no limits are placed on the defences that would apply in relation to manslaughter offences under the common law or legislation, and these would be available to officers accused of committing workplace manslaughter. If the defendant raises a defence, they would bear an evidential burden in relation to the matter but the legal burden would ultimately remain with the prosecution. This would not limit the right to be presumed innocent.

While the penalty for this offence is substantial, it is justified where an officer's negligent conduct causes a workplace fatality, consistent with other manslaughter offences.

In my opinion, this Bill does not limit the right to be presumed innocent.

Right against self-incrimination (section 25(2)(k))

Section 25(2)(k) of the Charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. It is also an aspect of the right to a fair trial protected by section 24 of the Charter. This right under the Charter is at least as broad as the privilege against self-incrimination protected by the common law. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion.

The right in section 25(2)(k) of the Charter is relevant to clause 4, which introduces an indictable offence into the Act with a maximum penalty of 20 years' imprisonment for officers or self-employed persons. The Bill does not introduce new investigation powers into the Act, and therefore the existing regime applies to the offence.

Section 100 of the Act provides inspectors with the power to require a person to produce a document or answer a question, and allows inspectors to examine a document. In the event that a person raises the existing defence of reasonable excuse under section 100(2) of the Act, they bear the evidential burden. This does not limit the right to be presumed innocent.

Section 154 of the Act preserves the privilege against self-incrimination in relation to questions, but abrogates the privilege in relation to the production of documents. The Act does not contain a use immunity provision. Therefore, a limited abrogation of the privilege against self-incrimination exists because a document required to be produced may contain evidence that would tend to incriminate the person with respect of the offences in the Act. The Bill does not amend the current limited abrogation in the Act for the purposes of the new offence.

The right to protection against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, at common law the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents that are brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination.

The primary purpose of maintaining the limited abrogation in relation to documents is to enable inspectors to investigate potential workplace manslaughter offences and refer matters for prosecution where appropriate (consistent with other offences under the Act). Taking into account the protective purpose of the Act in ensuring the health and safety of employees and members of the public, there is significant public interest in ensuring that inspectors are able to access information and evidence that may be difficult or impossible to ascertain by alternative evidentiary means, and to use such evidence to bring enforcement action where appropriate.

Any limitation on the right in section 25(2)(k) arising from the limited abrogation is directly related to its purpose. The documents that an inspector can require to be produced are already in existence and connected with an organisation's business activities, and therefore may be crucial in establishing the elements of a clause 4 offence. The limited abrogation is an established feature of the Act, and individual officers are therefore on notice that any documents they create may be required to be produced. Importantly, the requirement to produce a document to an inspector does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate an individual, the privilege would still be available.

The Bill includes transitional provisions which will make it clear that only an offence alleged to have been committed on or after commencement can be the subject of a prosecution for workplace manslaughter. However, the Bill clarifies that an omission to perform an act on or after the commencement could be still be conduct for the purposes of the offence, even if an occasion for performing that act arose before commencement. For example, conduct could capture an existing policy that was drafted before commencement but was not updated post commencement. This is not considered to provide retrospective operation, as the conduct captured would be the omission to update the policy post commencement.

I am of the view that there are no less restrictive means available to achieve the purpose of enabling inspectors to have access to relevant documents for investigation and enforcement, and access to such documents is necessary to hold individuals to account. In certain circumstances, other jurisdictions have provided a 'use immunity', but such an immunity is not appropriate for the new workplace manslaughter offence. Documents are crucial in workplace manslaughter investigations where it may otherwise be difficult to determine who was making decisions in complex corporate structures. It may not be clear to an inspector from the outset that the incident is a workplace manslaughter offence, but documents demonstrating negligent conduct that meets the threshold may be discovered as the investigation evolves. To provide for a 'use immunity' that restricts the use of produced documents to particular proceedings would unreasonably obstruct the role of inspectors and the aims of the offence to hold individuals to account for workplace deaths, as well as giving the holders of such documents an unfair forensic advantage in relation to criminal investigations.

I note that relevant investigation and prosecution agencies have advised that if a direct or indirect use immunity was provided in relation to documents, there would be great difficulty in securing a conviction for workplace manslaughter, thereby defeating the objectives of this amendment to the Act. In addition, a direct or indirect use immunity solely for a workplace manslaughter offence would not be appropriate because it would create inconsistencies with the rest of the compliance regime in the Act. From a practical perspective, it would be difficult to provide for a use immunity solely for workplace manslaughter only but not for the other offences in the Act.

For the above reasons, I consider that to the extent that clause 4 limits the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the Charter.

The Hon Jill Hennessy MP
Attorney-General
Minister for Workplace Safety

Second reading

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (10:38): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

This Bill will achieve three objectives—

- to deliver on the Victorian Government’s commitment to introduce new workplace manslaughter laws in the *Occupational Health and Safety Act 2004* (OHS Act),
- to enshrine the role of the Workplace Incidents Consultative Committee in legislation, and
- to amend the *Workplace Injuries Rehabilitation and Compensation Act 2013* to remove the requirement that the Chief Executive Officer of WorkSafe also be a Director of the WorkSafe Board.

Too many Victorian families have felt the pain of losing a loved one while they were at work, and know the feeling of injustice when negligence goes unpunished. Everyone should come home from work safe, and yet up to 30 people are killed at work in Victoria every year. Every death at work is one too many.

The Bill sends a strong message to employers that putting lives at risk in the workplace will not be tolerated, within the framework of the duties currently owed under the OHS Act. The Bill introduces workplace manslaughter laws that will apply to an employer, self-employed person or officer who, by their negligent conduct, causes the death of anyone who is owed an existing duty under the OHS Act. This could in some circumstances include a situation where negligent conduct causes an injury or illness to another person, who later dies from that injury or illness.

The offences are broadly based on Queensland’s industrial manslaughter offences, introduced in 2017, with important modifications to capture a broader category of potential victims and offenders. The offences will commence on a day to be proclaimed or at the default commencement date of 1 July 2020. WorkSafe and Victoria Police will have the necessary powers and resources to be able to effectively investigate any conduct that may be subject to these offences from the moment the offences are in operation.

In line with the Government’s election commitment, the maximum penalties for these offences will be around \$16.5 million for bodies corporate and 20 years’ imprisonment for individuals. The prescribed imprisonment period ensures the penalty is consistent with the penalty prescribed for manslaughter under section 5 of the *Crimes Act 1958* (Vic). These penalties reflect the seriousness of the offending and are designed to help prevent workplace deaths by creating a strong deterrence for organisations and individual officers against breaching their occupational health and safety duties.

The Bill will provide that organisations may be held criminally liable where their conduct amounts to criminal negligence, either directly, where an organisation’s unwritten rules, policies, work practices or conduct fail to create a culture of compliance with its responsibilities and duties, or through the actions or omissions of their employees, agents or contractors acting within the actual or apparent scope of their employment. In doing so, the Bill will address the gap in the common law that currently makes it difficult for corporations to be held criminally liable.

The standard of criminal negligence is, rightly, a high standard. In line with the common law, the Bill provides that conduct is negligent if it involves a great falling short of the standard of care that would have been taken by a reasonable person in the circumstances, and involves a high risk of death, serious injury or serious illness. The reference to serious illness is intended to capture appropriate cases where an officer or organisation’s negligence causes a serious illness that results in a person’s death.

An organisation with robust practices and procedures which comply with the OHS Act would not be guilty of these offences. The offences are intended to capture persons who are not compliant with their duties under the OHS Act. An organisation would also not be liable for the act or acts of ‘rogue’ employees (that is, employees who act outside the actual or apparent scope of their employment). This Bill is about holding an organisation to account where it has engaged in negligent conduct, not where an employee has failed to comply with the organisation’s prudent practices or instructions.

The Bill will also hold individual officers to account. An ‘officer’ includes those individuals at the highest level of the organisation, for example, directors of bodies corporate or partners of partnerships. It also captures people who participate in making decisions that affect a substantial part of the organisation’s business, or who have the capacity to affect significantly the organisation’s financial standing, regardless of their position within the organisation. The Bill will provide that an individual officer is guilty of workplace manslaughter where their negligent conduct constitutes a breach of the organisation’s duties under the OHS Act, and causes death.

The offences will not apply to employees who are not ‘officers’. This is consistent with the objectives of the Bill, which is to hold to account those with the power and resources to improve safety. The Bill seeks to address the gap in the common law that makes it difficult for corporations to be held criminally liable. An employee who is criminally negligent and causes death can be prosecuted under existing criminal laws, and

therefore the Bill does not need to address any difficulties or create an additional offence for conduct that the law already covers.

In addition, consistent with the Government's election commitment, the offences will not apply to volunteers, consistent with their exclusion from other offences under the OHS Act. We want to ensure that people are not discouraged from volunteering their time and effort. However, similar to employees, where a volunteer's criminal negligence causes death, that person will remain subject to prosecution under existing laws.

The offences will apply widely to all types and sizes of organisations, to ensure that prosecutions may be brought in all appropriate cases. However, the Government acknowledges that there are circumstances in which it would not be in the public interest to prosecute workplace manslaughter, for example, certain situations in which a family member is tragically killed by another family member in a family business and prosecution would serve only to further traumatise the family. I note that there have been incidents on family farms involving machinery and vehicles, and decisions have been made not to prosecute the family members. These scenarios are not unique to workplace manslaughter and arise in other areas of criminal law. We are confident that current safeguards—in particular, the discretion afforded to prosecutors not to prosecute individuals in appropriate circumstances—will ensure that a prosecution will only proceed where it is in the public interest.

The offences are intended to capture conduct that occurs outside Victoria but results in a workplace fatality in Victoria, or vice versa. For example, if a person is killed in Victoria due to the negligence of an organisation, and the negligence is partly due to its occupational health and safety policies, it is intended that the organisation or an officer of the organisation may be prosecuted for the offence in Victoria even if the policies were drafted interstate. Similarly, the offences are intended to cover situations where negligent conduct occurs in Victoria, but the relevant death occurs in a different state. For example, where an employee is injured at work due to negligent conduct in Victoria, and dies in hospital outside of Victoria because of that injury.

WorkSafe will take carriage of investigations for potential workplace manslaughter cases with support from Victoria Police as needed. To assist with this work, WorkSafe will employ up to 40 new inspectors over the next four years as part of the new 'More Inspectors. More Inspections.' campaign, and more generally bring a greater focus on health and safety in the construction industry.

WorkSafe's current coercive powers under the OHS Act will apply to workplace manslaughter investigations. This includes an inspector's power to compel documents to be produced, for which the partial abrogation of the privilege of self-incrimination will be retained. This partial abrogation will not extend to a natural person having to explain or account for the information contained in that document. If such an explanation would tend to incriminate a natural person, the privilege would still be available. Using the existing OHS Act regime means that organisations and officers are currently on notice that any documents they produce could be used in an investigation for offences against the OHS Act. Maintaining these powers under the OHS Act reflects the significant public interest in ensuring that inspectors are able to access evidence relevant to a possible workplace manslaughter offence that may be difficult or impossible to ascertain by alternative means.

The Office of Public Prosecutions will be responsible for prosecuting the new offences, and will take over proceedings after the accused is committed to trial. The two year time limit to bring prosecutions for occupational health and safety offences will not apply to workplace manslaughter cases to ensure that there is sufficient time to investigate a workplace fatality and bring proceedings where appropriate. This is consistent with other manslaughter offences and is required given the seriousness and complexity of these offences.

Various defences will be available to people charged with workplace manslaughter—this is also consistent with other manslaughter laws. These defences include self-defence and the defences of duress or sudden and extraordinary emergency.

The Bill will also enshrine in legislation the Workplace Incidents Consultative Committee, to provide a necessary public voice to injured workers and the families of victims of workplace fatalities and serious incidents. A majority of members of the Committee will be comprised of persons who have been affected directly or indirectly by workplace incidents that involve death, serious injury or serious illness. The primary function of this Committee will be to provide advice about the information and support needs of persons who are affected by workplace incidents that involve death or serious injury or illness, and make recommendations for improvements to Victoria's workers compensation scheme. The Committee will provide a unique perspective on how the scheme can best support injured workers and families.

Finally, the Bill will vary the governance arrangements of the WorkSafe Board to remove the requirement that the Chief Executive Officer of WorkSafe also be a Director of the WorkSafe Board. This will align these arrangements with analogous Government statutory bodies and clarifies the roles of the Board and Chief Executive Officer in line with best practice governance approaches.

I would like to thank members of the Implementation Taskforce, including Master Builders, Australian Industry Group, Victorian Chamber of Commerce and Industry, Victorian Farmers Federation, Housing Industry Association, Victorian Trades Hall Council, the CFMEU, Australian Workers Union, Electrical Trades Union and the National Union of Workers, as well as the Chair of the Taskforce, former Minister for Industrial Relations Natalie Hutchins. I would also like to thank all other stakeholders for their contribution to the development and refinement of these reforms, and for their support for, and commitment to, the underlying objectives of this Bill. The Government will continue to work alongside these stakeholders to make workplaces in Victoria as safe as they can be.

To close, I would like to offer my sincere condolences to the families and loved ones of all victims of workplace fatalities. In particular, I want to acknowledge the contribution of the Workplace Incidents Consultative Committee, especially the contribution of Lana Cormie, and Dave and Janine Brownlee, who also sat on the Implementation Taskforce established to consult on these laws. We appreciate their valuable input to date, and look forward to continuing to work with them on workplace safety reform to better support victims' families and injured workers.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:38): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 13 November.

RETAIL LEASES AMENDMENT BILL 2019

Statement of compatibility

Mr PAKULA (Keysborough—Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Retail Leases Amendment Bill 2019.

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 Retail Leases Amendment Bill 2019.

In my opinion, the Retail Leases Amendment Bill 2019 (**Bill**), as introduced to the Legislative Assembly, 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 *Building Act 1993* and the *Retail Leases Act 2003* to clarify the obligations of landlords and tenants under retail premises leases in respect of essential safety measures. These amendments provide clarity in respect of the interaction between these two Acts to ensure that, while the owner of the property retains legal responsibility for the repair and maintenance of essential safety measures, the owner may contract with the tenant of a retail premises to undertake these obligations at the tenant's expense and pass these costs on as outgoings.

The Bill also amends the *Retail Leases Act 2003* to require landlords to give information to tenants under retail premises leases in a more timely manner, to clarify the timeframe within which landlords must return security deposits to tenants under retail premises leases, to create a new early rent review process for tenants under retail premises leases, and to establish a cooling off period for the renewal of retail premises leases in certain circumstances.

Human rights issues

The Bill potentially raises one human right, namely the protection against deprivation of property contained in section 20 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 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.

The right in section 20 of the Charter may appear to be relevant to the provisions of the Bill relating to essential safety measures, to the extent that the Bill's clarification of the obligations of landlords and tenants in this respect may affect any existing legal or proprietary interests. These provisions make clear that a retail premises lease may validly impose contractual liability on a tenant to carry out, or cause to be carried out, repairs or maintenance work in respect of an essential safety measure, while not affecting the legal obligations of the landlord under the *Building Act 1993*. To the extent that, prior to the commencement of this Bill, there was any doubt as to the validity of such a contractual term, it may be argued that the Bill could affect the legal interests of the parties to the contract (such as the tenant being able to claim against the landlord for essential safety measure works they carried out).

However, even if such a legal interest did exist, in my opinion the Bill does not provide for the deprivation of any property. The provisions in the Bill relating to essential safety measures do not operate retrospectively in respect of retail premises leases entered into before the commencement of this Bill; rather, they only affect the future operation of affected leases.

Moreover, even if these provisions resulted in any deprivation of property, this would occur in accordance with law and therefore not constitute a limit on the right in section 20.

Accordingly, in my view, the provisions of the Bill relating to essential safety measures are compatible with the right in section 20 of the Charter.

The Hon Martin Pakula
Minister for Jobs, Innovation and Trade

Second reading

Mr PAKULA (Keysborough—Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:40): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

I'd like to start by taking an opportunity to thank those people, ranging from individual small businesses through to industry associations and other organisations, who contributed to the development of this Bill by making submissions to the Small Business Regulation Review or attending consultation sessions and meetings.

The feedback from these consultations has been critical to ensuring the Government has developed legislation that represents a fair balance between the interests of tenants and landlords and is also legally sound.

This Bill has two key purposes.

Firstly, the Bill amends the *Retail Leases Act 2003* and the *Building Act 1993* to clarify that landlords can pass on the cost of repairs and maintenance of Essential Safety Measures (ESM) to retail tenants as outgoings where provided for in the lease. This amendment will maintain the status quo in retail leasing industry practices that existed before uncertainty created by a VCAT Advisory Opinion.

Secondly, the Bill amends the *Retail Leases Act 2003* to implement reforms from the Small Business Regulation Review into the retail sector. The amendments make retail leases fairer and easier to understand by improving the information tenants receive to facilitate more informed decisions on retail leases, clarifying the timeframe for return of security deposits and introducing a cooling off period.

Importance of small businesses to Victorian economy

These amendments are necessary to bring fairness and certainty to Victorian small businesses, and it is important to reflect on their contribution. Ninety-eight per cent of businesses in Victoria are small businesses, contributing a third of Victoria's output in goods and services. Small businesses employ Victorians, generating almost half of private sector jobs in Victoria.

The Government recognises the significant contribution that over 600,000 small businesses make to Victoria, particularly in providing jobs, growing the economy and building social cohesion.

In particular, retailing is a vital part of the Victorian economy, with over 33,000 small businesses in the retail trade industry. Ninety-six per cent of retail trade in Victoria is comprised of small businesses. In 2018 the retail trade industry generated \$83.4 billion in gross revenue for Victoria according to the Australian Bureau of Statistics.

The Government came to office in 1999 with a commitment to overhaul Victoria's retail tenancy legislation. The Government delivered on this promise in 2003 with the introduction of the Retail Leases Act 2003 establishing a new regulatory framework for retail tenancies promoting greater certainty, fairness and clarity in the commercial relationship between landlords and tenants of retail premises. In 2005 a range of amendments were made to the *Retail Leases Act 2003* to streamline and improve its practical operation.

Before detailing the key elements of the bill, I wish to briefly outline the broader context within which the current legislation has been developed.

Regulatory burden faced by small business

The Government recognises the pressures that small business owners face in an evolving economy. Often small business owners lack the resources that larger businesses have to manage the challenges of operating and growing a business. The Government understands the burden of regulation is often higher on small businesses relative to their size. Lack of staff, time and resources make it harder for small businesses in understanding and fulfilling obligations.

Regulation is vital to keeping Victoria's workplaces and services safe and secure, and shaping the welfare of the Victorian economy, but it is equally important that when we can improve it that we do so. Improving regulator practice and engagement with small business has many benefits for small business and Victoria. Reducing regulatory burden can decrease compliance costs on individual businesses and lessen regulator administration process. This can directly impact compliance rates and how effective the regulation is in achieving its intent. By designing and implementing regulations with small business needs in mind regulatory outcomes can be maintained or even improved.

Small Business Regulation Review

The Government launched the Small Business Regulation Review in 2016 as part of Government's regulatory reform program. The Small Business Regulation Review is a key component of the Government's commitment to reduce unnecessary burden from regulation. This first-of-its-kind government-wide review has already delivered reductions in burdensome red tape that was negatively impacting our small businesses and their day-to-day operations.

The Small Business Regulation Review comprised a series of three sector-based reviews over two years using rapid, co-design processes to bring stakeholders together. Over 1000 small businesses and dozens of regulators were engaged during the course of these reviews.

The reviews put small businesses at the centre, focusing on identifying regulatory burden from their perspective. The reviews identified opportunities to reduce regulatory burden and make compliance easier.

The majority of the Small Business Regulation Review reforms resulting from the reviews involve changes to regulatory practice and regulator engagement, responding to priority concerns raised by small businesses.

Through the Small Business Regulation Review Retail Action Statement released mid-2018 the Government publicly committed to reforms in four areas which address the key opportunities identified by small businesses to reduce regulatory burden. The key reforms aim to make it easier to discover what is needed to start and grow a business, reduce the time taken for approvals, make it easier to understand and comply with food safety regulation and make retail leases fairer and easier to understand.

The Government has already begun this work, for example, the review is delivering better coordination with the Commonwealth Government by jointly promoting the Australian Business Licence and Information Service and improved linkages with business.vic.gov.au.

The Better Approvals Project led by Small Business Victoria has already delivered significant reductions in average approval times in participating councils. Of the 79 councils in Victoria, 31 have now undertaken the program and a further 12 councils are scheduled to participate this year. The Better Approvals Project is estimated to save small businesses up to \$93 million a year once fully implemented.

The Food Safety Reforms currently being implemented will deliver new guidance material which is currently being developed through co-design, including an animated tool. Record keeping requirements are being simplified, and a new on-line portal for fixed premises food businesses is being codesigned with councils and businesses.

Making retail leases fairer and easier to understand

The Bill amends the *Retail Leases Act 2003* to implement retail lease reforms from the Small Business Regulation Review Retail Action Statement announced in June 2018, which aim to increase fairness and reduce regulatory burden in retail leasing arrangements by addressing information asymmetry and timing issues between landlords and retailers.

These amendments will improve the Victorian retail leasing environment by providing more timely information for tenants on proposed leases, disclosure statements, and lease renewal options. The amendments will also improve the timely return of security deposits to tenants, including bonds and bank guarantees, by introducing legislative time limits.

Some changes have been made to reforms since the release of the Small Business Regulation Review Retail Sector Action Statement to incorporate stakeholder feedback on the practical operation of the *Retail Leases Act 2003*.

I now turn to the key elements of the Bill.

More time to consider new leases

The Small Business Regulation Review found tenants often cannot make informed decisions about whether to enter a new lease as there is insufficient time to review or seek professional advice regarding the proposed lease and disclosure statement.

The *Retail Leases Act 2003* currently requires the landlord to provide a copy of the proposed lease and disclosure statement to the prospective tenant at least seven days before entering a retail lease, which is often not enough time to seek professional advice.

Amendments to section 17 extend the minimum timeframes by requiring landlords to provide the proposed lease (including rent, tenant particulars and the term) and a disclosure statement to the tenant at least 14 days before entering a lease. This gives prospective tenants more time to consider the details of the proposed lease and the disclosure statement and seek professional advice where necessary.

The amendments also require landlords to notify tenants of any changes made to the proposed copy of the lease since the previous version to ensure tenants are aware of any changes.

The amendments allow for flexibility in how the landlord notifies tenants. For example, any changes could be notified in a marked-up copy of the lease, through tracked-changes in an electronic version or through a cover sheet highlighting the changes.

A penalty for non-compliance has been proposed to deter landlords from not complying with this requirement.

Improving information for options to renew a lease

The Small Business Regulation Review found tenants are often unable to make informed decisions about whether to exercise their option to renew their lease as they have insufficient information about what rent or significant changes will apply to their lease at the time they need to make this decision.

The current timeframes in the *Retail Leases Act 2003* means the landlord is not obliged to provide a disclosure statement before the tenant must determine whether to exercise the option to renew lease.

Many retail leases state that the rent for the renewal period will be determined through a market review. This does not provide adequate certainty for the tenant when considering whether to exercise an option to renew a lease because in practice the tenant needs to exercise the option before they can commence a formal process to review the rent.

The Bill amends the *Retail Leases Act 2003* to require landlords to give more timely information to tenants with options to renew retail premises leases. The amendments ensure that tenants are provided with all relevant price and non-price terms within a reasonable time before they must decide whether to exercise an option to renew the lease.

Landlords will be required to provide notice to tenants at least three months before the last date that an option to renew the lease may be exercised containing: the last date by which the option to renew may be exercised, the rent payable for the first twelve months of the new term, the availability of an early rent review process and a cooling-off period and any changes to the most recent disclosure statement provided to the tenant.

The amendments create a new early rent review process for tenants whose retail leases provide for a rent review to be made on the basis of the current market rent. Tenants will be provided a 28-day period to request an early rent review, and at least 14 days to consider once notified of the rent amount.

If, after that time, the tenant decides not to exercise their option to renew the lease, the amendments provide for an extension the lease if required to allow for three months from that point for both the tenant and landlord to make alternative arrangements unless both parties agree otherwise.

The amendments also establish a 14-day cooling off period for tenants renewing retail premises leases in certain circumstances. This will allow tenants who exercise an option to renew their lease to change their mind provided they have not engaged in an early rent review process.

These reforms will increase small businesses' confidence in making sound business decisions about entering new leases and enable them to renew existing leases with fewer surprises.

These reforms will decrease the need to engage in costly and time-consuming processes for rental reviews and will protect against paying excessive rent throughout a lease extension. Helping businesses avoid unexpected costs is expected to decrease failure rates and improve profitability for the sector overall.

Clear timelines on the return of security deposits

The *Retail Leases Act 2003* currently provides for the security deposit to be returned ‘as soon as is practicable’.

The Small Business Regulation Review found that while most landlords seek to return bonds and deposits in a timely manner, sometimes tenants can experience a lengthy delay awaiting the return of security deposits (cash bonds or bank guarantees) due to the lack of precision in this timing, resulting in disputes. This includes situations where very minor amounts are in dispute relative to the amount of the guarantee. There is no financial limit on security deposits, and many are of significant value. Delays in returning the deposit to a business can lock up a significant amount of capital and may delay or stop small businesses from investing in new opportunities.

The Bill amends the *Retail Leases Act 2003* to clearly specify the timeframe within which landlords must return security deposits to tenants under retail premises leases. The amendments introduce a time limit requiring landlords to return security deposits, including bonds and bank guarantees, to the tenant within 30 days after the lease ends if a tenant has fulfilled all their obligations under the lease. This reform will not impact on a landlord’s right to recover costs where the tenant has not fulfilled all of their obligations.

Having a time limit to return bonds or bank guarantees will free up capital for small business retailers, who often need to access their capital quickly to start up their next business venture. Small businesses will have increased confidence in making business decisions knowing that they can take on new leases or invest in other aspects of their business.

Regulation Review Reforms: Commencement and Transitional Provisions

The amendments implementing rental reforms from the Small Business Regulation Review of the Retail Sector in the Bill will come into operation by proclamation, or on 1 October 2020 if not proclaimed earlier. The new requirements will apply to retail premise leases entered into after the amendments commence. Transitional provisions have been included in the Bill to clarify that the amendments also apply to the future operation of existing retail premises leases, except in circumstances where there is insufficient time after commencement to comply with new requirements.

Clarifying Essential Safety Measures

The Bill includes amendments to the *Retail Leases Act 2003* and the *Building Act 1993* to increase certainty in retail leasing arrangements about who pays for costs relating to the installation, repair and maintenance of essential safety measures.

Building owners, including landlords of retail premises are required to maintain Essential Safety Measures under the *Building Act 1993*. Essential Safety Measures include the fire, life safety and health items installed or constructed in a building. These are set out in the *Building Regulations 2018*.

Examples of essential safety measures include but are not limited to traditional building services such as sprinklers and fire detection and alarm systems, and passive fire safety mechanisms such as fire doors, fire-rated structures and other building infrastructure items such as paths of travel to exits.

Essential safety measures compliance is important to ensure that safety systems within the building remain at the required operational level throughout the life of the building. Compliance is also important for the safety of building occupants, passers-by, and the occupants of adjoining buildings.

The *Retail Leases Act 2003* sets out landlords’ obligations in respect of expenses they can recover from tenants as outgoings. Outgoings are expenses directly attributable to the operation, maintenance or repair of the retail premises.

Longstanding industry practice in Victoria, consistent with other jurisdictions, has been for landlords to recover expenses associated with meeting Essential Safety Measures by charging tenants as outgoings. Leases commonly provide for this arrangement. This practice was thrown into doubt by a VCAT Advisory Opinion in 2015 to the contrary. Following several disputes about Essential Safety Measures, in 2014 the then Victorian Small Business Commissioner referred the issue of the interaction between the *Building Act 1993*, *Building Regulations 2006*, and *Retail Leases Act 2003* to VCAT for an advisory opinion about the application in relation to a landlord’s capacity to recoup Essential Safety Measures through outgoings under commercial and retail leases.

The VCAT Advisory Opinion issued in May 2015 found that in relation to Essential Safety Measures the *Building Act 1993* prevailed. It provided that the landlord must bear the cost of compliance with Essential

Safety Measures obligations and cannot pass these costs on to the tenant as outgoings under the *Retail Leases Act 2003*.

While not binding, the Advisory Opinion could be persuasive in relation to future court decisions. Consequently, landlords and tenants have raised concerns about liability for Essential Safety Measures costs, and uncertain about how Essential Safety Measures costs can be recovered. This has particularly impacted leases that were negotiated in good faith by both parties before the Advisory Opinion was issued.

Essential Safety Measures Reforms

This Bill seeks to provide clarity on this issue, guided by the principle that the obligation for building safety remains that of the building owner, however landlords and tenants should be able to negotiate to pass on the costs as part of the overall lease negotiations. The Bill also seeks to validate those leases that were negotiated and entered into in good faith by both parties before the Advisory Opinion was issued.

The Bill amends section 251 of the *Building Act 1993* to provide that an occupier cannot recover from a building owner expenses relating to the installation, repair or maintenance of essential safety measures that the occupier has agreed to bear under a retail premises lease to which the *Retail Leases Act 2003* applies.

Essential safety measures are defined in the *Building Act 1993* and *Retail Leases Act 2003* to have the same meaning as in the *Building Regulations 2018* or any future remake of those regulations.

The Bill amends section 41 of the *Retail Leases Act 2003*, inserting new exceptions to enable the lease to require a tenant to pay for the cost, or part of the cost, of carrying out repairs or maintenance work in respect of an essential safety measure, or the installation of an essential safety measure relating to fit out of the retail premises for which the tenant has agreed to pay.

The Bill inserts new sub-sections into section 52 of the *Retail Leases Act 2003* enabling the landlord and tenant to agree for the tenant to carry out or cause to be carried out repairs or maintenance work in respect of an essential safety measure on behalf of the landlord.

Such an agreement is not intended to displace the landlord's obligations as a building owner under the *Building Act 1993* and regulations in respect of essential safety measures. The landlord as a building owner remains responsible to comply with their obligations under the *Building Act 1993* and any associated regulations.

Further, the existing and new provisions in section 52 of the *Retail Leases Act 2003* are not intended to limit the obligations of a tenant under a retail premises lease to contribute to outgoings for repairs and maintenance work in respect of an essential safety measure for which the tenant has agreed to contribute under the lease.

Essential Safety Measures: Commencement and Transitional Provisions

The amendments in the Bill that increase certainty in retail leasing arrangements about who pays for costs relating to the installation, repair and maintenance of Essential Safety Measures will come into operation the day after the Bill receives the Royal Assent.

Transitional provisions in the Bill provide that the Essential Safety Measures amendments apply to retail leases that were entered into before the amendments commenced if the lease contains a provision to the effect that the tenant must pay the landlord, as a contribution to outgoings, the cost, or part of the cost, of installation, repairs or maintenance work in respect of an essential safety measure.

The provisions in the Bill relating to Essential Safety Measures do not operate retrospectively for retail premises leases entered into before the commencement of this Bill; rather, they only affect the future operation of affected leases. This is necessary to give effect to the intention of the parties at the time the lease was entered into and clarify the validity and effect of provisions in existing retail premises leases relating to essential safety measures.

Providing clarity on this issue will reduce barriers to compliance that can impact building safety, whilst ensuring the purpose and objectives of the *Building Act 1993* are upheld.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:40): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 13 November.

TRANSPORT LEGISLATION AMENDMENT BILL 2019*Statement of compatibility*

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:41): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Transport Legislation Amendment Bill 2019.

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 Transport Legislation Amendment Bill 2019 (**Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, 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 **Transport Integration Act 2010** (and makes consequential amendments to other Acts) to modernise the objects, powers and functions of transport bodies in Victoria. The Bill also amends the **Road Safety Act 1986** to provide for the deregistration of vehicles with offensive slogans that are not removed as directed and the deployment of vehicle immobilisation devices to promote public safety.

Human Rights Issues*Restructure of the transport portfolio*

The Bill provides for the consolidation of Public Transport Victoria and VicRoads into the Department of Transport, the abolition of the Linking Melbourne Authority, and the reallocation of functions and powers between the Secretary to the Department of Transport and the reconstituted office of the Head, Transport for Victoria. This integration and reallocation is effected through a combination of legislative and administrative instruments, including the use of transport restructuring orders and transfer orders under the **Transport Integration Act 2010**, the delegation of various functions and powers, and the use of orders for the transfer of employees.

The Bill makes various amendments to existing statutory powers of transport bodies. Some of these powers, including powers relating to compulsory acquisition of land, rights of entry to land, and information sharing, as well as certificate evidence deeming provisions, are relevant to human rights (namely, rights to privacy, property and presumption of innocence). However, in my view, and consistent with previous Statements of Compatibility that have discussed these powers in detail (the Transport Integration Bill 2010, the Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Bill 2017 and West Gate Tunnel (Truck Bans and Traffic Management) Act 2019), none of these provisions limit human rights. Further, this Bill transfers or reallocates the relevant powers between persons and bodies; it does not expand their scope or alter the purposes for which the powers can be exercised. Accordingly, these amendments do not create any new, or expand any existing, interferences with human rights. In my view, these provisions therefore remain compatible with the Charter and do not require detailed consideration in this Statement.

Vehicle immobilising devices

Section 63B of the **Road Safety Act 1986** permits authorised police officers to use a vehicle immobilising device to stop a vehicle in connection with a pursuit, or to prevent a vehicle being used to escape lawful custody or avoid arrest. Clause 114 of the Bill amends section 63B to allow a vehicle immobilising device to be used to stop a vehicle from entering a place on or near a road at which there is a public gathering or a 'non-road activity' within the meaning of the Road Safety Act (such as the use of a road for the shooting of a film, a street festival or a bicycle event).

The right to freedom of movement in section 12 of the Charter provides that every person lawfully 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. Clause 114 may limit the right to freedom of movement by preventing a person from travelling freely in their vehicle in certain areas. However, in my view, any such limitation will be reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter. The power is intended to be used in limited circumstances where non-compliance with a direction to stop is reasonably anticipated and in order to protect the safety of the public. Accordingly, I consider that the power is proportionate to the important purpose of protecting the public and that there are no less restrictive means reasonably available to respond to an immediate threat posed by a vehicle. Further, under section 38 of the Charter, the power must be exercised by police officers in a manner that is compatible with human rights. For these reasons, I consider that clause 114 is compatible with the right to freedom of movement in the Charter.

Cancellation of registration for offensive advertisements

Clause 119 inserts Division 2A of Part 2 into the **Road Safety Act 1986** to provide that the Secretary may cancel the registration of a motor vehicle or trailer if a board appointed by Ad Standards determines that an advertisement on the vehicle (including a slogan in advertising on a vehicle) is in breach of the advertising code and no action has been taken by the registered operator of the vehicle. Prior to cancelling the vehicle's registration, the Secretary must send a registration cancellation notice to the registered operator of the vehicle and give them at least 14 days to modify or remove the advertisement.

Requiring a person to remove an advertisement on a vehicle or trailer will engage the right to freedom of expression in section 15 of the Charter, which provides that every person has the right to hold an opinion without interference, and to seek, receive and impart information and ideas of all kinds. In my view, any restriction on the freedom of expression occasioned by Division 2A of Part 2 will be a lawful restriction reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order or public morality. Accordingly, the provisions will either fall within section 15(3) of the Charter as a special duty or responsibility that is attached to the right, or will be reasonable and justified under section 7(2) of the Charter. Advertisements to which this provision applies will be those determined to fall below prevailing community standards as enshrined in the advertising code, which prohibits advertising that employs sexual appeal in an exploitative or degrading manner, uses strong or obscene language, or discriminates against or vilifies a section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. Further, in balancing a person's right to freedom of expression against other rights and public morality, commercial expression is generally treated as of less significance than political or artistic expression.

For these reasons, I consider that new Division 2A of Part 2 is compatible with the right to freedom of expression.

Use and disclosure of information under the Road Safety Act

Clause 123 expands the categories of 'relevant information' that may be used or disclosed by the Secretary or a relevant person under section 90K of the **Road Safety Act 1986** to include information that is collected or received by the Secretary in relation to the accessible parking permit scheme. Clause 124 extends the circumstances in which the Secretary or a relevant person may use or disclose relevant information to include administering the accessible parking permit scheme. This involves facilitating the issue of parking permits for people with disabilities, facilitating the assessment of whether a person is entitled to such a permit and maintaining a record of persons who have been issued with such a permit. To the extent that this involves using or disclosing information of a personal nature, it may engage the right to privacy under the Charter.

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The ability to use or disclose information collected in relation to the accessible parking permit scheme is essential for the effective administration of that scheme and to ensure the Secretary, municipal councils and law enforcement can fulfil their statutory functions. I note that relevant information must not be disclosed to a person or body for the purpose of administering the accessible parking permit scheme unless the recipient of the information has first entered into an information protection agreement with the Secretary under section 90N of the **Road Safety Act 1986**. I consider that the provisions are appropriately confined such that they will be lawful and not arbitrary, and will accordingly be compatible with the right to privacy under the Charter.

Hon Jacinta Allan MP
Transport Infrastructure

Second reading

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:41):
I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:**Road Safety Act amendments**

This Bill will introduce measures to address offensive advertising on vehicles. Vehicles that display offensive, sexist or obscene slogans such as the Wicked campervans have no place on Victorian roads. The government has been working closely with other states and territories to develop a national approach to the issue. This

amendment is consistent with laws already in operation in Queensland and Tasmania. The Secretary to the Department of Transport will now be able to cancel a vehicle's registration if our national advertising industry's complaints resolution body determines that the vehicle breaches the advertising standards Code of Ethics. The Secretary will also be able to refuse to register a vehicle that has had its registration suspended or cancelled in another state or territory for the same or similar reasons. There is no place for sexism in our state and there will be no place for sexism on Victorian roads.

This Bill will enable the pre-emptive deployment of vehicle immobilisation devices by police to protect large crowds or gatherings of people that may be subject to danger from vehicles. This amendment also implements the Government's commitment reflected in the Community Safety Statement to expand the use of vehicle immobilisation devices.

The Bill enables the transfer of staff to the National Heavy Vehicle Regulator. This completes the implementation of national heavy vehicle regulation by transferring compliance capabilities to the National Heavy Vehicle Regulator. The Bill ensures that the transferred Transport Safety Services officers are still appointed as Authorised Officers under Victorian law to carry out enforcement activities.

The Bill will provide the Secretary with powers to collect, use and disclose information for the purposes of a central permit scheme for accessible parking permits. However, the Bill makes clear that the Secretary cannot use or disclose the information obtained for the purposes of the scheme for other purposes.

The Bill makes a number of other administrative amendments to the Road Safety Act, including:

- clarifying powers of the registration authority to set training requirements for the granting of a driver licence;
- resolving inconsistencies and operational issues with provisions in the Act relating to the Behaviour Change Program;
- changing the definition of accompanying driver to supervising driver to reflect other changes and clarifying supervising driver offences;
- applying zero BAC to interstate drivers that have a zero condition in that other jurisdiction; and
- clarifying some 3-year novice motor cycle rider requirements.

Other road-related amendments

The Bill makes a number of amendments to other Acts, including:

- the *Road Management Act 2004*, to make it optional for the Minister to increase the property damage threshold in a financial year, rather than being automatically indexed each year. This can prevent automatic threshold increases so road users are not prohibited from claiming damages; and
- the *Accident Towing Services Act 2007*, to require certain application fees to be specified in regulations rather than by notice in the Government Gazette.

Organisational changes in the transport portfolio

While the Government has an ambitious investment program, meeting the needs and expectations of transport system users in the future will also require optimising the use of current assets. This will be done through both better integration of network services, as well as adoption of technology and new business models to get more out of the State's existing assets.

Greater integration of modal networks, user experience and information into one transport system will ensure better alignment throughout the 'transport development lifecycle', from planning and policy development right through to asset build and operational management.

This Bill gives legislative effect to the consolidation of the Department of Transport (DoT), the Public Transport Development Authority (PTV) and the Roads Corporation (VicRoads) under a new operating model whereby all functions are transferred from PTV and VicRoads to DoT.

This will ensure a greater focus on people—by integrating transport services and information and better managing disruptions to the transport system, particularly during the Big Build. It will provide for a simpler operating model and governance—delivering better decision-making and avoiding unnecessary duplication to improve project delivery. Duplication will be reduced to improve financial sustainability and will allow more efficient operations by improving role clarity and accountabilities.

Under the Bill, the Secretary will take over strategic policy and legislative functions in relation to the transport system from the Head, Transport for Victoria (TfV). The Secretary will also assume strategic planning functions for all forms of transport and responsibility for improving the safety of the road system.

The Head, TfV will be responsible for consolidated operational responsibilities across the road and public transport networks, including being the road authority for arterial roads. The Head, TfV also takes on responsibility for managing the provision of information about public transport services, fares and timetables. The Bill will constitute the Head, TfV as a body corporate. This will facilitate the performance of the operational range of functions the Head, TfV is taking on.

The Bill provides for the abolition PTV and VicRoads and makes necessary consequential amendments to other statutes. Interim arrangements for VicRoads are provided for in the Bill whereby VicRoads has a support function to the Secretary in relation to registration, licensing and accreditation services.

The Bill also abolishes the Transport Infrastructure Development Agent and Linking Melbourne Authority.

The Bill clarifies that the Transport Restructuring Orders can apply to any transport legislation, not just the *Transport Integration Act 2010*. It was not the original intention to limit the operation of Transport Restructuring Orders to functions derived from the *Transport Integration Act 2010* itself.

Conclusion

This Bill aims to make a range of changes to road-related legislation, as well as completing the legal consolidation of the transport portfolio.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:42): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for 13 days. Debate adjourned until Tuesday, 12 November.

RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, after line 4 insert—
“(aa) to provide that renewable energy sources include hydro energy; and”.
2. Insert the following New Clause to follow clause 2—

2A Definitions

In section 3 of the **Renewable Energy (Jobs and Investment) Act 2017**, after paragraph (b) of the definition of *renewable energy source* insert—

“(ba) hydro;”.

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:42): I move:

That the amendments be agreed to.

These amendments add hydro-electricity as one of the defined sources of renewable energy in the Renewable Energy (Jobs and Investment) Act 2017. This reflects current practice, as hydro-electricity is currently included in the Victorian renewable energy target.

I am absolutely delighted for this bill to come to the lower house in its current form, because this is a seminal time in our national debate about where we need to go in terms of our future energy resources. I am absolutely delighted that our government is at the forefront nationally on producing and facilitating more investment in renewable energy, because we know that renewable energy is the fastest, easiest to build and cheapest form of new energy supply. That is the case globally. Our government is not just of course about increasing energy supply as the older generators are reaching their end of life; we are doing this because we know that there are significant jobs that can come out of strong government ambition and legislation such as what we have got here in the Parliament today.

Through our renewable energy target of 50 per cent by 2030 we will be creating more than 24 000 new jobs for Victorians. Most of those will be in regional Victoria, and that is an absolute boon to many

local economies across the state. We are already starting to see the benefits of our existing renewable energy targets of 25 per cent by 2020 and 40 per cent by 2025. Our strong ambition is backed up by legislation and backed up by the largest reverse auction that has been undertaken thus far in this country, with more than 900 megawatts of renewable energy coming into our system, plus there is all of the investment that is coming into Victoria because we have a government that stands up for Victorians, that stands up for new energy supply and that understands that there are great jobs that can come out of this by building up the local supply chain and of course by getting clean energy and reducing our carbon emissions. And of course we know that this reduces power prices.

So we are absolutely delighted as a government to see this bill come back into the Assembly for a final vote. It is only a Labor government that can achieve what is a nation-leading renewable energy agenda. We are doing that with strong commitments and programs that underpin getting more energy supply into our system, leading to lower prices, and we are supporting clean renewable energy, which of course reduces our carbon emissions. I am very supportive of this, and I certainly wish it well in its passage through this chamber.

Motion agreed to.

The DEPUTY SPEAKER: A message will now be sent to the Legislative Council informing them of the house's decision.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019

Second reading

Debate resumed on motion of Mr PALLAS:

That this bill be now read a second time.

Ms STALEY (Ripon) (10:46): I rise to speak on the State Taxation Acts Further Amendment Bill 2019. At the outset I thank the Treasurer and his staff for facilitating a briefing on this bill. I note with some amusement that I raised that there were some outstanding matters from that briefing at 1.30 pm in the house yesterday, and the letter I was seeking arrived at 3.20 pm by email. So I also thank the Treasurer for responding to my request, finally.

This bill has a number of provisions, some of which are machinery provisions and some of which have some greater effect. I will begin with the section of the bill that amends the Gambling Regulation Act 2003. We strongly support this part of the bill. We have consulted with both the racing industry and veterans communities, and the shadow minister, the member for Gippsland East, has undertaken extensive consultation, and they are supportive of this change. What this part of the bill seeks to do is, in light of point-of-consumption wagering and betting taxes, change the payment that is currently made to veterans from the—

The DEPUTY SPEAKER: Order! I remind members to acknowledge the Chair when they leave the chamber.

Ms STALEY: the Anzac Day races. As result of that change, and also as a result of changes to the patterns of betting, that payment to veterans has been declining. What this bill does is change the basis to one-thirtieth of all wagering and betting tax revenue paid during the month of April, and it is paid to the Anzac Day Proceeds Fund. It also makes some changes to how that money flows. However, those changes do not change the amount of tax that is collected from operators, nor does it change the amount of support that is offered through taxation to the Victorian racing industry. It does, we have been told, substantially increase the amount of money going to the Anzac Day Proceeds Fund which is available to veterans, and for that reason we support this part of the bill.

A second part of the bill are amendments to the Land Tax Act 2005 around changes to who is an appropriate primary producer to claim the land tax exemption for primary production within the greater Melbourne zone. Within the greater Melbourne zone there has always been a higher test than

elsewhere for what constitutes primary production. This has been a policy objective for many decades, and it is designed to ensure that those who are claiming an exemption from land tax on the basis of primary production within the greater Melbourne zone are real primary producers.

The idea is that if you farm your own land you should not have to pay land tax, but if you are not farming your own land, irrespective of whether that land is being used for primary production or some other purpose, it is subject to land tax. What these changes do is make it clear that it is not enough for a person who may themselves be a farmer elsewhere to own land within the Melbourne growth zone and have farming done in the Melbourne growth zone, but not by them, and then claim an exemption. This changes that, and we support that aspect.

We asked specifically in the bill briefing, and I note that in the Treasurer's second-reading speech it says:

... the amendments will not affect the exempt status of their primary production land if it is located in the relevant zone.

We took the opportunity to ask very carefully, and we wanted to understand that there are no changes from this bill to what constitutes primary production within the urban zone. To be specific, we wanted to make sure that if someone currently has under the legislation a primary production exemption because they are farming—for example, they are growing grapes on their farm—they can continue to obtain an exemption on the basis of agriculture. We were told that that is the case. That being the case we do not oppose this change within the bill. However, I do note that there continue to be, particularly within the greater Melbourne zone, many wineries that are running a cellar door or a winery on their property which are now continuing to get letters saying that they are not able to maintain the exemption. As I said, we have been told this bill is not changing that. However, there is still movement, if we like, within that, and we do not support that tax grab that we are getting from the State Revenue Office.

There is a very minor change to the Duties Act 2000 which updates the title of the secretary of the department. We do not oppose that. There are various other technical amendments concerning implied and constructive trusts. When we asked we were told in the briefing that there is no revenue attached to these provisions, that they simply create some clarity around these vehicles. On that basis we do not oppose those.

Then there is the Valuation of Land Act 1960. There are changes which align the valuation dates with councils' standard rates cycles. We wrote to every council as part of our consultation on this bill, and the responses we received back from councils said that they are supportive of these provisions. On that basis we do not oppose them either.

However, we then come to a further amendment to the Land Tax Act 2005, and this is a change to the vacant residential land tax. The change proposed extends the vacant residential land tax to uninhabitable properties, and it gives the owners two years to renovate and to make them habitable. We do not think that this is an appropriate extension of the vacant residential land tax because there are people within local government areas covered by the vacant residential land tax who may, for example, be very elderly and live in a house that is not renovated and needs quite a lot of work on it, and they go into care—so they either have dementia or just become frail and they go into care. Under this bill they or their children or people who act on their behalf will have to renovate these properties, because quite often the sort of properties somebody will live in as an owner-occupier are not going to meet the standards for that of a rental property. People will allow things to be let go, they will allow their own maintenance to not be kept up, and so in terms of a rental property the properties would be classified as uninhabitable.

We do not think that it is fair to levy a tax at 1 per cent of capital improved value. I took the opportunity to have a look at some of the property prices in a couple of local government areas. I will start with Banyule and refer to Ivanhoe. The median property price for a house there is \$1.3 million, so this tax would be \$13 000 a year on that property. If we are looking at an elderly person who may have a

fraught relationship with their children it may not be an easy thing for them to get a renovation done on their house, and in fact it may be impossible. Yet this will then, at the very least, require them to go through some unspecified process to get that extended beyond the two years. So that is \$13 000 for a median-priced house in Ivanhoe, and \$4660 in tax on a median-priced apartment.

The median price in Boroondara is \$1.96 million, so that is \$19 600 in tax from this tax grab. We just cannot support this. We cannot support vulnerable people being required to renovate their houses when they have never had any intention of letting them and they have never been part of the rental housing stock. These have been owner-occupied houses where the people occupying them have just been unable to continue to occupy, often through ill health or perhaps dementia. So we do not support and in fact do oppose these changes to the Land Tax Act 2005.

There is one other section of this bill, and that is a change to insurance duty. What it does is it seeks to ensure that irrespective of when someone takes out general insurance, whether they use an Australian-based insurer or an overseas-based insurer, they are liable for stamp duty. I think there is agreement that going forward it is a clear public policy intent that you should not just be able to avoid paying stamp duty by using an overseas insurer, and to that extent we do not oppose clause 7 of the bill to amend the Duties Act 2000.

However, when we get to clause 8, that is a different question, because clause 8 seeks to retrospectively introduce this change to when the law was last changed in 2014–15. We cannot support a retrospective tax. While we recognise that the state Parliament of course does have the right to levy a retrospective tax, it should do so in a very considered and careful way, and not be buried in an omnibus bill. On this basis we cannot support this bill as it now stands.

Business interrupted under sessional orders.

Members

MINISTER FOR PREVENTION OF FAMILY VIOLENCE

Absence

Mr ANDREWS (Mulgrave—Premier) (11:01): I advise the house that the Minister for Prevention of Family Violence, Minister for Women and Minister for Youth will be absent from question time today and tomorrow and that the Attorney-General will answer in her place for the portfolio of women and the Minister for Mental Health for the portfolios of youth and prevention of family violence.

Rulings by the Chair

MEMBER CONDUCT

The SPEAKER (11:01): I want to come back to the house on a point of order that was raised by the Leader of the House yesterday in question time in relation to concerns about the way the member for Warrandyte left the chamber when he was asked to leave the chamber. I have spoken to both the members for Warrandyte and Bayswater and reviewed video footage of the relevant part of the proceedings. I am not able to state conclusively what occurred as the member for Warrandyte left the chamber. By way of a general warning to all members, if a member is ordered to leave the chamber under standing order 124, they should do so in an orderly and respectful way. In the past I have warned members about the way they leave the chamber and reminded them that disorderly conduct after being asked to leave the chamber for disorderly conduct leaves the Chair with no option but to utilise standing order 125 to maintain order.

I also warn all members that shouting at or goading a member who has been asked to leave the chamber is in itself disorderly. Members are warned that they will also risk being removed from the chamber if they do this.

Ms Green: On a point of order, Speaker, just on your report about the member for Warrandyte and that it was inconclusive from what you were able to hear from both members, I was sitting here and I heard exactly what the member for Warrandyte said to the member for Bayswater. It would have been heard clearly in the gallery behind, and I think this sort of behaviour with ‘step outside’ is inappropriate. It was clearly heard.

The SPEAKER: I do not uphold the point of order. The matter has been extensively canvassed over the last 24 hours or so with various members in this place. I have made investigations and I have ruled on the matter.

Questions without notice and ministers statements

FINES VICTORIA

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:03): My question is to the Attorney-General. On 17 October 2019 the Attorney-General told this house, concerning the Fines Victoria ICT debacle:

There is very, very significant improvement occurring in respect of the operation of the Fines Victoria system.

Just six days afterwards, on 23 October, it was revealed that provision for doubtful debts, mostly fines, has increased by \$328 million. When the Attorney-General assured this house that Fines Victoria's operation was significantly improving, did she mislead the Parliament or was she ignorant of the truth of the extent of Fines Victoria's IT debacle?

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (11:04): The answer to the Leader of the Opposition's question is neither. Certainly I advised this house that there have been some significant problems with the system and that the government is currently conducting a review that will be received by government very soon. There have been improvements. As the Leader of the Opposition would know, the provisions around doubtful debt do not necessarily mean that those figures will not necessarily be recovered, because fines do not expire.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:04): The Attorney-General and her predecessor have previously given Victorians three different deadlines for when this IT system was to be fixed. Last Wednesday the Attorney-General finally—

Members interjecting.

The SPEAKER: Order! The member for Essendon is warned.

Mr M O'BRIEN: Last Wednesday the Attorney-General finally admitted that the Fines Victoria IT system has never worked. Why did it take the Attorney-General so long to finally admit the truth to Victorians?

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (11:05): Again, I thank the Leader of the Opposition for his question. This has been a matter that has been the subject of public transparency for a significant period of time. It has been covered in last year's budget and this year's budget. It has been the subject of an Ombudsman's report. To try and suggest that there is some kind of cover-up here is patently false, and I think that the Leader of the Opposition needs to not worry about doubtful debt but the doubtful supporters sitting on his side of the chamber.

MINISTERS STATEMENTS: KINDERGARTEN FUNDING

Mr ANDREWS (Mulgrave—Premier) (11:06): I am delighted to rise to update the house and indeed all Victorians—

Mr M O'Brien interjected.

Mr ANDREWS: As important as my ministers statement on three-year-old kinder and our historic investments is, I cannot let that pass—for the Leader of the Opposition to be calling anybody desperate today, goodness me—

The SPEAKER: Order! The Premier will answer the question.

Mr ANDREWS: To see yourself as others see you, what a gift.

Members interjecting.

Mr ANDREWS: Lots of doubt over there. But what is certain is that our government is rolling out a historic agenda.

Mr Wells: On a point of order, Speaker, with respect, over the last couple of days there has been a consistent pattern of ministers statements being attacks on the opposition. We are seeing a consistent pattern, and we are asking you to bring them back so they can focus on ministers statements. If they have run out of good news to tell Victorians, then maybe we can give the opposition an extra question.

The SPEAKER: Order! I do not uphold the point of order, but I do ask the Premier to come back to making a statement.

Mr ANDREWS: Thank you very much, Speaker. I would be the last one to support attacking the Leader of the Opposition. We wish him well, and we wish him there for a long time.

We are delighted to be rolling out a historic investment in three-year-old kinder—universal access to 15 hours of three-year-old kinder right across Victoria. We are proud to be starting that work in regional Victoria, in smaller communities. I think in every community those precious early years—education, early intervention, giving kids the skills and the understanding, and if there are issues, spotting those issues and acting early—set up life opportunities for their entire life. We all benefit from that. We all benefit directly and indirectly. Of course for families this is a cost-of-living measure as much as anything—additional early years education with very significant subsidies, but on from that, many jobs.

There will be more than 1000 kinders that will need to be upgraded or built new. That is great for construction jobs right across Victoria. I want to pay particular mention to Mr Gepp in the other place, who recently announced \$1.1 million for the upgrade of classrooms and maternal and child health facilities at Sea Lake Kindergarten—a small community and an investment that will make a big difference. And of course there are a number of other investments. The member for Macedon—a \$240 000 project in her local community with Hepburn shire. They are big investments making a big difference. *(Time expired)*

FINES VICTORIA

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:08): My question is again to the Attorney-General. In 2013 Barnet Council in the UK dumped Civica as its fines IT provider. Medway Council in the UK has also had problems with Civica, with chief financial officer Mick Hayward saying:

I've sworn at the people at Civica and have given them earache about this, as have a lot of my colleagues around the country.

Minister, why then in 2016 did the Victorian government appoint Civica, a company clearly not up to the job, to run Fines Victoria's IT system?

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (11:09): The Leader of the Opposition asks a question relating to a period before I took up the Attorney-General role, and so I will provide the advice that I have been provided. The advice that I have been provided is that the recommendation was made after a scan done by KPMG and after representation from various government departments, and Victoria Police made the recommendation in 2016.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:09): Blame the member for Keysborough, right. Given the \$328 million black hole last financial year caused by this debacle and the nearly \$60 million spent trying to fix this failed system, why hasn't the government commenced legal proceedings against Civica?

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (11:10): Yet again the Leader of the Opposition demonstrates that he does not understand the way in which fines are operating. Now—

Mr Andrews interjected.

Ms HENNESSY: As the Premier notes, he may indeed be looking for other sources of income along the way, but fines do not expire, and that is a matter that the Leader of the Opposition fails to understand. And I have said—

Mr M O'Brien: On a point of order, Speaker, the question refers to both the \$328 million fines black hole but also the \$60 million the government has spent on trying to fix this failed system. I ask you to bring the minister back to answering the question: why isn't that amount being recovered from the company responsible?

The SPEAKER: Order! The Attorney-General is being responsive to the question that was put.

Ms HENNESSY: Thank you very much, Speaker, and of course that is not what the Leader of the Opposition asked, and I am answering the question he did in fact ask.

In terms of the \$328 million, that is not a black hole. It is money that can be recovered because fines do not expire. That is a fact that the Leader of the Opposition fails to understand. In terms of the other aspect of his question, as I have said, the government is currently conducting a review. We are not going to compromise our commercial position simply because of the fact that the Leader of the Opposition wants to come in here and try to project all of his political anxiety onto this side of the house. We will make sensible, considered decisions based on the advice that we receive.

MINISTERS STATEMENTS: CRANBOURNE RAIL LINE

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:12): I am again very pleased to rise to update the house on the work that the Andrews Labor government is undertaking to improve services on the Cranbourne line. Now, I know our terrific member for Cranbourne knows that the government is investing around \$15 billion towards projects that mean we will run more trains on the Cranbourne line and also, importantly, reduce travel times. We are getting rid of every single level crossing on the Cranbourne line, which will actually make it the first level crossing-free line in our system.

The Metro Tunnel of course, which will join up with the Cranbourne line, will create room for an extra 121 000 passengers a week on the line and also achieve that travel time reduction. We are building new high-capacity trains that will also run on the Cranbourne line, and we are duplicating the track between Dandenong and Cranbourne, meaning we can run those extra trains. I know the member for Cranbourne has been flat out working for these projects.

So, Speaker, I put a question to you: how many level crossings do you think we have gotten rid of so far? We have gotten rid of 11 level crossings—more than on any other line. Who would have thought that that was exactly the same number as that of the supporters of the Leader of the Opposition? But before the Manager of Opposition Business jumps up, that is where the comparison ends, because our trajectory on level crossings is going up, because we have still got more to do.

We are getting rid of the level crossing at Evans Road as well. There is more work as well beyond the level crossings with the Suburban Rail Loop, which will also benefit Cranbourne line passengers. And guess what? That connects up 11 train lines going through 11 local government municipalities along

the way. It is a magic number, that number 11, so we had better batten down the hatches while we get to work.

MURRAY BASIN RAIL PROJECT

Mr WALSH (Murray Plains) (11:14): My question is to the Minister for Transport Infrastructure. On 19 June 2018 the minister told this house about the Murray Basin rail project, that it has taken a Labor government to complete the business case, yet on 20 October 2019 the minister appeared on Channel 9 News and said that the business case was done by the previous government. Which statement is correct, Minister: the one you told Parliament or the one you made on Channel 9 News?

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:14): I am very pleased to answer the question. It has been a while since we have heard in this place during question time from the member for Murray Plains. The question of the business case—

Members interjecting.

Ms ALLAN: Sorry, I thought the Leader of the National Party might want to hear this. The Leader of the National Party knows very well, and indeed the Leader of the Opposition in the upper house put on record yesterday, that the business case was started and the scope of works to allocate the \$440 million was done by the previous Liberal-National government. That was what the Leader of the Opposition put on the record in the upper house yesterday. Now, of course—

Mr Walsh: On a point of order, Speaker, the issue is of relevance. I appreciate the minister has had some time to set the scene, but there was a very specific question of the minister: was her statement in this house in June 2018 the correct one, or was the statement she made on Channel 9 News in October this year the correct one? I would ask you to bring her back to actually answering that question. We have had time for history; we have had time for a bit of setting of the scene. Let us get to actually answering the question for once.

The SPEAKER: Order! The minister shall come to answering the question.

Ms ALLAN: Well, indeed I am answering the question, because this business case, as I said, did start under the former Liberal-National government, by whom, as the Leader of the Opposition in the upper house said, the scope of works was set and the budget was set. But guess what did not happen? Not one piece of work started on the Murray Basin rail project until the Andrews Labor government came to office. And I will acknowledge—

Mr Walsh: On a point of order, Speaker, I reinstate my previous point of order—that the minister clearly told this house in June 2018 that the Labor government completed the project and took responsibility for it. I ask you to bring her back to answering which statement was actually true. Did she mislead the house?

The SPEAKER: Order! The minister is being relevant to the question that has been asked.

Ms ALLAN: Indeed I was coming to that point before the Leader of the National Party jumped up in haste. I was coming to that point because I do acknowledge that the scope of works that was set out by the former government has created some real challenges for us as we have gone in and got into that delivery stage, and I have acknowledged that. I have put this on the public record time and again that we have acknowledged that there have been some challenges with the delivery of stage 2. There is nothing new. There is nothing—

Members interjecting.

The SPEAKER: Order! If members are shouting at a level where I cannot hear the minister's answer, it defeats the purpose of question time. I ask members not to shout or they will be removed from the chamber.

Ms ALLAN: I answered questions extensively on this at last year's and this year's Public Accounts and Estimates Committee's hearings. As the Leader of the National Party also knows, because he has been privy to one of the conversations I have had with the Deputy Prime Minister on this subject, standing there as we were on the banks of the Murray River at Echuca, announcing another project that we are working on with the federal government, the federal minister for infrastructure and I, along with the Leader of the National Party, took the opportunity to have what I thought was a bipartisan conversation about the future of the project. Clearly I was wrong. I can inform the Leader of the National Party that despite the deficiencies of the business case that was started under the former government, we are working very hard. Indeed we have delivered stage 2. We are keeping the Manangatang line open for this current grain season, and I am working with the federal infrastructure minister on the remainder of the project.

Mr WALSH (Murray Plains) (11:19): Minister, the Rail Freight Alliance has said of your botched Murray Basin rail project, 'We were better off before the project started'. Minister, how long will it take to fix this botched project or has the government simply just abandoned it?

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:19): I resoundingly reject the claims of the Rail Freight Alliance. I do note the chief spokesman was defeated for National Party preselection by the former federal member for Mallee, Andrew Broad. I do note that that is the spokesperson for the Rail Freight Alliance. There have been significant improvements, and I will tell you what they are. We have seen greater competition, which means Victorian producers are delivering grain into New South Wales for the first time in a long time. We are also seeing that companies like Seaway are establishing new infrastructure off the back of the works that are being done as part of stage 2. I have acknowledged some of the challenges. We do not walk away from challenges with projects; we work out how to address them—

Members interjecting.

Ms ALLAN: I tell you what, Speaker, the Leader of the Opposition has one thing over the Leader of the National Party: he has got one more vote in his party room.

MINISTERS STATEMENTS: STATE OF THE STATES REPORT

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:20): I rise to update the house on Victoria's stellar economic performance and the latest CommSec *State of the States* report. Well, we have done it again—coming out as the top-performing state economy for the sixth straight quarter. We lead overall on economic growth; we lead overall on retail trade, on the jobs market and on construction work done. Like the Rolling Stones, we just keep getting better and better with the years.

When the member for Malvern was Treasurer, Victoria was ranked fifth in the *State of the States* report. Youth unemployment was at a 15-year high and overall unemployment peaked at 7 per cent. Victorians know of course that the member for Malvern is not the best with numbers, delivering Victoria's only deficit in 20 years. Apparently he cannot even count above 11 in his own party room. But as Mick Jagger says, 'You can't always get what you want'.

Meanwhile, the latest investment monitor report from Deloitte Access Economics, out today, gives me satisfaction, confirming that our record pipeline of infrastructure investment is driving economic activity and supporting business investment. The total value of Victoria's infrastructure projects rose to \$120 billion in the quarter. Public investment projects make up two-thirds of these investments.

If this government is like the Rolling Stones, then the opposition are like Spinal Tap without the spine. If the rumours are true, the member for Malvern is living in a crossfire hurricane, and he certainly will not have—

Mr Walsh: On a point of order, Speaker, I ask you to get the Treasurer to actually conduct himself within the proper forms of the house when he delivers a ministers statement. There is a place for a little bit of comedy in this place, but I think the Treasurer has overstepped that mark and it is no longer funny. It is actually very, very sad that someone who thinks he is purporting to put good news forward has to do it in such a format, and I ask you to bring him back to the proper format of the house, please.

The SPEAKER: Order! There is no point of order, but I do ask the Treasurer not to use his statement as an opportunity to attack the opposition.

Mr PALLAS: The government is ensuring that the economy of this great state leads the nation in delivering more jobs, more investment and more infrastructure than ever. 'It's a gas, gas, gas'.

MILDURA ELECTORATE ROADS

Ms CUPPER (Mildura) (11:23): My question is to the Premier. Can the Premier change the way road maintenance and upgrades are prioritised so that roads in my electorate have a fighting chance of getting fixed? My office has sought the community's voice on the worst roads in our electorate. These people know these roads well, and their voices deserve to be heard. Among the worst roads identified were the Sunraysia, Mallee and Henty highways and the now infamous Robinvale–Sea Lake Road. As a result of funding criteria set by the government, our roads keep missing out because apparently there are not enough people using them. This criteria does not take into account other important factors, including safety, the value of these roads to our economy or how dilapidated they are. My question is: can the Premier change the way road maintenance and upgrades are prioritised so that the roads in my electorate have a fighting chance of getting fixed?

Mr ANDREWS (Mulgrave—Premier) (11:24): I thank the Independent member for Mildura for her question. I am more than happy to have a further discussion with the member about these matters. There are a number of different criteria that are used to determine how the record funding allocations that our government has made are spent on individual road projects. There are some new roads that are built; there is maintenance that is funded across the whole state. There are a number of different criteria that are used to determine where those funding allocations will be made.

I do not for a moment suggest that the member has not highlighted roads of some significant concern, and I would agree with her that those locals who use those roads every day will be best placed to give us all a clearer understanding of where some future support needs to be spent. I am more than happy to have a further discussion with the member about any deficiencies in those allocation criteria as she and her local community see it, and beyond that the Minister for Roads in the other place, I am sure, would be more than happy to have some conversations and receive representations from the member for Mildura on any given road project.

I would just say that I know there have been a number of road upgrades—around \$90 million-odd worth of investment—about \$100 million worth of investment over the life of our government in the north-west of the state. I am happy to perhaps correspond with the member and give her a full list, a detailed list of the investments we have made. I think that would demonstrate to her, to her community and indeed to all members that we are prepared to do more, and we acknowledge that even though there was the best part of \$900 million worth of road maintenance and road building funding in this year's budget, admittedly some in regional Victoria—

Ms Allan: A record spend!

Mr ANDREWS: and some in the suburbs of Melbourne, for instance. It is across the whole state. It is a record spend, as the Minister for Transport Infrastructure points out, but I am the first to say there is more that has to be done of course. Part of the approach we have taken to this is rather than having a very large amount of money spent one year and very little the next—that it is not a boom-and-bust cycle in terms of road maintenance funding and the servicing work that we do—we have tried to bring some consistency to this, and that is I think very important for safety. It is also very

important for jobs. The road maintenance and road building industry is a very significant employer. So there are all those benefits as well. But I am more than happy to have a further conversation with the member about the deficiencies as she sees them and as her community sees them, and I will ask the Minister for Roads in the other place to engage with the member also.

Ms CUPPER (Mildura) (11:27): My supplementary question is also to the Premier. Your government committed \$2.9 million for urgent repairs to the Robinvale-Sea Lake Road, which I acknowledge, but these repairs were piecemeal and served only to restore the 100-kilometre speed limit that was reduced to an untenable 80 kilometres earlier this year. Even after these repairs, the road will not be capable of handling the 10 000 additional truck movements that will result from the stalled standardisation of the Murray Basin rail line. Many of our roads need attention, but as a starting point will the Premier commit to funding the \$30 million needed to rebuild the Robinvale-Sea Lake Road for the benefit of our community and the economy of the entire state?

Mr ANDREWS (Mulgrave—Premier) (11:27): I thank the member for Mildura for her supplementary question and for her acknowledgment that there was a \$2.9 million investment, principally to repair the works that needed to be done on the shoulders of that road, particularly to get the speed limit back up to 100 kilometres. I do not for a moment underestimate that traffic volumes on that road will grow, and ultimately—whether it is 500 vehicles a day, 5000 or 50 000—to each of the local communities who use that road and others, it is an important link. There are decisions that have to be made, there are competing projects across the whole state, and there is never in one year enough money to upgrade every single road across the state.

I am not in a position to announce a \$30 million allocation today—and, again, announcements on the run like that probably would not be worth a great deal—but I am more than happy to engage with the member for Mildura on this issue and on any other issue she seeks to raise with me. She is a great champion on behalf of her community, and we will keep working with her.

MINISTERS STATEMENTS: SOLAR HOMES PROGRAM

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:28): I rise to update the house on the solar boom that is sweeping our state thanks to the Solar Homes program. I would normally offer the house a list of the top 10 electorates, but I feel today that 11 is more appropriate, because it tells an even better story in terms of our Solar Homes program. I know these numbers have a special resonance for the Leader of the Opposition.

But in terms of what this means for communities right across our state, over 16 000 families have installed solar in the top 10 electorates and 30 000 families are enjoying solar panels in the top 31 electorates, and with 46 000 systems installed across the state, Melbourne's booming outer suburbs and regional Victoria are leading the pack. Out in the south-eastern suburbs, 3000 systems have been installed in the electorate of Cranbourne, 1400 in Narre Warren South and 1100 systems in Bass. Over in the western suburbs, 2300 systems have been installed in the electorate of Tarneit, 1600 systems installed in Altona and 880 families are loving this in the electorate of Kororoit. In the northern suburbs, 1600 families in Yuroke and 1000 families in Yan Yean are all enjoying their new rooftop solar generators, and a massive 40 per cent of rebates have gone to families in regional Victoria, with more than 800 systems installed in Bendigo West, for example, 700 systems in Wendouree and 880 households in South Barwon.

These are a beautiful set of numbers—a beautiful set of numbers. Eleven of the best—legs 11. We know the way that we can deliver to Victorian families. Legs 11, or, in other words, a dirty dozen minus one. Victorians are loving the Solar Homes program, they love the jobs, they love the reduced power bills and they love doing their part for reducing emissions.

MINING PROTESTS

Mr SOUTHWICK (Caulfield) (11:31): My question is to the Premier. More than 7000 delegates from around 100 countries are attending the International Mining and Resources Conference in Melbourne, a conference sponsored by the Victorian government. However, the violence and aggressive protests outside the conference are a threat to public safety as well as embarrassing to Victoria internationally. Is the Premier concerned by the reputational damage these feral protesters are causing, and if so, what is he going to do about it?

Mr ANDREWS (Mulgrave—Premier) (11:31): I will come to the substance of the question in a moment, but it is a great pleasure to receive a question on reputational damage from the member for Caulfield. He would know bit about that, I reckon.

On the issue of conventions and conferencing, it is a very important part of our economy and has been the subject of record support from our government. Visit Victoria and the Melbourne Convention Bureau do an outstanding job in attracting conventions covering a very wide range of subject matter, with thousands of delegates, hotel rooms in terms of occupancy rates, restaurants, bars—a fantastic source of jobs and a very important sector and well valued by our government.

Mr Southwick: On a point of order, Speaker, I did not ask for an advertisement. We asked the Premier specifically—

Members interjecting.

The SPEAKER: Order! The member for Mordialloc is warned.

Mr Southwick: what he is going to do to restore the reputational damage that these feral protesters are causing Victoria. What is he going to do about it, rather than sitting on his hands and doing nothing?

The SPEAKER: Order! The Premier is being directly relevant to the question that was asked.

Mr ANDREWS: Thank you very much, Speaker. The member for Caulfield very much is an advertisement, I think, and no-one is buying.

The SPEAKER: Order! The Premier will come back to the question.

Mr ANDREWS: The convention sector is very important and will always be strongly supported by our government. Now, in relation to the protests, this is appalling behaviour, and before the member for Caulfield gets up—and he will probably ask a supplementary about why we aren't doing certain things—Victoria Police are down there now, and they are doing every one of us proud. They are doing every one of us proud, and I reject the criticisms that we have seen in some quarters over the last 24 hours criticising Victoria Police. Victoria Police are making arrests. Victoria Police are making sure that order is brought back to that scene.

Now, I will always support the right of every Victorian, if they so choose, to peacefully protest, but there is a big difference between peaceful protests and what we saw yesterday and potentially today. I thank every member of Victoria Police for their commitment, and I say to them: be in no doubt—not only will we guarantee as a government the resources Victoria Police need, but we have a resolve to continue to support them in everything they need. We will not undermine the chief commissioner. We will not cut the budget of Victoria Police as others did, to their eternal shame. We will give Victoria Police the resources and the resolve that they need and deserve, and I thank every single member of Victoria Police for their response to those ugly scenes that we saw yesterday.

My only advice to the member for Caulfield and others is: do not underestimate Victoria Police's capacity to fight crime and keep our community safe. That capacity—

Members interjecting.

Mr ANDREWS: Well, those opposite can laugh at Victoria Police if they choose to, but the other thing that those opposite should not underestimate is our government's resolve to give to the chief commissioner everything he needs, including our unwavering support.

Mr SOUTHWICK (Caulfield) (11:35): Before the feral protests this week Victorians endured a week's worth of disruptive Extinction Rebellion protests in the CBD at a reported cost to taxpayers of \$3 million. This week Victoria Police officers have been injured, some to the point of hospitalisation, and conference attendees were pushed, harassed and abused merely for attempting to enter the conference venue. How much more violence do we need to see on our streets before the Victorian government reinstates the move-on laws that the Premier stripped away from Victoria Police?

Mr ANDREWS (Mulgrave—Premier) (11:36): Far from moving people on, Victoria Police are arresting those people who need to be arrested because they have every reason to suspect that they have broken the law. That is the answer to the question, but let me conclude simply by saying I am not going to be lectured about the welfare of Victoria Police from someone who thought it was a good idea to retweet Craig Minogue! I will not be lectured on police welfare by the likes of the member for Caulfield.

Mr Southwick: On a point of order, Speaker, I ask you to bring the Premier back to answering the question. The Premier said earlier that he would give the police every bit of resource they need to do their job. Premier, will you reinstate the move-on laws? Yes or no?

The SPEAKER: Order! The Premier has been answering the question.

Mr ANDREWS: The problem for the member for Caulfield is, yes, if Victoria Police want changes, then we work with Victoria Police. There is a big difference between the chief commissioner asking for something and the member for Caulfield asking for something. I know the member has trouble with exactly who he is and what his qualifications are, but he is not the Chief Commissioner of Police. He may have business cards printed that say differently, but he is not the Chief Commissioner of Police.

MINISTERS STATEMENTS: NEW SCHOOLS

Mr MERLINO (Monbulk—Minister for Education) (11:37): I rise to update the house about the delivery of 11 new government schools opening next year. I want to give you a picture of the Education State in action, about what these 11 new schools will deliver for students, schools and communities.

Of course each of these 11 new schools will have state-of-the-art facilities, the very best design. But the bricks and mortar of these 11 new schools is just part of the story. They will also benefit in equal measure from our investment in equity and excellence. Students at these 11 new schools that need extra support can access our Camps, Sports and Excursions Fund, equity funding and direct support for students falling behind in literacy and numeracy. For students of high ability at the 11 new schools we will engage and challenge them with an intensive 10-week program and master classes in their local communities for years 5 to 8 and extension opportunities from prep to year 12—across the state, around 150 000 students.

I can advise the house that recruitment is underway for senior leadership teams at these 11 schools. The 11 principals have already been appointed at these 11 new schools. They have been working hard for months, and they enjoy the support of their school communities. The 11 new schools will be conducting meet-the-principal events, and they will be delivered by the end of November.

It is not too late. As he approaches his 11-month anniversary as Leader of the Opposition with only 11 votes in the Liberal Party room, it is not too late to go to those events, speak to those principals and get some advice on leadership.

CONSTITUENCY QUESTIONS

3908

Legislative Assembly

Wednesday, 30 October 2019

Mr Wells: On a point of order, Speaker, I would ask you respectfully to sit the Deputy Premier down because he is going down the consistent path of attacking the opposition. As we said earlier, if you do not have any good news, hand the question over to the opposition and we will gladly take it on.

The SPEAKER: Order! The Minister for Education will come back to making a ministers statement.

Mr MERLINO: We are delivering the Education State: the best schools—11 next year—the best principals, the best staff because our students deserve it.

Dr Read: On a point of order, Speaker, I wish to draw your attention to an outstanding question, 769, asked on 6 June. It was a question on notice asked of the Minister for Resources relating to the accountability of mining companies.

The SPEAKER: I thank the member. I will raise that matter with the minister and follow it up.

Ms McLeish: On a point of order, Speaker, I am disappointed to have to rise again this week to inquire about and get you to follow up on the status of a constituency question that I asked which was to the Minister for Ambulance Services, due on 26 September. It is now a month overdue. The people of Mansfield and the surrounds are absolutely keen to find out what is happening with their ambulance station and whether it will be part of the emergency services precinct that is proposed.

Ms Vallence: On a point of order, Speaker, constituency question 1092 to the Minister for Public Transport about the absolutely poor performance of the Lilydale line was raised 61 days ago and I am still waiting on an answer for my constituents. Adjournment matter 1129 to the Minister for Health about assisting women in my electorate who are suffering from endometriosis and their getting access to surgery was raised 49 days ago. I would appreciate an answer for my constituents.

The SPEAKER: I thank the member for raising that.

Constituency questions

WARRANTYTE ELECTORATE

Mr R SMITH (Warrandyte) (11:42): (1356) My question is to the Minister for Energy, Environment and Climate Change. I have written to the CEO of Parks Victoria, Matthew Jackson, with regard to the former gold mines in the Warrandyte State Park. With nine weeks having passed since my initial letter, I am yet to receive a response. The Warrandyte Historical Society have raised their concerns with me that the former mines in the state park have been closed, depriving the public and school groups of the opportunity to visit the sites where some of the first gold was discovered in Victoria. These mines are a unique part of not only Warrandyte's history but also Victoria's. I ask the Minister to have Parks Victoria outline and give details of future plans for the mines—whether they intend to have the mines reopened to the public or have the introduction of formalised tours for the public and students.

NORTHCOTE ELECTORATE

Ms THEOPHANOUS (Northcote) (11:42): (1357) My constituency question is for the Minister for Public Transport and I ask the minister: what progress has been made on the rollout of the new Myki touch-on machines for my electorate of Northcote? We have all experienced the frustration of being held up at the Myki reader only to miss your train. The next-generation Myki readers scan cards instantly, making it easier to do the dash onto the train at peak hour. I have seen these new faster Myki readers at a number of stations across the network helping passengers to get onto the platform and onto the train more quickly. The Northcote electorate is fortunate to have two train lines. With so many people using the rail network to get to work and study, these quick-touch machines would make a real difference for the people of my electorate. I know my community would welcome an update on the rollout of these new machines and would like to know if any of these machines are scheduled to be installed at our local railway stations.

EUROA ELECTORATE

Ms RYAN (Euroa) (11:43): (1358) My constituency question is to the Minister for Police and Emergency Services, and I would like to know when government departments and agencies will actually be held to account for failing to meet their obligations for fire prevention and mitigation under the Country Fire Authority Act 1958. I think that 10 years on from Black Saturday, it is deeply concerning to read the reports in the *Weekly Times* today about the extreme bushfire risk across Mitchell shire. There have been concerns that have been raised with me on several occasions now about the fact that government agencies and departments are not meeting their obligations under the act; in fact they are flouting them or creating their own standards. Councils actually fine residents more than \$1600 if they do not comply with those obligations under the CFA act, and it is incumbent on agencies and departments to do similarly and make sure that they are also mitigating the risk to local residents.

BURWOOD ELECTORATE

Mr FOWLES (Burwood) (11:44): (1359) My question is for the Minister for Housing and Minister for Planning. Minister, what is the status of the revised proposal for the Markham estate in my electorate of Burwood? We now have revised parameters for the redevelopment of the Markham estate, and they are: at least 60 per cent public housing; less than 200 dwellings arranged across five buildings with a maximum height of four storeys; no underground car park; and a commitment to work closely on the redevelopment with Boroondara council and ARAG, the Ashburton Residents Action Group, to achieve a high-quality design outcome. Local residents and stakeholders such as ARAG have indicated in-principle support for the government's revised project parameters. I want to thank ARAG for their passionate advocacy and strong commitment to public housing. I am confident that under these revised parameters we will be able to deliver a project with broad community support that will help us address the ongoing pressures for more public and affordable housing.

BULLEEN ELECTORATE

Mr GUY (Bulleen) (11:45): (1360) My constituency question is for the Minister for Transport Infrastructure. Noting that the North East Link proposal will devastate the Bulleen employment precinct, which will see the direct loss of more than 1000 jobs, which is larger than the closure of Hazelwood or indeed Ford here in Victoria, I am seeking the Minister for Transport Infrastructure to meet with the employer group who represents those workers who will lose their jobs at the end of this project. I note that it has been reported that a Labor upper house member said when the group requested to meet with the Premier or the minister, 'Why would they want to meet him? He'll only make them more anxious should he meet them'. She said that to the Council. Well, I think these people deserve to have direct contact with the minister and with the government. One thousand jobs are possibly under threat and, more to the point, while those who own factories will be paid out, the workers who will simply be paid out their entitlements will lose their jobs at the closure of these plants. They will not receive any compensation from the government. I again state that the loss of jobs here will be larger than with the closure at Hazelwood.

SYDENHAM ELECTORATE

Ms HUTCHINS (Sydenham) (11:46): (1361) My constituency question is to the Minister for Disability, Ageing and Carers. What resources are available to support carers in my electorate of Sydenham? Recently I attended an event for Carers Week in Sydenham at the neighbourhood house to celebrate the thousands of carers in my electorate who give up their time and effort to look after their children, partners, family members or friends who need them. I commend the government on its initiatives to provide ongoing support to carers across Victoria, including the recent announcement of half-price weekday travel, free weekend travel and extra concessions for carers, thanks to a massive funding boost by the Andrews government.

CONSTITUENCY QUESTIONS

3910

Legislative Assembly

Wednesday, 30 October 2019

My electorate straddles both Brimbank and Melton city councils, and the Melton local government area grew by 5.4 per cent over the last financial year. We have growing need in our area and carers should not be left behind. I am keen to find out what initiatives are available.

SHEPPARTON ELECTORATE

Ms SHEED (Shepparton) (11:47): (1362) My constituency question is for the Minister for Public Transport. I am wondering what steps the minister will take to improve the appalling quality of service on V/Line trains to Shepparton. I am asking her to tell me what steps will be taken to actually achieve some improvement. A constituent told me that he travelled on the 7.08 pm V/Line train from Southern Cross to Shepparton last night. The train had no buffet, no first-class service and no toilet or water fountain in his carriage. To access the toilet facilities passengers had to wait for the train to stop at a station and then pass through to the next carriage. Needless to say, they could not then return to their seats until the train stopped at the next station. It is a 2½ hour trip from Southern Cross to Shepparton. I receive emails regularly about the poor quality of the service. While I am pleased that money has been allocated to upgrade the service ultimately, in the meantime these old trains are not being looked after and basic services for passengers are not being provided.

IVANHOE ELECTORATE

Mr CARBINES (Ivanhoe) (11:48): (1363) My constituency question is to the Minister for Roads. I would like to ask the Minister for Roads for information and an update on the commencement and conclusion of the Burgundy Street road project. It is a great project—several million dollars. The result of that project will be to improve pedestrian connections to the mighty Austin Hospital, the Mercy Hospital for Women in Heidelberg and of course Warringal Private Hospital across the road. It is right in amongst the Heidelberg railway station of course. It is a significant precinct with the added difficulty of making sure we maintain emergency access for ambulance services to those hospitals. The road project, which will make some upgrades to traffic lights and improve safety for pedestrians, is most welcome. I look forward to that information from the minister.

EVELYN ELECTORATE

Ms VALLENCE (Evelyn) (11:49): (1364) My constituency question is for the Minister for Education on behalf of the school community at Manchester Primary School in Mooroolbark. They simply want to know: will the Labor government stop ignoring Manchester Primary and commit sufficient funds to see the buildings fully redeveloped, including completing the refurbishment of classrooms and a new reception at the school's entrance?

The bright, inquisitive Manchester Primary students, their parents and the hardworking staff deserve better. It was a Liberal government that delivered first-stage funding to Manchester Primary in 2014, and sadly the Andrews Labor government has not contributed a single cent to ensure the next stage of building redevelopment can be completed, leaving the school throwing good money after bad in building maintenance. The government's recent maintenance blitz hardly touched the sides and the asbestos removal funding in 2017 has left the toilet block quarantined for two years because the ceiling cavity where the asbestos was removed remains exposed. Will you commit to completing the building redevelopment at Manchester Primary in full?

ELTHAM ELECTORATE

Ms WARD (Eltham) (11:50): (1365) My constituency question is to the Deputy Premier and Minister for Education. My electorate, indeed the whole state, has benefited immensely from the Andrews government's record investment in our education system. An important part of this record investment is the Inclusive Schools Fund, which supports small, innovative building and landscaping projects, helping schools meet the educational and social needs of children and young people with additional needs and making a big difference to their overall school experience.

In my electorate, Lower Plenty Primary School has applied for a grant to fund new landscaping, which will offer an inclusive environment and enhance the natural bush feel of this suburban school. It is a terrific application, with numerous examples of how this space will improve inclusion, such as by creating an environment that will benefit a child with ASD who finds comfort and solace in gardens. Minister, when will the recipients of these grants be announced? And will you take into consideration the points I have raised in support of Lower Plenty Primary's application?

Mr Edbrooke: On a point of order, Acting Speaker, I would just like to ask you to review the member for Bulleen's constituency question. I believe the standing orders require that constituency questions ask for information from a minister, and I believe the member was asking for an action.

Mr R Smith: On the point of order, Acting Speaker, the member for Bulleen clearly asked 'when' the minister would meet the people who worked in the industrial zone.

The ACTING SPEAKER (Ms Spence): I will have the Speaker review that question and report back to the house.

Bills

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019

Second reading

Debate resumed.

Ms STALEY (Ripon) (11:51): I continue my contribution on the State Taxation Acts Further Amendment Bill 2019. Before the break I had got to the part where I was talking about our concerns with clause 8 of the bill, which institutes retrospective legislation. We agree with the Law Council of Australia, who oppose in principle the enactment of legislation with retrospective effect. The reason they put, and we agree with, is that that principle is enshrined in the rule of law. The idea of the rule of law is that you have to be able to know what laws you are subject to at the time they are enforced. You cannot retrospectively be told you did the wrong thing when that was not the law at the time; it is a very well-known principle of jurisprudence. We are now in a situation where, buried in an omnibus bill, we have retrospective taxation legislation.

It is particularly, I think, problematic that while the Treasurer's second-reading speech continues to assert that the government believes that the law as it stands—and we agree—says one should pay stamp duty on insurance irrespective of whether one has taken out that policy with an Australian insurer or an overseas insurer, at the same time it goes on to say, 'However, in case we are wrong' and I am paraphrasing here 'we are going to make it retrospective that that's what it says'. It is just not an acceptable use, in my view—

Mr T Bull: It's just not right.

Ms STALEY: That is right, member for Gippsland East, it is just not right. If in fact the law is right—and we should put it before the house that there are cases before the courts on this, so I am mindful of what can and should be said on this topic—then to retrospectively seek to amend legislation just because somebody seeks to test it through the courts is, to me, unconscionable.

Just because somebody seeks to assert their rights by taking it to court to see whether the legislation is doing what—we accept people should pay the duty. We absolutely think that it should not matter whether you use an Australian-based insurer or an overseas-based insurer. Clearly the intent is that you should pay the duty—and people have paid the duty. There is no suggestion that this is anything other than stopping some people who are now seeking to test whether the law is robust. Now, if the law is not robust and if their actions succeed, that has been a drafting error. That is a problem. It is not a reason to go back and say, 'Well, no. You won in court, so now we're going to retrospectively take that off you'. So we have very, very severe concerns with this aspect of the bill. As a result of that, I now move:

That all the words after ‘That’ be omitted and replaced with the words ‘this bill be withdrawn and redrafted to:

- (1) take into account further consultation and modelling about the proposed changes to the Duties Act 2000, the Land Tax Act 2005 and the Valuation of Land Act 1960; and
- (2) retain the remaining provisions of the bill.’

The impact of this reasoned amendment, which I put to the house and hope will gain support for it—as I have said, we support the changes to the Anzac Day fund. We understand why the government has brought those forward and we support them. And there are other parts of this bill that are non-controversial, but the structure of the bill means that for us to get to the heart of this retrospective legislation and also the extension of the vacant residential land tax we can only take this path.

At this point I think we do need to make it clear that we would have moved textual amendments to the bill had we been going into consideration in detail. But we have not been given a guarantee that we will go into consideration in detail, and as a result we cannot have textual amendments put. We have no choice but to go the reasoned amendment route and say, ‘Go back to the starting line. Let it sit’. We make it very clear that we would prefer that the bill have a chance to be amended so that the provisions for the racing industry and the Anzac Day veterans fund are brought into law expeditiously, although of course we are some way away from the next Anzac Day, so we do have some time there. The key problems we have with these two aspects in particular mean that we feel that they need to be removed. We have no chance to do that, to put that option before the Parliament, to make the government—make everybody in this place—debate whether they think retrospective legislation is worthy and be given the opportunity to take it out. Because of that, I have now moved this reasoned amendment.

Of course there are reasons we have state taxation amendment bills, and they are twofold. One is to enact new taxes or change taxes and the other is to clean up mechanical things that the government or the clerks say need to be done. This bill does include some of that. But it is also a revenue-raising exercise, and it is one of three bills that we have before the house this week which seek to raise revenue. This, perhaps bizarrely, being the one that is called the State Taxation Acts Further Amendment Bill, will in fact raise the least. The greater amount will be raised by the Building Amendment (Cladding Rectification) Bill 2019, but then there is also the Melbourne Strategic Assessment (Environment Mitigation Levy) Bill 2019.

I note that with the extension of the land tax for uninhabitable properties, to force people to have them renovated, plus these other two bills, the government is once again attacking the property sector. It has a never-ending—

Mr Angus interjected.

Ms STALEY: You are right, member for Forest Hill, it is a cash cow. But even cash cows run dry at some point.

At this point I would note that there has been some research into how voting patterns have changed, and that goes to the taxation base, because there is an issue around redistribution here. Of course the great modern redistribution economist would be Thomas Piketty. He is well-known to this house because the member for Essendon tells us a lot about him. However, I would note that Thomas gave a new presentation on his new book, which has only been published in French so far. The presentation has, thankfully, been translated—not by me, you will be pleased to know; my French is nowhere near that good. What he is looking at is the disconnect from the left of lower income and lower education voters from the Brahmin left, the intellectual elite. This has meant that redistribution issues have become less central. This is the core of his work. It tells me that this government has in fact been captured by the Brahmin left. They have been captured by the Brahmin left because they are no longer interested in the workers and those who seek wealth through property—and we know that in Victoria that is a key way most people hold their own wealth and hold their investment wealth. They are now actually abandoning those groups en masse because for them that is not where their voting blocs—certainly of those in the Parliament—are coming from. I do suggest to those in the Parliament that they

may wish to get hold of this presentation from Mr Piketty. The whole idea of redistribution through taxation appears from the master himself to no longer be of the same need.

When we look at why it is we have all of these taxation bills, it is because they have run out of money. Why have they run out of money? Spending is out of control in every way. We saw an additional billion dollars, near enough, on the wages bill from what was expected when the latest update came out from the 30 June massive report dump. We constantly have new taxes.

I would remind the Parliament that of course prior to 2014 the then opposition leader, now Premier, promised no new taxes. When he was asked by Peter Mitchell on Channel 7, 'Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?', the now Premier vowed, 'I make that promise, Peter, to every single Victorian'. Of course he has now broken that promise 14 times. We have got a new tax, which is the cladding rectification tax, coming before the Parliament today. So there we go: 14 times he has broken that promise with new taxes. But then there is a whole raft of additional taxes that he has expanded. The list is long and, as I say, growing. When you put in the ones that are expanded, he has now well over 20 new taxes. Every one of these taxes, every one of these Andrews Labor government taxes, is being passed on to Victorian households and businesses, and they push up the cost of living. In the end, that is what Victorians feel every time they see this. They do not look at this and say, 'Oh, it's some huge property developer doing this'. What they see is the property price of the apartment that they are trying to buy going up because we are putting new taxes on through not this bill but bills here, because this government has just run out of money.

I also turn to the Treasurer on this topic. Prior to the 2018 election, on 22 November 2018, the Treasurer launched *Labor's Financial Statement 2018* and said:

It contains no new taxes, whatsoever. No tax increases, no extra charges, it's all there in black and white.

He has broken that commitment prior to today, but he is breaking it again today because it is a new tax when you extend the vacant residential land tax to those vulnerable Victorians who are forced to leave their homes because they can no longer live in them because they are frail and are going into aged care. It is a new tax on them that they have to pay at 1 per cent of the capital improved value (CIV) for as long as they hold their property but do not have tenants in it, even though to renovate to be able to have tenants in it may cost an enormous amount of money if it could be organised. There are plenty of family situations where it is just not that simple.

I suspect that one or more of the speakers following me from the government side will say, 'Oh, but there are ways to have exemptions and you can have it extended in special circumstances', et cetera. We are talking about families that have a very frail family member—who themselves may still be a competent person but not living in that property—having to deal with that exemption process. The whole thing is being approached from the wrong direction to begin with. These people should not be caught within this net. They have never been just partly using the house. They have lived in it full time and then, because they are no longer able to live in it, they move on, and now they face a tax. Once again the Treasurer's word is worthless. It is utterly worthless. No commitment that the Treasurer or the Premier makes on tax can be believed. There is just too much form. Whatever they say does not matter. Look at what they do. And what they do is they increase taxes, they create new taxes and they waste money.

On that topic I cannot go without mentioning that in a week when we have new taxes coming in from every side a media release has come out suggesting it was a good use of Victorian taxpayers money to paint a mural on the rooftop of a temporary shed. I am not opposed to public art as a concept, but as to the suggestion that a 90-metre long mural over the rooftop of the acoustic shed, which is a temporary shed, was a good use of Victorian taxpayers money—tell that to the frail, elderly people who are now going to be paying 1 per cent CIV on their homes because they are funding a 90-metre mural on a building that is only going to be there for a couple of years. This is what waste and extravagance and a Labor government look like. We could not have a better example than this ridiculous project

spending. There are serious things that are not being spent on and there are taxes out of control, and yet we have that. On that basis we will oppose this bill.

Mr DIMOPOULOS (Oakleigh) (12:08): It gives me pleasure to speak on this important bill and to put to bed at least a couple of the furrphies perpetuated by the previous speaker, the member for Ripon. I might start with those furrphies. The member for Ripon, to give her a little bit of credit, sort of answered her own question but it was almost a case of, ‘Let us not let the facts get in the way of a good story’. She answered her own question in relation to the hypothetical person living in a hypothetical dilapidated house worth a hypothetical \$2 million by saying at the end of it, ‘They could be potentially eligible for exemptions’. Frankly, we have seen that scaremongering from the opposition on a whole range of policy areas. We have seen it with crime, we have seen it with taxi deregulation and a whole range of other areas, and we are now seeing it with elderly, frail people living in their principal place of residence, and that is a key issue.

The member for Ripon clearly does not understand the current law. The current law provides that if the place that you are living in is your principal place of residence, you are more than likely entitled to an exemption from the vacant residential land tax, so it is not a problem. In fact usually what happens is if the person is unable to continue to live in their own home because of the circumstances where they cannot live independently, which is the circumstance that the member for Ripon outlined in her hypothetical example, the principal place of residence exemption continues on normally and in the normal course of events can continue on while they are in aged-care accommodation or somewhere else and can also continue on after they are deceased, until the estate is dealt with and property ownership is transferred to somebody else.

Alarming elderly, frail people and their families around this issue is absolutely atrocious. It is atrocious for two reasons: number one, the member for Ripon is bringing a whole range of people into that net, metaphorically speaking, who do not belong or warrant being brought into this debate and being alarmed in that way; and number two, she and her party are ignoring the primary purpose of this, which is to free up homes for Victorians to actually increase housing supply. That is not all we are doing to free up housing supply, but this is one of the tools in our toolkit. So fundamentally for the lead speaker for the opposition to be attacking this is effectively an admission that the opposition does not support housing supply and government intervention in the housing market in a whole range of ways. It is a complete and utter furrphy, the member for Ripon’s alarmist rhetoric on extending the vacant property tax, which is for a legitimate purpose. There was an entire class of homes—dilapidated residences for whatever reasons, for land banking and for a whole range of other reasons—that were not part of this net, and we seek to put them, appropriately, in the net of the vacant residential land tax.

That dispensed with, I might continue with the rest of the bill. As the Treasurer said in his second-reading speech, this is a bill which effectively tidies up a range of provisions in the state taxation legislation. It also seeks to address anomalies in a way that aligns those provisions with the policy intent and the effectiveness of what we intend to achieve with those provisions to try and ensure that we do achieve those objectives. In that regard the whole range of matters that have been traversed in the bill and the second-reading speech by the Treasurer are material to that aspiration of making the policy intent clear.

What I do want to focus on a little bit—I do not expect the opposition to focus on this because they do not like a good story when it is on our side of politics—is that this government has delivered more tax relief than their government did, by a country mile. Can I just tell you briefly about the payroll tax threshold? We increased it from \$550 000 to \$650 000, supporting 40 000 businesses in doing so. We have also got two more step-ups, at \$25 000 increments, to get the payroll tax exemption to \$700 000 by 1 July 2021. Regional payroll tax—

Ms Staley: On a point of order, Acting Speaker, the member for Oakleigh is not even halfway into his allotted time and he has clearly run out of things to say about the bill. Payroll tax is not included in this bill in any way, shape or form.

The ACTING SPEAKER (Ms Spence): I do not uphold the point of order because the member for Oakleigh was speaking to the bill, albeit broadly. I ask him to stick to the bill.

Mr DIMOPOULOS: Thank you, Acting Speaker. That is really a new threshold, and I will keep that in mind on the numerous occasions that the member for Ripon talks about something that is approximate or related—and in my case heavily related—to the bill. It is actually a state taxation bill, and I would have thought the payroll tax was one of the iconic state taxation arrangements.

But nonetheless, my point is you have a state taxation bill because rightly, as both the previous member and the Treasurer have pointed out, the state needs revenue to run a whole range of services. My point, however, is that it is how you conduct yourself in terms of how you evenly and appropriately distribute that tax burden among a range of Victorians, whether it be businesses or individuals or those in regional Victoria or metro Melbourne. That is material. You cannot look at one bill and one levying of taxation in one area of Victoria and not look at the entire matrix.

The payroll tax exemptions—we are really proud of this. We will end up with 25 per cent of the metropolitan rate for regional Victoria by 1 July next year. That is an extraordinary outcome. It gives an extraordinary signal to the market in terms of business investment in regional Victoria. There is probably quite a connection between that and the historically low unemployment rates and high employment rates in regional Victoria.

Further to that, I remember heading to Bendigo, to the great electorate of the Deputy Speaker in fact, and announcing a provision we made earlier this year in relation to payroll tax, and that is that an employer will have to account for the wages or salary of a male taking parental leave. There was a historical anomaly that that would be part of the consideration of payroll tax levied on the entire wages bill, including on the person who was taking leave, but that was not the case for women. So women could take parental leave and the employer would not have to count their salaries for the purposes of payroll tax. That is obviously a good thing. We all agree that is a good thing, but it was not extended to men. It was my pleasure, on behalf of the government and the Treasurer, to go to Bendigo and make the announcement that we are going to equalise that now. For both men and women taking parental leave it means that their employer will not have to pay payroll tax on that portion of their salary. It acts as a bit of an incentive to employers not to withhold unnecessarily parental leave requests from males. There are a whole range of other areas where we have better apportioned the tax burden. We have provided many more concessions, both in terms of the number of different taxation arrangements but also the quantum of funds, to the Victorian community than the previous Liberal-Nationals government.

I want to finish on a key point. The member for Ripon talked about how we have gone back to the trough of the property industry time and time again. What she fails to recognise is that through the investments we have made—we have done a power of work on infrastructure and social policy—through the whole range of work that we have done, we have increased the value of properties right across Victoria. Because property values are inextricably linked to assets, schools, transport, other infrastructure and good social policy that creates a good, safe environment and a good community. That is what Victoria has become under this government and will continue to become. That is why we are still the world's most livable city. That is why 133 000 people choose to move here every year. So of course we are embellishing the assets of property holders, and of course they need to pay a commensurate amount in relation to our contribution to their asset as well. I commend the bill to the house, and I commend the Treasurer's work in relation to it.

Mr ANGUS (Forest Hill) (12:18): I am pleased to rise to make a contribution to the State Taxation Acts Further Amendment Bill 2019. I note at the outset that this bill amends four acts: the Duties Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005 and the Valuation of Land Act 1960. I also note at the start that the member for Ripon has tabled a reasoned amendment, which I will read. She moved:

That all the words after 'That' be omitted and replaced with the words 'this bill be withdrawn and redrafted to:

- (1) take into account further consultation and modelling about the proposed changes to the Duties Act 2000, the Land Tax Act 2005 and the Valuation of Land Act 1960; and
- (2) retain the remaining provisions of the bill.'

So I certainly support that reasoned amendment from the member for Ripon. I think it is very interesting to note even the name of this particular bill: the State Taxation Acts Further Amendment Bill 2019. We have already had the State Taxation Acts Amendment Bill 2019, but because the government cannot get it right, because they just need to keep going back to the well to tax Victorians more and more, we have this time got to have the further amendment bill—the State Taxation Acts Further Amendment Bill 2019. They just cannot get enough of Victorians' hard-earned money into their pockets.

We can see and we all know the way this government is spending money and wasting money. We do not have to look very far to see where that is going. I think one of the interesting things that we can see in the PAEC report that was tabled in this place yesterday is just some of the observations of the Public Accounts and Estimates Committee in relation to the budget. Just looking at page xxi I see that it talks about some substantial write-downs in revenue and increases in expenses compared to previous budgets. We know that because we have certainly got the highest taxing, highest spending budget and government in Victoria's history. It goes on in that paragraph and looks at the resulting \$2.8 billion downgrade in revenue from land transfer duty. That was off the back of the reduction in property prices here in Victoria. As I have spoken about many times in this place, you did not have to be Einstein to see that coming the way the cycle of property values works. Interestingly enough the report notes that:

The write-down is in part stemmed by six new revenue initiatives and the extraction of \$4 billion in 'amounts equivalent to dividends' from the Victorian Managed Insurance Authority, Transport Accident Commission and WorkSafe Victoria.

So right there, just in the executive summary of that particular report, we can see that PAEC have identified how the government is trying to fix up its budget, which is in an absolute crisis at the moment.

Mr Pearson: Are you serious?

Mr ANGUS: Yes, an absolute crisis—absolutely. We will see when the numbers come out, member for Essendon. We will see there will be a deficiency here in Victoria. There is no doubt about that, with the way the government is spending and wasting the hard-earned money of Victorians all over the place. We can see it goes on and talks about, if we look at page xxv of the same report, talking about level crossings:

Information about the cost per level crossing removal was sought during the inquiry. The Minister for Transport advised that the total budget of the level crossing program is \$13 billion and that there are challenges with releasing information on costs of individual crossing removals as every location is different.

That is an interesting way of saying that the government is not prepared or cannot or has not got the figures to hand to identify specific level crossing removals. We know from the work that the Victorian Auditor-General has done and the report that he has tabled in relation to the level crossing removal program that even at the time when that report was written, quite some time ago, the crossings that had been removed to that point were already about 32 per cent over budget. It is no wonder the government is running scared from releasing that information and putting that out in the public domain, because they know it is going to be more of a nightmare for Victorian taxpayers to see the way that the government has done a lot of the easy level crossing removals while the ones with very complex engineering works in many cases are not yet done and yet the budget has already blown out by that massive amount. It augurs very, very badly for us as Victorian taxpayers in relation to that.

That report goes on, on page xxvi, to say when talking about the Department of Justice and Community Safety:

The centralised portal where Victorians can review and pay their fines that was procured to support legislative changes introduced through the *Fines Reform Act 2014* (Vic) has not met the State's expectations. The Government is currently working to address this issue.

I think that is one of the greatest understatements of all time, Acting Speaker, and I am sure you would agree with me. To say that the system that has completely collapsed within the last few days—it has come to light just how disastrous that is, and we are finally getting some concessions from the relevant minister and other members of the government in relation to the shambolic situation that is Fines Victoria—‘has not met the state's expectations’ is a massive understatement, and it just reflects the mismanagement and the incompetence of the current government. It goes on, on the same page, to say, and let me quote again:

Six new alcohol and drug buses that were scheduled to be ready by March 2019 are currently off road and not operational. The cost of repairing these buses was not known at the time of the estimates hearings.

What we can see there is the fact that, again, we have got a shambolic situation. In terms of road safety, we have got a tragically record-level road toll here in Victoria at the moment with sadly still a couple of months to go for the year. We have got a situation like this where we have got alcohol and drug buses that were ordered and paid for some time ago that are not fit for purpose and are not out on the road doing what they need to be doing. We have got the government absolutely gutting the Transport Accident Commission by taking out billions and billions of dollars over the forward estimates and therefore not enabling the TAC to have those funds to do the necessary work in terms of road safety, in terms of police—particularly highway patrol police overtime and other police overtime—other blitzes and so on. It is just extraordinary the way the government has mismanaged things so badly that we have ended up with all of the consequences, and the tragic consequences in many cases, in relation to those mismanaged decisions and the adverse outcomes from that. We can see that over the next page as well, page xxvii, and I quote:

The 2019–20 target for the number of alcohol screening tests conducted by Victoria Police has been reduced by 500 000 in the 2019–20 Budget ...

That is a further extension of that in as much as that for a range of reasons—numbers of them would be financial reasons—the level of roadside breath testing has been reduced by 500 000, so it is no wonder the road toll is at record levels here in Victoria in recent years. This economic and financial mismanagement and related decisions have real-life consequences for the rest of the community and the taxpayers and the people that live here in Victoria. I think it is just a shambolic consequence of the record levels of spending and record levels of taxation by this government.

If we turn over to page 4 of that report—again talking about the level crossing removal program—it refers back to the committee's own report in relation to a previous recommendation that had been made regarding the transparency of the level crossing removal program, and it says that it should be enhanced and there should be data on risks by individual level crossing. It notes that the government supported that recommendation, but then it goes on and says that that information is not available at all. So here we have got a situation where we are trying to bring some financial transparency to that very important expenditure area, and indeed the government's effectively signature policy with the level crossing removals, but no-one can quite find out how much the blowouts are on an individual basis, how much they are costing and what is actually going on from a financial perspective. It is all very well and good for the government to keep saying that, but at what cost, and the Victorian taxpayers get caught up having to fund that. It is initiatives such as these ones in the State Taxation Acts Further Amendment Bill 2019 that are impacting upon all Victorians that are paying tax here.

That particular document, the PAEC report, goes on in chapter 2 to talk about a whole range of other financial aspects.

I suppose, in conclusion, what we can see here is financial mismanagement on a gross scale. Because why else would you need to bring in a state taxation acts further amendment bill? We have already had the budget, we have had the amendment bill, and here is a further one.

Mr PEARSON (Essendon) (12:29): I am delighted to join the debate on the State Taxation Acts Further Amendment Bill 2019. This is a very important piece of legislation before the house because it is about tidying up various statutes to make sure that we have got an efficient taxation system. I listened to the contribution made by the member for Forest Hill. Describing the state budget as a ‘shambles’, I think, was his key contention. It is interesting that he would choose those words, and I think it is important to recognise that the state of the budget is in a very good position.

We have got significant gross state product growth. We grew at 3.5 per cent in the last financial year, and that compares to 1.7 per cent in the last full financial year that the Leader of the Opposition was Treasurer of this great state. I think it is also worth acknowledging that in terms of the debt levels that we currently have, we have authorised and approved an increase in those debt levels in the general government sector, but those debt levels are modest. They are modest in the sense that we are looking at trending up over 10 per cent to I think 12 per cent of gross state product. So it is important that you do not look at the nominal figures but at the percentage of the total size of the economy.

This is relevant when that 12 per cent of gross state product is compared and contrasted with the long-term average of the debt levels in the general government sector which existed under the Hamer and Cain governments, which were around about 18 per cent. That was a long-term average throughout the 1970s and the 1980s. It was about 18 per cent of gross state product as a level of debt being held in the general government sector. These are very modest levels of debt, and indeed we need to take on these levels of debt in order to ensure that we have got the capacity to sustain the rapid population growth we are currently experiencing.

The member for Forest Hill talked about the level crossing removal program and the increase in the cost of that program. What the member fails to appreciate when you remove a level crossing is that there is the ability to do additional work while you are there. It is a bit like saying, ‘We’re going to renovate the house. While we’ve got the builders on site we may as well look at making additional improvements to our property while they’re there’, as opposed to saying, ‘That’s purely the scope, and we’re not going to change it’.

What is also relevant—and my dear friend the member for Oakleigh is no longer here in the chamber—is to think back to some of the abuse that the member sustained over the course of that last term. That member worked diligently on behalf of his community to try to address some of the issues that the community raised. When you set out a scope to do a major piece of engineering, you are not always going to have everything right and squared off with the community. Indeed people’s lived experience is different, and people who live in these communities on a regular basis will have their own observations. They will say, ‘Look, you’re my elected representative. I appreciate you are doing this level crossing removal project, but I think it is important that you should do X’. X might be, for example, ‘Purchase my property so I can leave this area’ or it might be, ‘Can we have some bike paths; can we have some green space activation?’. These things cost money.

If you follow the logic of the member for Forest Hill, what he is actually saying is that as a state government you should not listen to your community, you should not entertain their thoughts or ideas, you should not engage and seek any further improvements; you should just stick to the scope of the project and not deviate from that. I think that is a flawed approach. I do not believe that is the way in which you should conduct yourself.

I note that the member for Ripon is still in the chamber. Maybe she feels comfortable in her position and she is confident that her position is not going to be challenged—that she will still be the Shadow Treasurer come 5 o’clock Friday—or maybe she is hoping that by staying here that will be the case.

Ms Staley: Maybe she is on chamber duty.

Mr PEARSON: Well, maybe you are just seeking comfort. Maybe you are seeking asylum. Maybe the member for Ripon is seeking asylum at the table while all these thunderous clouds swirl amongst

the Liberal Party room. She would not fess up to whether she was one of the 11 or not in the course of the committee debate.

Ms Staley interjected.

Mr PEARSON: I think she protests too much.

Anyhow, the member raised some issues around insurance duty changes and indicated that she felt that these were retrospective changes. There is no retrospective effect where these are concerned because the duty has already been paid. What the bill is seeking to do is tidy up those insurers who are overseas. Most people or most companies or organisations that would procure their insurance policies offshore would be larger companies, larger organisations. So I think there is a very real risk that what the member is alluding to is the fact that this could provide a windfall gain for some of these larger companies and professional service firms for a duty in which the member in her speech has already indicated should be paid. So there are some concerns about the way in which the member is arguing this particular case.

I think it is also relevant to point out that again we are seeing another reasoned amendment from those opposite. It is another example where what those opposite are trying to do is say, 'We're not going to come out and oppose the bill. We're not going to vote it down. We're not going to vote for it. We're going to ask that you go back to the drawing board and start all over again'. This is a consistent pattern of behaviour from those opposite, who are not prepared to really identify one way or the other where they feel on these sorts of matters. It is just a case of 'in principle, yes'. We saw that yesterday with the member for Mornington—'In principle, yes, we agree with what you're doing, but actually we don't want you to do it, so you should just go back and do nothing'. That is the way I would characterise the actions and activities of those opposite when they occupied the Treasury bench in the 57th Parliament. I think that is very regrettable, because when you are sent here to be a legislator, you should be here and be very clear about what you are seeking to do and be very honest and upfront with your community and your constituencies. The notion that members would just simply say, 'No, we're not going to pass a bill; no, just go back and do further work; we'll do nothing', I do not think is fair or reasonable. We need to make sure that we have got a strong taxation base, and we need to make sure that we have got the capacity and the ability for the state to respond to the challenges that are emerging. Fiscal policy is a really important tool in the arsenal of any government.

At a state level I note the member for Ripon raised some concerns about land tax and changes to land tax. I would hazard a guess that one of the reasons the state budget is in such a strong position is partly because of the land tax arrangements that are in place, which were built off the fact that we have got very strong population growth. We do not have the capacity to levy the GST or to seek an increase in the GST. Those matters are federal. In terms of digital taxes, a lot of those would fall under the Telecommunications Act 1997. Again, that would be the responsibility of the federal government. There are some limitations to what we have got from a taxation perspective and our ability to raise taxes, so we need to have a very strong and robust taxation system to ensure we have got a very strong balance sheet and very strong reserves to be able to respond to the issues that confront us.

The immediate concerns we have are in relation to trying to accommodate the rapid population growth we are currently seeing. That takes some time. To be able to do that requires resources. What those opposite really want us to do is to not increase the taxation base, to not expand the taxation base, to not have a strong and robust set of accounts so that they can—like the member for Forest Hill said in his contribution—come in here and say that we cannot manage the economy, which is patently false. I am really pleased to say that we have presided over multiple years of budget surpluses throughout the Bracks and Brumby years despite the global financial crisis, and we continue to do so. When you have got a public sector that is prepared to go in and back itself and invest heavily in major projects, then the private sector responds. That is why you see very strong gross state product growth, because you have got that pile-on effect where you have got a pipeline of activity so that people have got the

confidence to turn around and invest in property, plant and equipment, and to take on more staff and to grow the economy.

I think the Treasurer has said in his contributions in this place that one in seven jobs did not exist five years ago. That is a significant increase in terms of the employment profile of the state, and it is because you have got a government that is making these sorts of investments. It is a very strong bill, and I commend it to the house.

Mr WALSH (Murray Plains) (12:39): I rise to make a contribution on the State Taxation Acts Further Amendment Bill 2019. I seem to have the pleasure of following the member for Essendon quite often when I speak, and I must admit he gives me a lot of material to talk about. I am intrigued by his fixation with the numbers and the positions of people on the opposition benches, this from someone that obviously cannot do his own numbers because he could not actually get into cabinet. He effectively put the big sign up saying, 'I am a perfect candidate to be a cabinet minister', but for some reason he could not do his numbers and could not get a spot in cabinet. Then as a consolation prize there was a special position made available to him as Parliamentary Secretary to the Premier, with a huge pay increase as this sort of consolation prize. And we know what happened to that—it did not actually come through the first time and he had to wait until there were changes to the salaries for everyone.

The member for Essendon also talked about the issue of how this house functions and the fact that the opposition should put forward textual amendments. I suppose we would be thrilled to put forward textual amendments if the Leader of the House would actually agree to go into consideration in detail on bills. One of the big differences between this house and those that sit on the other side of Queen's Hall is that over there they actually get the opportunity to go into committee and go into bills in detail. If the member for Essendon wants to talk to the Leader of the House and suggest that we actually do go into consideration in detail and we actually function as a house should function and we actually debate and investigate these bills in detail, we will do the work with parliamentary counsel to have textual amendments drafted. But given the fact that the Leader of the House will not go into consideration in detail, there is no opportunity for these bills to be examined in detail and there is no opportunity to vote on those textual amendments. The only way the opposition can actually get a vote on anything is through a reasoned amendment, because the reasoned amendment is put before the vote on the bill itself. So if the member for Essendon actually wants a job and wants to do something useful for the people of Victoria, he might talk to the Leader of the House about how this house functions and the need to function as a house should and actually go and examine bills in detail. That would be a very useful exercise for the member for Essendon.

The member for Essendon also gave us a lecture about debt and how good debt is, I suppose. I suppose one of the things that has shocked many people in Victoria as they started to realise what the Treasurer announced three days before the last election was that the government was actually going to double state debt. There has always been advice whenever I have been part of government that states should stick to around 6 per cent of gross state product as a debt ceiling for running a responsible government. The Treasurer has decided in his wisdom, and the government has decided in their wisdom, to double state debt. Yes, money is cheap at the moment, but money is not always cheap, and it will change over time. I can remember early in my business career when the interest rates were at 18 and 20 per cent, and when interest rates got up high, the government has to pay interest on their debt. That takes away from the money they actually have to deliver services to the community, and debt does have to be paid back at some time in the future.

I think what concerns a lot of the people that I talk to about the state debt at the moment and about the infrastructure projects is that they do not believe that Victoria is actually getting good value for the infrastructure projects that are being delivered in this state. We hear constantly in ministers statements about the level crossings that are being removed in Melbourne. The project, as I understand it, is somewhere between—pick a number, basically—\$2 billion or \$3 billion and maybe north of \$3 billion over cost from the original estimations of what that project was going to cost. What people

raise with me, particularly from a country point of view, is, 'Is that good management of projects? Is that good management of our finances when you have a project that is something like \$3 billion over budget?'. And they say, 'No, it's not'. In their businesses they do not let expenses blow out by that magnitude of percentage.

What it also means is that there is not the money to invest in projects in regional Victoria, and question time today was a classic example. We had the Minister for Transport Infrastructure ducking and weaving around what she has said previously both in the house and on television about the Murray Basin rail project. It is something that has been botched, part of the project that has been built is not satisfactory—it is not up to specification; the trains cannot run at the weight and the speed that was originally in the specifications of the particular project—and there is a substantial amount of that project that is not being proceeded with at the moment. So if you talk about debt and you talk about the responsible management of our finances in this state, a lot of people that I represent are really questioning whether this government is up to the job.

On the Murray Basin rail project, the federal government is keen to see that project finished but it is constantly asking for information about the project. They want to know what went wrong with the money that has been spent so far that did not deliver a good outcome on the Mildura–Maryborough line and the Maryborough–Ararat line, but more importantly they actually need a business case if they are going to put additional money in. The Minister for Transport Infrastructure just standing up in this house or just making a press conference to say we need more federal money is not how it works. They actually need to submit a business case to the commonwealth so the commonwealth knows what will happen with that money. In my view that business case needs to very clearly set out what the milestones are and what the outcomes are that are going to be achieved so that the commonwealth bureaucracy can hold Victoria to account for all the money that they put into those particular projects.

On some of the changes in this bill, it is a tax grab. We are seeing a number of tax bills come forward because this government needs more money. They need more money because they are not managing the finances of this state well, they are not managing the expenditure of the revenue of this state well and they are constantly going back to the people to take more money off them. I just think that is obscene. The government need to spend what they are getting at the moment better and deliver services better before they actually go back to ask for more money into the future.

One change is around the land tax for those farmers that are in the urban growth boundary. Can I just raise a concern on behalf of those farmers in the urban growth boundary who have raised this with me during various roles I have had in public life, both when I was at the Victorian Farmers Federation and now as a member of Parliament. For those genuine farmers in the urban growth boundary, they face a huge task to actually be viable as a business. Their rates are a lot higher than the general agriculture population of Victoria because of the land values where they are, but that land value does not make them money every year. They need to actually be able to farm, to run livestock and to grow crops to generate revenue to pay their rates. They are paying substantially higher rates than the general farming population of this particular state, and they have a lot more compliance issues pushed on to them.

Because they are in a green wedge there are limitations on what they can actually do as a farm. Because they are on busy roads they have limitations put on them as to how they move livestock and how they move farm machinery around, and they have a general level of frustration trying to not only run their farm but abide by all the rules and regulations that are put on farms in green wedge zones. So in changing those rules to supposedly not impact on genuine farmers anymore I think the government needs to think about the wider impacts that are on those farmers that are in the green wedge who are delivering effectively, in some ways, a community service by making sure there is open space between the various subdivisions that are happening in the urban growth boundary.

As the Shadow Treasurer said in her contribution, the coalition does support the changes to the Gambling Regulation Act 2003 because, as she very clearly articulated in her contribution, this is about putting more revenue back to our veterans. I think that is a very good thing to do.

In conclusion, I would like to support the reasoned amendment put forward by the Shadow Treasurer, the member for Ripon, and urge those on the other side of the house to support our reasoned amendment, because it is the only way, given the way the Leader of the House runs this chamber, that we can actually have some serious debate about these particular issues. So short of being able to go into consideration in detail and examine the bill in detail we believe a reasoned amendment is the way to put forward our argument that the government needs to go back and have a hard look at some of the things they have done. Most clearly in clauses 7 and 8, which the member for Essendon talked about, I do not believe we should do things retrospectively in this state. I actually believe the member for Essendon was wrong in his articulation of that particular argument. As I read it, clause 8 effectively means that the changes made in clause 7 makes them retrospective, and I do not believe we should do retrospective legislation.

Mr CHEESEMAM (South Barwon) (12:49): It is with some pleasure that I rise this afternoon to speak on the State Taxation Acts Further Amendment Bill 2019. I think it is worth putting this particular bill in the context of where the state of Victoria is at the moment. As most members and those listening to this debate would be aware, Victoria is experiencing record growth. We have got massive population growth happening in this state, and that is creating huge opportunities for the state of Victoria. From a government perspective that is presenting a significant number of challenges that for the last four years the Andrews government has responded to.

When you have record population growth that inevitably puts substantial pressure on the infrastructure that the state provides. I think it is worth noting that that pressure often can be a productivity drag on the economy. If we look at level crossings as an example, a level crossing may have been in existence on any one particular road for 60, 70, 80, 90 or 100 years, and as population grows in that corridor, as more trains use that corridor, it means those that are driving over that level crossing often end up experiencing more and more time when they are sitting idle, waiting to be able to safely cross that particular crossing. That of course is a productivity drag on the economy.

Over the last four years the Treasurer has been very focused on investing in the infrastructure that this state needs and that will grow our productivity, that will make our state more efficient, that will make it easier for people to get to and from work and that will grow the productive nature of the economy. That has been a focus of the Andrews government over the last three or four years.

A second element to the budget settings that we have sought to do is to prioritise investment in education, whether that be three-year-old kinder, which ultimately will be very productivity enabling for future generations, or indeed in our TAFE sector, in providing young Victorians—mainly—the opportunity to gain the skills they need for the jobs that are available in our economy. That has been the focus of the Andrews government, and it has been the focus of the Treasurer over the last three or four years to make those strategic investments that open up our economy, that invest in the future productivity of this state and that support that record population growth that our state has gone through. Now, when I contrast the effort of the Andrews government with that of the commonwealth, I think it is worth noting that the Victorian economy has been growing at about 3.5 per cent per annum versus the rest of the nation, which has been growing, I think, at about 2.3 per cent. So Victoria is very much the engine room of our nation and in fact has been so since the election of the Andrews government and as a result of the hard work of the Premier, of the cabinet and of course of the Treasurer.

To fund the infrastructure that this state needs and to fund the education requirements of this state to ensure that every Victorian has that opportunity to participate in a meaningful way in our economy has required budget discipline. Of course a key component of that is making the necessary changes to our taxation provisions to ensure that we have an effective and efficient taxation system, and again that has been very much the focus of the Treasurer—to make sure that our taxation arrangements are fair, that they are efficient and that they are effective. Over the last 50 years a large amount of the taxing ability of the nation has very much moved to the commonwealth, and that has been increasingly the case effectively since the Second World War. So the Victorian government has not as many levers

that were historically available to raise taxation to make those important investments, and certainly the taxation ability of Victoria is very different today to when this Parliament was built in the 1860s.

So these particular provisions within this bill I think are relatively modest changes to our taxation arrangements. I think they very much will go to addressing fairness and closing unnecessary loopholes within our tax arrangements. I am particularly pleased that one of these provisions will very much go to the question of housing affordability. One of the great challenges when you have a city like Melbourne and our strong regional centres growing to the extent that they have been is that housing affordability can become a challenge. Of course we have very generous arrangements in place to assist particularly first home buyers around buying property, but we need to make sure that wherever possible there are very substantial financial levers in place to ensure that when vacant property is sitting unutilised we can encourage those properties to be made available to the housing market, whether it be to new buyers or whether of course it be to renters. That is the particular provision I wanted to address today in this contribution.

The ACTING SPEAKER (Ms Ward): The member for Gippsland East, and you have got 40 seconds.

Mr T BULL (Gippsland East) (12:59): Thank you, Acting Speaker, I appreciate that. It is going to take me a bit longer than 30 seconds, so I think I will probably have to come back, but in the short amount of time that I have, I want to support the reasoned amendment that has been proposed by the Shadow Treasurer. We have had a pattern of omnibus bills coming into the chamber, particularly this year, that have a combination of a good element of legislation and a very, very poor one, where these elements should clearly be separated. So when we return after the luncheon break, I am happy to elaborate on that.

Sitting suspended 1.00 pm until 2.01 pm.

Business interrupted under sessional orders.

Matters of public importance

MENTAL HEALTH

The SPEAKER (14:01): I have accepted a statement from the member for Ringwood proposing the following matter of public importance for discussion:

That this house notes that nearly half of all Victorians will experience a mental illness in their lifetime and around one in five Victorians will experience mental illness this year alone and therefore:

- (1) the Andrews Labor government has acknowledged how broken the mental health system is and has committed to a long-term vision to improve mental health services for Victorians, including the Royal Commission into Victoria's Mental Health System and the commitment to implement all recommendations; and
- (2) this house calls on all members to start conversations within their communities around mental health with a goal of ending the stigma and discrimination associated with mental ill health still experienced by so many Victorians.

Mr HALSE (Ringwood) (14:02): I am delighted to be speaking on this matter of public importance this afternoon. Can I start by thanking the Premier and the Minister for Mental Health for the opportunity to lead the discussion during this MPI. It demonstrates that the Andrews Labor government recognises not just that mental illness is a key issue in our society but that mental illness is the largest and most serious health challenge of our age. It is a fact borne out in some shocking statistics. Nearly 50 per cent of the population will experience a mental health illness at some stage during their life. Almost one in five Australians will experience a mental illness in any given year. At least one-third of young people have had an episode of mental illness by the time they are 25 years old. More than 600 people in Victoria died by suicide last year, more than double the state's road toll.

And the World Health Organization predicts that by 2030 depression will be the leading cause of disease around the world.

The numbers show that we all know someone living with or experiencing a mental illness. There is a reason that many of us do not think we do. It is because mental illness for so many of us still carries such a stigma. Stigma is something that we talk about a lot but it has a lesser known literal definition: it means 'dishonour and disgrace'. But stigma is not unique to mental illness. We have seen it attached to other medical conditions throughout human history—to cancer, to tuberculosis, to leprosy and, in perhaps the most dramatic example in recent generations, to AIDS. Victorians have collectively waged a long battle to break the stigma that surrounds mental illness and bring the issue to this chamber. It is our responsibility as politicians to now elevate and normalise this discussion and do our part to bring mental illness out of the shadows of stigma.

Let us do a little exercise for a moment. Imagine you are invited to a friend's birthday party and imagine you are selected to deliver a speech, but then imagine that on that day of the event you are unwell and need to cancel. You call up to cancel, but what reason would you prefer to give for letting your mate down? Do you say you have got a bad back, or that you are suffering from crippling anxiety? Do you say that you have the flu, or that you are suffering from depression and suicidal thoughts? If you would prefer the former to the latter, that is stigma. That is the feeling of dishonour and disgrace.

Now imagine that you are a 34-year-old politician from Ringwood and you need four days off work to seek mental health treatment. What do you tell your staff members and your constituents? That you have struggled to sleep for a month, or that you have got tonsillitis? Now imagine just days after that you are asked by one of your ministerial colleagues to speak on an MPI in this place, one that sits so close to home and evokes such tremendous personal anxiety. Would you politely accept, or would you decline and explain why? What would you say? What would you do? But here I am.

At 8 o'clock this morning an insightful colleague saw my name on today's speaking list and sent me a text message saying, 'You don't have to be the lead speaker. Indeed, you don't need to speak on the MPI at all. You have choices, and I am here to support you'. That was the member for Oakleigh. It was a simple gesture and one that I truly appreciated. I would also like to thank the Minister for Mental Health for his support of my leading this discussion. So imagine what could be achieved if we seriously committed to making ordinary actions like these the norm, to breaking that stigma and to creating not just a culture of supporting each other—of social responsibility—but a mental health system that works for all Victorians. What could we do? What could be achieved if we broke that stigma?

Let us first look at where our mental health system is at right now. In April 2019 Per Capita, alongside the Health and Community Services Union (HACSU), conducted a survey of frontline mental health professionals in Victoria. They asked the workers—the people best placed to inform us, the people we should listen to because they live in the system day in and day out. I will not list all of what the survey found, but it painted a picture of a broken system, a picture of a system that our government and the minister have had the courage to admit so many times in this place is broken.

Let us tell it how it is. The system does not have enough staff. It does not have enough resources, and the models of care are increasingly outdated—not just of late but for decades. And as demand grows, we know that we need to do more. We know that the system needs reform. The under-resourcing means that too many Victorians miss out on the treatment they need due to factors outside of their control. These factors are numerous and could be a lack of physical access, homelessness or cultural barriers. There might be social stigmas attached or it might be not having the time to seek treatment—or even trauma or abuse. Research indicates that up to 54 per cent of people with diagnosable mental health illnesses do not access any treatment. That is half of all people with mental health issues who do not access treatment. Compounding the problem is the delaying of treatment due to serious problems in detection and accuracy of diagnosis.

So what is to be done? The conversation around mental health can often be limited to gestures—to encouraging people to look after themselves or to do what they love or whatever—or to putting responsibility for mental health only on the individual. There is a place for gestures and awareness raising, and to an extent that is important. But it must, in the end, be backed by actions to make a difference to people's lives. Actions that look at social and health determinants: people's environment, their welfare at work, the pressures on their families and relationships. The storylines must become budget lines, and it is in our power in this place to do something about those. That is why this Labor Andrews government took the historic step of announcing the Royal Commission into Victoria's Mental Health System. Guesswork and gestures were never going to be enough, and this Labor government understood that the mental health crisis needs fixing.

So having said that, here are some dollar figures—some budget lines, if you will—from Labor's recent 2019–20 budget. Dollar figures show what we have done ahead of the royal commission handing down its interim report: nearly \$29 million over two years for more than 7000 extra people to access early care and support through additional clinical health services in the community; \$23.3 million for additional beds; \$6.6 million to increase clinical supports at three prevention and recovery care units to support Victorians in the early phases of recovery; \$9 million to support our mental health workforce; \$8.5 million to continue supports for Aboriginal Victorians with severe mental illness; \$19 million to support mental health clinicians at the Victorian Fixed Threat Assessment Centre and deliver specialised mental health services to meet the needs of people referred by the centre; \$5.7 million for the Mental Health Complaints Commissioner to ensure they continue their critical role safeguarding the rights of those who access the mental health system; and \$3 million for asylum seekers to provide support for our newest Victorians—people with experiences of trauma, of torture and of family loss and separation. In fact it is a \$173 million boost to mental health and alcohol and other drug initiatives to support more Victorians while the royal commission undertakes its important work. But there is so much more to be done, and we are just getting started. Indeed the implementation of the recommendations of this royal commission will be a reform on par with universal education, Medicare and other reforms that—as a cursory glance at history shows—only Labor governments get done.

I want to acknowledge the workers in the mental health sector: the nurses, the community and allied health staff, the doctors and every single mental health worker. They do some of the most worthy work in our community in the most trying of circumstances. I also want to thank the Health and Community Services Union for their work in organising and pushing for these reforms. I never forget that I am one member of a parliamentary wing of a political party of a wider movement, a movement made up of workers, extraordinary workers, who join unions like HACSU, the Australian Nursing & Midwifery Federation and the Health Workers Union. These reforms will be the reforms that workers in the movement, alongside advocates of all kinds, have fought and worked for for so many years. It has been hard work over a long period from a lot of dedicated people, but there will be results.

I conclude with a message of hope to anyone affected by poor mental health in our community. Some of the strongest people in our community are those who win battles that we do not see, that we know nothing about. It can be a lonely experience. It can seem like there is no-one out there to help, and accessing that help can be a huge step to take. There are days when you just do not feel like getting up, like you cannot go on. But that is when you put one foot in front of the other and you continue to walk. My message is simple to all those within our community, to the hundreds of thousands of Victorians who struggle with, who live with, who manage and who walk every day with their own experience of a mental health illness: you are not alone, we are listening—this government is listening—and we will treat the recommendations of the royal commission with the seriousness they deserve. If we do this, if we commit to this, we know that things in this state will change for the better.

Ms KEALY (Lowan) (14:16): It is an enormous privilege to be able to speak on today's matter of public importance submitted by the member for Ringwood. I do give credit to the member for his contribution today. It is an extraordinarily courageous and bold move to be able to open up and speak of your challenges around your own mental illness. However, when you are elected to this place it is

often your own stories which are most compelling to people within your own electorate. That is why we must tell our stories and do so free from any persecution and free from any side commentary. So as I said, I do commend the member for Ringwood for sharing his story.

I do want to acknowledge from the start all the people living in Victoria with mental illness and mental ill health. My office receives many contacts from people—from family members, from people who work within the sector—who are often in extreme distress, who often cannot get the support that they need and who are often facing extremely stressful conditions and do not know where else to turn but to come to my office. The number of people who are suffering from acute mental health crises who feel like they cannot go anywhere else and who come to my electorate office in Horsham really is quite amazing. We certainly are a triage desk for many of those people within our community. My staff handles this very well; they do so exceptionally well.

So for those people who are dealing with depression and anxiety, suicidal ideation, eating disorders, postnatal depression, diagnosable mental illnesses and the entire spectrum of mental illness and mental ill health, we are working towards making a difference for you and making your journey through life much more tolerable, to give you hope and most importantly to do it with compassion. We must always put that first. We must always, when we are talking about models of mental health, look beyond the clinical aspect. It is important that we always treat people with mental illness as people first and foremost. We must always act with compassion, support and awareness—awareness of each other, compassion for our friends, families and constituents and support for all Victorians.

Certainly the Liberal-Nationals are fully supportive of the Royal Commission into Victoria's Mental Health System. It has been an amazing journey, I think, over the past year to see so many submissions from the wider community and people being able to express their experience with Victoria's mental health system. So frequently this has involved sharing extraordinarily challenging stories of loss and of not being able to access the services needed. We heard from parents who have had children who have been admitted to an acute hospital bed—a psychiatric bed—have self-discharged and then self-harmed and taken their own lives. We have a responsibility to make sure that that is not the type of mental health support we are offering for people in Victoria. But when it does happen, we must listen to those family members who want to make change to people who do not want that experience to happen to other family members and to other people who are challenged with mental health. We must listen to the people who have provided evidence to the mental health royal commission, including the fabulous mental health workers, who know that there is a pathway to do this differently in Victoria. We must listen, we must act and we must provide the mental health support and services that every single Victorian deserves.

The problem that I see in the state of Victoria at the moment is that we constantly hear from the government these glowing reports that, 'It will be great when we implement the recommendations from the royal commission'. The problem is that there are people who cannot access the mental health support that they deserve today. I think it is an absolute contradiction when we hear commentary from the Labor government that mental health is such a priority when at the same time we are seeing devastating cuts to the community mental health budget. It is appalling.

Yesterday I heard yet another story of the cuts that are being made to mental health in the state of Victoria at the moment. Yesterday I met with Cohealth. Cohealth have had a cut of \$11 million over the past two years under the Andrews Labor government, which has meant that they have had to cut their entire community mental health service. They now have 300 fewer mental health workers providing support services to the people who need it most, who are at most risk of homelessness, of disadvantage and of drug and alcohol addiction, and who would not ordinarily enter the normal public health service. The Andrews Labor government has cut those workers.

As a result, we are seeing huge flow-on effects to other critical areas in Victoria. Our prison system is overflowing, our emergency departments are overflowing and we are seeing ramping happening. It is appalling to look at some of the statistics around our emergency departments. People with mental

illness are waiting an enormous amount of time sitting in emergency departments waiting for mental health beds. If we look at that, the rate is now 53 per cent of people who are presenting are not able to get admitted into beds within the 8-hour time frame.

Why is it appropriate and why are we celebrating around the royal commission when we know today what some of the problems are? If you cut community health funding, you cannot keep people well in the community. It is more likely they will be disengaged from their friends and family, they will lose their jobs, they are at risk of homelessness and, most importantly, they are at risk of even further mental health damage. It is causing lifelong damage to these individuals, and we need to see changes now.

I refer back to an Auditor-General's report which was tabled earlier this year. It is titled *Access to Mental Health Services* and was released in March 2019. It emphasises how important it is—and that we simply cannot wait for the royal commission to act—to make some key changes to mental health services in Victoria. I quote:

The Royal Commission into Mental Health will undoubtedly highlight many areas for improvement across the system. However, the need for planning and investment to meet demand is already known and as such work to address this should not await the Commission's recommendations. Further delay will only amplify the problems the Commission seeks to address.

This is coming from the Auditor-General's office. There was another report tabled earlier in the year, *Child and Youth Mental Health*, which echoed similar sentiments.

While we keep on celebrating, we keep on hearing from the government, 'We're looking forward to these recommendations from the royal commission because then we'll make changes'. It is simply not good enough. We are losing Victorian lives as we speak. People are becoming critically unwell, and it is having a huge impact on homelessness in our communities including, as I said, in our prison system. Forensicare's annual report was enlightening: people are waiting an average of 406 days to get the custodial supervision orders that were ordered by the court so that they can get the mental health support they need. People are waiting in prison for well over a year to get the mental health support they need.

If you look at any KPI across the mental health system, you see that things have been getting critically worse since the Andrews Labor government was elected. We simply cannot keep on accepting this government saying, 'We believe in mental health support because we are having a royal commission'. You have got options to make a difference, to act today and change Victorians' lives today. The fact is that your cuts to community mental health in particular have been so significant and so drastic, and they are affecting so many issues. Ambulances are at the bottom of the cliff, essentially. That is what I hear from the mental health sector. It is not good enough. If you look at some of the key KPIs around community mental health support services, we have seen a 20 per cent cut by Labor in community mental health since they were elected. This has resulted in a reduction of 15 per cent in the number of bed days available to community mental health clients, so we have dropped from about 74 000 to around 62 000 a year. On the client support units, we have gone from 661 000 in 2014–15 to a cut of almost 50 per cent by Labor, to 338 835 in the 2018–19 year. On the clients receiving mental health support, since the Andrews government was elected in 2014 the number has dropped from nearly 12 000 to less than 6000. More than 50 per cent of people who were getting support five years ago cannot access those same supports today. That is absolutely diabolical.

You are not talking about just numbers, about the number of people who can access a mental health bed, about the number of people who can access community mental health support; these are people who are struggling with mental illness. While we may have the words to be able to say, 'We feel very, very sorry for you', let us actually make a difference. I do pick up one of the lines which I thought was compelling from the member for Ringwood: the storylines must become budget lines. We need to make sure that they are positive budget lines because what we have seen from Labor so far are just enormous cuts, particularly in the community mental health sector.

We are also seeing disastrous results when it comes to how people manage their own mental illness. Of course that comes through in how people self-medicate and the numbers of people who are using drugs and alcohol to deal with their mental health issues. We always need to make sure that we focus on early diagnosis, followed by early treatment and providing ongoing support, for people with mental illness to give them the best possible outcomes for successful and amazing lives where people reach their full potential. We are not seeing that if we do not have those supports available, if we are not able to provide early treatment and early diagnosis and if people are not able to get the support they need in their local community. In my electorate of Lowan, it is 2 hours to the nearest psychiatric bed. It is simply unacceptable to see the rates of occupancy in those beds. So often people cannot even get into a bed. But we are not looking at changing this at the moment. We are still waiting for these royal commission findings. As the Auditor-General has said, we simply cannot wait:

Further delay will only amplify the problems the Commission seeks to address.

So I do urge the government: please, please put your words into action, because mental health is something that is important to each and every one of us. We all know somebody, if it is not ourselves, who has suffered from extreme mental illness or from mental ill health. If we do not put our best foot forward and actually act to make a difference to these people's lives, the problem is not going to get any better.

We are expecting the interim report from the royal commission into mental health to be delivered in November. It is something that of course we will welcome, but again, let us not wait. The final report will be in October next year. There are so many people who have been affected by mental illness in the state of Victoria—and their friends and families and their employers, experts in the area and workers. I think there have been over 8000 submissions now. It has been absolutely overwhelming. But let us see a key injection of funds in the near future.

More importantly, when we talk about the royal commission, I refer again to the ongoing statement from the government that 'We're going to implement all recommendations', and of course that is something that we would want to see; we have put so much work into it. The government has been hiding behind the royal commission so avidly and hiding its budget cuts behind the royal commission, we do need to make sure it does not have the same result as we have seen for Victoria's 10-year mental health plan. Once that was agreed, published and celebrated by the Labor government, it was just shelved and forgotten.

We cannot do this. We have had so many reports, reviews and recommendations around Victoria's mental health system over the past five years that Labor has ignored. Do not ignore the recommendations from the royal commission into mental health. Make a commitment to properly implement it and make sure that the Department of Health and Human Services does its job in implementing it. There were so many references in the two Auditor-General's reports tabled earlier in the year, *Access to Mental Health Services* and *Child and Youth Mental Health*, which referred to DHHS's complete ignorance of and inability to manage the implementation of those recommendations. Frequently there had been recommendations made in previous reports about which the government had said, 'Yes, we'll do it' and they never came to fruition. You are only further hurting people in Victoria if you continue to allow the department to get away with not doing its job and improving services for people with mental illness. That is something that is a key criterion. It does not matter what you say; you will be judged on what you do.

I do again urge the government to put their money where their mouth is. As the member for Ringwood said, let us make sure that the story lines become budget lines. Let us see a reversal of the significant cuts to community mental health that we have seen in the state of Victoria since the Andrews Labor government was elected but, most importantly, let us listen, let us act, let us make sure that we are providing mental health support and services that all Victorians deserve—because we are certainly not seeing that under the Andrews Labor government.

Mr DIMOPOULOS (Oakleigh) (14:31): It gives me pleasure to add my contribution to the matter of public importance (MPI). I want to start by acknowledging the bravery and the courage of the member for Ringwood in his contribution, and obviously other colleagues in previous contributions. I thought the member for Ringwood's honesty was breathtaking. It always is, but it is even more difficult to do it under the circumstances of this MPI.

I will address the member for Lowan's comments, which I think were unfair but also really distasteful, because the member for Essendon and I thought she very quickly got to politicising this issue, which is a real shame.

Ms Kealy: On a point of order, Speaker, I take extreme exception to the member's comments and also the member for Essendon's comments around me being disrespectful in this place. I was entirely respectful throughout my contribution.

A member: Distasteful.

Ms Kealy: I have been corrected—sorry, 'distasteful' comments. I was entirely supportive of the member for Ringwood. I was entirely supportive of people with mental illness in the state of Victoria, and I ask the member to withdraw.

The SPEAKER: Order! I did not hear any interjections, but I think this debate so far has been conducted without interjection. Some of the matters before the house on this MPI will invite comparisons around different policy positions and government performance and indeed further policy development in this space. There will be some debate on this MPI, so I expect members to respect each other's position on this one, hopefully in a way, given the sensitive and important nature of the MPI before us today, that does not lead to a series of people asking for withdrawals.

The specific issue that the member for Oakleigh raised is a matter of debate regarding something that was put on the table by the member for Lowan, so I cannot ask him to withdraw it, but I do ask members to just be mindful of the spirit in which this debate has been conducted so far.

Mr DIMOPOULOS: Thank you, Speaker. At the risk of being interrupted again, before I go onto my contribution I will just be more expansive with the chamber and the Parliament about two aspects of what the member for Lowan said, which is not really for her but is for the people of Victoria and those living with mental illness and their carers. But nonetheless, there are two things that she said which I have a different version of reality on. Number one is that we developed a 10-year action plan that we left on the shelf. I can assure you that given that I chaired the mental health task force on behalf of the Victorian government for two years, actioning that action plan with at least 25 stakeholders around the table every month for two years, we did not just leave it on the shelf. In fact because of that work we ended up having at least eight pilots around Victoria, regional and metro, working towards halving youth suicide. We did a lot of work around the LGBTI community and a whole range of other communities, and that work is still underway, despite the royal commission.

Number two is that the other thing that the member for Lowan seemed to assume is that somehow we, the government, the minister and the Premier, are leaving this space vacant because we are waiting for the royal commission. That is not only false, it is so, so insulting to the sector, to the communities that are participating in policy development and to the list of investments that the member for Ringwood read out—I think \$170 million-odd in last year's budget. Sometimes in this place facts have to accord with what you say. You cannot get away with a gulf between what you say and the reality. It is just absolutely atrocious.

Ms Kealy interjected.

Mr DIMOPOULOS: Member for Lowan, I have read double what you have read on mental health, despite your history in public health in regional Victoria. Nonetheless, I now proceed to talk to people that actually—

Ms Kealy: On a point of order, Speaker, I think that personal comments made across the chamber that are directed to me as to how much reading I have or have not done, when the member for Oakleigh—

Members interjecting.

The SPEAKER: Order! The member for Mordialloc! The member for Lowan has the call.

Ms Kealy: Speaker, I am finding that elements of this debate are entirely personal around me. Given that our topic today is around mental illness—

Members interjecting.

The SPEAKER: Order! The member for Sydenham!

Ms Kealy: Given the topic of today's matter of public importance was raised by the government around mental health, I find it absolutely disgusting to hear constant references to me personally. Whether it is through interjections across the chamber or whether it is through comments by the member for Oakleigh, I think it is an absolute disgrace that there is this chipping away and attempt at psychological warfare when we are talking about—

Members interjecting.

Ms Kealy: And I note the giggles from the Labor side of the chamber.

Ms Green interjected.

The SPEAKER: Order! The member for Yan Yean! The member for Lowan has the call.

Ms Kealy: I think that it is completely unacceptable when we are debating the importance of mental health that targeted and personalised comments are being made, directed at me by the member who is on his feet at the moment but also by other members of the government who are interjecting across the chamber. It is completely against what the purpose is of this MPI, which is around supporting people with mental illness, and I ask you to ensure that all members are respectful of one another in such a sensitive debate.

The SPEAKER: Order! The member for Oakleigh was referring in his contribution to points that you had raised in your contribution. There is a difference between the member for Oakleigh personally attacking or misrepresenting the member. In this case he was putting forward a counterargument to issues you had raised, which is not something I can counsel the member on. I have asked the chamber to respect the nature of this debate. I will listen carefully for any interjections that are raised that might be inappropriate.

Mr DIMOPOULOS: Thank you, Speaker. My comments on this matter of public importance are for those Victorians living with mental illness, the people who love them, their carers, their families and the workforce. They are the ones who deserve our time and our attention and the investments we are making. I want to say to them in the brief moments that I have left: you have in this Parliament generally, but specifically in this government, a group of people who are interested and listening and ready to help and walk down the path with you. They are not just empty words, because we have already made those investments.

But we are making the biggest investment already, and that is the Royal Commission into Victoria's Mental Health System. While I say it is the biggest investment, apart from the very nature of that being the highest form of political inquiry, the Premier has said numerous times that we will support its every recommendation prior to even knowing what the recommendations will be. That is how serious we are about mental health and supporting all those Victorians and their families. That is my message on this matter of public importance. I invite Victorians to hold us to account on that over the next several

years. Like many other projects this government has commenced, these are long-term projects, because only through long-term projects do we change the face of Victoria.

Mental health is not easy. If it were easy it would have been fixed years ago. It is not easy. That is why we say we do not have all the answers, despite the extraordinary professionalism of the staff and the extraordinary professionalism of the carers and their commitment to their work. We do not have all the answers, so much so that the system in many respects is broken, as the Premier and the Minister for Mental Health have said.

I want to just take a couple of moments to leverage off what the member for Ringwood said effectively about leadership and making a difference in the lives of a whole range of people, even at the local level: your neighbour, your friend, your family member, your work colleague. I thought the member for Ringwood's description of the excuses you need to make when you do not want to say that you have a mental health issue that day were profoundly honest and profoundly true. I faced that as a gay man in terms of making excuses as to why I did not want to go out on a blind date with a girl, or on a whole range of things. That was my everyday experience growing up. Your everyday experience in mental illness in many respects would be a living nightmare, and I had that experience with my cousin and I have had that with other friends.

I commend the leadership. I do not want to make it all about this place, but I am thinking of colleagues in this chamber on both sides and colleagues in the federal Parliament as well. I am reminded of the former member for Williamstown and people who have shown leadership in sports, in academia, in the community sector, in business and in politics who come out and say, 'This is actually okay'. We will get there one day, as the member for Ringwood said on stigma, when it will be as easy to say to someone, 'I've got a mental health issue today, I can't do this', as it is now to say, 'I've got to go and get my leg checked out at the doctors'. That is what these debates are about. That is what our investments and the high-profile royal commission are about. I commend the MPI to the house.

Ms BRITNELL (South-West Coast) (14:41): Today this is a really serious matter of public importance, and I am quite disappointed already by the attack on my colleague because I thought she was very respectful. We are here to make sure we govern and do the best we possibly can with the money that comes into the state for the people who need it. I would like to begin by acknowledging the challenging environment that the carers and the sufferers of mental illness endure as we speak. This is probably one of the biggest things that comes into my office: people who are struggling with mental illness come into my office, they are trying to navigate the system and they are at their wits end.

Now the member for Oakleigh may have read a lot about mental health, but for at least 15 years of my nursing career I was at the front line of mental health, so I think I will spend a little bit of time just sharing how challenging that environment is. I have not actually practised for four years, but what I have seen in those four years whilst in my office, seeing what is happening from people coming into my office and telling me about the wrestle they have with the system, is that it has got so much worse.

If you have got a mental illness, it is really important for you to be able to access support: psychologists, mental health professionals, nurses and drug and alcohol support sometimes depending on the situation—not always but certainly sometimes there are very complex clients as we used to call them. What we need to do as a society is give the supports that are necessary. We have got this current government who spend a lot of time talking about how much they care and about how much they are prepared to do, and yet as it says in an Auditor-General's report which I have here:

The Royal Commission into Mental Health will undoubtedly highlight many areas for improvement across the system. However, the need for planning and investment to meet demand is already known ...

That is actually what I have been finding on the front line. For us to wait and to have this current Labor government saying, 'We care so we are going to find out what is going on'—as the Auditor-General says, we should not await the recommendations of the royal commission. There is so much already known, and:

Further delay will only amplify the problems the Commission seeks to address.

Already I have been on two inquiries, and both those inquiries, the autism inquiry and the perinatal inquiry, highlighted a problem in the mental health system. This is what I saw when I worked with CAMHS—the Child and Adolescent Mental Health Services teams. Now I did not work with them—I was accessing the services for clients—but they were at their wits' end. In Warrnambool, in Portland and in Hamilton, which is in the member for Lowan's electorate but is in the catchment I was working in as a health professional, they were the services I was trying to access.

Staff are under enormous pressure and they cannot take extra clients. That is what we saw in Warrnambool a couple of weeks ago when a young man wanted to be admitted to a facility for mental health support and they just did not have the capacity to take on board anyone else. So he went into a shop and started opening up products and said, 'Call the police, I want to be arrested'. He was then unable to get, even when arrested, a bed and facilities. We see that in the articles that are in the paper. There was one just last week about the Thomas Embling Hospital, where we have got people in prison for up to a year waiting to access mental health support. I actually had many a client steal a car, set fire to their apartment and do all sorts of extraordinary things to get help. They would even say to me, 'Roma, I just need to get in the pen for a while, because that way I won't kill myself'. This is extreme.

I have got a 16-year-old daughter and she tells me about kids—not at her school now and not where she was in school last year—who are cutting themselves. I had never heard of that. Twenty years ago and when I was at school, I had never really heard of self-harm. Munchausen syndrome has just come from the back of my mind from my training days. We all knew about that, but we did not see it in kids. You did not see it in the ways we are seeing it today. Principals are telling me about this.

We are seeing suicide rates of 3000 a year—the highest reason for death in young people. I was reading an article by John McGrath, a former member for Warrnambool, who had a son who lost his life to suicide. John says that 3000 people are dying every year from suicide. That is eight people a day. Now, I know for a fact that the GPs in Warrnambool that I talk to—and obviously I have worked with them for many years, so I know some of them fairly well—just say to me, 'We are just throwing our hands in the air'. There is a massive load of evidence. This is what the reports of the autism inquiry, the perinatal inquiry and, I am sure, many other reports that the Auditor-General referred to tell us—that there is no point in waiting, that there are plenty of actions we could be taking right now.

This is what is so disappointing about what the member for Oakleigh said, because it was not the member for Lowan who was saying that the work has not been done. She was actually quoting out of the Auditor-General's *Access to Mental Health Services* report from March 2019, which says the 10-year plan outlines few actions that demonstrate how the government will address the demand and challenge that the 10-year plan articulates. That was what she was talking about. It is not her opinion; it is actually the Auditor-General's opinion.

I really find it hard to hear this government constantly telling me how much they care. Get out there on the street and look and talk to the people, because you only have to scratch the surface and this proclamation of care is very scant in evidence that backs up that there is actual demonstrable action. Action in government is often about providing resources, and those resources have been severely cut. Their own budget shows us that in 2014 there was \$123.4 million going into mental health community support services, and that has been reduced in 2018–19 to \$98 million. That is a 20 per cent cut. The client support units were cut by 50 per cent by Labor from 2014 to 2018.

When I was training there was a facility called the Brierly Mental Hospital. Brierly was our mental health institution. It was an institution, and I am not advocating for one minute to go back to institutionalisation days, because there were clients there that should never have been there, like young men who had PKU, phenylketonuria, which is what you get from consuming Coke or other products when you have a gene that some people have and some people do not; it is that prick kids used to have on their heels but do not have any more. They grow up and are mentally affected by the PKU that they

took in. Anyway, there were kids like that and there were Down syndrome children who had no place there and are much better in the community like we are doing today.

However, there were 200 beds in that facility. We now have, funded under the Napthine government, a new facility, but it is only 15 beds, and five of them are for aged care. We have been waiting. It was originally funded under the Napthine government, and the Labor government have continued with that facility, but there is a mother-child unit there, so if you have got postnatal depression or some mental health issue and you have got an infant, you can actually go to that facility. The resources and the funding have been built to house that situation, but they cannot access it because there is no funding for that. So here we have got a facility, and I do not know if they have actually got the funding now—I need to check—but for 12 months it has sat there without the ability to be utilised for what it was intended. So these are the sorts of things that the government are missing the opportunity for.

What we have got is a community in my part of the world and, I am sure, right across Victoria who are saying, ‘We can’t wait. Why is the government saying, “We’re going to wait till the end of a royal commission?”’. We are going to do things’. And they are. They are doing things like the Nurturing Room at Warnambool East Primary School, which is really helping settle children who were traumatised so they can actually go into a learning environment, and the Big Life program, which is addressing the issue of children at school who have suicidal tendencies or are self-harming. The community themselves are actually asking for support. There is even the Standing Tall project. This demonstrates that the schools are saying, ‘We actually need to put an environment of support around our kids before we can educate them’, but the government just does not come to the party and recognise that mental illness and mental health need more funding for schools to be able to put those supports around people.

I will never forget a young man, who is now dead, who was found on the side of the road about five days after he died because nobody helped him. His mum begged me—absolutely begged me—to help her support him, but we could not get her the support, and he died. That mother to this day leaves a mark on my life because we need to do more.

Ms GREEN (Yan Yean) (14:52): It is with great pleasure that I join the debate on this matter of public importance (MPI) advanced by the outstanding member for Ringwood. We have seen his courage not only today but over the whole time that he has been in this place. One of the things that I really love about this MPI is that it encourages all of us in this place to have conversations with people in the community so that we can get rid of the stigma of mental illness. And I think that we should be really grateful to the member for Ringwood for saying that. It is one in two of us in our lifetime that will have some experience of it—well, nearly half of all of us—and one in five Victorians who will experience mental illness this year alone. They are huge figures.

I had really hoped that this matter of public importance would have been conducted in a really, really bipartisan way, and I am getting a bit sick of the member for Lowan, I must say. She just really feels that if she advances an opinion in here and someone says that they disagree with her opinion, that is a personal attack. I think she really needs to look in the mirror. It is not a personal attack when you disagree with someone. This place is about debate, but she also needs to be held accountable when she says things that are wrong and need to be responded to. I am not going to make this matter of public importance about her, but she really does need to have a look in the mirror.

It is interesting that I am the third speaker in a row with some experience of south-west Victoria, and I am sorry that the member for South-West Coast has just had to leave the chamber. I want to congratulate her on her work as a mental health professional and for speaking about her work as a mental health professional. Indeed my first experience and intersection with the mental health world was with Kevin Goodger, who was my mentor. He was a mental health nurse and a navy veteran, and he worked at Brierly, the mental health institution that the member for South-West Coast referred to. Kevin was one of the mentors who encouraged me to get involved in politics, to be concerned about mental health and people with mental health illness and also to be involved in a union. Kevin is a life member of the

Health and Community Services Union. He is still alive. He is over 90. So thank you, Kevin. One of my school friends, Paul Healey, from Warrnambool, was also a trained mental health nurse mentored by Kevin, and he is now the state secretary of the Health and Community Services Union.

Despite those early connections to mental health, it was only ever talked about in hushed tones. My mum lost a baby boy at full term in the 1960s and my dad nearly died having two open-heart surgeries. Mum was then later wrongly diagnosed with postnatal depression. We moved to Mildura when I was 16, and I became homeless due to my mother's mental illness and her turfing me out of the house. Dad had a fatal heart attack on the cricket field aged 44, leaving Mum as a widow at 40, so that meant it was really difficult for her to get the care she needed. She finally received treatment and a diagnosis of schizophrenia. A cruel conversation had by a nurse, overheard by my sister, in the pub in Mildura added great pain to my siblings' and to my mother's recovery.

The day after we buried Dad, before we had discovered Mum's mental illness, or the proper diagnosis, was Ash Wednesday. Four family friends died. I will come back to what that meant and what I have learned since then. It was a long road for Mum to finally get a diagnosis—and a great deal of trauma for me and my siblings. It took two years of angst and pain, but my mum went on to study youth affairs and is now quite a well-regarded artist. She has barely had a mental health episode in 25 years, but the shame lives on. She still cannot say that she has a mental illness, despite most other people being able to say 'I have diabetes', 'I have a heart condition' or 'I've broken my leg'. What I learned from Ash Wednesday and from my mum and her intersection with the mental health system really helped me—not that I wanted it—when all my worlds collided on Black Saturday. In the almost 11 years since, I have seen hundreds of people who have struggled with that trauma, and I want to continue to be a voice for those people.

I want to thank the Minister for Mental Health for his absolute understanding and other ministers who provided support in the lead-up to the 10th anniversary, understanding that there would be more of a challenge on mental health. I want to particularly thank the Minister for Mental Health for extending support services in the Kinglake Ranges, which are finally being accessed. Some people are accessing them for the first time, and particularly first responders. One of the things that I know will be fixed with the Royal Commission into Victoria's Mental Health System is the fact that unlike any other—

Members interjecting.

Ms GREEN: Sorry, the minister at the table, could you please be quiet? I am trying to speak. I cannot hear.

People are actually now able to have services in the ranges. Also, with what I was saying about the catchments, there is no other health problem where people have to be directed to a particular catchment. For example, half the students at Diamond Valley College and Whittlesea Secondary College come from the Kinglake Ranges, and almost all of them are from Black Saturday-impacted families. It has been a constant struggle for them and for the educational professionals to actually have the Department of Education and Training understand the additional supports that they need. That was until the Minister for Mental Health recognised that we needed to relax the catchments, and I am so, so grateful for that.

If students or teachers at those schools had a mental health episode, they would have had to have been shipped off to Shepparton. That is inhumane. That means at the moment they can actually go to the child and adolescent mental health service at the Austin or at the Northern should they need it. They have a choice of where they can go. But we went down the path of a royal commission because we acknowledged—the Premier acknowledged—that the system is broken. The member for Lowan and the member for South-West Coast outlined some aspects of the system being broken as if we were being lectured about it being broken. We have put our hands up and said that it is broken, just like when Julia Gillard referred the disability services to the Productivity Commission and it was found that the cost of not acting was actually more than the cost of acting. I think that is what we will find

with this royal commission. This is not the time to actually be finding fault with each other and saying that this government is not doing enough. We have said that we know more needs to be done and that every single recommendation will be funded.

The member for Lowan and others want to waste their time, rather than looking at how we should do things in the future, saying that this is the only government from their point of view that has not supported people in the community adequately. I would draw to the attention of both the member for South-West Coast and the member for Lowan that there were significant cuts in their electorates from 2010 to 2014, so let us not try to be the only pure people in the henhouse. There were certainly cuts under that government. On the one hand people on this side of the house, a little bit further around from me, seem to be constantly talking about the need to cut budgets and to cut back and then at the same time are saying that services are not being delivered. We are the government that has put the runs on the board and that is enabling people to speak about their experience before a royal commission, and we will act on those things.

I want to assure the people in my community—the first responders, the police, the fireys, the ambos, those still affected by Black Saturday and the serving Australian Defence Force members—that I will stand up for them as part of a government who will stand up for them. I commend this MPI to the house.

Mr WAKELING (Ferntree Gully) (15:02): I am very pleased to contribute to this very important matter of public importance (MPI) on a very important topic. Can I also place on record my thoughts and congratulations to the member for Ringwood for sharing his personal story. That was certainly very brave—well, I would not say brave; I would say that he showed great courage to stand up in this place to tell us his story, and I wish to place on record my congratulations to him.

Mental health is a very significant issue that affects this state. It affects communities and it affects towns, but it also affects families and it affects individuals. Behind every incidence of mental health is a person, is a parent, is a family member, is a family network and is a friend network, and they are all impacted in some way, shape or form by mental health. Many in this house, either personally or through their family or through their friends, will have seen the impact of mental health. I am no different, having seen it through my own family, having seen the impact of mental health in my own family and having seen the impact of drug use in my own family and how it impacts not only the individual but also family members.

I still recall a time when I had a grieving mother in my office telling me of a situation where her son entered the emergency department at a government hospital seeking assistance, waiting for an extended period of time, subsequently leaving because of not being seen and then taking their life. I am not here to pass commentary on hospitals and I am not here to pass commentary on that specific situation, but what I am drawn to is the mother and the grief that that mother faced and still faces even to this day. So I know that there are personal circumstances where mental health is about more than just funding and it is about more than just services; it is about ensuring we have a system that supports this important sector, because it is about people, it is about families and it is about communities.

I support and congratulate the government on its actions with respect to the establishment of the Royal Commission into Victoria's Mental Health System. I do sincerely hope that the courage and the convictions of those that appeared before this royal commission and the recommendations that are handed down and provided to this Parliament are picked up by the government and acted on by the government. I say that not just because that is the expectation of a government, but because the government has an obligation and a responsibility to put in place the support that is needed to deal with this very significant issue. Whether it is young people in my community or whether it is young people in the member for Gembrook's community—and the prevalence of mental health and suicide is well reported in his community—we as legislators have an obligation to do what we can.

Commentary has been made by my colleagues previously with respect to the current predicament in the mental health space. Yes, there have been reductions in funding, and yes, those issues have been identified by the Auditor-General, but what this is about, the purpose of this debate, is that if we are going to use the MPI to shine a light on the predicament that is mental health and if, as we heard the member for Yan Yean just say, there is more to be done and that is the reason why the royal commission is helping to shine a further light on what is needed in the sector—to provide better support, improvements and outcomes for those who are afflicted by mental health but also for the ongoing impact on families—then it is important that the government looks at those issues that have been raised through the Auditor-General's reports, because funding in and of itself is figures on paper, figures in a budget document. But what they are actually about is funding services to provide support so that those within our community that need that support can access those services and can access help and so that a mother can know that their child can access the help that they so desperately need and that a mother can know that when they are seeking for their child to get assistance they are not going to be on a list, they are not going to be in a queue and they are not going to be in a situation where they cannot get the treatment and the support they need.

We understand the difficulties of this system. We understand that you are never going to have a situation where every person who has an affliction can be treated at that point in time. Victorians understand that. But Victorians also know that governments of all persuasions have now recognised the scourge of mental health. When we go back and we look at the creation of Beyond Blue, a former Liberal Premier received support from an incoming Labor Premier to fund a program to shine a light on depression. This is an issue that is well beyond politics. It is about ensuring we have the necessary systems in place to support people.

As I said, the support that Victorian governments provide today and communities provide today are far better than they were just 20 years ago. That is the reason why it is so important that we look at the Auditor-General's reports and other reports. Yes, it is imperative that we look at what happens through the royal commission. The royal commission is going to make a series of recommendations, and it is imperative that the government takes those recommendations and does what it can within its budgetary process to ensure that the funding is provided and that the actual services are coordinated in a way to better meet the needs of Victorians.

But we have also got issues today. We have got people who are dying today. We have got people who are suffering today. We have family members who are grieving today. We have family members who are at their wits' end, who are calling their members of Parliament in the vain hope that someone somewhere will listen and do something to help a family member. We know that it is not a perfect system, but we all have an obligation, each and every one of us has an obligation, to look at the Auditor-General's report and seek advice from experts to identify where the gaps are, to identify where funding shortfalls are, to identify how we can make systems better and to identify how we can all work together better to provide a better system. Sometimes it is about money, but often it is not. It is just about commitment. It is just about talking. It is about the way in which we structure our networks. It is the way in which levels of government work together. That is what we need to be focused on, and that is why an MPI like this helps us all to shine a light on this very important issue.

I know that the government knows that this is an important issue. Everybody knows that this is an important issue. The Minister for Mental Health, who is at the table, knows it is an extremely important issue. But we all have an obligation to look at the advice we receive from those that we empower, such as the Auditor-General and others who make recommendations to government, because at the end of the day it is not about politics, it is not about members of Parliament and it is not about political parties. It is about people, it is about families and it is about communities, and that is what I want to see come out of this matter of public importance.

Ms SETTLE (Buninyong) (15:12): I rise to speak on this matter of public importance. I would also like to acknowledge the member for Ringwood's outstanding contribution and also of course for

him bringing this MPI to the house. He talks in the MPI about the need for us all to break down the stigma and barriers around people seeking help. He talks about the role that each of us can play in going out into our communities and breaking that stigma down.

On a personal level, Mental Health Week this year coincided with Gambling Harm Awareness Week, and in my frame I believe they belong very much in the same category. During that week I decided to speak to the local newspaper in Ballarat, the *Courier*, about my own experience and my family's experience of suffering from gambling harm and in particular my ex-husband's grappling with his own mental health. It was not an easy thing to do. It does take something to stand up and say it, but I think, as the member for Ringwood points out, we really need to stand up. We are in a position to stand up, and we need to do it. So I was very proud to have been able to contribute to that discussion within the Ballarat area.

This government recognises mental health is a key issue, and that is very clear. One in five Australians is living with mental illness at any one time, and around half of us will experience mental illness in our lifetime. For every person that is experiencing mental health issues there are of course five or six family members and friends around them who are impacted as well. Last week I met with two really extraordinary women from the Family Advisory Council at Ballarat Health Services. Both these women are the prime carers for their adult children with mental health issues. You could see in their eyes the love they feel for their children—absolutely evident—but you could also see the pain. They talked about that fear that one day they might not get home in time.

We are losing too many Victorians to suicide. It is the leading cause of death for people aged 15 to 44. There is a lot of stigma and there are still problems in accessing support and care for people experiencing mental health issues. We need to bring this issue out into the open to deal with the stigma and to understand the shortcomings of the current system.

As someone who has worked in the community health space in Ballarat, I know how widespread these issues are and their impacts on our community. We see the impacts of mental health issues in many areas, such as domestic violence, substance abuse and homelessness. We need to stand back and look at the whole sector and how it is or is not working. That is why I was so incredibly grateful when this government announced a Royal Commission into Victoria's Mental Health System. Many people have their own views on the issues that they would like to see addressed at the royal commission. For me it is about services for those with a gambling addiction. In an area as diverse as mental health, and with an issue that impacts so many Victorians, it is so important that a royal commission has been established, and at its conclusion we will have a clear set of recommendations to get the system right. This is a real opportunity to look closely at the care and services we provide for those in need of support. We have called this royal commission to get all the facts.

I do take objection to some on the other side suggesting that this government, in calling the royal commission, is sitting on its hands and waiting for the recommendations to come out of that royal commission. I absolutely refute that position. We have done an enormous amount of work and continue to do an enormous amount of work. Since 2014 the Victorian government has increased funding to mental health by 181 per cent. That is an enormous increase in funding. Our nation-first suicide prevention framework is delivering us one of the nation's lowest suicide rates, but of course as suicide is preventable we want to halve that rate by 2025. Our 2017–18 budget made a landmark investment of \$325 million, and the 2018–19 budget delivered a record \$705 million for mental health, so to suggest that nothing is being done in this space could not be any more incorrect.

While I was working at Ballarat Community Health, I was privileged to share office space with the School Focused Youth Service, and I saw the daily commitment and passion that Rozi and Jo, who ran the program for Ballarat Community Health, brought to the program—an incredibly important program which reaches out to children in a school situation who may be vulnerable. In 2013 the School Focused Youth Service was threatened with closure under the Napthine government. The providers had previously been informed by the Napthine government that they would not be funded past June.

Then there was a flip-flop as people raised objections. So it is incorrect to suggest that this government is not doing anything. We continue to fund those wonderful services and have made record investments into mental health funding.

Locally, for me it has been quite extraordinary to watch it all unfold. In fact we have been absolutely delighted to welcome the Minister for Mental Health to Ballarat on quite a few occasions in the short time—one year—that I have been in Parliament. Just to give you a snapshot of some of the things that have gone on in Ballarat, the Minister for Prevention of Family Violence visited in April, with a \$5 million funding boost for the Ballarat Centre Against Sexual Assault. That was in response to an increase in cases coming to CASA, because our region, as many people know, suffered very heavily through the clergy abuse trials and there was an increase in people seeking help.

In May the Minister for Mental Health announced \$2.3 million over two years for Ballarat Health Services and Uniting Ballarat to deliver support to locals who have a significant, enduring psychosocial disability but cannot yet access the national disability insurance scheme. The NDIS is obviously a federal issue, but I am so proud that this government will not stand by and let people fall through the cracks.

Earlier this month I was very happy to announce the completed rollout of the Mental Health Advice and Response Service program in the Ballarat region. Courts across Victoria are being helped to identify and provide extra support for offenders suffering from mental illness. It is about having a health professional there to assist magistrates. This government has funded that program with \$12.2 million over four years. It is a really crucial program, helping people to get the support they need.

Of course we are in the design process now for a new prevention and recovery care facility in Ballarat. Recently the Ballarat and District Aboriginal Cooperative was part of a demonstration projects program that is about supporting Aboriginal and Torres Strait Islander parents of children in or at high risk of entering the child protection system where unaddressed parental mental illness is a significant risk factor.

In Gambling Harm Awareness Week, on 10 October, I announced with Ballarat Community Health that the Andrews government is committing \$100 000 to our region to tackle gambling harm, and most specifically to tackle it on the front of stigma. Stigma is really one of the major barriers to people seeking help for addiction and mental health issues.

The launch of our new campaign It's Time to Talk About Mental Health will help to break down that stigma surrounding mental health. It's Time to Talk About Mental Health videos will help to normalise mental illness and give permission to people to share their own experiences. I hope it leads to discussions regarding the importance of looking after our mental health and raises awareness around the prevalence of these issues.

On behalf of my community, I would like to thank the Minister for Mental Health for his absolute commitment to addressing the issues within the system. As a mother, I would like to thank this government for its commitment to breaking down the stigma around mental health. My sons' generation seem more open to talking about their mental health, and it gives me comfort to know that if they should ever need help, they will feel supported to reach out. As the previous partner of someone who suffered mental health issues, I applaud the minister and this government for acknowledging that the system needs fixing and for their absolute commitment to implementing all of the recommendations of the royal commission. This is what good governments do, and this is what a good Labor government does.

Ms CUPPER (Mildura) (15:22): It gives me great pleasure to speak on this matter of public importance, that being to acknowledge the Royal Commission into Victoria's Mental Health System and for all of us in this place to take up the challenge of starting up conversations about mental health

in our own electorates to destigmatise mental health and to reflect the fact that nearly half of all Australians experience a mental health episode at some point in their lives.

Can I start by acknowledging some of my colleagues in this house who have at times in this term of government since I was elected shared their personal stories about their experiences with mental illness. I hope this matter of public importance debate today allows more of us to share those stories. Mental illness is compounded by silence and isolation. May we be role models for the opposite approach—speaking up and working together in a safe, supported environment.

I believe we have an obligation as a progressive, developed and humane society to provide support services to those in our community who are dealing with mental illness, and this is where actions like the Victorian government's royal commission into mental health is so important. Mental health, like many conditions, exists on a spectrum. Some mental health conditions are low impact; others are more serious. The type of intervention required depends on the condition and its severity. As with other health conditions, our state-funded health services, particularly the acute mental health services in our hospitals, are called upon when mental illness escalates to a point of being dangerous to the individual, or emerges rapidly, requiring an emergency response. I acknowledge the hardworking staff of our state-funded acute mental health services.

In my electorate of Mildura our main hospital, and the only acute mental health service, is the Mildura Base Hospital. Our need for a hospital that can handle a multitude of complex mental illnesses is magnified by our distance from Melbourne. I suspect most members of this house would say that the acute mental health services in their electorates are underfunded, and my community is in the same boat. But the difference, I suggest, is our remoteness in Mildura, which means that our mental health services cannot readily refer patients elsewhere. They cannot access more complex care support, and they have to deal with whatever is thrown their way. The statistics are clear: the further away you get from a capital city, the more likely you are to suffer from mental illness. This can be linked both to other social and economic determinants and to the accessibility of mental health services.

In the coming months, thanks to the government's decision to bring our public hospital back into public hands, I will be chairing a community consultative committee that will be looking at service planning for our Mildura Base Hospital as it is brought back into public hands in September 2020, an issue that this house knows is very close to my heart. I expect that the dire need for increased acute mental health services, as well as drug and alcohol services, at Mildura Base Hospital will be a top priority emerging from that committee. I want our new public Mildura Base Hospital to become a leader in rural and regional mental health service provision, recognising the challenges of our remoteness but also highlighting opportunities for unique and innovative approaches to mental health service provision.

This leads me to my next point: acute mental health services are just part of the equation. We must also recognise, and I certainly hope that this will be reflected in the findings of the mental health royal commission, that funding for primary mental health care is of critical importance to better mental health outcomes in our communities. For many other illnesses, our general practitioner is our first port of call. The implementation of Medicare programs like Better Access and other federal programs like Access to Allied Psychological Services, or ATAPS, have given GPs referral options for low-impact, high-prevalence mental health conditions such as anxiety and depression, but the investment in these programs is nowhere near enough to meet the need.

There are people in my electorate who have to wait up to two months to see a psychologist. This wait could be enough to escalate a low-impact mental illness into a more serious episode that requires acute care, otherwise known as an avoidable hospitalisation. In addition to the shortage of entry-level psychology services, there is a distinct lack of support for people with more complex conditions within the community setting. This lack of services means that people with mid-range mental illnesses who should be accessing regular treatment instead cycle between acute episodes.

While I acknowledge the investment of the Victorian government into prevention and recovery care facilities across the state, including in Mildura, that have provided a stepped-care approach to acute care, there is more to be done to prevent unnecessary hospitalisations. Community connectedness, destigmatisation and sharing stories, social inclusion and high-quality primary and acute mental health service provision are all ingredients for reducing mental illness. As leaders in our communities, and as members of this house, we have an obligation to pursue these outcomes.

I want to acknowledge that while mental illness can strike anyone, there are some segments of our community that are particularly susceptible to mental illness, and one of those segments is the disability community. That includes people with disabilities and their families and the carers, and I want to talk about this section of the community because I know it well.

Some quick statistics: according to the Australian Institute of Family Studies, 32 per cent of adults with a disability experience high or very high psychological distress, compared to 8 per cent without a disability; 59 per cent of parents identify anxiety in their children without a disability within disability families; 84 per cent of adult siblings of someone with a disability reported family stress and distress being an issue during their childhood; 66 per cent of adult siblings reported anxiety during childhood; and 54 per cent of adult siblings reported depression during childhood.

The reason we all need to be concerned about the mental health of this cohort and the services available is not just about compassion for those less fortunate but also self-interest because disability can strike anyone at any time. You might be relieved that your three kids are healthy and typical in their development and you might look at families struggling with a child with special needs and think, 'Thank God, I dodged that bullet', but 'they' could become 'you' at any time with an out-of-the-blue diagnosis or a freak accident that leads to chronic symptoms or permanent physical or intellectual disability.

My brother's autism diagnosis came as a bolt from the blue for my family, and our lives have been irreparably changed. It has had a profound impact on my development. And while society likes to hear disability siblings talk of the fabulous gifts and lessons that disability has taught them and that they would not have it any other way, I cannot say that. The grief and trauma associated with disability in my early life led to long-term struggles with mental health, particularly depression as a teenager and anxiety as an adult.

No service can ever fix the private pain associated with many forms of disability, but it can do a lot to help those affected have a better quality of life. Had I been identified, as a child, at high risk for mental health issues and had support been available to me early on, it would have improved my mental health outcomes and saved the system from the cost of my mental health treatment over the years. I am lucky that my symptoms have always been relatively mild in the scheme of things and that my treatment has been relatively straightforward—in the form of sporadic psych sessions and medication—but for some families the mental health issues of their children are more acute.

Since I was elected my office has doubled as a crisis centre for clients of the national disability insurance scheme. The defunding of the NDIS by at least \$3.4 billion this year is exacerbating the mental health crisis in our state and my community. Last week I spoke to a single mum called Gail. She has three children. Two are on the autism spectrum and one is neurotypical. Her children on the autism spectrum are high needs. Their symptoms include violent outbursts, speech delays and in the case of her nine-year-old daughter suicidal ideation. Gail was originally told she would have around \$30 000 to cover all the baseline multidisciplinary services that her daughter needs. This was not ideal but it was enough for the basics. Then Gail was informed that the amount would be more than halved. This means that her daughter, who is nine, who wants to kill herself, will not be funded to receive the basic fortnightly psych sessions that she needs to keep her head above water.

I know some people, some leaders, are fixated on tax being an evil imposition on our society. But when I hear ads on Spotify about the federal government's tax cuts and I consider the defunding of the NDIS and I think about that nine-year-old kid, I draw a very different conclusion about what evil is.

I know another single mum who is a talented entrepreneur and who works hard to support her three children. She struggles every day with two boys with special needs. Her youngest child, who is five, is developmentally typical but her mental health is under constant strain. Her mum knows when the stress is becoming unbearable because this little girl starts to pull out her hair. This little girl needs respite from her brothers' violence, but NDIS funds to support her brothers' respite are limited. Despite the best efforts of the children's mother, this little girl's mental health trajectory is not good. It is in the best interests of all of us that this child does not slip through the net like I did. It is in the best interests of the state and the nation that this little girl is able to meet her full potential and have a smooth run into adulthood without episodes of debilitating panic attacks like I had.

Against this backdrop, thank God the Andrews government has committed to this royal commission. Thank God for the advocacy of people like the member for Ringwood, who spoke in his maiden speech about his own mental health struggles. Mental illness is not a matter of us and them; it is a matter of all of us.

My office is systematically compiling statements of every constituent who comes to us about issues associated with the NDIS. We want our disability families to know that even though this is a federal issue, my office has their backs. I can only hope the Prime Minister heeds our call. We are talking about the most vulnerable members of our community who are struggling with profound challenges they have no control over. If the Prime Minister fails this test, I suspect God will judge him harshly.

Mr PEARSON (Essendon) (15:32): I certainly feel the weight of expectation on my shoulders in making this contribution today. At the outset I want to acknowledge the outstanding contribution made by the member for Mildura. The member has not been here very long, but I think she has demonstrated time and time again in her contributions in this place that she brings to this place an honesty, a sincerity and a passion. She has worked very well for her community. She has achieved many great things in a very short period of time, and listening to that contribution then I think that the people of Mildura are indeed fortunate to have her as their elected representative.

My good friend the member for Ringwood commenced this debate. I cannot for a moment imagine what courage and what strength it took for him to write that speech, to prepare for that speech, to get to his feet and to deliver that speech over the course of 15 minutes. It is unthinkable that a speech like that could have been given in this Parliament 10 years ago, 20 years ago, maybe five years ago. It was an incredible contribution that the member made.

As members, we are all the richer for having people like the member for Mildura and the member for Ringwood amongst our ranks. It brings out the very best of the Parliament because it provides us with a much broader and richer perspective. I think with their actions we are demonstrating that we have created here a kinder and gentler place, a place where people can have the courage to be able to talk about their lived experience, even with a degree of trepidation, because who would not be nervous or anxious about giving a speech like the member for Ringwood or the member for Mildura just made or indeed the member for Buninyong made earlier? We have evolved, we have come a long way and we are able to have people speak in this way and for there not to be that sense of judgement which would have been there not that long ago.

I am very pleased that the Minister for Mental Health is at the table. The minister and I have known each other for many years, and what I have learned about the minister is that he is a dedicated and passionate reformer. He has always brought that drive or that vision or that wish to improve things in every portfolio that he has held in the time that he has had the honour of being a minister of the Crown in the Andrews Labor government. The work that he is doing today in fostering, encouraging and supporting the royal commission into mental health is absolutely consistent with his pattern of behaviour and the diligence he has brought to bear in his time here.

So I am really pleased to be able to rise and speak on this matter of public importance. I am really proud of our government. I am proud that our government has sought to tackle really tough and difficult

subjects like family violence and like mental health head-on, topics which have historically been very much taboo subjects. We did not talk really that openly and publicly about family violence. We did not talk publicly and openly about mental health. We did not do it in the 1980s when I was growing up, we were not doing it in the 90s and I do not think we were doing it in the early part of this century, but I think by the collective efforts of all of us we are starting to change that dialogue and discussion.

For me it reaffirms my belief in this great institution of the Parliament. The Parliament provides us with an opportunity to canvass these issues. It provides for elected representatives to come together collectively and to seek to tackle these issues head-on and to use the power of the state to effect social change. That has always been the reason why I wanted to join the Labor Party—and why I always want to be active in the Labor Party—because I absolutely had a keen appreciation that if you want to make real, meaningful change, then you have got to occupy the Treasury benches and you have got to be prepared to work diligently and collectively with a degree of unity and a degree of discipline and purpose in order to make these changes.

It is because we have been doing these things, because we have been unified, because we have been disciplined, because we have been focused and because we have been given this great gift of being in government that we can do these great things. We are changing this state, and potentially we are changing this nation through the leadership that we are showing by working together, identifying the problem and then finding a way forward.

I have listened to the contributions over the course of the afternoon. I have been here since 2 o'clock, and I think it is really important to note that what is currently in place is not working. I think there is broad agreement, whether it is in this place or whether it is with practitioners, whether it is with families or whether it is with victims, that things as they are constructed currently are not working. That is precisely why we are doing this royal commission, to try and understand how you actually change the system and how you try and make things better. You can throw more money at a problem, but if the structural integrity of the body with which you are trying to effect change is broken, then I question the efficacy of those resources and the outcome. I think that is exactly why we have embarked upon this course and why we are trying to tackle this.

I think that we are different in Victoria. I know that might sound conceited and arrogant to people outside of Victoria, but we have got a fantastic track record in this state of driving innovative public policy solutions to effect real change. You can see that in terms of the 1061 road toll campaign, you can see it in terms of the family violence royal commission and now with this royal commission into mental health, because what we are seeing here is not just a Victorian phenomenon. It is not just an Australian phenomenon.

There was an article written in the *Atlantic*, and it would have been published, I reckon, around about 2017. It talked about the youth of America today. What the article outlined was that in terms of young Americans, you have got the lowest rates of teen pregnancies in a generation, you have got low rates of drug use, you have got low rates of alcohol consumption and you have got low rates of road trauma. For parents, they invariably see their children in the home environment with their friends or on their phones talking with their friends and engaging in that way. So the parents feel comforted and reassured: 'My children are at home. My children are with me. My children are safe. They're not out drinking and driving. They're not out taking drugs. They're not having unprotected sex'. Yet the mental health outcomes in America today amongst young people are just as bad as they are here.

The *Atlantic*'s thesis is that one of the primary reasons for this is the ubiquity of smartphones and the fact that young Americans are having smartphones in their rooms, they are on their phones late at night and they are not sleeping properly. Why this resonated with me was because I remember speaking with Major Brendan Nottle from the Salvation Army. I said, 'What is it? Is it that people get mentally ill and then they become homeless, or are people homeless and then they get mentally ill? What do you reckon is the factor at play?'. Nottle's response to me was, 'It is homelessness that leads to poor mental health outcomes, because when you're homeless you don't sleep properly because you're

frightened and you're scared. So at night you're active and you're moving around because you're fearful for your safety, and you're fitfully trying to sleep during the day and you don't sleep properly. It's through a lack of sleep that you therefore have poor mental health outcomes'.

In raising this and bringing this to the house's attention I am not for a moment suggesting that all people need to do is get a good night's rest and their mental health problems will be solved. What I am trying to do here is to identify that there are global challenges that we are confronting, and there are widespread problems that we are confronting and that a royal commission, which has been championed by this government and supported by this minister, will play a key role in testing these hypotheses further. We will be in a position to work out what is an appropriate response to address that. It is through these initiatives and these endeavours that we will be able to try and change the system, and we might be able to show the world how you do it. We might be able to do that. This could be like the road safety campaigns of the 1970s and the 80s.

I am really pleased and delighted to be afforded this opportunity to make this contribution, but I want to again highlight and emphasise the outstanding contributions made by the members for Mildura and Ringwood.

Mr NEWBURY (Brighton) (15:42): Our mental health is as important as our physical health, yet our focus is often on our physical health. So too has been the historic focus of government, the development of policy and the investment of public funding. This may be partly because, as the recent Productivity Commission paper *The Social and Economic Benefits of Improving Mental Health* noted, many of the costs of mental ill health are intangible. The commission set out the very tangible costs of mental ill health, including psychological distress, social isolation, lower social participation, stigma and discrimination.

It is worth spending a moment outlining the breadth of mental ill health both in our country and beyond our borders. The Australian Bureau of Statistics *National Survey of Mental Health and Wellbeing* estimates that 45 per cent of Australians will experience a mental health condition and, further, that in the 2017–18 financial year there were 4.8 million people—which roughly represents 20 per cent of all Australians—with a mental or behavioural condition.

The most common mental illnesses are anxiety and depressive-related issues. Around 1 million Australian adults have depression. That represents one in seven experiencing depression in their lifetime. Over 2 million Australians have anxiety, which represents one in four experiencing anxiety in their lifetime. These statistics are not cold numbers but show that we will all know a family member, friend or colleague who suffers mental ill health. In fact we will know many.

The picture in Australia is not unique to the one within our borders. The World Health Organization has identified depression as one of the leading worldwide health problems. They estimate that 300 million people suffer from depression worldwide—300 million people. A paper published by the team at the Queensland Centre for Mental Health Research at the University of Queensland called *Burden of Depressive Illnesses by Country, Sex, Age, and Year* found that the Middle Eastern and Northern African regions suffer the highest rates of depression. The report, which also called for more research to be done quantifying the broader costs of mental ill health, concluded that 'depressive disorders are a global health priority' which 'reinforces the importance of implementing cost-effectiveness interventions to reduce its ubiquitous burden'. Although it is limited, there is some research that has quantified the material costs. The National Mental Health Commission has estimated that the economic cost of mental ill health in Australia is more than \$60 billion each year. The Productivity Commission has highlighted that the costs:

... of lower participation and productivity are about double the level of healthcare expenditure on people with a mental illness.

The current work of the Productivity Commission on mental health will no doubt be groundbreaking, and I note the draft report is due to be published tomorrow. In terms of government spending on mental

health services, the commission estimates that in 2016–17 the federal government contributed at least \$12 billion to mental health-related services and payments while the state and territory governments contributed at least \$4 billion. Internationally the commission states that expenditure by our combined governments on mental health services is moderate.

Rather than only focus on the broader issue, I would like to take the opportunity to raise an aspect of depression that affects many young families in our community every day, that being postnatal depression. Up to four of every five women are estimated to develop the baby blues shortly after childbirth. The baby blues usually occur between two and 10 days after childbirth and bring a strong emotional feeling. These feelings tend to dissipate within two weeks. Beyond Blue estimates that for one in six women these feelings continue and develop into postnatal depression. Usually this form of depression comes within weeks of birth, but it can manifest itself within a year of a child being born. Mothers have described the at times crippling feelings of anxiety and inadequacy but most of all the overwhelming feeling of guilt and shame. Many mothers have described to me the shame they feel for experiencing depression. These conversations are difficult and confronting, but as a community these conversations are important to have.

These conversations are important for both new mothers and new fathers. A number of fathers from my community have approached me to speak about this issue. All of those fathers asked to speak to me separately and privately. Each came from a different walk of life and all had a different story. All had a partner who had been touched by depression after the birth of a child, and many had been touched themselves. In fact one in 10 men will experience postnatal depression themselves. Although there is some degree of public discussion about postnatal depression, there is no doubt that postnatal depression in men is less prominently addressed, and one wonders whether the cold statistics under-report the incidence in fathers.

These conversations with the men who approached me were extremely difficult because most of them saw their role in the family unit as being the supporter of their partner. But as we spoke it was clear the toll upon them was profound and had a profound impact upon them all. Some were overcome by emotion. All loved their partners, even the one whose relationship has since broken down. All of the men said clearly that they had completely misunderstood postnatal depression. All had not seen the signs in themselves and none knew that treatment paths were available to them too. In fact those fathers all similarly described their guilt in failing their partners and failing their families.

It did take time in some cases, but all of the affected families did seek help, though most of the men did not seek help from a health professional. Those men who approached me felt that they could have been better equipped. All of those men had attended pre-birth courses and suggested that those courses could be enhanced. In their report *Healthy Dads? The Challenge of Being a New Father* Beyond Blue found 45 per cent of fathers are not aware that men can experience postnatal depression, and 43 per cent of first-time fathers see anxiety and depression after having a baby as a sign of weakness—that is, half. These findings clearly illustrate that there is one policy area where we can and should do better.

Internationally, mental health is now a key policy issue. The World Health Organization's *Mental Health Atlas* sets out up-to-date information on mental health services available worldwide. It is a significant, ongoing document that encourages countries to:

... provide comprehensive, integrated and responsive mental health and social care services in community-based settings ...

In its issues paper the Productivity Commission draws out community-based responses to mental ill health and draws a link between that issue and homelessness. The paper states:

Mental ill health is closely linked with housing problems and homelessness ... In 2017–18, about one-third of people who had accessed specialist homelessness services were experiencing mental ill-health.

To that end, last year the government opened five emergency accommodation shelters in Brighton East as part of its Towards Home program. The accommodation is based at South Road. At the time

the policy was announced my community raised two significant concerns: firstly, that the shelters were temporary structures and not permanent buildings and, secondly, that the shelters were many kilometres away from adequate services. In short, the program lacked the integrated service focus encouraged by the World Health Organization. Tenants have been living at South Road for much of the year, a number of whom have significant mental health issues. One of the tenants at the site recently met with me to speak about a fellow tenant with serious mental health issues, for whom they believe the government has not provided access to proper services at the site.

Without nearby services to assist, there have been serious issues there at South Road. For example, at 1.00 am on 9 October an assault occurred involving two residents. Police attended the incident after reports of screaming. At least one of those involved in the incident required medical attention. After the incident one of the residents hung blood-covered clothing on the external wall of their property. This has understandably led to distress for neighbours and especially to distress for neighbouring children, who saw the clothing. This was all within sight of streams of young children who use South Road as a thoroughfare to nearby schools each day.

Adjacent neighbours have also reported antisocial behaviour both at the site and in the surrounding area. In fact neighbours have reported damage to their properties, including damage to guttering, damage to roof sheets, broken mailbox locks, plants being ripped out and residents or their associates jumping over neighbours' fences into their private property.

Our mental health is as important as our physical health, and governments have rightly shifted their focus to the development of policy and investment in this space. But there is more to be done, in terms of both destigmatising issues like postnatal depression and making sure that our policy responses, including the way that we integrate solutions in a community setting, are adequate and take into account the broader community.

Mr STAIKOS (Bentleigh) (15:51): I think the last contribution went a little bit off track, but the contribution that I want to focus on today is that of my friend the member for Ringwood, who I think did a phenomenal job in sharing his story. We do thank him for being the government's lead speaker, because sharing something so personal with so many people leads to a much-needed destigmatisation of this issue. It was certainly understood by members on our side of the house that in the act of being so public with a mental health challenge the member for Ringwood has made it that little bit easier for others with similar mental health issues to seek help and to be open about it, because stigma is the major problem when it comes to mental illness, and perhaps I will talk a little bit more about that a bit later.

Unlike the member for Ringwood, I cannot say that I come to this debate with any personal experience of Victoria's mental health system. Any experience I do have with Victoria's mental health system is really my experience as a local member of Parliament, assisting my constituents. Over the five years I have been in this place there have been many constituents who have come to see me about Victoria's mental health system, mainly parents struggling to deal with a mental health issue concerning their child. I have had grown men and women cry on my shoulder over that period of time. I have had parents come to me whose children had taken their own lives, many in the most horrific of circumstances, which I will not go into today.

Recently we advertised a mental health forum that I held with the member for Oakleigh in the local community. Just in the promotion of that forum I heard from a lot of people—that I knew and had known for many years in the local community—who opened up to me about some issues going on in their own homes. It just made me think. This issue has been so stigmatised. There are people you think you know well, but you just do not know what is going on in somebody's home and the struggles that they are experiencing.

I think it is really important that we are having this debate just before we are about to commemorate Remembrance Day, because I know that every time I visit an RSL, every time I lay a wreath at an

Anzac Day service or a Remembrance Day service, I do not only think of those people we have lost in active combat, I think of the people who returned and were never the same and many who took their own lives because they could not recover from what they saw. The war in Afghanistan ran for 13 years, and in those 13 years Australia lost 41 people from the services. But in 2015 alone we lost the same number of veterans to PTSD-related suicide. Since 2001, when that battle began, we have lost nine times the number of veterans to suicide as we did on a battlefield in those years.

You have to wonder why so many people who visit these services, who commemorate these important occasions and who visit our RSLs, do not know these statistics. It all comes back to one thing: stigma. It is something we should all be aware of. I think one of the best things about the government announcing the Royal Commission into Victoria's Mental Health System, the highest level of political inquiry, is that it shines a much-needed light on an issue that has been swept under the carpet for far too long. And of course the minister at the table, the Minister for Mental Health, is the minister responsible for that, and I commend him for the work that he has done on this issue so far.

In preparation for this royal commission, namely the release of the interim report in November, the member for Oakleigh and I—as I mentioned earlier—decided to hold a forum so that we could facilitate a way in which our local community could express their own views of and also their unique experiences with the mental health system. I thank the Minister for Mental Health for spending a few hours at that forum, talking to people and listening to their experiences. It was very much a worthwhile thing to do. I know that the member for Oakleigh and I have made sure that all of the feedback given to us at that forum, all the examples and the unique experiences of the participants, has been passed on to the government through the minister's office so that we can make sure that our local community is well represented in that process.

What we have already been doing, though, prior to the royal commission is substantial. What I want to point to is our initiative for mental health workers in every secondary school. I am very fortunate that the region that my electorate is located in has been first cab off the rank to receive mental health workers in our secondary schools. Both McKinnon Secondary College and Bentleigh Secondary College now have mental health workers there every week. When I promoted this new initiative of the government on Facebook, I was genuinely surprised by the significant reaction I got to it. It just made me think. It is not as sexy as a new school or a level crossing removal—it is not as flashy as any of those things—but it is something that is on the mind of every Victorian. Mental health and how we deal with it is definitely on the mind of every Victorian.

I am very proud of my local community. My local community has been working very, very hard to eliminate the stigma of mental illness. I want to make mention of one young man in particular. His name is Ash Nathan. He is a student at McKinnon Secondary College. He came to see me earlier this year with an idea of riding his bike from Melbourne to Adelaide, which is around a 700-kilometre journey, to raise awareness of mental illness but also to raise funds for Beyond Blue, a wonderful organisation that no doubt has saved countless lives. He completed that journey. He raised over \$10 000 for Beyond Blue, but more importantly, he raised awareness. He is in year 12 this year and we are so, so very proud—his entire community is very proud—of what he has achieved.

I want to spend the last couple of minutes of my contribution reflecting on perhaps the past, the last term of Parliament, because I am hoping that it will inform the future, inform in particular how we deal with the royal commission into mental health. The government in the last term of course established the Royal Commission into Family Violence and implemented every single one of its more than 200 recommendations. We did that unfortunately without the support of those opposite. That was very, very disappointing—that was bitterly disappointing.

I also spent four years in this chamber listening to some revolting things from the other side on the Safe Schools program. Now, we know that LGBTI young people aged 16 to 27 are five times more likely to attempt suicide. Transgender people aged 18 and over are nearly 11 times more likely to attempt suicide. We know that the Safe Schools program saves lives. But the opposition, for base

political reasons, decided that they would spend four years not only campaigning against the Safe Schools program but also spreading untruths about it, all for base political reasons, even though it is a program that we know assists a significant group of people in our community who are significantly over-represented in these statistics. So I think it is an opportunity now for those opposite to learn from those tactics of the last term and make sure that they, like the government, endorse every single one of the recommendations of this royal commission.

Bills

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019

Second reading

Debate resumed.

Mr T BULL (Gippsland East) (16:02): I resume my discussion that I started very, very briefly before the luncheon break. As I said, this is an omnibus bill to which we have proposed a reasoned amendment. I certainly support the Shadow Treasurer's reasoned amendment because this bill does contain some parts that are very palatable to us and other parts that quite simply are not. I will start on the former first. As the Shadow Minister for Racing and Shadow Minister for Veterans Affairs, I have no opposition whatsoever to the proposed changes relating to the impact on those portfolios—that is, that this bill amends the Gambling Regulation Act 2003 to provide for an annual payment to the Anzac Day Proceeds Fund out of revenue raised by the point-of-consumption wagering and betting tax. As we know, that commenced on 1 January 2019 but will soon be reviewed.

While I note that the point-of-consumption tax is up for review and negotiations will start soon, I make the assumption that this payment will remain in perpetuity in relation to the Anzac Day Proceeds Fund. With any changes that are made to the point-of-consumption tax in this review, that certainly needs to be preserved as part of that. The Anzac Day Proceeds Fund provides money for a range of welfare activities that support our veteran community right across the length and breadth of Victoria. It has been a longstanding tradition, if you like. The main source of support for the fund is an annual donation of tax revenue raised from the totalisator betting on Anzac Day each year. That is part of the deal. The new point-of-consumption tax changes that framework, so this amendment to the legislation will make sure that that is preserved and that that payment will not only be maintained, but as I am led to believe by the second reading, will actually be increased. As was pointed out by the Treasurer in his second-reading speech:

The information collected by the State Revenue Office to administer the point of consumption tax does not break down wagering and betting on a daily basis.

To replace the previous arrangement, this amendment provides for:

... an annual payment to the Fund of one-thirtieth of all wagering and betting tax revenue paid or payable for the month of April.

This should provide certainty and support to the Anzac Day fund—absolutely it should—and it should result in a higher level of payment to the Anzac Day fund, which will be very well received.

Before I move on, just whilst we are talking about the racing industry, as the shadow minister for that portfolio it would be remiss of me not to mention the funding announcement that was made by Racing Victoria (RV) earlier this week of \$25 million dedicated to the welfare of Victorian thoroughbreds, with an immediate focus on their post-racing wellbeing. As we know, there has been a lot of media around of relatively recent times that has highlighted some concerns in that area. This new fund will deliver a statewide rehoming program, which has already been very, very well received. It will expand the Off the Track program in relation to post-racing career options for thoroughbred horses. It will oversee a statewide foster program. I am led to believe from some preliminary discussions with the CEO of RV that it will include a much better database, if you like, of people who are happy to accept and rehome thoroughbreds. A much better, advanced tracking system will follow horses past their first

transfer off the track into ownership. An equine welfare task force will travel the length and breadth of the state to make sure that thoroughbreds are being looked after by those owners who take them on. There will be a humane euthanasia program for on-farm euthanasia when the time comes that a thoroughbred has to be put down to make sure that that is done respectfully and ethically. There will also be a responsible breeding program to make sure that we are not overbreeding thoroughbreds and that numbers are kept in line with the industry requirements but are not over the top.

This new fund was also supported this week by the Victoria Racing Club (VRC), which committed \$1 million to it. The chairman, Amanda Elliott, made that announcement on Monday morning as well. It was very timely in the week leading up to our Spring Racing and Melbourne Cup carnivals at Flemington. The VRC also confirmed that 10 per cent of all their public ticket sales for this year's cup carnival and 5 per cent of Victoria Racing Club annual memberships will go towards the equine wellbeing fund for the care of racehorses. Again, that has been very, very well received by the general racing industry and racing fraternity.

An area of concern with this bill and the reason we believe this bill should be split and not combined—and this was eloquently pointed out by our Shadow Treasurer in her contribution to the chamber—is the vacant residential land tax to be levied on properties that remain uninhabited for two years. That raises a number of concerns. I will paint a hypothetical here. While I talk about it being a hypothetical, it will be a reality. We might have an aged person who is living in a residential home. They are happy with the condition of the home but the condition of the home does not meet the standards needed for it to be rented out. That person may then go into some form of aged-care facility and not have the financial backing or resources to be able to renovate that home, which could run into many tens of thousands or even hundreds of thousands of dollars, so that it meets the standard of the rental market.

Put yourself in that situation. You have been put into aged care, all of your financial resources are going into your aged care, you cannot do up that home and you are faced with either having to sell it, which you do not want to do for family reasons, or spending a lot of money that you do not have; otherwise you are going to be taxed by this government. I do not think it is fair to put those people in that very, very difficult and awkward position.

The reality of it is that a person can be happy living in their own home in conditions that may be considered uninhabitable for the rental market, but all that will change when that person's personal circumstances change; and rather than being taxed, they should be allowed to leave it sit vacant if the financial demands on them are beyond their capacity. We may hear back from the other side, 'Well, they've got two years to do something about it'. The situation may not change in five years, let alone two years, so that certainly needs to be taken into consideration.

The changes to duty on insurance are also of concern. This bill retrospectively applies duty on assessments over the past five years. I cannot say too much more about it than what the Shadow Treasurer pointed out, but the explanatory memorandum to the bill clearly states:

The retrospective operation of the amendments will also avoid any potential risk of costly litigation for the State and taxpayers.

What we are doing here is creating policy that pre-empts possible future litigation—quite bizarre—on actions taken by taxpayers in good faith on what was the wording of the law at the current time. That is just unbelievable.

This bill should be split. There are elements of this bill that we support and there are elements of it that we vehemently oppose, and for that reason this legislation should have been presented to the Parliament as two bills. It should have been split to allow us to support the straightforward elements of the bill that relate to veterans and the racing tax and allow us to oppose or amend the other elements of the legislation.

Mr McGHIE (Melton) (16:11): I rise today to speak on the State Taxation Acts Further Amendment Bill 2019. This amendment bill is continuing what progressive Labor governments like the Andrews Labor government do—that is, ensuring our tax system keeps delivering for all Victorians. Our taxation system must be a system that is fair and delivers for all Victorians. That ideal is something that this government is committed to. As we know, whenever there is a system to ensure fair and equitable taxes, there are individuals and companies that will seek to find loopholes to avoid their financial responsibilities to their fellow citizens. This bill seeks to close some of those loopholes to ensure the Victorian taxation system is not only sustainable but fit for purpose whilst maintaining its integrity.

This amendment will also see more support for our veteran community. This bill amends the Gambling Regulation Act 2003 to provide for an annual payment to the Anzac Day Proceeds Fund out of the revenue from the wagering and betting tax, which began on 1 January 2019. The Anzac Day fund provides money for a range of welfare activities that support the veteran community. The fund provides support for much-needed services such as welfare programs and assistance for veterans, health and wellbeing programs, and education and school expenses for the dependants of veterans. Supporting our veterans is something that is important. As a society it is vital that we do not take for granted the sacrifice that veterans, their partners and their families make. We often do not realise the emotional toll that their service has on them and their families when they serve and even later if they return—a cost that as a society we are often blissfully unaware of.

This is something that is important for my electorate in Melton, where I have met with many of my constituents who are veterans or the loved ones of veterans. One group in particular, the Melton and District Vietnam Veterans, have inspired me when I have had many conversations with them, including at their weekly catch-ups. Their sense of service is still strong among them; they are still giving back to their community—for example, through their scholarships for two Melton students transitioning into high school, a bursary for a young man from Melton who went to Gallipoli, donations to autism groups and in the past also donations for fruit to be available in classrooms across Melton.

Melton is also home to the Victorian bunker of Young Diggers, which provides a variety of support services and programs to help serving and ex-serving personnel of the Australian Defence Force, their dependants and direct family members. They also do an amazing job of training PTSD assistance dogs, promoted by the wonderful Carole Doyle, to assist those service personnel and first responders who struggle with PTSD resulting from their service to the community.

I have had many discussions with the veterans at the Bacchus Marsh RSL about some of the supports they require. I look forward to discussing with the Minister for Veterans how this bill delivers an annual payment and more funding for the Anzac Day fund, which can help the inspirational groups and individuals in my electorate.

Another issue that my electorate of Melton encounters on a daily basis is the pressure from housing affordability and homelessness. That is why I am delighted that this amendment bill seeks to address this in some way by creating a more effective and sustainable tax system by removing loopholes for property investors with vacant properties so that everyone pays their fair share. The vacant residential property tax will be levied on dwellings left vacant for more than six months. An uninhabitable home in the context of this legislation would include, for example, a home with significant water leaks, missing walls or a roof that exposes the living space to the elements, electrical hazards or other such conditions. Aesthetic issues such as unfinished painting or worn carpet would not render a property uninhabitable because living in the home or premises would still be possible.

This will have the effect of reducing the number of houses and apartments being left vacant in the inner and middle ring of Melbourne, boosting supply and making housing and renting more affordable. Although targeted to the 16 inner-Melbourne councils, this will help relieve pressure across all of Melbourne. Closing the loophole where a residence is left uninhabited or uninhabitable will encourage landowners to renovate and will lead to more rental housing stock or housing availability.

There are a couple of points that I want to address that were made by the lead speaker from the opposition, the member for Ripon, who raised concerns about the insurance duty changes. The reality is that taxpayers have already been paying this duty. We are simply providing the certainty that those opposite failed to do when they bungled legislative changes in 2014. The member for Ripon also raised issues about the changes being hidden away in this omnibus bill. Who would have thought that tax changes would have been in a tax bill. The changes are so hidden that they are clearly written in the bill and referred to in the Treasurer's second-reading speech.

A member interjected.

Mr McGHIE: You have just got to read it, yes. Not only is the member for Ripon wrong, she is being hypocritical. No-one will be surprised to hear that despite the member for Ripon's crocodile tears, those opposite did exactly the same thing when they were last in government—several times. As an example of that, in 2014 an omnibus tax bill included changes to the Land Tax Act with effect back to 2007. The circumstances were very similar to the current changes, confirming Parliament's clear policy intent and longstanding existing practice.

This amendment bill also seeks to make stricter requirements for land in an urban zone in greater Melbourne. This change will help prevent developers who are land banking from accessing a land tax exemption. The strict conditions this imposes effectively limit the land tax exemption to genuine farmers conducting a business on their land which meets strict requirements for this land type. This has been a key issue in my electorate as genuine farmers are put under significant pressure from land developers and the large amount of land banking that occurs.

This amendment bill confirms also the legislative basis for charging duty on an insured person who obtains insurance from an overseas provider. It does this by changing the definition of insurer to ensure duty applies whether the insurer is based in Australia or not. If this amendment is not passed, it will also put Australian insurers at a competitive disadvantage to overseas insurers. This change ensures equity for local businesses.

Equity and fairness is something that this Andrews Labor government does not just spruik; we deliver. We have a strong record on delivering tax relief for Victorians because we know that a strong economy and helping Victorians achieve a better quality of life have benefits for the entire economy. Growing businesses leads to more employment. This Labor government delivered tax cuts to almost 40 000 businesses in its first term by increasing the payroll tax threshold from \$550 000 to \$650 000. This year's budget increases the threshold again to \$700 000, because when we support small businesses we are supporting communities. Small business owners are linked to their community: their children attend schools; they are involved in sporting clubs and community organisations; they create employment, bring in jobs and bring change to the communities they do business in; and they support other business in the areas they live in.

My electorate of Melton on Melbourne's outskirts is a varied electorate. Parts of Melton are clearly urban and within the metropolitan limits, but my electorate leaves the metropolitan limits as you head towards Bacchus Marsh, and very quickly you discover regional Victoria. Both the metropolitan and regional areas of my electorate contain primary producers. The changes in this amendment bill help to ensure this government's commitment to young farmers is continued through duty concessions and exemptions. It is essential that we support this new generation of primary producers. This continues on from the Andrews Labor government's commitment to regional Victoria. Payroll tax, which we cut for regional Victoria in our first term, was cut even further in this year's budget.

In the Moorabool shire, which is in my electorate, businesses are growing. I hear it at the BizConnect Moorabool meetings that I attend; in fact I am presenting at the November BizConnect meeting. In regional areas like the Grampians, where part of the Moorabool shire sits, payroll tax has been cut even further for about 3500 businesses. This supports companies in regional Victoria to grow,

encourages job creation and ensures every region shares in the benefits of the state's economic growth. This growth in the area leads to new families moving into the area.

Tax relief and support help here too. Melton, Bacchus Marsh, Eynesbury, Brookfield, Kurunjang and Melton West—all these areas have seen a significant number of first home buyers supported by the Andrews Labor government's Homes for Victorians package. I have mentioned here many times that Melton is the fastest growing area not just in the state but in Australia. Many Victorians who have the dream of owning their first home choose to make that a reality in Melton. That growth will only continue.

It is also important that those in regional Victoria are supported to stay or move into their community. The Andrews Labor government has once again shown its commitment to the regions by doubling the first home owner grant for those building in regional Victoria. Those people entering the housing market for the first time are supported by this government and its tax relief. That is why it is so important that the Victorian economy and tax system remain sustainable and fair to continue delivering for all Victorians. I will support this legislation, and I commend the bill to the house.

Mr RICHARDSON (Mordialloc) (16:21): It is a pleasure to rise and speak on the State Taxation Acts Further Amendment Bill 2019. It is a really important bill in a number of regards, and I think it was well covered off by the member for Melton. In terms of supporting people to enter the housing market he talked about fairness in reducing tax obligations and getting more first home buyers in, and I will touch a little bit on that as well.

During the matter of public importance I had occasion to listen to the member for Bentleigh speak on a provision in this bill. He talked about the impact on the mental health and wellbeing, through previous conflicts, of our Anzacs and our serving men and women. One thing that I am really passionate about in this bill is that the proceeds that come from the amendment of the Gambling Regulation Act 2003 will provide for an annual payment to the Anzac Day Proceeds Fund. As we are again on the edge of Remembrance Day and we pause to reflect on the now more than 100 years since the end of World War I, I think it is really good to see further support and further investment in those critical interventions and programs that support our veteran community.

We need to do more. That was touched on by the member for Bentleigh, and I want to also put on the record the need to do more to support our veterans' mental health and wellbeing but also to connect them to opportunities after their critical service for our nation. I was just recently down at the Mordialloc Freeway smoking ceremony for the start of construction, and it was great to see recognised Veterans in Construction. They had the great orange vests on. This crew was out there on this project, supported by investment from the Andrews Labor government in infrastructure giving them the opportunity to get back on track, to get back to some sort of normality after significant service, including those that are dealing with challenges, stresses and PTSD post service. The change in that provision, and that it is expected to be a higher contribution as well, means more support for our veterans, and I am really passionate that this is a feature of this bill.

I have been in and out but have had occasion to listen to contributions on both sides, and those opposite have sent out the member for Kew in the final session of the state taxation bill. But the contribution from the member for Ripon showed that each and every time 'tax' is said it is as if it is a horrific burden on our state. I mean, if you sit at the Public Accounts and Estimates Committee, there is \$73 billion worth of tax that comes in to underpin the prosperity of our state and the capital agenda we have. You can sit back and hoard it. You can sit back and hold onto it like the federal government might do, you might say, in chasing a phantom surplus at the expense of programs and initiatives that support people with disabilities. The 'aspirational surplus' they are calling it, I think. That aspirational surplus they are trying to deliver on the back of cutting services to people with disabilities. You can hunt down tax, and you can find every which way of attacking it on that premise, but the investments you need to make in your state and the prosperity that you underpin come from the decisions that we make each and every day in government and that communities make each and every day. There is this

notion of, 'Oh, tax this and tax that'. I want to know, when the member for Ripon comes back in to vote on this bill: what would you forgo and what would you cut? When you are talking about, 'Tax this' and, 'Too much tax there and here', what would you cut? What would you give up? What would you sacrifice in our community? What changes would you make?

It might be that you cut the first home buyer contribution; you might turn around and do away with that. For all the people who are trying to get on the property ladder, trying to find their first opportunity to achieve the dream of owning a home, it might be that members opposite would cut that back. They might cut back the veterans supports and services in this bill. Would they be on the chopping block? What about health? What about education? Past behaviour is an indication of future outcomes, and we have seen before what those opposite do when given the opportunity to go after tax revenue and go after services.

The lead speaker talked about 'hiding'—well, it is not hidden, it is written out here. It is not hidden in this bill and the second-reading speech and the clauses. It is written here what we are going to do. It is quite clear. The percentages are all put forward. It has been briefed out. But when you talk about the tax revenue, I am really curious. It is a double-edged sword. You cannot attack tax and the revenue base but then not give an offset or the savings that you would make or the projects or services that you would forgo when you come in and give a speech of that nature about small government.

I wonder sometimes why those opposite, out of the playbook of the Institute of Public Affairs, come in here and go, 'They're after government, they're after state government, they're after the level of service provision that state governments provide—they're after that'. Why do they come in and be members of Parliament? Why not just be lobbyists on the outside smacking into state governments? I think some of them would do away with the level of state government or local government. It must be hard getting up every day and having a chip on your shoulder that you are in the state Parliament when you attack the revenue base that underpins the service prosperity of our fellow Victorians. It is an oddity. I have still not worked it out from listening to their first speeches and the contributions some of those opposite have made. But come in here and tell my community in Mordialloc what you will cut—and all of our communities, and your own communities. When you talk about the tax base, what will we forgo and what will we see change?

Because we know what it means when you hear about concerns about tax—leading into the last state election, what did we hear from those opposite? We heard a very Orwellian term: a commission of audit. I have not seen a conservative put forward a commission of audit ever to look to increase spending on services. Never. The member for Bulleen, the member for Malvern—it might have been different. They may have been pure in their intentions, who knows? But I have never seen a conservative put forward the words 'a commission of audit' and come out investing in more services. That means cuts. When they attack the tax base, that is what they are talking about.

So this bill is critical in straightening out some loopholes, particularly loopholes around vacant properties. I think of the challenge that we face of racing towards 2051 with 10 million Victorians in our state. As we grow as communities, Acting Speaker and member for Frankston, down our neck of woods—down the Nepean Highway, down the Frankston line—as we manage that growth and more people want to come into our patch, how do we make sure housing is affordable and how do we give people the opportunity to own their own places or to rent decent, affordable accommodation and housing? How do we give people that opportunity to live in the communities that they have grown up in?

When we talk about derelict or vacant premises, straightening out that critical loophole and encouraging investment in land and development and housing stock, I think it is really important. We have a challenge in our state of housing being affordable, of people having access to housing. It is why we have put forward some of the best stamp duty concessions going to make sure people can access housing. But in established areas, and 70 per cent of Victoria's growth will be in that metropolitan area, how do we manage those challenges going forward? With properties that remain derelict but on someone's balance sheet as an investment, well, we all have a contribution to make. We have an

obligation to our fellow citizens, our fellow Victorians, to make sure the comfort and security of owning your own home or renting is affordable, and I think it is a critical thing to encourage investment in the sector and that increased support.

This bill tidies up a number of things, and I think particularly recapping the focus around the Anzac Day Proceeds Fund, it is a great policy, great work. On the eve of Remembrance Day and commemorating the significance of our servicemen and women, that is a great, great element of this bill. Changes to the land tax that provide that greater certainty and tidy up those loopholes for investors or property developers or people who are holding onto pieces of land I think are really sound and really important as well. Then there is the overarching agenda of the Andrews Labor government to make access to housing, particularly in our growth corridors, easier and better with our stamp duty concessions.

I grew up in the south-eastern suburbs of Melbourne, out in Berwick. All my mates are moving out further to Officer, to Pakenham now, and they are building the communities of tomorrow. The member for Melton talked about those growth corridors out his way. We were out at Darley the other day. Property prices are going up. You can still probably get a concession. It is a great place out there at Darley. We went to Darley Primary School and checked it out.

A member interjected.

Mr RICHARDSON: It was good fun. Yes, it was good fun. Those young families are now getting that opportunity to get on the property ladder, the security of housing that comes from that ownership. I think our government's record in providing that tax relief to Victorians to get that house and that opportunity is really strong and sound policy. We are on the side of working people, we are on the side of people who are having a go in their communities, and this is just another example of how we are supporting Victorians and making it fair, making it equitable and doing our job by closing loopholes and creating greater certainty. I commend the bill to the house.

Ms KAIROUZ (Kororoit—Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Suburban Development) (16:31): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019

Second reading

Debate resumed on motion of Mr WYNNE:

That this bill be now read a second time.

Mr T SMITH (Kew) (16:32): I rise to oppose the Building Amendment (Cladding Rectification) Bill 2019. I oppose this bill because it is simply a tax grab. I will get to the taxation implications of this bill later in my speech, but at the outset I want to say that we support property owners who are negatively affected by the failure of the Andrews Labor government and of course the Victorian Building Authority to properly regulate the building industry, which has resulted in this cladding fiasco that we have seen in Victoria over the last five years.

I want to bring the house's attention to the history of Alucobond and aluminium composite panels (ACPs). The house will forgive me if some of the information I am about to provide it is somewhat technical, but these are important matters—very important matters—in which the government is seeking to increase the building permit levy to pay for the rectification of this very dangerous material from the outside of private high-rise towers, which if you think about it, is quite a unique and unprecedented situation where the public is being asked to pay for the rectification of private buildings.

This is a rare situation. It is unacceptable. We should never have been in this situation. It is not just happening in Victoria, but amongst the Australian jurisdictions it is most prevalent in Victoria. The level of, I suppose, the proliferation of composite panels—very dangerous material—is at its worst in Melbourne.

Alucobond in fact has its origins in Germany, and I will be quoting here from Owners Corporation v. LU Simon, which is for want of a better description the Lacrosse building fire from November 2014. The judgement from VCAT states:

Alucobond in fact had its origins in Germany in the 1960s. A history of the product is contained in the document *Alucobond—40 Years of Excellence—from a Pioneer to the Synonym* (Alcan Singen GmbH, Germany, 2009). The title of the publication refers to the claim that “ALUCOBOND® became the synonym for aluminium composite panels all over the world”. It appears that the very first idea for the use of Alucobond was for “bed mattress support panels”, but alternative uses for the product were soon identified.

And this is the most interesting from our perspective:

The publication suggests that concerns about the flammability of the core material were identified as early as 1968: “Fire protection regulations became an increasingly important topic during this time ... the research and development team worked on core material alternatives with different flammability properties, to the plastics used until then”. In respect of the period 1978–79, the publication states that changes in fire regulations, particularly in Germany, “increasingly demanded the implementation of flame retardant products for specific architectural applications”. This apparently led to the production of a new range of products launched in Europe and the USA during 1979.

If we fast-forward to Australia:

... Alucobond was first imported in the late 1970s for use as part of an exhibition and display system. By the early 1980s, the product was being specifically marketed to architects to be used as part of the facade of buildings, both new and refurbished. Sales grew through the 1980s and into the 1990s. The publication identifies a number of substantial projects incorporating Alucobond panels in the period to 1998 and then describes the expansion of the Australian business after a 1998 restructuring. Sales of Alucobond in Australia increased from 100,000m² in 1998 to in excess of 500,000m² in 2008.

That is the key time when we saw a massive proliferation in the use of these panels, and it is that period of time that has created the majority of the issues, the concerns and indeed the fires that we have been seeing in Melbourne and indeed other jurisdictions. The judgement states:

It seems that fire risks associated with ACPs had been identified in Australia not long after sales of Alucobond began to accelerate in the late 1990s. For example, in 2000 the Fire Code Research Reform Program published a report titled *Fire Performance of Exterior Claddings* ... The report is identified in IFEG as a reference work available from the Australian Building Codes Board (“ABCB”) website. According to its preface, the report followed an investigation of fire performance and test methods for regulating the fire safety performance of exterior claddings in Australia. The report was intended for “regulatory authorities, fire researchers, fire engineers and manufacturers of external cladding materials and systems”. The abstract of the report is as follows—

and this is very important—

“This report discusses external vertical fire spread in multi-storey buildings with particular regard to the contribution made by combustible cladding systems. The historical fire record is reviewed with some examples presented, international research is discussed, various test methods described as well as an indication given of the performance of materials in a selected range of fire tests. Building regulations in Australia and in other countries are also reviewed and recommendations are made with respect to appropriate ‘Deemed to Satisfy’ requirements, with a recommendation that the ‘Vertical Channel Test’ developed in Canada be considered for use in Australia.”

The report notes, under the heading Historical Fire Record:

“There are relatively few documented cases of extensive external vertical fire spread involving combustible claddings ...

But it goes on to say:

“... there have been a number of very serious examples of external vertical fire spread where a combustible cladding has not been involved, but where window configurations and combustible linings and contents located near windows have contributed significantly to ‘leap-frogging’ up the external façade.”

One of the most documented cases referred to in the report was a fire in the Museum of New Zealand in Wellington in 1997. The report states:

“This was a large multi-level national museum building under construction. The exterior cladding used comprised a thin aluminium-faced panel with a polyethylene core, mounted over extruded foam polystyrene insulation board and building paper. A worker, heat welding a roofing membrane, ignited the building paper and this quickly spread up the exterior façade involving the polystyrene and cladding panel. There were no deaths or injuries ...

So we knew that in 1997 there was a cladding fire in New Zealand—rare, yes, but present. If we fast-forward to 2010:

Minutes of a meeting of State and Territory Administrations of the ABCB held in Canberra on 12 October 2010 reveal that the ABCB was by then actively considering whether ACPs complied with the DTS provisions of the BCA, including in relation to combustibility. Under the heading “Information on Alucobond—ACT”, those minutes record that:

“The ACT representative advised members a meeting had taken place between his Administration, manufacturers and a local fire engineer and they are now satisfied that the product in question does not comply with the BCA DTS requirements for combustibility. The NSW fire brigade also now believe a problem existed and he advised jurisdictions to be aware the approval problems encountered in his jurisdiction may spread. The Tasmanian representative requested the advisory note be forwarded as soon as it was available.”

In October 2010 the Australian Building Codes Board were aware and were beginning to discuss that these types of materials—cladding, ACPs and Alucobond—were potentially very dangerous. We had the Lacrosse fire in November 2014. In November 2015 *The MFB’s Proposals for Reform of the Building Regulatory Regime* states—I have it here, and I quote from page 3:

There has been regulatory failure. The Lacrosse building is an example of it, but it is not an isolated case of non-compliance. The MFB calls for change and makes recommendations for reform in the context of this regulatory failure.

The MFB is determined not to lose the opportunity to learn from the Lacrosse Fire. The experiences of the MFB since November 2014, and in particular the delay in reducing the risk of a further significant fire at the Lacrosse building nearly a year later has led the MFB to consider how the building regulatory system could be improved to provide for better fire safety for the people of Melbourne ...

It goes on:

A common and alarming example of regulatory failure is the presence of buildings constructed with either non-compliant building materials or with compliant products used in a non-conforming manner. For example, as a result of the Lacrosse Fire, the MFB’s post incident analysis found that the building was clad with combustible aluminium/polyethylene composite panelling, meaning fire spread rapidly up the façade of the building causing severe building damage and greatly increasing the risk to life and safety.

In 2015 the MFB was advising that we had a serious problem with the compliance of various forms of cladding, yet it took another two years for the audit to be undertaken subsequent to the Grenfell tragedy in 2017. Now, in a submission to the Senate inquiry into non-conforming building products in 2017 Halifax Vogel Group, one of the biggest providers of ACP in Australia, made a number of comments. This is from a provider of cladding:

We first submitted a formal proposal for change to the Building Codes Committee ... of the Australian Building Codes Board ... that governs the BCA, in January 2011.

January 2011—during the Gillard government.

This proposal, which is included as Appendix 2, was that:

- Fire-resistant ACM panels to be made mandatory via testing ... a materials fire test, and
- Requirements for fire-stop cavities in external wall systems to be made clearer in the BCA.

Now, John Thwaites was appointed chair of the Australian Building Codes Board in November 2011, and the Building Code of Australia and the Australian Building Codes Board did absolutely nothing to take heed of these suggestions from industry at that point. Noting that the Andrews Labor government are trying desperately to flick this issue over to the federal government, I would remind them that during their time in office federally—and indeed with one of the chairs of their Victorian Cladding Taskforce in a very senior regulatory position within the federal government—nothing occurred.

We have a situation where in the annual report of the Victorian Building Authority (VBA) they finally acknowledge that they share responsibility for, but cannot unilaterally fix, the building industry problems exemplified by these recent incidents, which I will refer to in a minute:

In response, the VBA has adopted a stronger end-user perspective ...

‘A stronger end-user perspective’. What that means is, ‘We kind of forgot about the people that are living in the houses that we were meant to be regulating for their safety’, and, ‘We actually didn’t do our job; we were hopeless’. The VBA is a hopeless regulator, and it has manifestly failed to do its job.

I am going to attempt to provide, for the house’s interest, some of the human interest stories—almost human tragedies—that have gone on over the last couple of years because this regulator that reports directly to the Minister for Planning utterly failed in its job. For example, let us start with the apartment complex in Frankston South. I make mention of a gentleman by the name of Craig Fitch, who is a terrific bloke and chair of the body corporate of that apartment complex. He came to see me in January of this year. That building was so dangerous that the council had to post security guards out the front of it to ensure that no-one lit a barbecue, lit a cigarette or in any way had any other flammable instrument so that the building did not go up in smoke. The VBA posted a 24/7 security guard outside to prevent arson. The works were so enormous they were actually significantly greater than the cost of each apartment, I was advised. As Craig quite correctly said, the regulator just needs to get better and get rid of the rubbish out of the industry.

In my electorate of Kew a retired couple, the wife suffering a long-term illness and the husband retiring early to care for her, found subsequent to moving into a brand-new property that it was clad with very dangerous material, that the building was essentially worthless and that it was dangerous, and they had no knowledge that that was the case until they got a letter in the post from the VBA, who dealt with them in a most uncaring fashion.

There is Blair Warren-Smith from Glenferrie Road, Hawthorn, who has mortgaged herself to the hilt—done the right thing and got on the first rung of the ladder of the property market—only to find that the two crooks that built her building were the same crooks that knocked down the Corkman Hotel. The confidence that she has in this government’s ability to regulate the building industry is somewhat low. She found that her building was incredibly flammable and very dangerous and that she could not have a barbecue outside. I do not believe she smokes, but if she did she could not smoke on her balcony and she was up for \$8000 up-front for emergency rectification works to make the building safe. I mean, this was incredibly distressing for that young lady, and credit to her for standing up and demanding action from the government, because this is a failure of government. This is what happens when regulators fail: innocent people get hurt.

We will go to South Yarra. Kevin and Jennifer Opie, retired teachers, bought a new apartment. In February 2018 they were told to leave it, it was so dangerous. They were told it was going to cost them \$92 000 to make their home safe. I asked in this chamber about that and I was told I was wrong. I was not wrong. In fact over this whole debacle this government’s and indeed the VBA’s ability to tell the truth and respond accurately under questioning has left a lot to be desired.

We will go to Mordialloc. Well, this was an absolute disaster because the Andrews Labor government and indeed the VBA knew years ago that there was an apartment complex in McDonald Street, Mordialloc, that ought to never have been given an occupancy permit. It was a shambolic construction that, frankly, probably should have been evacuated three years ago. The residents were randomly

evacuated some months back. They were given 48 hours to leave. Usually in Australia people are evacuated for natural disasters, not because their building is such a debacle and is so dangerous that it is not fit for human occupancy. That is another example of this disaster.

For the Clayton apartment building that received some attention some months ago, again the VBA was informed in 2017 that this building did not bear true resemblance to the plans that were submitted and was dangerous. The municipal building surveyor from the City of Monash wrote in his statutory declaration:

As a result of my inspection of the building on 21 July 2017, I formed the opinion that there was a danger and risk to the occupants and property as the building's fire safety systems were deficient and not complying with the Building Code of Australia. As such, I issued an emergency order requiring the owners corporation to provide two 24/7 roving security guards to monitor the building. This was required to be done within 2 hours of the service. The order was issued to the OC and the occupants of the building.

Again, more security guards because the building what was so dangerous. What did the VBA do about that? I have no idea. I doubt anything because when the *Herald Sun* went out there a couple of months ago, knocked on the door and spoke to a number of students who were living in this apartment complex all that they could find to advise what the fire danger of the place was was on a door that no-one used. There was a sign suggesting that you needed to be careful with regard to flammable material at that site.

A child care centre in Clayton was found to be highly dangerous. A letter from the City of Monash to the property owner said:

An inspection by the VBA revealed concerns that there is a danger to life, safety or health of any member of the public or any person using the building due to the installation of the combustible expanded polystyrene cladding or linings to external walls.

But we are told that does not matter. We are told that child care centres, or indeed any other private buildings that are not residential, do not matter to this government because they are not rectifying any of these buildings, whether they be aged-care facilities, hospitals, child care centres or schools. If it is a public school, they will; if it is a private school, they will not. If it is a child care centre, forget it. I think that is very worrying. When parents at that child care centre in Clayton were asked what they thought, they were horrified to know that their children were going to day care in potentially a death trap.

Then we get to Kardinia Park. We were told, 'Kardinia Park's fine'. Well, in fact Kardinia Park is not fine. In the annual report for Kardinia Park prepared by the Kardinia Park Stadium Trust, which was tabled in this Parliament, we were told that there were quite serious dangerous flammable cladding issues that needed to be rectified. Then we had the revelation most recently that Marvel Stadium was equally clad in dangerous material, that that material had been there for quite some time and that it had been known by the government that that material had been there for quite some time.

But the greatest concern that I have has been the revelations that the Victorian Comprehensive Cancer Centre is clad in dangerous, combustible material. My greatest concern with the VCCC is that, according to a whistleblower, the MFB did not sign off on the occupancy for the VCCC. Now, that is a very serious allegation. The MFB advised they would not issue the report without the statements. The FRMU, the fire risk management unit, recommended that the MFB not issue the regulation 1003 report for final MFB sign-off on the building. There are allegations that this process was fast-tracked to enable then US Vice-President Joe Biden to open the VCCC. I think it is utterly disgraceful if it was the situation that the safety of patients, of workers and of visitors to that hospital was undermined because of a desire by the Premier to have a photo with the Vice-President. I think that is very concerning and, if true, utterly disgraceful.

There have not just been two fires in Melbourne because of cladding; there have been quite a number. There have been five in total—the Lacrosse fire; Hampton Road, Hampton; Sydney Road, Brunswick; Princes Highway, Dandenong; and the Neo200 fire earlier this year. That is obviously on top of the Grenfell tragedy in London in 2017 where 72 people tragically lost their lives.

This is a very, very serious issue, and it is incumbent upon all of us in this house to understand and reflect on the moral obligation we have to ensure that everyone's home is safe. But that does not mean that you then have the right as the government to increase taxes on people who have done nothing wrong and who will most likely not benefit in the slightest from paying that increased levy. The levy is a 100 per cent increase for a development over \$100 000, a 200 per cent increase for developments over \$1 million and a 641 per cent increase for developments over \$1.5 million. The Urban Development Institute of Australia (UDIA) opposes this bill. It argues that this bill, if it becomes law, will add \$4000 to \$6000 extra to every new apartment costing \$400 000. It says this will serve to negatively impact on housing affordability and create a greater hurdle for home buyers applying for finance. UDIA Victoria industry estimates are based on construction costs across a pipeline of 2200 apartments to be built in Docklands and inner and middle Melbourne. That is significant; that is a significant impost for people potentially buying their first home.

I think that this government is increasing red tape without addressing the real issues. This legislation is overly complex and confusing. It adds administrative costs to the building permit process, which will have to be passed on to consumers. In any case the building levy is paid by building owners, not the industry, so this seems like a very unfair way to raise the money. Why penalise people investing in jobs and/or asset creation? This has been caused by a failure of the Andrews government to regulate its own legislation. Surely this funding should all come from consolidated revenue. I do not think it is particularly fair that the taxpayer is being asked to foot the bill because the government has failed to regulate the building industry, but I do concede that there is a moral imperative that we get this material down as quickly as possible because we know how dangerous it is. I do not know why various classes of building are treated preferentially compared to others. This increase in the levy, I am advised, will last five years. That is a lot of money, particularly when you consider that, and I read from clause 14:

If the Treasurer is satisfied that there is in the Cladding Safety Victoria account at any time an amount in excess of the amount required to meet the anticipated payments from the account, the Treasurer, after consultation with the Authority and the Minister, may direct the payment of the whole or any part of that excess amount out of the account into the Consolidated Fund.

This is nothing but a tax grab. This money will be used to fund any other program of the state government unrelated to cladding rectification. If more money is raised than needed, it should be returned to those from whom it was levied, because—I say again—the people that are paying this will not benefit from it. They will not benefit from it at all, particularly if they are constructing a commercial building. Commercial buildings, as I said earlier, will not be rectified by this government.

The bill also provides for a process by which Cladding Safety Victoria will rectify properties, will assume the legal rights of owners. I think this is going to be a very, very difficult process for this entity to manage. But in the time that I have left, I will say: this is yet another tax increase or new tax by the Andrews Labor government. There has been a new stamp duty on property transfers between spouses, increased stamp duty on new cars, a new stamp duty on off-the-plan purchases, the so-called vacant home tax, new annual property valuations to increase land tax, increased luxury car tax, increased land tax for homes with contiguous blocks on separate titles, an increased fire services property levy, a new point-of-consumption gambling tax, a tripling of the brown coal royalty, a gold-mining royalty, a new tax on Uber and taxi fares, corporate restructure duty, increased foreign owner stamp duty in 2016–17 as well as in 2015–16, an increased absentee owner surcharge in 2019–20 and 2016–17, the introduction of an absentee landowner surcharge for foreign property owners in 2015–16 and a new city access tax for the West Gate Tunnel. That is 21 increased or new taxes.

The Liberal Party and the National Party believe that we need to help people, particularly people who through no fault of their own have bought a property that is clad in very dangerous material, but we do not believe for a moment that we should be increasing taxes at a time when cost of living is a major issue. People are struggling to get into the property market at the best of times. We must never do anything in this place to add excess costs to property. It is fundamental to the Australian dream of owning your own home, and for this government to increase the building permit levy by 640 per cent

when it was their own fault that the building industry was so poorly regulated I think is entirely unfair and is why the Liberal and National parties are voting against this bill.

Mr RICHARDSON (Mordialloc) (17:02): This is an important opportunity to rise on the Building Amendment (Cladding Rectification) Bill 2019. I listened intently to the 30 minutes of the member for Kew's contribution, and I want to touch on a couple of points that the member for Kew prosecuted in his contribution. It was a 15-minute history lesson, which I think is important in terms of context, but also then he made references to imports and areas of responsibility that are commonwealth responsibilities.

There was a reference to an Australian building codes discussion in 2010; of course oversight of states and territories is the commonwealth's jurisdiction. There was a Senate inquiry reference; a sideswipe at the Gillard government of 2011, a partisan statement that we will soon reflect on a bit further, and references to the Victorian jurisdiction. So during that contribution there were references made to the commonwealth on a few occasions, and there were also references made in a partisan way to the Gillard government in 2011, but through every bit of the contribution—the 1800 seconds that we had to sit through that—we did not hear one bipartisan reference to the fact that this is a national and an international crisis that we are confronting that requires leadership from all levels of government—local, state and commonwealth.

I think it is a great shame, because it could have been quite a bipartisan reference. It would have given me a little flicker of hope that maybe we have got some kind of bipartisanship to work together on this challenge, but no. It was a missed opportunity. The commonwealth should have a role, and they have refused—refused—to be involved in this critical issue that underpins the safety and wellbeing of Victorians and indeed Australians.

If you are on the border, and products are going between state and territories—and there are issues around imports as well—we need the commonwealth to be in that space. It should not be lost, then, on the member for Kew that the fact is that the Senate has done an inquiry in that space. The Senate has put forward recommendations. They have heard from a range of jurisdictions. The notion that the commonwealth would suddenly be absent is unconscionable, but maybe the member for Kew does not want to rock the boat with his mates in Canberra, particularly Victorian Liberals, as he embarks on a potential leadership challenge in the very near future. Maybe he does not want to rock the boat and reflect on the commonwealth jurisdiction because it might affect his aspirations.

Mr T Smith: They don't regulate the building industry.

Mr RICHARDSON: The member for Kew says that they do not regulate the building industry, yet they have a Senate inquiry into building materials and there is an Australian Building Codes Board—strewth! I mean, goodness, what are they in that space for? They are making recommendations. It undermines his contention, as he comes through with an interjection, when he did a sideswipe to the Gillard government of 2011. Come on, mate! Get real, get serious.

This is a national crisis. Rather than sitting back on our laurels and waiting for the commonwealth to come by—I mean, we would be sitting here until 2050, when the population will be 10 million and more apartments and more buildings have gone up—we are going to get on with the job of keeping Victorians safe, and that is exactly what we are doing here.

There are many media releases that have been put forward that talk about the establishment of an independent inquiry, the task force and the great work done by the task force to inform the government on reform and the outcomes, and then there is the multitude of media releases that have been put forward about keeping Victorians safe, and I want to put on the record—as the member for Kew did—our sincere desire and work to make sure people are safe. This issue touched the Mordialloc community on McDonald Street, and there are other buildings that are undergoing risk assessment in the City of Kingston. For anyone that has been impacted, we want to make sure that they are safe, that

they are secure and that we are punching in their corner and making sure that they are safe, and we will make sure these rectifications go on.

In the Mordialloc example cladding was one element, and yes, the building authorities over a number of years dating back to 2010, when this permit was first issued, were woeful—absolutely woeful. There was mould; you would have a waterfall coming down in your building—unacceptable work. So getting those people out and making sure they were safe with the issue of cladding was absolutely appropriate. It was great work to do that and make sure those residents were safe. Out of the 17 units there were only three or four that were occupied at that time.

The notion as well that industry does not have a role to play and costs should be worn purely by the taxpayer I do not think stacks up. There are not just new players coming into the industry. There are builders who for many, many years have been building and helping to build our state for the future, but the whole industry has a role to support and maintain the highest standards. So where there is a crisis of this nature, the industry has a role to play in ensuring that we rectify this into the future.

Of the \$600 million cladding rectification program that the Andrews Labor government has put forward to make sure that Victorians impacted are safe, half of that will be supported by industry. When we talk about the costs being worn, the margins that developers and builders may be making and the points put forward by the member for Kew about passing on unaffordability, it is the market rate of what apartments will sell at. If you sell for a particular amount in one given month as opposed to the next, that is what the market value will be.

I know the member for Kew has been on the Public Accounts and Estimates Committee before. He would know market forces; he would know about supply and demand and economics. He was a keen participant and a key interjector on that PAEC, with you as well, Acting Speaker Dimopoulos. Supply and demand will set what the apartment price will be, so the notion that this will pass through completely is a supply and demand issue. Whether it is a market rate of \$600 000 or a market rate of \$500 000 out in the Mordialloc electorate or elsewhere, that is what the price will be in the market. That will be it. So the actual price, the actual point of the levy, is the contribution of the industry. The notion that the industry can walk away, that we only blame the regulator for the past two decades, that we say, ‘Well, the industry is not a partner here’, is absurd. The taxpayer needs to make a contribution, given the urgency of these rectification works, with the industry as a partner to ensure the highest safety standards.

There have been significant events. The Grenfell Tower tragedy in the UK was absolutely devastating—the lives lost and the horrific outcomes. That was the start of a journey that Victoria has gone on. We have seen the risk with various fires as well. We are not sitting back. We put the task force together straightaway. We have, through that journey, made sure that we undertake urgent building works to maintain Victorians’ safety, and that is what we are doing with this. I am really pleased to see the establishment of the Cladding Safety Victoria authority, which will underpin that work. At the start they will have 15 buildings that they will start to rectify, and that will expand and develop over time. The important work of that fund over the next five years will be to make those important rectifications. I understand that there were 2000 buildings, so they were not sitting back and waiting—2000 buildings were assessed, and 800 had an increased risk. That has been scaled, and that will be worked through by Cladding Safety Victoria to maintain the safety and the integrity of our building industry.

The notion that this is sending a shockwave through the industry—well, I do not know if you have seen the interstate migration to Victoria for jobs, for prosperity, the job numbers. We are the engine room of the nation. The Prime Minister wants us to keep ticking away at this. More people are coming to Victoria from all over the place but particularly from our northern neighbours on the eastern seaboard, coming for jobs and prosperity in Victoria. We are seeing more and more growth and development coming forward as well, so the notion that our doing urgent works and an urgent fund being set up and a levy being put in place to make these rectifications will undermine the prosperity

of Victoria's building industry does not stack up. It does not stack up on future numbers because Victoria and Melbourne are the destinations for jobs, growth and employment.

The member for Kew can say, 'I don't want this to come out of consolidated revenue; find it from the regulator somewhere'. Well, the regulator, funded by the state, will be using the funds achieved through the cladding safety fund and the program to underpin that investment. Rattling off various taxes and the like goes back to the point I made just before on the other bill: tell me and the Victorian people which funds you would walk away from, which revenue you would forgo, what cuts you would make in our state and who would you impact. Who would you line up for cuts? Who is going to suffer as a result of forgoing revenue in our state? Which part of the \$73 billion that came forward in our state budget last year? What cuts are you going to make to revenue? Because you cannot say you are going to cut taxes, you cannot be opposed to taxes, and then on the other side of the equation say, 'Oh but we won't have any cuts. We won't forgo any loss'. That is an absolute furphy.

The notion that the member for Kew would come in here and say that the commonwealth has no responsibility does not stack up. This is a national and international crisis. The leadership shown by the Premier and the Minister for Planning in establishing this task force and establishing this levy will keep Victorians safe.

Mr McCURDY (Ovens Valley) (17:12): I am delighted to rise and make a contribution on the Building Amendments (Cladding Rectification) Bill 2019 as I join my colleague from Kew, and we are going to oppose this bill. I note the member for Mordialloc continues to want to blame the federal government and blame everybody else, but does not want to look in Labor's own backyard in terms of the tardiness and the time it has taken to get to where we are today. It is nearly five years since the first of the fires that we know of here in Victoria. This could have been dealt with in a much more prompt and swift approach to give some security and some certainty to some of those unit holders, that is for sure.

We know the purpose of the bill: advising the further functions of the Victorian Building Authority in relation to the cladding rectification, to provide financial assistance for building work associated with the cladding rectification, to establish a new account in the VBA and to impose an additional levy on certain building permits. No doubt, as the member for Kew pointed out, this is a tax grab, and we will get to that a little bit later on.

The main provisions are clauses 9, 10 and 14. Clause 9 outlines the circumstances in which building owners will receive financial support. Clause 10 creates added functions to the VBA, and clause 14 defines the deposits into the payments made from the new Cladding Safety Victoria (CSV) account, including excess funds to be paid into the Consolidated Fund by the Treasurer. Let us get some perspective here: since London's Grenfell Tower tragedy, in which tragically 72 lives were lost, then the Lacrosse fire in 2014 and the Neo200 building in 2019 Victorians have certainly been surprised to learn of dangerous combustible cladding that was used on buildings throughout this state.

The government's first response was to establish the Victorian Cladding Taskforce to identify buildings that were wrapped in this dangerous material. Now, we all know that this government is very good at establishing task forces to give that appearance that they are active in a space and really trying hard, but the reality is it was about buying time. To a large extent they have frittered away that time, which is disappointing because, as I say, it is five years since the first fire in 2014 and we should have had some resolution before now.

As of July 2019 the task force had uncovered 72 buildings regarded as extremely dangerous, 409 buildings that are highly dangerous, 388 at moderate risk and 200 at low risk. Labor has known about the dangers of this combustible cladding since December 2014 and the Lacrosse cladding fire at Docklands. Surely the Grenfell tragedy would have suggested to the Victorian government that they needed to start making financial commitments and preparations for this cladding rectification that was

going to catch up with them sooner rather than later. But no, while the government was busy dismantling the Country Fire Authority they certainly did not have time for other activities like that.

I certainly believe that owners who bought in good faith, particularly those post the knowledge of the cladding dilemma, should not be footing the bill to remove that cladding. Their buildings were signed off for occupancy through the regulatory framework through the Victorian government, which is the highly regulated VBA as we know. Not only is this unfair, but most owners do not have the capacity to fund these urgent rectification works. If they buy in good faith, individuals ought to expect that their building is safe for themselves and their families.

Furthermore, what is worse is that owners are still in the dark months after receiving notification that their buildings have cladding issues. This is causing havoc for those wanting to sell their properties because potential purchasers have no idea what the cost is to fix up the mess. The Labor government has certainly let these owners down. Not knowing the cost of the repairs, I understand some property owners are selling their properties for discounts of up to \$100 000. They need to get out of those properties, but because of the uncertainty purchasers do not want to buy in, because they do not know what the cost is going to be to fix it. In many cases there have been suggestions that it might only be \$10 000 or \$12 000 or \$15 000 per unit to fix the cladding, but with no definitive answer people that need to move on with their lives, that need to get on and sell their properties, have to sell at drastic discounts. Again, this is because of the tardiness and the arrogance of this government that has just let this process go on for as long as it has. I think it is quite unfair that owners are stuck in this predicament, particularly those that need to move on with their lives for one reason or another.

It is not just corporations that are blowing in the breeze. This is mum and dad investors trapped in their own homes, trapped in investments that they simply cannot sell because of this unknown. This unknown is primarily because of the government's arrogance and tardiness. It is simply unfair, and it is damaging families. Surely, I would have thought that after six months or more the VBA should be able to give a cost as to the repair of each building—a ballpark cost. The owners could then divide that by the total number of units in the building. Someone could come up with a cost per owner so that if they want to exit a building, if they want to sell, they can do so because they will be in a fair ballpark as to what the costs are going to be as they are selling—otherwise you do not blame a purchaser who is coming in and is unsure and will certainly want a major discount. That is where it has been disappointing.

The Liberal-Nationals call on the Andrews government to rectify all buildings classified in the most dangerous categories by the Victorian Cladding Taskforce. The government has established a \$300 million fund for this rectification, with Cladding Safety Victoria to administer it, but further funds will be raised through the building permit levy. I do want to get to that in a moment because it is quite astounding again, after we have seen this government pilfer money out of WorkSafe and out of TAC. I quote from clause 14 of the bill about the payments in the Cladding Safety Victoria account:

If the Treasurer is satisfied that there is in the Cladding Safety Victoria account at any time an amount in excess of the amount required to meet the anticipated payments from the account, the Treasurer, after consultation with the Authority and the Minister, may direct the payment of the whole or any part of that excess amount out of the account into the Consolidated Fund.

We have seen that before, as I say, with WorkSafe and with the Transport Accident Commission. Here, I believe the government in good faith is intending to assist these owners in this cladding situation. I get that, and we do support that those owners need to be supported. But in terms of this bill and the way the levy—or what they call a levy where it is really a tax grab—can then be pilfered by the government, that surprises me. I know I have heard the minister say that this will be reviewed after four years, but my understanding is that this levy should be going back to those who paid it rather than just going into consolidated revenue.

It is a shame that this bill has gone down this path because if it was not for this tax grab there are plenty of other ways that we can support in this bill. The bill authorises the VBA through Cladding Safety

Victoria to rectify cladding and transact funds. It sets out the formula for calculating and collecting the building permit levy, but frighteningly—and not surprisingly—it provides for the Treasurer to transfer those excess funds from the CSV account to consolidated revenue.

I do have many other areas of concern. The government just keeps increasing red tape without addressing the real issues, and the legislation is complex and confusing and adds administration costs to the building permit process, which will have to be passed on to the consumer again. The building levy is paid by building owners, not the building industry. This seems like a curious way to raise the money. Why penalise people investing in jobs and the asset creation? This is a failure of government to regulate its own legislation. Surely this funding should be spread across a much larger base.

We do support owners negatively affected by combustible cladding mainly due to this poor regulation of the building industry. However, the bill as a tax grab imposes an increased building levy on future developments over \$800 000. Any excess funds collected will be transferred to the Premier's account for cost overruns, of course at the Treasurer's discretion. There is no indication that excess funds will be reimbursed to payees. The Liberals and the Nationals oppose these tax increases—because this is a tax increase. We oppose this bill, and we do not trust the motivation behind this tax grab. Although we support the owners of properties who are caught up in this cladding mess, it should have been dealt with a lot earlier than today, and I certainly do not support this tax grab where money just goes into the never-never and the government can use it for any other project they choose. It should be dedicated entirely to this cladding mess.

Ms COUZENS (Geelong) (17:21): I am pleased to rise to speak on the Building Amendment (Cladding Rectification) Bill 2019. The bill will enable Cladding Safety Victoria to administer the cladding rectification program announced by the government on 16 July 2019. The bill provides for an increase in the building permit levy to partially fund the cladding rectification program as well as financial management arrangements for administering the fund. The bill enables the state to take action against building practitioners or others in respect of the installation of combustible cladding.

Can I also take this opportunity to thank the Minister for Planning for all the work that he has done. On all accounts Victoria is leading the way on this serious issue—and it is a serious issue for many in our community, including my community of Geelong. I also want to take the opportunity to thank the task force for the work that they have done as well. I think this is a serious issue, and it of course needs attention. The minister has taken every step to cover off on all matters relating to this, and we have heard him speak numerous times in question time about how this is being dealt with. So I am very pleased that we have got to this point now where we are introducing legislation and that Victoria is leading the way right across this country on this really important issue.

The bill gives the Victorian government the power to sue dodgy builders or wrongdoers on behalf of owners or owners corporations who access rectification assistance. I think this is really important. It is really important, I know, for my constituents in Geelong who have been impacted in relation to having cladding on their buildings. I do not think there are too many, but they are certainly there. One of the apartment buildings unfortunately does have this cladding. Although my understanding is that it is not considered to be of a highly dangerous nature, it does need attention. Having had conversations with those constituents about their building and their concerns, I understand how traumatic it must be for those residents and tenants to know that there is a serious problem with the cladding on their building and the potential for fire. The risks are obviously higher than for any other building. I know for them this legislation is really important. It does impact on them, and they are really keen to see these changes come in. It is very traumatic for people right across this state that are impacted because they have that cladding on their building. As I said earlier, I am really pleased that we are actually taking action and are one of the states that is doing groundbreaking work with this legislation.

I know in my electorate people are concerned about dodgy builders and practitioners who come into our communities and whip these things up, and who often know exactly what they are doing when they are putting this cladding on. We want to make sure that they face the full extent of the law when

they are doing these things, so that our community is safe. Obviously we want to ensure that not only the residents and tenants in these buildings are safe but also the surrounding community are safe if ever anything happens.

It was mentioned by those opposite that Kardinia Park has been identified as having combustible cladding on part of the building. Yes, that is true, but it has been assessed as being not a high risk. Obviously the Kardinia Park Stadium Trust are dealing with that. Those opposite should be held to account for their scaremongering, because what they are doing is frightening people into believing that they are at serious risk when in fact that is not the case. I think the Victorian Building Authority has made it clear in their assessments of what level of combustibility there is with various buildings. As a government we put faith in the work that they have done, and we put faith in the work that the minister and the task force has done. It is really important that it is put into context. There are various levels of risk from the combustible cladding and that is being dealt with.

The levy has specifically been designed to exclude single dwellings and will only apply in metropolitan Melbourne, where the vast majority of combustible cladding has been used. The government expects recovery of approximately \$300 million over five years, or half of the announced \$600 million cladding rectification program. Where builders or building practitioners have done the wrong thing, it is only fair that they contribute to the cost of fixing their mistakes. As I said, when these builders come in and do the wrong thing, they have to be held accountable. Making them pay for what they have caused is only common sense, from my perspective.

Under the Building Act 1993 there will be penalties for knowingly carrying out building work that is non-compliant. This is in addition to penalties which may be imposed by the Victorian Building Authority through a disciplinary process. In addition, the provisions in this bill will allow the state to take legal action against practitioners to recover the cost of the rectification work where it can be shown to result from their non-compliant work—and so they should be paying for what they have done.

We do not want to see more mistakes made and more Victorians put at risk, and the Victorian government and Cladding Safety Victoria are working to deliver on this commitment. Victorians expect that those who created the current problem with combustible cladding will contribute to fixing it. Where that requires legal action, Victorians expect their government to take the necessary action, which is exactly what we are doing with this legislation.

Given that the state is taking on the cost of the rectification, there will be no reason for an owner to seek to take legal action against a building practitioner in relation to combustible cladding where the rectification of the owner's building is to be funded through Cladding Safety Victoria. The government believes owners should not have to deal with the cost and distress that court action can mean, so it will initiate any legal action on their behalf. I think this is a really positive part of this legislation, because we know, as I said earlier, that people have been traumatised by learning that their building is affected. Any ease of the stress involved in all of this—and people not being required to take legal proceedings—is very welcomed by those affected, including in my electorate of Geelong.

Some apartment owners have found themselves in this terrible situation through no fault of their own. Just imagine what that must be like for them—the trauma that they are going through. This will not stop owners from taking legal action against practitioners in relation to any other defects in their buildings that they are aware of. It is not going to prevent them from taking action on any other areas of the building that are found to be defective.

Fifteen buildings have been chosen by the government to be the first to be rectified, based on their risk rating; these will include a variety of building types. These first 15 projects will enable Cladding Safety Victoria to test the processes it has put in place and then scale up for the next tranche of buildings. Before the end of the year Cladding Safety Victoria will notify the owners corporations of the next 150 buildings that will come into the program in 2020. Construction works to rectify these buildings will begin after a design is approved and builders are appointed through an appropriate tender process.

This is the first time anywhere in the world that a government has sought to put in place a systematic response to this highly complex problem. Thanks to the hard work of the minister and his team, we are seeing that happen in Victoria.

It is important to remember we are working with the owners of private apartment buildings to reduce the risk to life not just to them but to tenants, visitors and first responders in the event of a fire. Of course that applies to those in my electorate. We know first responders are concerned about firebugs—people deliberately going out causing fires—because it is known where some of these buildings are. That is of real concern. I think people should be more aware of the message they are putting out there in the community, particularly those opposite. I commend the bill to the house.

Ms STALEY (Ripon) (17:31): I rise to speak on the Building Amendment (Cladding Rectification) Bill 2019. At the outset I need to declare an interest, as I own an apartment in a building with cladding that has been assessed by the authorities and that it is proposed legal action will be taken on. With those introductory remarks, I am mainly going to talk about one clause. Clause 14 says that if there is any money left over from what is required to do this rectification, then that goes into general revenue. This is the clause which, when put with the review clauses in this bill, tells us that this is a new tax, a never-ending tax—and it is the 21st new or expanded tax introduced by the Andrews Labor government. In fact, it is the third this week, so they are not having a good week in terms of their taxation strategy and in terms of the promise and solemn commitment that the Premier, when he was Leader of the Opposition, gave to Peter Mitchell. He gave that assurance that there would be no new taxes, yet of course we now have this one.

I want to put this into context. After the Treasurer has consulted with the authority, he or she may direct the payment of the whole or any part of the excess amount into the account of consolidated revenue. So at any point the Treasurer can then verbal the head of the authority and say, ‘We need some more money this year. You tell me that it’s actually all fine at the moment. We need to prop up our budget. Let’s take some money out of this cladding rectification fund’. That is not only a clear tax grab; it is a really unfair outcome for the people who have been paying this levy.

This levy is unfair to begin with, because it is taxing prospective builders of new apartments for ones that have already been built. It is taxing those who do not even own an apartment. They are not in the situation that I am in standing here before you today as someone who has an apartment with cladding that has a fire risk. These are people who may not have any apartments. They are first home owners. In fact the Urban Development Institute of Australia has calculated that this will add between \$4000 and \$6000 to every new apartment costing \$400 000. That is a one-bedroom apartment in the CBD of Melbourne; that is how much they cost. If it is going to add \$4000 to \$6000, that cost will be to people who are buying one-bedroom apartments, who are not wealthy people. They are often first home buyers. Why should they be the ones forced to shoulder the burden of this government’s inaction and inability to deal with this problem?

This is a problem the government has known about since December 2014. They have had five years, the entire time of their period in government this time around, to understand that they have got a problem here. We of course do agree that this is a huge problem. That is the one area on which we agree with the government. We do not think they have got to the right solution on the scale of it at all, either with this tax or by assuming that it is going to cost them \$600 million to fix it. That to me is a number plucked out of the air. In fact clause 25 of the bill provides that there will be a review of the cladding rectification levy in four years time. New section 205LO(2) states:

The purpose of the review is to determine whether there is an ongoing need for that additional levy to fund cladding rectification works.

It refers to an ‘additional levy’, so there is no sunset on this bill. Those opposite who seem to think that this is a short-term taxation measure are sadly very mistaken. Their own bill says that this goes on in perpetuity. It is very, very unlikely that at the end of four years that \$600 million will have been enough. People at RMIT, where there has always been a strong interest in the built environment,

buildings and architecture, believe it is going to cost \$2.6 billion to rectify these buildings. So we are looking at not a four- or five-year imposition of this levy. We are looking at a lot longer than that, and it will have to be higher than that. So there will be a double hit. There will be a hit to the budget, to consolidated revenue, as the government deals with this issue, but there will also be this tax on apartment owners.

Let nobody say that it is just the developers. Who are these mystical, evil beings, the developers? If you squeeze anything hard enough, it breaks or there is nothing left. The developers' profit margin, the developers' right to make a return on their capital, is why they develop properties. If you take away the ability for them to make any return, they just will not develop properties. I saw that in the top end of Melbourne when we had the additional taxes put on properties. The large-scale apartment blocks have largely fallen over. Those projects are not going ahead anymore because you cannot get them to stack up without foreign buyers buying the flats at the beginning. When they were taken out of the market, they no longer went ahead.

The property developers will pass this tax straight on to the property buyers. That is just so unfair. There is nothing fair at all about asking apartment buyers, often first home buyers, to pay for a situation caused through lax regulation over a long period of time that this government have known about and have not been able to find a solution to until they came up with this tax. It is very, very unfair that people who are going to live in apartments that do not have cladding on them, because they are going to be built after the cladding issue has been resolved, are paying for such apartments—and it goes on into perpetuity.

We get that in some way there may be enough money one year because it may be a bumpy process between when the tax is paid and when the rectification works go on. Then we have the ability under clause 14 for the Treasurer to do a tax grab that year. Under all scenarios, this bill is set up to be just another new tax hiding behind the veneer that it is helping a cladding problem that is largely caused by the lack of regulation and poor regulation from this government. At all stages we have regulatory failure here—regulatory failure from a government that has clearly run out of money. They can bring in three new taxes under three different bills. We never hear the word 'tax'; it is a levy or a charge or something that is meant to be about the environment, whereas it is actually just adding another \$1000 to a house block on the edge of Melbourne. This week they are getting everybody. Too bad if you want to buy a flat in inner-city Melbourne or you want a house on the outskirts of Melbourne. You will be paying more under this government, because they have run out of money and they are just taxing Victorians at every turn.

Mr T Smith: Labor has run out of money.

Ms STALEY: They certainly have, member for Kew; they have run out of money.

Mr T Smith: What happens when Labor runs out of money?

Ms STALEY: Well, they come after yours, mine and every Victorian's—and that is what we are seeing in this week's tax grab bag of bills. This bill should not be passed. This is poor legislation. It is the wrong solution to an admittedly bad problem. This is the wrong solution. The government needs to take responsibility for the failure of its regulatory regime, take responsibility for getting these things fixed, rather than setting up some extra authority with money coming from places that it should not be coming from and taxing more people. Taxing, taxing, taxing—that is all this government does. I reject this bill.

Mr FREGON (Mount Waverley) (17:41): I rise to also speak on the Building Amendment (Cladding Rectification) Bill 2019. I thank previous members for their contributions, especially the member for Geelong and of course the member for Mordialloc, who did us the service of providing a little recap of the member for Kew's history section, which was good to hear. But I noticed that the member for Kew did talk about some knowledge from 2008 and then a moment in 2011 when it

seemed the Gillard government was involved in something and then of course there was the period from very, very late 2014 to 2019. There seemed to be a bit of a gap there in any sort of accountability from around 2010 to 2014. I found that curious.

I would like to thank the Minister for Planning for the hard work that has been put into rectifying this very serious issue around the high-risk combustible cladding. Obviously the use of combustible cladding on Victorian buildings is a critical public safety issue. While there may be some concerns, as the member for Kew has said from his side, that public money should not be spent to assist home owners, in this case I think when we consider the greater public safety issues for not just the home owners but also those people who live and work in and traverse those buildings, it is fitting that public money is used for this purpose. Our government is committed to rectifying this very serious situation.

We are leading Australia and the world on this issue by inspecting more than 2000 buildings to better understand the scale of the high-risk combustible cladding problem and to identify where there were key regulatory gaps. Use of combustible cladding is a complex issue facing major cities around the world. As it stands, we have many home owners in Victoria grappling with the cost and complexity of removing this cladding.

Investigating the issues at hand and developing an appropriate response has no doubt been complicated but worthwhile. The government has, amongst other things, developed a risk assessment tool for assessing buildings with combustible cladding, restricted the use of certain combustible cladding materials, and undertaken a statewide cladding audit of both private and government buildings—which remains private, for obvious reasons, although there are some who like to hand out addresses.

The fire at the Lacrosse tower in 2014 sent shockwaves through our nation's construction industry and sparked major concern over the high-risk cladding used in Australian buildings. In response our government started our nation's first ever audit to identify buildings fitted with combustible cladding and to assess their risk rating.

In 2017 the Victorian Cladding Taskforce was established, jointly chaired by former Premier and architect Ted Baillieu and former Deputy Premier and Minister for Planning John Thwaites. Obviously bipartisanship in this matter was very important. If I can go back to our earlier discussion on the matter of public importance on mental health, if I am correct the member for Ferntree Gully also applauded bipartisanship in the establishment of Beyond Blue. So there are important issues, whether they be mental health or in this case cladding, where we benefit by working together.

The task force released an interim report in December 2017 and a final report in July 2019. One of its key recommendations was for the government to take action to rectify buildings with high-risk cladding and to establish a dedicated cladding agency. On 16 July 2019 the Premier and the Minister for Planning announced the establishment of this cladding rectification program, the key aim being to support owners to fix buildings with high-risk cladding in Victoria. As others have said, this program includes a \$600 million package to rectify the highest risk private residential buildings and the development of a new agency, Cladding Safety Victoria, to oversee delivery of this program.

The bill also introduces an additional building permit levy as a source of partial funding for the cladding rectification program. I also think that is fair given that, as previous members have said, the industry has been involved in putting us in this position, so the industry should be a part of assisting us out of it.

This bill will also enable the state to have more powers to take action against dodgy building practitioners or others in respect to the installation of high-risk cladding. This bill gives the Victorian Building Authority the ability to provide information and advice on rectification work and make payments to persons or bodies eligible for financial assistance or rectification works, and it enables claims for payment to be made for building works associated with rectification work.

This bill introduces an additional building permit levy, as I said, which will assist in funding the carrying out of this work. It also allows for a review of the new additional levy amount to be conducted within four years of commencement of the relevant provisions to determine whether the levy needs to stay once rectification works have, hopefully, been completed.

Importantly, I think, this bill gives the government the power to take legal action in respect of combustible cladding against the builders on behalf of owners who access this assistance. The bill provides for rights of owners to be subrogated to the state so the government can take legal action against wrongdoers where appropriate. After all, it is dodgy practices in the most part and cost-cutting measures that have led to this problem to begin with.

The government will take action against wrongdoers on a case-by-case basis, and funds won from these legal actions will go towards aiding recovery of the costs of the rectification program. It is important that we get on with the job of fixing these properties immediately, but that does not mean that we have to let the builders responsible get away with what they have already done. Where builders have done the wrong thing, it is only fair that they contribute to the cost of fixing their mistakes.

The bill will allow the state to take action in this area against private actors responsible for the installation of cladding and allow us to recover the costs of the rectification. Other courses of action will continue to be considered, including the use of disciplinary action under the Building Act 1993, as part of an overall approach to pursue wrongdoers even where this may not result in cost recovery. Victorians rightly expect those who created the current problem to contribute to fixing it, as I have said before.

Fifteen buildings have been chosen at this stage to be the first to be rectified based on their risk rating and incorporate a variety of building types. These first 15 projects will enable Cladding Safety Victoria to test the processes it has put in place and then scale up to the next tranche of buildings. Before the end of the year Cladding Safety Victoria will notify the owners corporations of the next 150 buildings that will come into the program in 2020. Cladding Safety Victoria is scheduled to complete due diligence on all 15 buildings by the end of October. This enables Cladding Safety Victoria to check on work done to date and estimate funding requirements for rectification.

This is the first time anywhere in the world that a government has sought to put in place a systematic response to this highly complex problem. I note that the Minister for Planning recently returned from London, where they were very interested in what we are doing even after they have had obviously the Grenfell fire that was mentioned before, which was obviously a serious, serious tragedy for them. It is good to know that we can help them in, hopefully, their rectification work.

The state has formed a strong response to a complex issue and is getting on with the job of making sure every Victorian is safe from combustible cladding. This bill is about keeping Victorians safe. We have seen the worst-case scenario with combustible cladding with the Grenfell fire in London which saw 72 people tragically lose their lives. The Andrews government is leading the nation and the globe in its strong program to rectify the situation, but as I have outlined, this is not purely about safety; this is also about what is fair and about home owners who trusted their builders and were let down by dodgy practices and dangerous building products. I am proud to see us having such a strong response to this issue. I commend the bill to the house.

Ms SANDELL (Melbourne) (17:51): I am pleased to speak to the Building Amendment (Cladding Rectification) Bill 2019. Of course this bill is implementing the government's cladding rectification program and giving the government the ability to recoup the costs of this rectification from builders or those responsible. I have to say I am very pleased to see that after months of what could be perceived as not doing very much the government has committed to addressing the cladding crisis. It is very good that the government has acted before we have had a tragedy the scale of London's Grenfell fire, but honestly it really should not have taken this long.

We have known that we have a cladding problem in this state since at least the Lacrosse building fire in 2014 in the Docklands in my electorate. The statewide cladding audit which was set up following the 2017 Grenfell fire has inspected 2300 buildings so far, and a massive 35 per cent of these had combustible cladding. Of the 805 buildings with cladding more than half were found to be high risk.

In my electorate of Melbourne we have a high number of high-rise residential buildings, with the CBD included in my electorate, and many of these have this dangerous cladding installed. The City of Melbourne has 121 buildings with dangerous cladding. Long-term estimates suggest that 40 000 properties across Victoria will need full or partial replacement of their cladding, and as the audit continues I am sure that more and more instances will continue to turn up. For example, just this week it was reported that cladding had actually been found on Marvel Stadium.

So the cladding crisis is a problem on a massive scale, and it will affect thousands and thousands of Victorians. In fact it is already affecting so many. The impact of this crisis as well on affected communities, many in my electorate, has been quite overwhelming. Residents have been living in fear of a fire breaking out in their buildings, insurances have gone up as insurers have increased premiums for home owners affected by the dangerous cladding, apartment prices in affected buildings have dropped, significantly devaluing many properties, and builders have been deliberately going into liquidation to avoid paying for recladding.

Owners have had to choose between taking out costly loans to cover rectification or facing fines for failing to comply with removal orders. Many are actually just confused by the entire process, and they have been living with the risk of a fire. The significant financial, but also emotional, stress for residents dealing with the crisis cannot really be understated. I have had many people come into my office and explain the financial and emotional stress that it caused them. Honestly, these owners should never have been lumped with the bill for cladding rectification in the first place, because we are in this crisis due to a failure of government regulation, of compliance and of oversight. Since we privatised building inspectors and building surveyors in the mid-1990s and allowed developers to cut corners and avoid red tape we have seen an increase in building defects, and the installation of dangerous, combustible cladding is just one such example of this.

Since the scale of this cladding crisis became apparent the Greens have been calling for the government to set up a fund to cover the costs of cladding removal and rectification, and then to go and recoup those costs from those responsible—builders, developers or whoever. It is a simple plan, really, that acknowledged that a government does have to take responsibility for the failure of regulation and oversight that allowed the crisis to happen in the first place and also that governments have much more ability to take action against dodgy builders or developers or inspectors than the owners of apartments individually or as owners corporations do. It also acknowledges that the government is the one who has responsibility for the safety of the thousands of Victorians who are affected. It really is a core function of government to ensure that the state does not catch on fire.

But instead of adopting this plan when we first suggested it over a year ago, the government continued just to push the cost back onto the home owners who, really, purchased units in good faith, thinking that they were safe. It was very reasonable for them to think that their apartment would be safe, that the government would have regulated to make sure that they were safe, and then they found out they were not safe.

So in terms of the response from this government, first we had a bill in late 2018 which gave the minister the ability to ban high-risk, flammable cladding. It also created this very complicated and quite unwieldy three-way loan system where owners corporations could take out loans for cladding removal and then pay back the loans through their council rates. Unsurprisingly, very few, if any—actually I have not heard of any—of these loans were ever taken up. In fact many councils actually refused to administer the loan scheme altogether because the financial and legal risks attached to them were just simply too high. So we knew that this was an unworkable situation when it was announced.

We had another fire then in early February this year, again in my electorate, in the Neo200 building on Spencer Street; I have spoken to residents who live there. Then we had some money in the budget for cladding rectification but only for some government-owned buildings. Finally in July the government announced a plan to fund cladding rectification in this state, a \$600 million package to cover removal in high-risk residential buildings. It was a plan that was just like the Greens had called for and just like the plan that we had announced over a year and a half ago.

We are very pleased to see this bill before the house today and to see Greens policy being implemented by the Andrews Labor government. It is also a win for the thousands of home owners and residents who have been fighting for proper government action for months. I would like to thank all those residents for their advocacy and also their resilience in pushing the government to intervene in this crisis. I know it has been a long slog. I know it has been very difficult for a lot of residents and owners corporations. Thank you, your advocacy has paid off.

To turn to some of the finer details of the bill, the bill sets up the legislative framework to create Cladding Safety Victoria, which sits within the Victorian Building Authority, and gives it the power to carry out rectification works. To cover the costs of the program the bill is increasing the building levy, which will fund half of the \$600 million program. The increased building levy applies to permits for apartments, hotels, offices, shops, restaurants, car parks, warehouses, laboratories and factories where these buildings are valued at more than \$800 000. As we have heard, buildings like schools, hospitals and social housing, for example, will be exempt from the new levy. It will be reviewed within four years to check if an ongoing levy is still needed and, if so, if the amount is sufficient to cover the cladding work that is still left to do in the state.

It also, very, very importantly, gives the government the ability to recoup the cost of cladding rectification from the builders who were responsible for introducing the dangerous cladding, because of course we have a joint responsibility here. There was a failure of government regulation and oversight, and the government had privatised building surveyors which created this problem in the first place, but also some builders knew that they were actually installing dangerous cladding and did so anyway. The ability to recoup the costs from those responsible was also another element of the Greens policy on flammable cladding, and we are pleased that this has been adopted by the Andrews government as well.

In summary, I am very pleased that the government has adopted some good, sensible Greens policy and is acting to help the communities affected by flammable cladding. Individual owners of these apartments bought them in good faith expecting, as is reasonable, that they would be safe. It was never going to be workable to make them pay for what is a failure of government oversight and regulation and then be left with the responsibility of chasing those responsible through the legal system, which is very costly and very difficult for these individuals to navigate. Government has a much broader ability to do that.

So I hope and I imagine that the government will continue to work with the affected communities and make sure that the program is rolled out swiftly so that these Victorians who are suffering from this problem—from this crisis that was created through a number of factors, including through a lack of government regulation—do not have to continue to live with that stress and that fear that they have been living under, some for many years.

Ms RICHARDS (Cranbourne) (18:00): I rise today to contribute to the debate on the Building Amendment (Cladding Rectification) Bill 2019, but I do start by reflecting that perhaps the member for Ovens Valley and the member for Ripon did not quite know if they were Arthur or Martha. We heard that there was a movement to cut red tape and then there was a movement to increase regulation. We heard a little bit more about reducing regulation again and then a little bit more about increasing regulation. I am not sure whether we have the sort of cogent response that people would expect from an alternative government, but I am delighted that this bill before the house provides the certainty, reassurance and resources that are needed.

The Building Amendment (Cladding Rectification) Bill amends the Building Act 1993 and in doing so provides for additional functions of the Victorian Building Authority in relation to cladding rectification and provides financial assistance for building works associated with cladding rectification. The bill will assist government to deliver on its commitment to respond to this critical public safety issue. We will take action, firstly, by responding to the expert recommendations of the Victorian Cladding Taskforce and establishing a business unit within the Victorian Building Authority; secondly, by funding the cladding rectification program with an increase to the building permit levy; and finally, by giving government the power to pursue dodgy operators.

To the first point, this bill establishes a business unit within the Victorian Building Authority, Cladding Safety Victoria, and this will enable the community to have a source of advice and trusted information on cladding rectification works to check the work is done. The government has acted. This bill will give Cladding Safety Victoria the power to administer the cladding rectification program, and I am proud of this government's approach. With Cladding Safety Victoria overseeing the cladding rectification program, we know the community is in secure hands. This is all part of a \$600 million package to fix buildings with combustible cladding.

On this side of the chamber we are responsible. As I identified under the earlier point, this bill will allow for a targeted increase to the building permit levy to support this package of reforms. This bill is strategic. Importantly, this levy—a four-letter word, 'levy'—has specifically been designed to exclude single dwellings and will only apply to metropolitan Melbourne, where the vast majority of combustible cladding has been used.

This government is future-oriented. This bill allows the government to introduce regulations for any further exclusions. The bill is fair. It is expected that regulations will be introduced to exclude social housing projects from the levy. And the bill is rational. Hospitals and schools, which are generally class 9 buildings under the National Construction Code, will be excluded from the levy. This bill strikes a commonsense approach, balancing the need for a fund that will respond to this issue and the needs of the community to have the reassurance to know there is a process in place to support owners.

The government expects to recover half of the \$600 million cladding rectification program under this new modest levy. The legislation allows for a sliding scale, with works less than \$10 000 garnering no levy and those between \$10 000 and \$799 999 requiring a levy of between \$13 and \$1024. Of course it slides up from there.

To my third point, this bill gives the government the power to take action against those who do the wrong thing, because we need to make sure, once again, that we are taking a fair-minded approach to a problem that has emerged in the last two decades—one that was not around when I was growing up but is now a world-wide problem.

I note with pride that once again Victoria has become a world leader in responding to an emerging problem. We know the combustible cladding issue has fast become an international problem, and this highly flammable material has caused tragic fires over the past five years. None of us will forget the tragedy of the Grenfell building fire in 2017. We know 72 people lost their lives in London and countless others have been impacted. This fire and its consequences have reverberated across the world. I am loath to comment in this place on the tragedy of that fire because I am conscious that there are people still suffering: those who were in the fire, family members and of course first responders. I pay credit to them all. But what the Grenfell building fire did was highlight a public safety issue. We know this problem has been 20 years in the making.

I am so proud of the way the Minister for Planning took politics out of this issue by establishing the Victorian Cladding Taskforce and appointing former Premier Ted Baillieu, himself an architect, and former Deputy Premier and Minister for Planning John Thwaites to jointly chair the task force. This government and the Minister for Planning recognised that we needed to take leadership, and that is why the establishment of this body was such an important step in the process.

But I want to acknowledge that even before the establishment of the cladding task force, several years ago an Australian-first audit into buildings fitted with combustible cladding was undertaken. This was done in order to assess their risk rating. It is reassuring that this audit was done and that the original audit assessed more than 220 Victorian buildings.

As with so many things, this state was a leader. In March 2018 Victoria became the first state to decisively limit the use of combustible products on buildings, and in July 2019 the high-level task force that I spoke about earlier with those eminent Victorians, including those from the other side at the helm, recommended that the government take action to rectify buildings with high-risk cladding and establish a dedicated cladding agency.

It is important that this government take a strategic approach, which is why it was important that the task force work with the Victorian Building Authority; the Department of Environment, Land, Water and Planning; our friends in local government; fire authorities; and other stakeholders to identify buildings with combustible cladding and assess each building's fire risk. As part of the policy response to this issue, the Premier and the Minister for Planning announced a \$600 million program to fix buildings with combustible cladding and to formulate the Cladding Safety Victoria agency to oversee the program, manage funds and work with owners corporations from start to finish.

The bill amends the Building Act 1993 to further implement the Victorian government's commitment to improve the building regulatory regime to increase safety and compliance of buildings with regulatory requirements. As I said earlier, the bill also gives the Victorian government the power to sue dodgy builders or wrongdoers on behalf of owners or owners corporations who access rectification assistance. This government will take action against wrongdoers on a case-by-case basis to aid recovery of the costs of the rectification program. Where builders or building practitioners have done the wrong thing, it is only fair that they contribute to the cost of fixing their mistakes.

This government wishes to ensure that the program reduces the fire and safety risk of private residential buildings to an acceptable level. Any delay or lack of action is a significant risk to community safety. This bill supports the establishment of a world-leading program to fix buildings most at risk and keep Victorians safe. However, this is not just about safety; it is about fairness for people who bought apartments in good faith and were let down by dodgy builders or dangerous building products. That is why under the Building Act penalties for knowingly carrying out non-compliant building work are up to \$99 132 for an individual and \$495 660 for a company. This bill also allows the state to take legal action to recover the cost of rectification work if it is not compliant. This is what the community expects. We cannot let people get away with unscrupulous practices.

Another reassurance to the community embedded in this bill is that there is no need for a building owner to take on the stress of legal action if this action relates to combustible cladding where the rectification is taking place through Cladding Safety Victoria. The government will initiate action on behalf of the owners. But be assured, this new body, Cladding Safety Victoria, will only use qualified practitioners and will take account of any disciplinary history before including them in any rectification works.

Further evidence of our strategic approach to this issue means that 15 buildings have been chosen by the government to be the first to be rectified. These steps will enable Cladding Safety Victoria to test the processes, undertake some analysis, do their due diligence, begin construction work and get ready to scale up the process for the next tranche of works.

I am delighted that the government is putting people at the centre of this process, with the people at Cladding Safety Victoria meeting with representatives of the owners of all of the 15 buildings that are part of the first group to be rectified. This has been a stressful time for owners, and we acknowledge the stress that this has put on people. This bill provides reassurance. People who own or live in buildings are told when cladding has been found, and anyone who wants to know the status of their building or a building they are considering buying or moving into can contact the Victorian Building Authority.

I would like to finish by acknowledging the work of the Minister for Planning. I would like to commend the bill to the house and wish it a speedy passage.

Ms VALLENCE (Evelyn) (18:10): I rise to speak on the Building Amendment (Cladding Rectification) Bill 2019, the Andrews Labor government's latest attempt to tax Victorians more. Another day in Victoria and another new tax from the Andrews Labor government, and the predictability would be funny if it was not so sad. It is a new tax from a government that made a solemn promise to Victorians before the 2014 election that there would be no new taxes. It is a government addicted to tax because it has no money left.

After paying \$1.3 billion not to build the east–west link and with cost blowouts of tens of millions of dollars on every single infrastructure project, is it any real wonder that the Premier is signing secret deals with the Chinese communist regime, giving them the inside running on Victorian projects in a desperate grab for money? There is an old tax saying that what the government gives, it must take away, and that says it all about this government. The Labor government wants to impose a new building tax on innocent Victorians to pay for what must be one of Victoria's single greatest regulatory failures.

How did it come to this? How has it come to be that Labor—in power for 16 of the last 20 years—has created for itself a terrible legacy of standing by while its failed building regulator has allowed people to live in fire deathtraps? This is a calamity of the government's own making. It allowed builders, construction companies and surveyors to install this flammable material on homes, schools, childcare centres and hospitals, putting the lives of many Victorians at serious risk. It is outrageous and, to add insult to injury, the Labor government wants to unfairly penalise Victorians for its monumental failures. Victorians are not to blame for the failures of the Labor government and the Victorian building regulator. Sadly, this bill is a new tax grab on new home owners to fund a monumental problem of the Labor government's own making.

As I come to address specific details of the bill, I think it is important to say something about how the Labor government let this combustible cladding crisis unfold. In November 2014 the fire at the Docklands Lacrosse building drew attention to the serious fire risks posed by the use of combustible cladding that contained a highly flammable polyethylene core. Australian fire safety engineer Mr Tony Enright told the ABC *Four Corners* program:

A kilogram of polyethylene will release the same amount of energy as a litre of petrol. But it gets worse than that because polyethylene is denser than petrol ...

The CSIRO conducted tests on the imported combustible cladding installed at the Lacrosse building and found it to be so combustible that the tests were abandoned after 93 seconds due to the potential for the equipment to be damaged.

Mr Adam Dalrymple, then director of fire safety at the Metropolitan Fire Brigade, described the incident as one that could have claimed hundreds of lives if things had turned out a little differently, saying:

The fire started on a balcony from an unextinguished cigarette—an innocuous type of thing ... This set fire to the cladding, and the panelling itself allowed the fire to travel the full extent of the building—23 levels in 11 minutes.

It was estimated that it would cost \$9 million to remove and re-clad the Lacrosse building alone.

The government's building regulator, the Victorian Building Authority, launched a supposed external wall cladding audit in Melbourne. The VBA audit report released in February 2017 found that non-compliance in the use of external wall cladding materials was unacceptably high—a massive understatement—and astonishingly the VBA stated that the cladded buildings generally did not pose a fire safety risk and only one other building posed a fire safety risk.

Three years later, in June 2017, these issues were brought into sharp focus with the fire at London's Grenfell Tower, a 24-storey residential housing block in London clad with the same combustible

material. The tower provided 129 social housing flats, housing around 350 people that evening. Sadly, 72 people tragically lost their lives as a result of the fire. As Mr Dalrymple, then acting deputy chief officer of the MFB, said at the time:

Lacrosse for us was a bit of [a] wake-up call. Since then I believe that regulators have been rubbing the sleep out of their eyes. With this tragic event, everyone has woken up, albeit some 2½ years after we had a similar event in our own backyard.

He was of course referring to the Lacrosse fire.

It was only after the fire at the Neo200 building in Spencer Street earlier this year that the government finally decided to act—five years later. As early as 2016 the Neo200 building had been assessed by the MFB as posing a medium risk of fire as a consequence of the risks posed by the combustible cladding on the building, but MFB advice was dismissed after a council officer reinspected the building and concluded in a handwritten note that ‘the risk of fire spread is low’. Five years after the Lacrosse fire the local authorities were still completely incapable of managing this serious risk to life posed by fire in combustible cladding.

This government has known for five years that there are thousands of buildings in Victoria covered in combustible cladding, putting lives at risk and pressure on our emergency services, but it has only decided to do something now. And in doing something, introducing this cladding rectification bill, the Labor government has not been fair dinkum with Victorians about what it is trying to achieve with this bill—that is, that it is actually a bill to slug Victorians with a new building tax.

In his media release on 15 October the minister said the building levy will be introduced to fund \$300 million of the program ‘after the commonwealth government failed to contribute’ and wants Victorians to believe he is being forced to tax them because the commonwealth will not help. But the minister may have forgotten the Premier’s media release on 16 July, in which the Premier said:

The Labor Government will directly fund half of the rectification works and will introduce changes to the building permit levy to raise the other \$300 million over the next five years.

The Premier—so arrogant—did nothing to hide that the Labor government was always going to introduce a new building tax. The Labor government is imposing a new tax because it does not know any different. For every problem, every mess that this Labor government creates, it knows only one way out: a new tax. Because the Labor government has failed to ensure its building regulator is doing its job properly, its answer is to slap a new tax on innocent new home owners, who are being discriminated against to fix problems they have nothing to do with. This government is treating new home owners as an easy target.

It is too hard and this government is too gutless to go after the real crooks in this industry who have put Victorian lives at risk. In the five years since the Lacrosse fire, how many prosecutions do you think the VBA has commenced against dodgy building companies and surveyors for installing combustible cladding? Absolutely none. Zero. It is a disgrace. The VBA has recovered zero penalties and zero fines from the people who have put Victorian lives in danger. It is an absolute disgrace. Instead, the VBA is more concerned with shutting down churches providing homeless shelter in my local community than with protecting people who live in fire-prone deathtraps.

For apartments costing \$800 000 or more, which will be every new apartment in the state, Victorians will be slugged an additional 13 cents in the dollar. That is a minimum tax bill of \$104 000 before you can live in the apartment. Housing affordability under this government is bad enough, and Labor will make it nearly impossible for Victorians to afford new homes. Even more extraordinary, for apartments that cost more than \$1.5 million to build, the government will tax you a massive 82 cents for every dollar, meaning Victorians will pay a minimum building tax of \$1.23 million to this Labor government. This is an industry-destroying tax which will prohibit the vast majority of Victorians from being able to purchase apartments at a time when housing stock is in record demand.

Today the Victorian executive director of the Property Council of Australia said she was ‘deeply concerned about the impact the proposed huge increase to the building permit levy will have’ and that it will ‘negatively impact residential supply and housing affordability’. The Labor government is making it harder for Victorians to buy a home. What is also troubling is that this bill allows the minister to give any unspent building tax revenue to the Treasurer to help him plug the gaping hole in his budget rather than returning any excess revenue raised to the innocent victims of this combustible cladding crisis. With net debt projected to reach almost \$55 billion by 2022, it is worrying that Labor is using the combustible cladding crisis to raise tax revenue to fix its budget headache.

This bill is bad for Victorians, bad for the building industry and bad for homebuyers. I urge members to oppose the bill.

Mr J BULL (Sunbury) (18:20): What an entertaining contribution that one was. I am pleased to have the opportunity this evening to contribute to the debate on the Building Amendment (Cladding Rectification) Bill 2019. This is a bill that addresses what is a very serious matter, a matter that has been widely reported, widely canvassed and widely discussed throughout the state—indeed throughout the country and in fact right throughout the world. It is a bill that primarily is about safety, a bill that deals directly with the use of combustible cladding on buildings throughout the state that pose a serious risk to the community.

Before I turn to a number of elements of the bill, those mechanics in the bill, if you like, that a number of members have mentioned this evening, I do want to pick up on some of the comments that were made in other contributions, particularly from those over on the other side of the chamber, who have unfortunately and sadly yet again failed to learn from the mistakes of the past. Unfortunately, those opposite have sought yet again to play politics with this issue. They have yet again chosen fear and division over leadership and common decency in this area and sought to exploit those dealing with a serious issue—which of course it is—in an attempt to score points. This is not, as you would know, Acting Speaker, good leadership. It is not what those affected by this problem need, and it is certainly not what those affected by this problem deserve.

I had the opportunity to listen to the contribution by the member for Kew. Well, it did not go so well. He, and others, I must say, among those opposite, labelled this as—can you believe it?—a tax grab. But I suspect if the member for Kew had his time again, he may take the opportunity to reconsider his position on this bill. I suspect the member for Kew could have spent a little bit less of his time talking about the leadership of the Victorian Liberal Party and more time on what he should have been talking about by ploughing through some of the detail of this bill, which in fact supports those who need support at a critical time. I am astounded to add to that that there was a complete failure and a complete lack of explanation, if you like, as to the role of the federal government in this matter, who completely walked away from providing any assistance on this—and we talk about leadership. I certainly cannot understand how or why members on that side cannot explain that matter in its entirety.

I do want to say that this is a very serious matter. This is a matter that needs a plan, and this is what this bill provides and this is what the government is delivering. It is a matter where those affected by it need support. This bill provides a range of supports to do exactly that. It is what the government is delivering. Individuals affected by this need assessment; they need financial support. That is exactly what this bill does, and it is exactly what this government is delivering.

I do not want to spend—or, if you like, waste—any more time speaking about what those opposite are doing. What I always prefer to do is speak about what this government is doing. Victorians in November last year demonstrated in record numbers their support for this government, and on this matter I think Victorians—all fair-minded Victorians—would have respect for the elements of this bill that will assist them in the situation they face. There is no doubt, as I mentioned earlier in my contribution, that the flammable cladding on a number of buildings poses a significant risk, and of course action is needed.

This was tragically demonstrated by the Grenfell Tower fire in the UK, which highlighted the risks of combustible cladding on residential buildings. Sadly, 72 lives were lost when fire broke out in the 24-storey tower block in the west of London. Circumstances surrounding the fire continue to be investigated, but primarily there is a huge concern that the combustible cladding contributed to the rapid spread of the fire and therefore the loss of lives. The Lacrosse building fire in 2014 that other members have mentioned and the Neo200 building fire in February 2019, as others have mentioned, were local, in Melbourne, and were characterised by a rapid spread of fire across the external facade of the building—as a result, I should say, of combustible cladding.

These are of course very serious matters, and this bill is a result of a power of work, a significant amount of work. I do note that the Minister for Planning is in the chamber this evening. This bill comes from a significant body of work, work that was needed to assess a whole range of properties. It is a very complex process and a long process, but it is important work, and it should not be rushed.

This bill comes on the back of the work that was done in 2017 to establish the Victorian Cladding Taskforce, which investigates the use of non-compliant external wall cladding on buildings and has made recommendations to protect the public and restore confidence. The task force has overseen a continuing audit by the Victorian Building Authority (VBA) to identify where combustible cladding had been used inappropriately. On top of that, the interim report released in November 2017 found that systemic failures in the building industry had led to these major safety risks. The final report, released in July 2019 by the co-chairs, was to build upon that, and it recommended a dedicated cladding agency.

This bill does a number of things, as we have heard this evening, but primarily it enables Cladding Safety Victoria to administer the cladding rectification program announced by the government on 16 July 2019. The bill provides for an increase in the building permit levy to partially fund the cladding rectification program as well as financial management arrangements for administering this funding, a total allocation of \$600 million. This is a very important program. The bill provides a range of functions which I, in the couple of minutes that I have got remaining, will not get to, but importantly it provides the VBA with the appropriate functions to provide information and advice on the work and payment process that will be needed for financial assistance—and there will certainly be a large volume of that—and to make provision for Cladding Safety Victoria to be able to work through the process to identify those buildings that need rectification. This will no doubt be a costly process.

This is inherently about leadership. This is a government that does not shy away from issues within our community that affect our residents—residents that deserve and need our support and residents in communities that look to the government in these very worrying circumstances for support and advice. It is not a political issue. For those opposite, it is not a tax grab.

I want to express my thanks to the Minister for Planning. He and his office have done a considerable amount of work on this matter, a complex matter, to get this bill before the house, underpinned by a significant amount of money. But it all goes back to supporting those in our community that need it the most. This is about safety and ensuring that this government stands with communities right across the state. It is a shame we do not have national leadership on the matter, but we will not wait. I commend the bill to the house.

Dr READ (Brunswick) (18:30): The Building Amendment (Cladding Rectification) Bill 2019 legislates the government's cladding rectification program and allows the government to recoup the costs of this program from builders. It has been a long wait, but it is a relief to see some action on this. I became interested in this issue in March after receiving a letter from a constituent who lived in an apartment development clad with aluminium composite panels. She told me that residents and the owners corporation were given inconsistent information about what replacement material would be safe. It seemed odd at the time that nothing other than brick or cement would be satisfactory, apparently. It was unclear then whether the developer—which was VicUrban at the time—the builder, the building surveyor or even the council were to blame. But regardless of who was to blame, it was

the apartment owners who had to pay anywhere between \$10 000 and \$60 000—no-one knew for sure—to rectify this.

Clearly not all owners in this apartment development could afford this sort of money. So if only some could afford to pay for cladding rectification, who was going to pay to do the rest of the building? She had just got a job on the other side of Melbourne and had been planning to sell and move before this came up, but she was now trapped in an apartment that would not sell for anywhere near its value for an unknown amount of time. She said in her email to me, and I quote, ‘We are now getting sent snippy notices about things we aren’t allowed to do on our balconies’. The building company that did the development went into receivership. Then other residents in similar circumstances began to contact me, complaining of rising insurance fees—up to fourfold increases in some cases—and that the legal fees of the owners corporation had increased.

Many months later I am relieved to see this bill, which takes important steps to relieve residents in this predicament. I applaud the government for this, even if it has required considerable pressure from the community, from residents, from councils, from fire engineers, from the Greens and, yes, even from the member for Kew.

About 18 months ago the Greens called for the establishment of a fund to cover the cost of replacing cladding in those buildings at highest risk of fire. The Greens also called for legislation to enable the government to pursue builders or developers for the cost of fixing flammable cladding. Eighteen months later this bill creates Cladding Safety Victoria to carry out the rectification works. Half of the \$600 million program will be funded by increasing the building levy, and this will be reviewed within four years. In fact it may need to be reviewed well before then.

The bill also enables the government to recover the cost of cladding rectification from the builders who were responsible for installing the dangerous cladding. This is particularly important to me because the City of Moreland has the highest number of these buildings so far discovered, and almost all of them sit in my electorate of Brunswick. Residents feel trapped and they feel at risk. Never mind their financial circumstances, it is hard for them to go to sleep thinking that they are in a building at increased risk of fire. There they were, buying an apartment and thinking they had sorted things out, and then they are reading of disasters overseas or even fires closer to home. The emotional toll of this is considerable.

This is a result of regulatory failure. It is a result of the privatisation, among other things, of building inspectors about 25 years ago. I want to acknowledge here that the Parliament faces a difficult situation. On the one hand you have got private apartment owners who are needing considerable subsidisation to relieve their predicament; on the other hand you have got people who are homeless who do not get to see this sort of money. But the clincher is that some of these buildings are at risk of bursting into flames, and that overrides any equity issues here. I think it is critical that the public safety issue be sorted. That is why it is important for the government to move ahead with this program.

The cost of the privatisation of building inspectors should be a lesson to all of us of the likely cost of the privatisation of any regulatory agency. We should look back at this privatisation from 25 years ago and see this as a monumental and expensive failure which we will be paying for in years to come. While it has been somewhat crudely characterised as a tax grab by those to my right, they are not entirely wrong. It is a tax grab to pay for a privatisation which occurred a couple of decades ago. It is effectively a nationalisation to pay for a privatisation. The government’s initial plan to make owners corporations take out loans and repay these through council rates was a failure. This bill is much better, and I am pleased to support it.

Mr CARBINES (Ivanhoe) (18:36): I rise to speak on the Building Amendment (Cladding Rectification) Bill 2019. It is nice to make a contribution on that, but really there are much broader issues in relation to the cladding rectification matters that are affecting so many people across

Melbourne. I have got no doubt of that when I drive through the Brunswick electorate, or occasionally ride through, and see that densification, as we see in the inner city in particular. There is no doubt.

If you are a member of Parliament representing those inner-city communities, yes, I could imagine you would have a very significant number of people who have been affected by—let us call it what it is—the crisis. It is a crisis. It is a serious problem. But I can tell you that in—what would you call it—the inner suburban areas that I represent, there are the same issues. There is not just, as the member for Brunswick touched on, the privatisation of the building surveyor work back under the Kennett government; you see the same in relation to planning permits that have been issued for residential builds. You need to shade your window because of overlooking. You need to have different setbacks on properties, as you would know, Acting Speaker Suleyman, as a former mayor in local government, and as many others who have served in local government would know. Planning issues are very significant and can affect people's lives and their amenity in what is the biggest investment that they make in their life—that is, their home. That is the biggest investment anyone makes financially in their life.

That amenity and that financial commitment that people make can be affected not only by what happens around them but, of course, as we have seen with cladding, by the investment that they make themselves or a purchase that they make at a later time, and they find themselves in this no-man's-land, this void of seeking retribution, perhaps—a different word would be 'redress'—for what has happened to them in relation to cladding matters. Can I say, in my electorate I am dealing with so many people who look out for their parents, to help them buy a unit or a townhouse to downsize or to help look after them, and then find at a later time that matters that have never been appropriately addressed, checked or followed up have been ticked off by private building surveyors—shoddy work and phoenix companies.

We have seen and heard, and we understand. Although our government with a \$600 million package is trying to address these issues, trying to track down dodgy builders and make them accountable, phoenix companies have gone—disappeared, never to be held accountable. How do we deal with that? It is very much a national issue that needs to be dealt with through national legislation. There is the Corporations Act 2001 as well regarding phoenixing and companies that behave in that way. So there are some very big issues that need to be dealt with on the national stage and tackled under corporations law—these very significant problems that happen at a national level.

I must say that I deal so often with people who are very distressed in my community because building surveyors, in whatever measure you might like to look at, have let down the communities that they are meant to serve. These privatised services have failed. They have failed people in the biggest investment they make in their life. In dealing with the cladding rectification bill is there a positive out of it all? I think it has just shone a light on the lack of regulation and that our statutory authorities have in the main failed to provide comfort, justice and redress to so many people in our community who have been so dreadfully affected, not just in cladding rectification matters but in the enforcement of planning conditions, whether it be through VCAT or local government—building surveyors not following through on their work, not following through to make sure that people with those planning permits have delivered on the commitments and the obligations they are required to meet.

This is a very small part of a much broader issue about how we deal with planning matters here in Victoria. I am dealing with so many people trying to care for aged loved ones, their parents, trying to put them in appropriate accommodation and then finding that there are building surveyor matters that have not been appropriately dealt with, and they are just caught up in VCAT. They are caught up in the courts. They are caught up chasing builders and companies that no longer exist. They are fatigued. They are stressed financially and emotionally, and this just continues time and time again. This has been happening in recent years particularly, long before we have been dealing with the cladding rectification matters. If there is anything positive that has come out of the Building Amendment (Cladding Rectification) Bill, can I say it is shining a light on the lawlessness, the lack of accountability and the lack of responsibility not only of these private building surveyors and the work that they do

and the accountability for their work but also of the statutory authority, which I think has been slothful, really, in its role in holding to account the people it is meant to police, the people it is meant to register and to regulate. People paid a lot of money, people gave a lot of resources, and it failed a lot of people, and now the government is providing \$600 million. That is no small sum, and the costs that will ultimately flow on to those who seek to renovate their properties, build new properties, will ultimately be borne by the taxpayer and by the consumer. But can I say that this is only the thin edge of the wedge of the work that needs to be done to give greater certainty to people who are building a house or who are buying a house or a property about the obligations that they have.

I think I read somewhere in recent times that you have more rights when you buy a car, you have more rights when you buy a shirt at the shops or a food processor, than you do at the moment in seeking redress on building matters, on planning matters, from either those who provided the regulatory approvals or those that have done the building work. You can drive around Melbourne and you can see the shoddy developments, and you can see the cycle of stress, emotionally and financially, that is going to be put on unsuspecting Victorians that purchased these properties, because they have never really been ticked off appropriately by building surveyors in a privatised role.

This is a Kennett government legacy that we are dealing with, make no mistake about that—‘Red tape, paperwork—oh, yeah, we don’t want that!’. That is all being revisited on us today, and it is good that we have this bill before us. It is just and appropriate. As legislators we need to understand what anyone who has worked in local government or who has had to deal with planning matters knows: that building or buying a property is the biggest investment you will make in your life—an apartment, a flat, a unit, a house. What has the last quarter-century done in relation to what is out there and what obligations have to be met to meet the law of the land, the planning approvals, the planning requirements? Do we really think that is happening everywhere, based on what we know? I certainly know that whether it is the statutory authorities or those privatised services, they are not delivering in the way that they should, they are not accountable in the way that they should be and that is leaving a great legacy and a black hole and a gap that will leave so many people vulnerable—so many people.

I commend this bill to the house, but it is just the start of the work we need to do and the start of the costs—the \$600 million—that we have to advocate for and attribute to the work we are doing now. That is a financial cost that we are all bearing for mistakes that were made in the past by the Kennett government, who thought a laissez-faire attitude to regulation would be appropriate, and that is being revisited on generations of Victorians today. We have a lot more to do in this space with the largest investment people make in their life, which is their home—the home in which they seek to support their family or friends.

There is so much more work that we need to do, there is so much potential to do good by people. So I am thankful that this bill is before the house. It has my full support, but there is so much more we need to do to make sure we are protecting people in the most important asset and expensive asset that they will buy in their life, supporting them into the future and giving them greater accountability and respect.

Ms THEOPHANOUS (Northcote) (18:46): I rise with pleasure to speak in support of the Building Amendment (Cladding Rectification) Bill 2019, which at its heart is about community safety, and I acknowledge the contribution of the member for Ivanhoe, who said that your home is the biggest investment that you will make in your life. This bill helps us deliver on our commitment to protect our communities from the risks and impact of combustible cladding, which we know can be devastating.

In 2017 we saw the terrible and tragic consequences of combustible cladding brought to the fore with the loss of 72 lives in the Grenfell Tower fire in West London. In Melbourne the Lacrosse fire in 2014 and the Neo200 building fire in February this year have highlighted the risk in our own backyard. While thankfully neither of these fires caused serious injury, the extensive damage to people’s homes, the trauma experienced by residents as well as the risks to the community and first responders were severe. Combustible cladding is a truly complex global issue impacting cities all around the world.

In Victoria thousands of home owners have been affected, including in my electorate of Northcote. The Northcote electorate forms part of two municipalities: Darebin and Yarra. While the addresses of the impacted buildings have been rightly withheld from the public for community safety reasons, we do know that 38 privately owned buildings in Darebin and 40 buildings in Yarra have been identified as having combustible cladding. But these are just numbers. I have been contacted at my office by a steady stream of local home owners and residents who have reached out to me to share their concerns and their distress as well as their hopes for a way forward. One key message that I have heard repeatedly is that while this is indeed a global issue, for residents and for home owners it is also an intensely personal issue. This is their family that is at risk. It is their home that has been made a liability, and it is their financial security that will be impacted by the cost of rectification.

I can only imagine the feeling of lying in bed, staring up at the ceiling, worried and anxious that the very walls around me and my family are unsafe. Our homes are meant to be our safe havens, where we can retreat from the hubbub, put our feet up and relax. That is our right. The risk posed by combustible cladding strikes at the very heart of what it means to have a home. Nobody deserves to have that sense of safety taken away from them. Nobody deserves to lie awake at night anxious that their home, their security, their livelihood and their loved ones are under threat. Indeed several people I have spoken to in my community have told me of how this issue has impacted their mental health. Residents deserve better. They deserve to live their lives in peace and in the knowledge that their homes are safe.

In Northcote we have a burgeoning population, and that has meant that in some areas we have seen many new residential developments being built at a very rapid rate. My constituents want to know that development in their neighbourhoods is both appropriate and safe. As a community we must consistently balance the need to provide affordable housing with infrastructure and community character—a balance that can sometimes be challenging. But what is most critical is that each and every resident of Northcote and of the whole state is able to feel safe and secure in the knowledge that the materials being used to build our neighbourhoods are not putting them at risk. It is for these residents, their neighbours and our local first responders that I am pleased to support the measures in this bill and the world-leading, proactive and systemic approach to this issue that the Andrews government has adopted from the outset. We have not sat on our hands waiting to see how things pan out on the global stage. The claim from some opposite that we have done little to address this complex and large-scale problem is patently wrong.

Following the Lacrosse fire in 2014 the Victorian government initiated an audit to identify buildings with combustible cladding and assess the risk. We remain the first and only state that has actively sought to identify buildings with combustible cladding. Some other jurisdictions have required building owners to declare the presence of combustible cladding, but this process is prone to delays as well as limited disclosures and failures to identify affected buildings. Our proactive approach ensures that identification is timely and that buildings which may be affected do not slip through the cracks and remain a risk to the community.

In 2017 we established the Victorian Cladding Taskforce to oversee the ongoing statewide audit and propose options for rectification as well as options for how to improve compliance and enforcement in this sector. In March 2018 Victoria became the first state to limit the use of combustible products on buildings to ensure that the health and safety of Victorians is protected into the future. With the release of the final report from the Victorian Cladding Taskforce delivered in July this year, we are now moving onto the next stage: rectification. I need to point out that throughout this process Victoria has been a national, indeed a global, leader when it comes to facing the challenge of combustible cladding head-on, and we have taken the same approach in relation to rectification.

Earlier this year we announced a package to fix buildings with combustible cladding, alleviating the stress of countless home owners who have been grappling with how to meet the financial cost of rectification. Under this \$600 million package financial grants will fund rectification works to make

sure homes currently at high risk are made safe. This is our number one priority, and we have established Cladding Safety Victoria to drive this work.

Cladding Safety Victoria is a dedicated agency that will work with owners and owners corporations throughout the rectification process. This aspect is important: a dedicated agency with clear functions and responsibilities provides clarity and certainty for the many home owners who are struggling with the complexity and the breadth of challenge relating to combustible cladding. This bill builds on the functions of Cladding Safety Victoria to get on with their job. Critically, it also enables Cladding Safety Victoria to make payments to home owners and bodies eligible for financial assistance to get rectification work underway. In fact initial works are already underway, with 15 buildings identified as priorities based on risks as assessed by experts. It is anticipated that by the end of the year Cladding Safety Victoria will notify the owners of the next 150 buildings that will enter the program in 2020. While I recognise that many home owners are eager to have their buildings fixed right away, this is an immense undertaking and it does take time. Proper process is essential to ensure rectification works are done properly by qualified practitioners to keep everyone safe.

Grappling with the expected cost of rectification has understandably been one of the most stressful challenges for some home owners in relation to combustible cladding. Under the rectification program announced in July eligible home owners and owners corporations will not be required to contribute to the cost of works unless they want a solution beyond that which is required by Cladding Safety Victoria. This is welcome news for owners in high-risk buildings who, whether purchasing their apartments as forever homes or investments for the future, acted in good faith, often investing their life savings.

The cost of this rectification work will be met through a \$300 million investment from the government and through an additional building levy that is expected to raise a further \$300 million over five years. The additional building levy provided for in this bill has been targeted to limit the impact to particular building works at specific price ranges. Detached dwellings and public-use buildings like hospitals and early childhood centres are excluded from the levy. We have also undertaken modelling to examine the impact of the levy on consumers and have designed the scheme to limit its effect on people buying a home. This is in line with our commitment to ensuring home ownership is an aspiration that remains within reach for everyday Victorians and we do not exacerbate existing issues relating to housing affordability. The bill also provides for the review of the levy not more than four years after it comes into effect. This will make sure any levy continues to be necessary and appropriate in relation to the scope of ongoing rectification works.

Finally, this bill provides for the state to take legal action against builders who have done the wrong thing. While we know that most people in the building industry do the right thing and would never consider putting others in danger through dodgy work, we also know that there have been significant failures within the construction industry and non-compliant work has led to the current combustible cladding problem. It is our belief that it is only fair that those who created this problem contribute to the solution. This bill will provide for the state to take legal action to recover the costs of rectification where it can be shown to be a result of non-compliant work. This measure sends a strong message to wrongdoers and ensures they are contributing to the cost of fixing this problem. Importantly, as the state is taking on the cost of rectification, home owners will not have to endure the financial and emotional toll of entering into legal proceedings. The burden of pursuing dodgy builders through the legal system can be a huge impost. I commend the bill to the house.

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Public Transport) (18:56): I rise tonight to speak in support of the Building Amendment (Cladding Rectification) Bill 2019. In speaking about this, I would like to reflect on the amount of growth and the scale required in getting this right, which we need to be able to do. The growth that is occurring in the inner west of Melbourne, with the number of high-rises that are going up along the banks of the Maribyrnong River through the Hobsons Bay electorate, means that providing the community with assurances that we are

enforcing planning conditions, that we are making sure that shonky builders will be held to account and that we do have that building compliance is absolutely paramount. As a number of my colleagues have said, that thought of going to bed every night not knowing whether your building is safe, the thought that the asset that you have invested in—the family home, the things that you have actually put your life savings into—may not necessarily be safe, makes it absolutely paramount that we address this through this important bill. I would also like to reflect on what my friend and colleague the member for Ivanhoe said about the emotional stress that people go through—the emotional and the financial stress of people having that uncertainty of not knowing the safety of their house.

One of my constituents is a woman who has been through the absolute wringer at VCAT with shonky builders, with a company that has actually been phoenixed and those sorts of things; her journey started with shonky builders in 2011. Whilst we have got much more to do to be able to protect people in that situation, this bill is absolutely the start of ensuring that there are those protection measures in place to make sure that people do have that redress and are protected in the future. I think the Minister for Planning needs to be absolutely commended for putting in the hard yards to have this bill in place, and I think one of the things that particularly gives us comfort is actually the work that has been done by the Victorian Cladding Taskforce to have that framework in place that provides the state with the opportunity to make sure that the work has been done to identify, protect and have the framework there that gives us a pathway forward to be able to address the concerns of the public.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

MAIN STREET, MORNINGTON, TRAFFIC LIGHTS

Mr MORRIS (Mornington) (19:00): (1366) I raise a matter this evening for the Minister for Roads, and the action I seek is for the minister to arrange to fund the installation of traffic lights in the southern section of Main Street in Mornington. I think this is actually the 10th time I have raised this issue in the Parliament.

Throughout the course of the last Parliament I requested action from the then minister because there is a serious risk of a fatality or a maiming accident in this location. Unfortunately nothing occurred in that Parliament, but I have got to say that in this Parliament some works have actually been undertaken. We have had the reconstruction of a pedestrian refuge, the new construction of another and the introduction of a 40-kilometre-an-hour speed limit, with flashing lights and so on. But the situation remains dangerous. I do want to acknowledge those works and thank the current minister for the responsiveness she has shown, but unfortunately I do not believe the works have gone far enough.

Traffic counts taken over the last three years, from 2016, suggest that the average daily volume on Main Street is 18 000 vehicles a day. I think I have made the comment in the house before that while that figure in itself is significant, the fact is that most of those 18 000 vehicles travel down Main Street during business hours or in the hour either side. Certainly I avoid pulling out onto Main Street like the plague during those hours because it is hard enough in a vehicle; I certainly would not want to try and cross Main Street on foot during that time.

When I leave the office around about this time or a bit later in the evening, of course you could shoot a cannon up the street and it is very, very easy. The overwhelming majority of those 18 000 vehicles are travelling down the street probably between 8.00 am and 6.00 pm or thereabouts—exactly when people are trying to cross.

Those recent works, as I have said, have helped, but a high risk of death or serious injury remains. So I do ask the minister to have a look at this issue with fresh eyes and try and find some money in the

current budget to get the works done or at the worst make a submission to the Expenditure Review Committee of Cabinet to get those works funded because they are absolutely critical and we simply do not want a death in that stretch of the street.

TINTERVALE PRIMARY SCHOOL

Mr HALSE (Ringwood) (19:03): (1367) My adjournment matter is for the Minister for Health and Minister for Ambulance Services in the other place. The action I seek is for the minister to provide funding to Tinternvale Primary School in my electorate, which has applied for a school shade grant under the government's school shade grants program.

Shade used in combination with other sun protection measures, including protective clothing, broad-brimmed hats, sunglasses and SPF30+ or higher sunscreen, provides the best protection from the harmful UV radiation exposure that is responsible for the majority of skin cancers. The shade grants program provides funding for new permanent shade, natural shade, portable shade and sun protection items. I note that Australia has one of the highest rates of skin cancer in the world, with two in three Australians being diagnosed with the disease before the age of 70. In 2017 melanoma was the fourth most common cancer in Victoria, yet it is also one of the most preventable forms of cancer through simple measures like our school shade grants program. I look forward to the minister's response.

GIPPSLAND HEALTH SERVICES WORKFORCE

Mr D O'BRIEN (Gippsland South) (19:04): (1368) My adjournment matter tonight is for the Minister for Health in the other place, and the action I seek is for the minister to undertake a program to support Gippsland hospitals, and health services more broadly, with workforce recruitment. There is a particular issue in Gippsland—and indeed right throughout rural Australia and rural Victoria—with respect to health workforce recruitment. I have had firsthand experience of that in my electorate, particularly with GPs, midwives and nurses.

The Yarram community has been grappling for some time with a shortage of GPs. In the case of Yarram and District Health Service, the health service actually runs a GP clinic and at the moment I believe—at the time of speaking—has just one GP permanently on staff. It has managed to secure locums for the summer period, but I know that it has been very difficult even to do that.

Likewise, we saw the spectacle a few weeks ago of Leongatha Hospital twice having to close its midwifery section because there was literally a shortage of midwives. I have had a number of complaints over recent weeks about the hospital not being fully staffed when it comes to nurses as well. Likewise, the Sale hospital, run by the Central Gippsland Health Service, had some issues with getting enough paediatricians. Dentists are another issue, although I believe the dental cohort is currently full. But a couple of the ones that I mentioned are critical.

It does not matter whether you are a constituent in Gippsland South or a young National from elsewhere in the state, there are certainly people who need good health services. The Liberals and Nationals took a policy to the election last year to establish a rural workforce development strategy, which is something that the Victorian Healthcare Association, I believe, has been calling for for a number of years. The Labor government did not respond in similar terms.

I think it is something that should be done in conjunction with the commonwealth, because certainly when it comes to GP recruitment and development the commonwealth absolutely has a role to play. I know our federal senator, Bridget McKenzie, when she was the minister for regional services, unveiled a significant plan to help encourage more GPs into rural areas, certainly through a rural GPs specialist training program as well. I ask the minister to work with the commonwealth but particularly to work with the hospitals and the health services throughout Gippsland to improve the workforce shortages that we have got, to ensure that the people of Gippsland South have access to quality health care.

CARRUM ELECTORATE REVITALISATION

Ms KILKENNY (Carrum) (19:07): (1369) My adjournment matter is for the Minister for Transport Infrastructure, and the action I seek is for the minister to join me in Carrum to inspect the incredible work being undertaken by hundreds and hundreds of workers to remove the level crossings at Carrum and revitalise the Carrum beach precinct. Since the historic and highly celebrated opening of the Karrum Karrum Bridge last year, the local community has been eagerly awaiting the much-anticipated removal of the level crossings, the new rail bridge, the extension of McLeod Road to the Nepean Highway, the creation of the new Carrum promenade and town square, the construction of the new Carrum station and the establishment of 80 000 trees and plants and significant open space.

The extraordinary investment in Carrum by the Andrews Labor government will completely transform and revitalise this wonderful place. Never before have we seen this kind of investment, and every day there are more and more changes as this momentous transformation of Carrum unfolds before our very eyes. I very much look forward to welcoming the minister to Carrum.

DONALD HIGH SCHOOL

Ms STALEY (Ripon) (19:08): (1370) My adjournment matter is directed to the Minister for Education, and the action I seek is that he urgently provides an additional \$850 000 to Donald High School to pour a new concrete slab to complete stage 2 of their building works. My colleague the Shadow Minister for Education and I recently visited Donald High School. The school is undertaking a significant two-stage renovation and construction project. The funds they have received for these building works are not sufficient to finish the project properly.

The builder completing the project has recommended that a new concrete slab be used rather than the partial replacement of already rotting timber stumps and framing. A new concrete slab has been quoted as costing an additional \$850 000, which the project does not have. Donald is well-known for significant termite activity; the town is riddled with them. It makes absolutely no sense only to do a partial replacement of the rotting timber. When stage 1 of the project was completed, the builder took the opportunity to pour a concrete slab. The condition of the existing stumps was so degraded that partial replacement was not an option. The school trusts the advice provided by the builder, and the school does not want to mask current problems for the next generation to fix.

The renovation and construction project has faced considerable delays. Whilst it was supposed to be completed by December 2019, that is now very unlikely. Having been at the school last week, I can tell you that there is a gaping hole where stage 2 of the project should be. The school community and broader Donald community is frustrated that, because poor planning by the department means insufficient funds have been made available to finish the project, the project has not been able to be delivered on time.

Decent, functional schools with committed teachers and high standards deliver the quality education country children need to succeed in life. Donald High School is a tremendous school that provides for a marvellous country community. They deserve to be on equal footing with their city counterparts.

SCHOOL SHADE GRANTS

Mr HAMER (Box Hill) (19:10): (1371) My adjournment matter is also for the Minister for Health in the other place. She will certainly have her work cut out for her after this adjournment. A number of schools in my local area have applied for the school shade grant under the government's SunSmart program, and the action that I seek is for the minister to fund the important projects put forward by these schools that will help protect children from the harsh Australian sun.

I was glad to see the Andrews Labor government deliver on its 2018 election commitment to provide \$15.1 million for SunSmart programs, including a dedicated \$10 million to continue the school shade grant and community shade grant programs over four years. The shade grant program provides funding for new permanent shade, natural shade, portable shade and sun protection items, and it is

really important that this grant program and the shade provided by the grant program work with the other sun protection measures to reduce cancer rates throughout the community.

Skin cancer is one of the most prevalent forms of cancer, and the *Victorian Cancer Plan 2016–2020* has a target to halve the number of Victorians diagnosed with preventable cancers by 2040. This program will help the government achieve this target.

MILDURA OLDER IRRIGATION AREA

Ms CUPPER (Mildura) (19:12): (1372) My adjournment matter is for the Minister for Planning. The action I seek is for the minister to provide an update to our community about the progress of deliberations about refining the planning rules in the Mildura older irrigation area (MOIA). Earlier this year, not long ago, the minister accepted our invitation to visit our electorate and meet with key stakeholders to hear their case. We discussed how a slight relaxation of the MOIA rules could stimulate an estimated \$50 million of private investment without compromising the aims and objectives of the MOIA policy, which is to protect arable farmland from residential encroachment and to keep farmland at farm prices.

The minister heard from stakeholders, who were quick to point out that for the most part the MOIA policy had been highly successful. They acknowledged the value of ensuring the government's substantial investment in modernising our irrigation infrastructure is not wasted and that horticulture is the lifeblood of our local economy. But experience has shown that while the MOIA scheme has resulted in larger blocks of land being brought back into production, the same cannot be said for the smallest blocks of land, between 0.2 and 1.2 hectares in size. Blocks of land in this category were originally sold and purchased as house blocks and as such have had all irrigation infrastructure removed. People who purchased these blocks of land did so, at the time, for the purpose of building dream homes and often paid, at the time, in the vicinity of \$80 000 or more for these lots. Those blocks of land are now worth well less than \$10 000 and, due to their size and lack of infrastructure, are simply not an attractive or viable investment option for growers.

Since the minister's visit, Mildura Rural City Council has been able to confirm that the number of blocks of land that fall within the category of 0.2 to 1.2 hectares number approximately 268, with the likelihood that only 165 would be the subject of building permit applications. But even if all 268 applied for and were granted a permit, that would represent less than 1 per cent of the entire MOIA. It would in no way, I would suggest, undermine the overarching goals of the MOIA policy, which is widely supported by most stakeholders in our community. This issue is an example of how the planning minister and the Andrews government could make a big difference to local families and our local economy without having to spend a cent. We look forward to receiving an update from the minister.

HAWTHORN ELECTORATE MENTAL HEALTH FORUM

Mr KENNEDY (Hawthorn) (19:14): (1373) My adjournment matter tonight is for the Minister for Mental Health, and the action I seek is for the minister to host a mental health forum in Hawthorn following the interim recommendations from the mental health royal commission, which are due in November.

CAULFIELD PARK FLOWER STALL

Mr SOUTHWICK (Caulfield) (19:15): (1374) My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change. The action that I seek from the minister for the environment is to step in and do whatever is necessary to save the flower shop, or the flower stall, that currently trades in Caulfield Park.

Caulfield Park is Crown land, and it is under licence to the Glen Eira council. This little flower shop has been around for 45 years. Savas Antoniou, who has been managing this flower shop, has been managing it for 30 years. Savas received a letter from council to say that this flower shop will have to close by the end of December because, I understand, the Department of Environment, Land, Water

and Planning (DELWP) have been reviewing a number of their licences. Because there was not an actual licence in place, unfortunately they have been served notice. This flower shop has been paying rent and certainly serving the community. So many people in Caulfield love this flower shop. It is iconic. People go past and they pick up their flowers on Friday. It really does put a smile on many of our residents' faces, and it is something that we need to save. It is a little flower stall that exists, with a flower cart, in Caulfield Park. Now this is a bit like the Kerrigans, when the Kerrigans went out and said, 'My home is my castle', and wanted to fight the big guys and wanted to stay.

Lisa Marmur, who has been managing it for Savas, has started a petition. She has got all the locals behind her. It really is something that I would hope the minister for the environment could assist with to ensure that we can save this little flower shop. It really resembles what we would say is a small business that is having a go.

So I ask the minister to do whatever she can within her powers of managing DELWP. This is Crown land. It is land managed for and on behalf of the people—our great park of Caulfield Park, which is iconic. This flower shop that has been there for 45 years is also part of the furniture. It is not Interflora. It is not a big multinational. It is a little flower cart that I think deserves the support of the government and of the local community.

BONEO PRIMARY SCHOOL

Mr BRAYNE (Nepean) (19:17): (1375) My adjournment matter is for the Minister for Health, the Honourable Jenny Mikakos. The action I seek is for the minister to provide funding to my local school, Boneo Primary School, who applied for a school shade grant under the government's SunSmart program—a superb program. This is a fantastic school. Principal Mandy Whitworth has been regularly in contact with me since I was elected, bringing up the needs of her school community. Like all schools on the Mornington Peninsula, Boneo has a really tight-knit community. The school—

Members interjecting.

Mr BRAYNE: There are a lot of interjections tonight; it is quite busy. The school, whose numbers have been growing year on year, has a great outdoor presence. However, they need some more shade. The shade grant program provides funding for new permanent shade for sun protection. We have plenty of sun on the Mornington Peninsula. It is vital that our kids are able to play outside with adequate shade available. Australia has one of the highest rates of skin cancer in the world. Shade used in combination with other sun protection measures provides the best protection from the harmful UV radiation exposure that is responsible for the majority of skin cancers. As a kid I remember my teachers continuously checking that we were wearing our wide green hats. A few of my rebel friends would often take them off or leave theirs in their lockers. I would not dare to not wear mine for fear of some form of recrimination from my teachers. While it was a complete fashion faux pas at the time, I know all my friends now recognise just how important it was for us to wear hats at school. Schools with shade, however, mean that those occasionally naughty kids are still protected or at least have somewhere for their teachers to send them when they have misplaced their hats. I look forward to the minister's response.

The DEPUTY SPEAKER: Order! Before I call the minister, the members for Box Hill and Nepean, your adjournment matters will be reviewed. It is a principle of the adjournment debate that matters raised cannot be raised by another member during the same debate. Since you both spoke to the same issue, we will need to review the actions requested, and we will get back to you.

RESPONSES

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (19:20): I will, firstly, deal with the matter raised by the member for Mildura. I was delighted a few weeks ago to join with the member for Mildura up in that wonderful part of the world to do a range of things but specifically to look at some land use and planning issues that relate to the Mildura

older irrigation area (MOIA), the irrigated land that is so important to the agricultural life and economic life of Mildura. I was pleased to not only meet with the local member but also get a firsthand view of what these issues were: meeting with a landowner there and meeting with the council as well. I was pleased to have what I thought was a very fruitful conversation in the company of the member for Mildura with the council, who are genuinely trying to find a way through the conundrum of changed circumstances. Whilst the MOIA has been in place as a planning framework for a significant period of time, things have changed over that period. What we have seen of course has been in some circumstances encroachment of residential properties literally right next door to sites—in effect binding them in by residential development. The opportunity for something more productive to be done there, at least in a couple of instances, I thought was really quite clear.

My officers went away and immediately started to engage with the council to really get a sense of the scope of what we are actually dealing with here. I was pleased to hear in the contribution made by the member for Mildura that that work has now been completed, so we now understand the scope and the potential for any future development that might in fact occur there, which is a good step forward.

Can I say to the member that we are assessing the material that has been provided to us. We want to look at this carefully because it is an important decision that is being made there. I can assure the member that not only was I pleased to receive her representation to visit Mildura firsthand to understand these issues but that we are taking very seriously the request that she has made. We will look at it in a proper and timely fashion, and I assure the member that we will come back to her when we feel we are in a position to provide her with further advice on the matter.

For other members, the member for Mornington raised a matter for the Minister for Roads in relation to advocacy for further traffic light treatment in Main Street, Mornington, and I will make sure the minister is aware of that.

The member for Ringwood raised a matter for the Minister for Health, as did a number of others, relating to support for the Tinternvale Primary School for a school shade grant. I will make sure that the minister is aware of that and many other matters.

The member for Gippsland South raised a matter for the Minister for Health seeking support from her for a workforce recruitment program particularly relating to GPs and midwives in the Gippsland South area. I will make sure the minister is aware of that request.

The member for Carrum raised a matter for the Minister for Transport Infrastructure seeking that the minister visit the extraordinary redevelopment project that is going on and inspect the level crossing at Carrum and all the subsequent work that has been done there to really open up that area in, I think, a really sensational way. I am sure the minister will take up that invitation.

The member for Ripon raised a matter for the Minister for Education seeking some further funding support for the Donald High School building works, and I will make sure the minister is aware of that matter.

The member for Box Hill is also a strong advocate for school shade grants program support from the Minister for Health. This is a \$10 million program, as the member indicated, over four years. It is terrific use of public funds, obviously in a most appropriate way, to support our young people particularly when it comes to exposure to harmful rays.

The member for Hawthorn raised a matter for the Minister for Mental Health—he was very brief but very precise—seeking that the minister host a very important mental health forum in his electorate. I know that the Minister for Mental Health will be very pleased to receive that representation.

The member for Caulfield raised a matter for the Minister for Energy, Environment and Climate Change seeking support to save the flower shop in Caulfield Park, which is on Crown land, he

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indicated, and likening this to *The Castle*. There are probably a number of rejoinders I could make here, but I will leave that alone. I will make sure that the minister is aware of that.

Finally, the member for Nepean raised a matter for the Minister for Health, again seeking support through this very, very successful school shade grants program. And that is it for the night.

The DEPUTY SPEAKER: Order! Thank you, Minister. The house now stands adjourned until tomorrow.

House adjourned 7.26 pm.