

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 20 FEBRUARY 2020**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

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Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth . . . . .	The Hon. RL Spence, MP
Minister for Workplace Safety and Minister for Early Childhood . . . . .	The Hon. I Stitt, MLC
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. M Thomas, MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs . . . . .	The Hon. G Williams, MP
Minister for Planning and Minister for Housing . . . . .	The Hon. RW Wynne, MP
Cabinet Secretary . . . . .	Ms S Kilkenny, MP

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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**Deputy Speaker**

Ms JM EDWARDS

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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

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*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

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
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
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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
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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 Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

### **Environment and Planning Standing Committee**

Ms Connolly, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Ms Vallenge.

### **Legal and Social Issues Standing Committee**

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

### **Privileges Committee**

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

### **Standing Orders Committee**

The Speaker, Ms Allan, Mr Cheeseman, Ms Edwards, Mr Fregon, Ms McLeish, Ms Sheed, 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, Ms Crozier, Mr Davis, Ms Mikakos, Ms Symes and Ms Wooldridge.

### **Electoral Matters Committee**

*Assembly:* Mr Guy, Ms Hall and Dr Read.

*Council:* Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

### **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, Mr Leane, Ms Lovell and Ms Stitt.

### **Integrity and Oversight Committee**

*Assembly:* Mr Halse, Ms Hennessy, 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 Newbury, Mr D O'Brien, Ms Richards, Mr Richardson and Mr Riordan.

*Council:* Mr Limbrick and Ms Taylor.

### **Scrutiny of Acts and Regulations Committee**

*Assembly:* Mr Burgess, Ms Connolly and Mr R Smith.

*Council:* Mr Gepp, Ms Patten and Ms Watt.

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**Thursday, 20 February 2020**

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

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (09:32):** 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 petitions presented to house by Clerk:**

**AGNES FALLS VIEWING PLATFORM**

To the Legislative Assembly of Victoria

The Petition of Victorian residents draws to the attention of the House the importance of the construction of a cantilevered viewing platform at Agnes Falls to help further develop it as a major local tourist attraction. The Petitioners further note that design plans and engineering specifications have already been completed but that funding for the project previously allocated by South Gippsland Shire Council has now been withdrawn.

The petitioners therefore request that the Legislative Assembly of Victoria urges the State Government to provide such funding to Parks Victoria to enable this important tourism project to proceed.

**By Mr D O'BRIEN (Gippsland South) (10 signatures).**

**LOCH SPORT BUSHFIRE RISK**

To the Legislative Assembly of Victoria

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Assembly that the township of Loch Sport is at risk should a bushfire impact the town. Residents are concerned that surrounding national park and roadside areas are not clear of fire hazards.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the State Government to urgently undertake works to reduce fire risk on Crown land in and around the town and along the single access road into and out of Loch Sport.

**By Mr D O'BRIEN (Gippsland South) (462 signatures).**

**GELLIBRAND RIVER PROPOSED RESORT**

To the Legislative Assembly of Victoria. This petition draws the attention of the House to the proposed resort on the nationally significant flood plain of the Gellibrand River at Princetown in the Polwarth Electorate. This permitted development will cause unacceptable risk to life and property and the fragile environment as the location is prone to regular flooding and is home to threatened and endangered species. The required infrastructure including new roads and dual lane bridge and the need to truck sewage out will cause further impacts and risk to this wetland of national significance. The petitioners therefore demand the Andrews Labor Government fully enforce Victoria's environmental and planning laws and implement an immediate Coastal Risk Hazard Assessment for the flood plain, also consider a new and suitable location for this resort.

**By Mr RIORDAN (Polwarth) (1527 signatures).**

**POINT GREY PRECINCT, LORNE**

To the Legislative Assembly of Victoria. This Petition of the permanent and part-time residents of Lorne and surrounds draws to the attention of the House the present proposal of the Great Ocean Road Coast Committee (GORCC) to demolish the historical building at Point Grey in Lorne that contains the current pier restaurant and the previous fishing corporation. The building is structurally sound and capable of a redevelopment that preserves its heritage value. The petitioners respectfully request that the Legislative Assembly prohibit the demolition the said building at Point Grey, Lorne.

**By Mr RIORDAN (Polwarth) (1188 signatures).**

**AMPHITHEATRE POLICE RESOURCES**

To the Legislative Assembly of Victoria

The Petition of residents in Victoria calls on the Legislative Assembly to note that:

Crime is an ever increasingly important issue in and around Amphitheatre and there is no dedicated police presence in the town.

There have been reports of anti-social behaviour increasing in the area.

We, therefore, call on the Government to provide a satisfactory police presence in and around Amphitheatre, as well as strongly considering constructing, opening and staffing a police station in the town of Amphitheatre.

**By Ms STALEY (Ripon) (61 signatures).**

**Tabled.**

**Ordered that petition lodged by member for Ripon be considered next day on motion of Ms STALEY (Ripon).**

**Ordered that petitions lodged by member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).**

**Ordered that petitions lodged by member for Gippsland South be considered next day on motion of Mr D O'BRIEN (Gippsland South).**

**Documents****DOCUMENTS****Incorporated list as follows:**

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT**—The Clerk tabled the following document under an Act of Parliament:

*Family Violence Protection Act 2008*—Implementation of the Family Violence Risk Assessment and Management Framework—Report September 2018 to 30 June 2019.

**Business of the house****ADJOURNMENT**

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (09:35):  
I move:

That the house, at its rising, adjourns until Tuesday, 3 March 2020.

**Motion agreed to.**

**Members statements****LEOPOLD COMMUNITY HALL**

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services) (09:36): On Monday, 10 February, I was pleased to open the historic, much-loved and now refurbished Leopold community hall. Over many years I have had the pleasure of working with and working for the hall's committee of management and the various and growing user groups. In 2007 we provided \$207 000 of state government funding to upgrade the hall floors and roofing, and this year, through the assistance of a \$75 000 grant, upgraded works included a new ballet room, accessible unisex toilets, expanded lockable storage and ramps into the hall.

I congratulate president Kevin Smith and the committee on their hard work and the hard work of all the committees that have gone before. This has ensured the 127-year-old Leopold hall will continue to serve the community well for years to come.

**FESTIVAL OF GLASS**

**Ms NEVILLE:** On Sunday I once again had the pleasure of opening the wonderful Festival of Glass, organised by the Drysdale Clifton Springs Curlewis Association. This was the 10th annual festival, and I have to say it goes from strength to strength.

People from Murano come out now and hold workshops and offer a hands-on experience for communities. It runs throughout January right through to March; it is not just a one-day event. We had over 5000 people attend. We have now got a mentorship program for young people to learn about using glass in the local schools, which is a great addition. Some great people have been involved: Doug Carson, Mercedes Drummond, Patrick Hughes—and a shout-out to Patrick and Glenda, and I hope we can save their house from the City of Greater Geelong knocking it down. Anyway, congratulations, everyone, it was a great day.

**ALLANSFORD ROAD SAFETY**

**Ms BRITNELL** (South-West Coast) (09:37): Last year my community suffered a tragic loss when 16-year-old Sam Chilton was killed riding his bike to cricket training. He was hit by a truck as he crossed the Princes Highway to enter the township of Allansford. A loss of this nature leaves an entire community reeling and grief stricken. In the weeks following Sam's death, members of the Chilton family and the broader Allansford community approached me, sharing their concerns about safety on the road entering and exiting Allansford.

I made representation to Minister Pulford requesting a review of the current speed limit on the Princes Highway where it passes the township of Allansford and a review of the safety of exit and entry points to Allansford. Minister Pulford informed me that a review had been conducted and that no further action was to be taken, despite a growing chorus of concern in my community.

In recent weeks the coroner handed down her finding into Sam's death and recommended improvements to cycling infrastructure in this area, but the government's first option to fix safety concerns is to install a centre-line wire rope barrier. In relation to the wire rope barrier plan for the highway, Sam's father, Neil, told the Warrnambool *Standard*:

I can't see that improving safety ...

He added:

The government needs to start looking after people in the country ... Our roads are a disgrace.

The community is clear: appropriate change that goes beyond a wire rope barrier must be made before more lives are lost on this stretch of the Princes Highway.

**RIVERWALK PRIMARY SCHOOL**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (09:39): I am delighted to update the house on my recent visit to officially open Riverwalk Primary School in my electorate of Werribee, a \$23.7 million investment by the Andrews Labor government.

Last year I visited the construction site, and I have got to say I am beyond thrilled with the final result—a fantastic school, great architectural design, great learning spaces, a state-of-the-art facility. Principal Paris Spencer and the student school leaders proudly showed me around their new school, which includes a fantastic performing arts and physical education building along with impressive learning spaces and administration areas. Riverwalk Primary School's motto is 'Achieving excellence', and this encapsulates perfectly what the school will provide for its students—an inclusive, safe and supportive environment where they can strive to do their best.

Investing in education is one of the most valuable things we can do for the next generation of Victorians, whether it is to build new schools such as Riverwalk Primary or to provide funding for necessary infrastructure for upgrades in our existing schools. We want to ensure that every Victorian

child has access to a world-class education regardless of their background. We want every child in Victoria to be empowered through their education so that they can all achieve excellence.

I want to thank Principal Spencer, student leaders and staff for their tour of Riverwalk Primary and congratulate all those involved in its design and construction. I am proud to say that with important investments such as these the Andrews government in ensuring Victoria continues to be the Education—*(Time expired)*

### HORSHAM BUS SERVICES

**Ms KEALY** (Lowan) (09:40): Horsham's bus services have been thrown into complete chaos following the Minister for Public Transport's grand announcement of her rescheduling of services. Students were left in disarray in their first week of school, with students dropped off after school started, picked up before school finished, waiting at the interchange for 50 minutes, abandoned with no way to get home or left on school grounds with no supervision for over 40 minutes. Town bus routes have been cut to some of the most heavily used stops servicing elderly and disadvantaged communities.

Following community outrage about Labor's cuts to services, some bus services and closed stops have been reinstated, and I am thankful for that. However, while the minister promised to consult with the community to fix the mess, two weeks later Public Transport Victoria are still in hiding and no-one has asked the community what they need. We still have huge growth areas that are unserved and reduced services to critical demand areas, and the minister is insistent on cutting seven school bus services back to five. I am meeting with the minister shortly and urge her to commit to retaining the seven school bus services and genuinely consult with the community to understand their needs and give Horsham the bus services we deserve.

### GROOVE FOR GOOD, HORSHAM

**Ms KEALY**: A big thankyou and congratulations to Nat McGregor, Adrian Calvano, Tara Fry and the rest of the team behind Groove for Good, which raised \$17 000 for bushfire relief, Wires and local animal shelters over the weekend. Many volunteer hours went into organising this fantastic event, which was not only a huge financial success but a great night out for so many fantastic supporters in our region. Thank you to all involved and thank you so much for the great generous spirit of our fantastic community in Western District.

### BRENDAN O'BRIEN

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (09:42): I wanted to honour and pass on my good wishes and congratulations to Brendan O'Brien, who is retiring as the principal of Carranballac P-9 after an exceptional 30 years as a principal, largely in Melbourne's western suburbs, and 48 years as a teacher. He has done wonderful things as the principal of Carranballac and brought an incredibly interesting and passionate steady hand to the education of students there. He preaches and practises a culture of empowerment. He has always been keen to adapt to new learning opportunities for the school, and I was delighted to see his leadership in bringing a beautiful support dog to the school last year to engage with children in their classrooms. I want to wish Brendan and his family all the best. They have certainly earned the opportunity to rest and rejuvenate. This will be a big loss in terms of the leadership of teachers, particularly in Melbourne's west but right across the education system.

### SANJOO AND LUCKEE KOHLI

**Ms HENNESSY**: I also wanted to acknowledge a monumental milestone that is about to be passed by my friends Sanjoo and Luckee. Their 25th wedding anniversary is upon us. Both Sanjoo and Luckee are upstanding members of our community. I am very proud to count them as my friends. They have done tremendous things in support of the broader Victorian community and the Indian community. They have been fantastic advocates who have delivered lasting and significant change, but their devotion and love for each other is something equally to be proud of. Happy anniversary.

**RIPON ELECTORATE FUNDING**

**Ms STALEY** (Ripon) (09:43): On 12 February the Treasurer, on Neil Mitchell's program, said:

I'm looking at every line item of expenditure and I'm looking to take something like \$4 billion out of government expenditure going forward.

The government is refusing to rule out cuts in Ripon. We have already seen hospital waiting times blow out at the Ballarat Health Services. Pathology services at Stawell have been downgraded. The lab has been closed. What is next? The Maryborough hospital redevelopment was not funded in the last budget and must now be considered at risk. Our roads are crumbling. Will we see further cuts to VicRoads, and will the duplication to Stawell of the Western Highway ever finish? Amphitheatre, Creswick and Wedderburn are three of many areas that are crying out for proper policing, yet now we are facing more cuts.

The national and state parks in Ripon are underfunded and unloved by this government, even though they are proposing more of them. Wheel cactus has now spread out from Mount Buckrabanyule to neighbouring public land, but there is no money and no interest in helping locals fix this. In education, a new Miners Rest primary school has not been funded. When will this fast-growing community ever see a new school? The Treasurer needs to come clean with these cuts.

**JESUIT SOCIAL SERVICES**

**Mr KENNEDY** (Hawthorn) (09:45): Sitting opposite the Hawthorn electorate office is Ignite Cafe, next door to the Camberwell Library, where my staff team and I gather at 8.30 am for tea and coffee every Monday to plan the week ahead. Jesuit Social Services run Ignite Cafe as a not-for-profit training enterprise, giving young people valuable and useful skills in the catering industry, which often leads them into stable employment. This is just one of many highly successful projects undertaken by Jesuit Social Services since it commenced in 1977, working with people who are the most marginalised. It continues to look forward with hope and courage, in the words of its CEO, Julie Edwards, 'as we strive to build a just society'. Saturday night, 14 March, is the annual Jesuit Social Services dinner in the members dining room at the MCG. My wife, Bronwyn Lane, and I have a table of 10, with two spare places. Parliamentary colleagues would be most welcome to join us. Send me an email of interest and I will send details and a TryBooking link if you decide to come along for a little fun and a great cause. It is always a good night. I commend Jesuit Social Services.

**KNOX CHINESE ELDERLY CITIZENS CLUB**

**Mr WAKELING** (Ferntree Gully) (09:46): That was directed at you, Speaker—good luck!

I wish to place on record my congratulations to William Wai and the committee of the Knox Chinese Elderly Citizens Club lunch for again hosting a fantastic Lunar New Year celebration. We know that the Chinese community is finding it challenging at the moment with the coronavirus, and I was very pleased to join with others to celebrate the great work of our local Chinese community.

**VIETNAM VETERANS ASSOCIATION OF AUSTRALIA**

**Mr WAKELING**: Congratulations to Aff Binnoore, the committee and volunteers at the Outer Eastern Melbourne sub-branch of the Vietnam Veterans Association of Australia, who recently held their 25th anniversary. They provide support to veterans and their families, and I particularly note the great work they do with the widows. It is a tremendous organisation, providing outstanding support for our veteran community.

**SALVATION ARMY, FERNTREE GULLY**

**Mr WAKELING**: Congratulations to the Ferntree Gully Salvation Army, who have recently established a coffee shop within their premises on Wattletree Road, Ferntree Gully—a great local initiative. I encourage all Ferntree Gully residents to support this important cause.

**HIGH STREET ROAD–MOWBRAY DRIVE, WANTIRNA SOUTH**

**Mr WAKELING:** I was very pleased to see after my advocacy and working with local residents that the keep clear sign has been installed at the corner of High Street Road and Mowbray Drive in Wantirna South—a very important initiative for that community and one that has been well received by all local residents.

**TULLIALLAN ESTATE ELM TREES**

**Ms RICHARDS** (Cranbourne) (09:48): I rise today to acknowledge a very special part of Cranbourne. On Sunday, 9 February, I attended an unveiling ceremony to mark the historical and horticultural significance of the elm trees of the Tulliallan Estate in Cranbourne North. I would like to thank the Friends of the Tulliallan Elms, a not-for-profit association founded by Tulliallan residents just in December 2018, who have promoted the interest in, support for and involvement in the preservation, care and maintenance of this charming avenue. Special thanks go to Raavenan Jayaraman, more commonly known as JR, in his role as coordinator of the friends of Tulliallan, as well as to all the volunteers and families of Tulliallan for their contributions. A huge thankyou to Kathy Sharp, Tulliallan Primary School principal, as well as to the teachers and parents for their time, effort and contribution to the naming these beautiful elms.

I must especially congratulate the winner and finalists for their submissions to the logo design competition. Congratulations to Shaun Luke Mathew, Roha Batool, Marcia Ngawaka and Jayden Seevaratnam, all of whom were finalists in the design competition, and of course to the winner, Geet Bhamra, who is a grade 4 student at Tulliallan Primary. I would also like to acknowledge Alyssa Dauer for her role as a community leader—a young woman of great personal strength. The elm trees are an important part of Cranbourne. I would also like to acknowledge Bec Hyland and her family for their work to save the land alongside the primary school. There will be \$3.3 million to transform this site.

**FRENCH ISLAND BUSHFIRE**

**Mr BURGESS** (Hastings) (09:49): I would like to pay tribute to our local and surrounding area fire crews and the aerial water bomber crew that were deployed for their mighty efforts in extinguishing an 87-hectare bushfire on French Island in Western Port over the weekend of 18–19 January. This fire had threatened numerous properties and the island's koala population. The blaze destroyed a valuable collection of vintage cars and a shed; however, the quick response and brave work of those involved prevented any loss of homes.

**LANGWARRIN FOOTBALL NETBALL CLUB**

**Mr BURGESS:** On 7 February I was pleased to be invited to attend the opening of Langwarrin Netball Club's new courts at Lloyd Park in Langwarrin. The opening was a great success as guests witnessed the under-11's twilight tournament played on the new courts, while enjoying music, fun and games throughout the evening. As we are all aware, not all of the damage done by our state's recent bushfires was a visible and direct impact from fire. Many communities untouched by flames nevertheless suffered severe emotional and economic consequences—economic consequences including the squeeze placed on funding from public and private fundraising sources. I am very pleased to inform members that Langwarrin Netball Club has recognised the plight of these local sporting clubs and has generously chosen to donate \$1500 raised at the opening of the new courts to the Lakes Entrance netball club. President Gary Zeuschner will join great local member the member for Gippsland East to present the funds to the club in the near future. I congratulate President Gary and his hardworking committee for their insightful and generosity.

**KINDRED CLUBHOUSE, HASTINGS**

**Mr BURGESS:** On 23 January people in the Hastings area dealing with mental health illnesses received a great new resource. I was very pleased to represent the federal Minister for Health, Greg Hunt, in opening Kindred Clubhouse.

**STRIP SHOPPING CENTRES**

**Mr FOWLES** (Burwood) (09:51): I rise today to draw attention to the challenges facing retail and hospitality businesses in my electorate. Shopping strips are the beating heart of so many communities right across our city, but they are under pressure. High-profile precincts like Fitzroy Street, St Kilda; Bridge Road, Richmond; and Lygon Street, Carlton, are all undergoing significant stress and economic change. But the challenges are not confined to the inner city. In High Street, Ashburton, and Toorak Road, Burwood—both in my electorate—the same pressures are being felt. Rents are significant and are not responding to changing circumstances, resulting in long periods of vacancy, which only serve to contribute to the sense of decline.

The banking system is partially at fault, because it creates a perverse incentive for landlords to hold out for above-market rents. This is compounded by the fact that the major banks are gutlessly exiting these strips, depriving retailers of both an essential service for their businesses and foot traffic past them. Competition from large shopping centres and online retailers is intense, and the effects of the coronavirus have been savage. I commend the work of the Ashburton Village traders association, led by my very busy predecessor Bob Stensholt, and the Burwood Village Traders Association, led by Wayne Stoll. Those associations are working hard in difficult times to keep their strips fresh, relevant and accessible. I recently spent a morning on High Street, Ashburton, asking shoppers for their views on making the strip better. There were some great ideas, but I am sure there are still more great ideas out there. I invite all residents to share their ideas via email, phone or the comments section below this video and to support our local traders.

**SHEPPARTON FESTIVAL**

**Ms SHEED** (Shepparton) (09:52): Shepparton will be truly alive during the month of March. The 24th Shepparton Festival rolls out for the month of March, and this year's theme is 'Evolve'. The festival will be over 17 days with more than 60 events comprising more than 250 artists in 40 different venues, with unique experiences in music, comedy, film, culture, performance, workshops, a festival feast and visual arts.

Some of the events on offer are the literary lunch with Jill Barclay at The Barn at Buchanan's Bridge and Women of the White House, which is listed as a tell-all exposé of true facts, fake news and modern-day right-wing conservative feminism from inside the big orange world of Trump. Rust & Wine, an exhibition of large-scale sculptures scattered around the spectacular landscape at Tallis cellar door, showcasing local artists Tank and Steve Tobin, will be a wonderful experience. The Quarry Chorus held in the extraordinary amphitheatre of the Dookie quarry is a sensory experience of sound, light and movement. Art and events from Indigenous and multicultural artists will feature along with the Shepparton Albanian Harvest Festival. There is much to see and do, and you should all make a point of coming to see our fantastic regional area for some of these events.

To Shepparton Festival board chair Fiona Smolenaars, vice-chair Leigh Findlay, Peter Kelton, Kirsten Green, Bruce Hunt-Hughes, Ellie Phillips and creative director Jamie Lea and the team, well done, and I wish you a very successful event and look forward to seeing you at many of them.

**GREAT OCEAN ROAD TOURISM**

**Mr CHEESEMAM** (South Barwon) (09:54): The Great Ocean Road is one of the most iconic coastal drives in the world. From Torquay to Warrnambool, the road provides 243 kilometres of views of the Surf Coast and the Great Otway National Park. Construction began in 1918, and the workers who built the road were returned soldiers from World War I. The road is not only a fantastic scenic drive but is also a fantastic job driver. It was built as a monument to returned servicemen who served this country during the Great War. This makes the Great Ocean Road the largest war memorial on the planet, being hundreds of kilometres in length. It is also one of the biggest draws for visitors to our state.

Last financial year 251 000 international tourists visited the Great Ocean Road, spending \$109 million and helping to create some 11 200 jobs. Even higher is the number of domestic visitors who flock to

the coast to support these fantastic communities from Jan Juc to Lorne and Apollo Bay. Unfortunately those numbers have dropped in the last few weeks. The Great Ocean Road should be packed with minivans, buses and people making their way along this iconic coastal drive, but the coronavirus has had a significant impact on visitor numbers. I support and commend the work that has been undertaken by the government to support this community.

### ST HARALAMBOS, TEMPLESTOWE

**Mr GUY** (Bulleen) (09:55): I want to place on record some thanks to Fr Elias Kentrotis from the St Haralambos Greek Orthodox church in Templestowe for their wonderful annual festival that they held on Sunday, where councillors, members of Parliament and much of the community came to see the wonders of St Haralambos and the hospitality of the Greek community in my electorate. Bishop Ezekiel of Dervis was on hand to officiate the mass proceedings. Then of course after that it became a big Greek festival of dancing and singing. As the member for Bentleigh would know, much Greek dancing is Zorba dancing—he is going to come out and practise with me next year.

### TEMPLESTOWE ROAD UPGRADE

**Mr GUY**: I want to place on record some much-needed upgrades that are due for Templestowe Road, and that is a feeder road to the freeway, with huge traffic flow particularly from the northern side of the Yarra River. There are not plans in the North East Link proposal to upgrade Templestowe Road in any large portion. Templestowe Road needs to retain its service roads, but it does need proper sealing, it needs turning lanes and it needs edges and footpaths on the northern side of it. I urge the government to get on with upgrading Templestowe Road rather than simply offering platitudes as to what may occur.

### MANNINGHAM NEIGHBOURHOOD WATCH

**Mr GUY**: Can I, in my last 20 seconds, place on record my congratulations to Manningham Neighbourhood Watch. I was at one of their committee meetings recently. Again I was stunned to see how many of them put in so much work voluntarily to offer community service advice and protection advice for the many thousands of residents of Manningham. They do so in their own time, and I place on record my congratulations.

### FAMILY VIOLENCE

**Ms HUTCHINS** (Sydenham) (09:57): Most people would have woken to the news today that Hannah Baxter was murdered by her former husband, who set her and her three children on fire in the family car in Queensland yesterday. According to some quarters of the media, he has been described as a father who loved his kids, as an NRL star and as suffering from a marriage breakdown. But make no mistake: he was a murderer and scum of the earth.

Helena Broadbent, Lindita and Veton Musai, Rosalie Rowen and Yingying Zhou—these are just some of the names of victims of family violence-based murder who were killed here in Victoria in the last six months. Across Australia the death toll from family violence in 2019 was 61 people. Men who perpetrate family violence against their family—women and children—are not loving dads and they are not stars. They are controlling, abusive, dangerous murderers—and yes, they are cowards. The media will spend a lot of time talking about him and the theories of why he snapped, and far less about Hannah and her three beautiful children, but remember her name and remember their names.

I want to thank our Premier for taking leadership on family violence and for implementing the royal commission findings, and I ask the Prime Minister to step up, end the cuts to family violence services and increase the funding that is needed now—urgently—for the services that save women's and children's lives across Australia.

**REFUGEE COMMUNITIES ASSOCIATION OF AUSTRALIA**

**Mr TAK** (Clarinda) (09:58): Last Saturday I was delighted to attend the launch of the Refugee Communities Association of Australia Inc. (RCAA). The launch marks the start of a new period of refugee and asylum seeker advocacy, one that will truly amplify the voices of those with lived experience. I would like to congratulate Parsuram Sharma-Luitai, JP, Bwe Thay and all those individuals and organisations which have worked tirelessly over the years and made the RCAA dream a reality.

It was back in 2013 that community leaders from refugee and asylum seeker backgrounds started to discuss creating an organisation that would provide a much-needed united voice—a platform for refugee communities to work together and raise the voice of the voiceless and to help communities find common ground, support each other and drive social cohesion. The RCAA will draw on the vast resource of communities which have arrived in Australia as refugees and asylum seekers and successfully re-established their life in Australia, and the RCAA envisions strong connections between the more established communities and the new and emerging communities.

I am looking forward to working with the RCAA and with my parliamentary colleagues, with service providers and with the broader community to support the vision of a united voice for refugee communities in Victoria and Australia.

**BUSHFIRES**

**Ms HALFPENNY** (Thomastown) (10:00): I would like to join with everyone else in this chamber to express my sorrow and solidarity to all those devastated by the horrific bushfires we have experienced in Victoria and throughout Australia. Residents of the Thomastown electorate again have demonstrated their compassion and generosity. Although it is an area of relatively low income, the community groups and individuals have again dug deep to provide support for our bushfire families.

I would like to thank the organisations that have started to hold fundraisers and donated to the Victorian Bushfire Relief Fund. Those that I personally know of are: the Thomastown Mosque; the Pakistani Australian community in the northern suburbs; the Australian Shia Gathering Place; the Greek Cypriot seniors of the northern suburbs, who are holding a fundraiser in March; the Masjid Ahlulbait in Reservoir; the Imam Ali Islamic Centre in Fawkner; the Imam Hasan Al-Mujtaba and Bint Al-Huda Iraqi Women's Association in Epping; the Syro Malabar Eparchy of St Thomas; the Allawi community; the Casa D'Abruzzo Club, who is donating \$2 for every meal sold; the Italian community through local churches; the Macedonian Australian community; and the Greek Orthodox community—and this is just the start of a long commitment by the area to support and not forget those that have been harmed, hurt and scarred by the tragedy of the bushfires that we have had this year.

**NOELINE DALZELL**

**Ms KILKENNY** (Carrum) (10:01): Last Friday I attended the funeral service for Noeline Dalzell of Seaford. She died on 4 February, aged 49. Noeline leaves behind three children: Paige, year 11; Zac, year 10; and Olivia, year 8. She also leaves behind a brother, Malcolm, and a sister-in-law, Jenny. These two people, having raised their own children, now find themselves suddenly raising three teenagers. And Noeline leaves behind a local community, my community of Seaford North and Carrum. This is an incredible community—caring, resilient, generous, compassionate—but a community struggling to come to terms with this heartbreak. Their lives and the lives of so many have been ripped upside down.

At Noeline's service there were so many friends of the three children—classmates, team members from Zac's football club, school principals, teachers and staff, families, local businesspeople—all struggling with Noeline's death and aching with sadness for her three children. The distress and grief and sadness, the anguish and the anger they are all feeling was clear. It was and is an utterly painful story, but an all-too-familiar one. The way Noeline died and the circumstances in which she died were not mentioned at her service, but we all knew; and everyone at that service and others who were not

there that are trying to deal with Noeline's death are clear on this: we must end family violence. No children, no family, should ever have to go through what this family is dealing with.

Yesterday there were more deaths, this time in Brisbane. Hannah and her family—another community, another family—are dealing with the aftermath of another shocking incident. I know that my local community of Seaford and Carrum will continue to support Noeline's children, and I thank them. Together we will honour and acknowledge Noeline's life and her place in our community.

#### VALERIE DONLON

**Mr HAMER** (Box Hill) (10:03): Congratulations to Valerie Donlon on being awarded the Whitehorse Citizen of the Year. Valerie joined U3A Nunawading in 2012 before serving as president from 2015 until 2019. During her tenure as president, Valerie transformed the organisation into a contemporary business, resulting in U3A Nunawading winning a City of Whitehorse Excellence in Business community award in 2018.

#### CHINESE STROKE SUPPORT

**Mr HAMER:** Congratulations to the Chinese Stroke Support, Sunshine Group, for their community achievement award. The Sunshine Group is made up of a wonderful group of volunteers who contribute to the personal wellbeing and health of stroke survivors through health education, fitness and social activities.

#### CHRIS MILLER

**Mr HAMER:** Congratulations to Chris Miller on receiving a community achievement award. Chris has been a tireless champion for Alkira, a local disability service provider, for more than 60 years in helping Alkira carry out its important work. Chris was appointed to the Alkira board in 2003, and his services were recognised in 2015 when he was appointed a life governor of Alkira.

#### ANTHEA SWANN

**Mr HAMER:** Congratulations to Anthea Swann on receiving a community achievement award for her work with the Blackburn Creeklands Advisory Committee. A contributor to these local bushland parks for more than 30 years, Anthea has helped ensure that these parks remain a treasured part of the Blackburn community.

#### 1ST/8TH BLACKBURN SCOUT GROUP

**Mr HAMER:** Congratulations to the 1st/8th Blackburn Scout Group on receiving a community achievement award for their commitment to the environment. The group has been an active participant in Clean Up Australia Day events each year and has introduced a waste segregation system and indigenous plantings at its scout hall.

#### VALERIE BOURKE

**Mr HAMER:** Congratulations to U3A Box Hill and president Valerie Bourke on receiving a community achievement award. President since 2017, Valerie has worked tirelessly to continue the vibrant program that is on offer. U3A Box Hill now offers more than 60 courses each term.

#### COVID-19

**Mr HALSE** (Ringwood) (10:04): We know that Chinese Australian businesses are doing it tough at the moment. That is why a group of us last night went to Tea House at Chinatown for a delicious and succulent Chinese meal. I enjoyed the vegetable numbers, and the member for Melton enjoyed the meat dishes. We all had a wonderful time, and we were treated with great hospitality at Tea House. I want to thank them for having us last night.

I want to thank those Chinese Australian restaurants in my community. A couple of my favourites are Wong's House, Yang's Place and D for Dumplings, and I was at Jade Village just recently. They took

care of us very well—a delicious, delicious Chinese feed. Dumplings Delish is down in Mitcham, just a couple of minutes from where I live. I like the vegetarian dumplings there; they do a fantastic fried vegetarian dumpling.

The member for Glen Waverley has been touring the Chinese businesses in his electorate, and so has the member for Box Hill. We need to get around our Chinese businesses, and we are going to do that. We should be really clear that our businesses are open. We should get there, and we should support them. I look forward today to getting to yum cha just down the road.

### Bills

## ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020

### *Statement of compatibility*

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (10:07): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Assisted Reproductive Treatment Amendment Bill 2020.

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 Assisted Reproductive Treatment Amendment Bill 2020.

In my opinion, the Assisted Reproductive Treatment Amendment Bill 2020 (**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 *Assisted Reproductive Treatment Act 2008* to remove requirements for a woman and her partner, if she has one, and parties to a surrogacy arrangement to undergo a criminal record and child protection order check before a woman may undergo a treatment procedure.

### **Human rights issues**

The provision and regulation of assisted reproductive treatment involves a balancing of a number of rights and interests, including those of donor-conceived children, potential parents, and donors of eggs, sperm and embryos.

The Bill aims to enhance protection of Charter rights and achieve an appropriate balance between the above interests.

### Right to privacy

Section 13(a) of the Charter recognises a person's right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right to privacy encompasses the right to information privacy and bodily autonomy (although it does not extend to the right to become a parent or create a family). The right requires that any interference with privacy be lawful and not arbitrary, meaning that any interference be precisely prescribed and reasonable in the circumstances, and be in accordance with the provisions, aims and objectives of the Charter.

Clause 8 of the Bill repeals s 14 of the principal Act, removing the presumption against providing a treatment procedure to a woman that applies if a woman or her partner, or a party to a surrogacy arrangement have had charges proven against them for a sexual offence, been convicted of a violent offence or had a child protection order removing a child from the custody or guardianship of the woman or her partner or a party to a surrogacy arrangement. Presently, if this presumption against providing a treatment procedure applies to a woman, a registered assisted reproductive treatment provider must not provide a treatment procedure to the woman, unless an application is made to the Patient Review Panel to review the presumption, and the Panel determines there is no barrier to the person undergoing treatment.

The final report of the *Independent Review of Assisted Reproductive Treatment* undertaken by Michael Gorton AM, noted that the requirement for a woman and her partner who wish to access assisted reproductive treatment to undertake these checks, which people conceiving children by natural means do not have to undergo, was the second most common concern raised by stakeholders.

The Bill enhances the protection of the right to privacy as it removes requirements for criminal record and child protection order checks to be carried out before a woman and her partner, if she has one, and parties to

a surrogacy arrangement may undergo a treatment procedure. These requirements may interfere with a person's privacy in two ways. Firstly, it requires a person who wishes to access treatment procedures to provide personal information about their private life including their parenting history and any criminal records (if relevant), which may interfere with their right to information privacy. Secondly, the presumption against providing a treatment procedure that applies to specified record checks may interfere with a person's private life by limiting their reproductive autonomy (such as the available methods of conception). Removing the requirement to satisfy such record checks removes a potential obstacle for certain persons to access assisted reproductive treatment and therefore enhances their enjoyment of their right to privacy.

#### Right to equality

Section 8(2) of the Charter provides for the right to enjoy one's human rights without discrimination. Section 8(2) is not a freestanding right; rather, it prohibits discrimination only in the enjoyment of the substantive rights in the Charter. 'Discrimination' under the Charter means discrimination within the meaning of the *Equal Opportunity Act 2010*, on the basis of a protected attribute set out in s 6 of that Act, which relevantly include sexual orientation, and marital status.

Under s 8 of the *Equal Opportunity Act 2010*, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute under that Act unfavourably because of that attribute. Section 9 of the *Equal Opportunity Act 2010* provides that indirect discrimination occurs where there is a requirement, condition or practice that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, and the requirement, condition or practice is not reasonable.

A person may seek to use assisted reproductive treatment to facilitate creating a family because they are single or in a same-sex relationship. Accordingly, the current requirements and presumptions, which do not apply to persons who wish to conceive naturally, may have the effect of disadvantaging persons with such protected attributes (by restricting their access to assisted reproductive treatment) that is not reasonable in the circumstances. By removing such requirements and presumptions, the Bill promotes the right in s 8(2) of the Charter as it promotes the equal enjoyment of the right to privacy in s 13(a) of the Charter by removing requirements which may have the effect of indirectly discriminating against persons on the basis of sexual orientation or marital status.

The amendments are also consistent with s 5 of the principal Act, which sets out the guiding principles for the provision and regulation of assisted reproductive treatment, including that persons seeking to undergo assisted reproductive treatment must not be discriminated against on the basis of their sexual orientation or marital status.

#### Protection of families and children

Section 17(1) of the Charter provides that families are the fundamental unit of society and are entitled to be protected by society and the state. Section 17(2) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Section 17(2) of the Charter recognises the special vulnerability of children as a result of their age and confers additional rights on them. It is one of the guiding principles for the provision and regulation of assisted reproductive treatment, as outlined in s 5 of the principal Act, that the welfare and interests of children to be born as a result of the use of assisted reproductive treatment are paramount.

As the requirements for criminal record and child protection order checks were intended to safeguard the welfare of a child to be born from assisted reproductive treatment, removal of these requirements could be construed as removing an existing protection of a child such as to limit the right in s 17(2). However, there are a range of existing opportunities to identify risks to the welfare and interests of a child to be born through assisted reproductive treatment and measures to manage those risks, both under the principal Act and broader child safeguarding schemes. For example, in determining whether to treat a person, a registered assisted reproductive treatment provider must consider the guiding principles of the Act including that the welfare and interests of persons born or to be born as a result of treatment procedures is paramount. An assisted reproductive treatment provider can refuse treatment if the provider or doctor reasonably believes that a child that may be born as a result of a procedure would be at a risk of abuse or neglect. If treatment is refused on this basis, a person could request the Patient Review Panel reviews that decision.

In addition, since the requirement for the checks was first introduced, the regulatory landscape in relation to child safeguarding in Victoria has significantly changed with the introduction of child safe standards, the reportable conduct scheme, child information and family violence information sharing schemes, the expansion of mandatory reporting of child abuse, the working with children check scheme and significant government investment in initiatives addressing family violence.

Finally, as discussed above, maintaining this requirement may limit the privacy and equality rights of persons seeking to use assisted reproductive treatment in circumstances that are not reasonably justified. I note that

such requirements for police and child protection order checks are not required by other jurisdictions with comparative human rights obligations.

Accordingly, I am satisfied that any limitation on the right in s 17(2) under the Charter is reasonable and justified.

#### **Conclusion**

I consider that the Bill is compatible with the Charter. The Bill promotes the right to privacy and promotes the right to equality. To the extent that some provisions may limit human rights those limitations are reasonable and justified in the circumstances.

Martin Foley MP  
Minister for Mental Health  
Minister for Equality  
Minister for Creative Industries

#### *Second reading*

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (10:08): 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 Andrews Labor Government is committed to promoting equality and removing discrimination in all its forms. I am pleased to table the Assisted Reproductive Treatment Amendment Bill 2020, which removes unacceptable discrimination between people who conceive naturally and those accessing assisted reproductive treatment.

Specifically, this Bill will remove the requirement that women and their partners, if they have one, and parties to a surrogacy arrangement must undergo a police and child protection order check prior to accessing assisted reproductive treatment. In doing so, it will ensure that people are not discriminated against on the basis of needing to access assisted reproductive treatment to create their family.

The amendments represent the next step to action the government's commitment to review and strengthen Victoria's assisted reproductive treatment laws.

Implementing this Bill addresses significant concern in Victoria about the requirement for the checks that was raised during the review of assisted reproductive treatment commissioned by the Victorian Government in May 2018 and undertaken by Michael Gorton AM (the Gorton review).

It will remove a process that people have found to be unfair, humiliating and distressing at a time when women receiving treatment and their partners are already feeling anxious about their fertility. It will also reduce costs and delays to treatment.

#### **Amendments to the Assisted Reproductive Treatment Act 2008**

The *Assisted Reproductive Treatment Act 2008* requires a woman and her partner, if she has one, and parties to a surrogacy arrangement, to undergo a police and child protection order check prior to accessing assisted reproductive treatment. Section 14 of the Act creates a presumption against providing treatment to a woman if the woman or her partner has returned a criminal record check that shows charges have been proven for a sexual offence of a specified kind; or a conviction for a violent offence of a specified kind; or where a child protection order check specifies that a child protection order has been made removing a child from the custody or guardianship of the woman or her partner.

Where a presumption against treatment applies, a person may apply to the Patient Review Panel for a review of that presumption. The Panel is an independent statutory tribunal established to consider a number of matters including whether treatment can occur if there is a presumption against treatment. After considering the application and having regard to certain matters, the Panel must decide whether or not a barrier to treatment applies.

During consultations undertaken by the Department of Health and Human Services in August 2019, stakeholders overwhelmingly supported removing the requirement for the checks.

Following commencement of the proposed legislation, any existing presumptions against treatment based on a police or child protection order check, will no longer apply.

There are a number of important safeguards that will remain in place.

In deciding whether to treat any person, including a person that had a presumption against treatment prior to commencement of the proposed legislation or had a previous barrier to treatment, an assisted reproductive treatment provider must still consider the guiding principles in section 5 of the Act including that the welfare and interests of persons born or to be born as a result of treatment procedures are paramount. An assisted reproductive treatment provider will continue to be able to refuse treatment if the provider or doctor reasonably believes that a child that may be born as a result of a procedure would be at risk of abuse or neglect. The Patient Review Panel will still be able to review any decision by a provider to refuse treatment on this basis.

In the last 10 years since the checks were introduced, the regulatory landscape for child safeguarding in Victoria has changed significantly. This includes the introduction of the reportable conduct scheme, child safe standards, child information and family violence information sharing schemes, the expansion of mandatory reporting of child abuse, the working with children check scheme and significant government investment in initiatives addressing family violence.

#### **Commencement**

The amendments in the Bill are intended to come into operation by proclamation 28 days after the proposed legislation receives Royal Assent. This will allow sufficient time for assisted reproductive treatment providers to prepare for the changes. It also allows sufficient time for Victoria Police to complete any checks in progress and update its website, and for the Assisted Reproductive Treatment Regulations 2019 to be updated to reflect the changes.

I commend the Bill to the house.

**Mr WELLS** (Rowville) (10:08): 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 Thursday, 5 March.**

### **HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020**

#### *Statement of compatibility*

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (10:09): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Bill 2020.

#### **Opening paragraphs**

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 Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Bill 2020 (**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 **Health Services Act 1988** and the **Ambulance Services Act 1986** to enable the Secretary to direct public hospitals, health service establishments and ambulance services to require persons they employ or engage to be vaccinated against, or prove immunity to, specified diseases. Compliance with a direction of the Secretary is mandatory and the Bill provides that a direction may specify the consequences of non-compliance for those persons as employees or persons engaged by the hospital or ambulance service.

The purpose of the Bill is to protect the health and safety of patients by mitigating the risk of transmission of vaccine preventable diseases. The Bill will also improve occupational health and safety for Victoria's frontline healthcare workers providing vital services in hospitals by reducing their risk of infection by vaccine preventable diseases.

#### **Human Rights Issues**

##### ***Power of direction subject to s 38 of the Charter***

As a preliminary point, the Secretary is a public authority subject to section 38 of the Charter and must give proper consideration to relevant rights (including the right to equality) and act compatibly with human rights when making a decision, which would include a direction made under these amendments. Undertaking proper

consideration involves a reasoning process that includes the Secretary seriously turning his or her mind to the possible impact of the direction on a person's human rights, and balancing competing private and public interests as part of the exercise of justification. The obligation to act compatibly includes making a direction that is substantively compatible with Charter rights.

Any direction made under these amendments will be relevant to the rights to equality (s 8), freedom of thought, conscience, religion and belief (s 14), expression (s 15), not receive medical treatment without consent (s 10) and privacy (s 13), which I will now discuss in turn. As the justification for any resulting limit is generally the same for each of these rights, I propose to first outline the underlying purpose and justification for this amendment, and then discuss the compatibility with each of the above rights.

### *The importance of the limitation*

Reducing morbidity and mortality from many infectious diseases by means of vaccination is considered the most significant public health achievement of the past century. The weight of scientific evidence demonstrates that vaccines are safe and effective, and provide a wide-ranging public health benefit. Despite the huge gains made in this area, infectious diseases remain a significant cause of death worldwide, threatening public health and contributing significantly to the escalating costs of health care.

Healthcare workers are at an increased risk of vaccine-preventable diseases and may pose a risk of transmission to other staff and patients, particularly those who are at risk because of age, chronic disease, immunosuppression or pregnancy. Additionally, there is a heightened importance of promoting 'herd immunity' (the rate of immunisation that can prevent the spread of disease) in acute healthcare settings in relation to protecting those who cannot receive vaccines or for whom vaccinations do not work. These risks to health can have serious consequences, including death.

Mandatory vaccination of healthcare workers will improve the protection of both healthcare workers and their vulnerable patients from vaccine preventable diseases, leading to clear public health benefits. A poorly vaccinated workforce present risks to occupational health and safety, patient safety and health services' operations. Strong and irrefutable medical and scientific evidence demonstrates that there is no less restrictive alternative except to require mandatory vaccination, and that exemptions to compulsory vaccination laws threaten to undermine the public health benefit made possible by widespread immunisation and 'herd immunity'. Victoria is currently one of the few Australian jurisdictions that does not have a mandatory vaccination requirement for healthcare workers.

### *Right to equality (s 8)*

Section 8(3) of the Charter provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. 'Discrimination' under the Charter means discrimination within the meaning of the **Equal Opportunity Act 2010**. Under section 8 of that Act, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons on the basis of a protected attribute, and that is not reasonable.

A direction of the Secretary requiring specified healthcare workers to be vaccinated may result in unvaccinated workers being treated less favourably than vaccinated workers. This may engage the right to equality where the treatment or disadvantage results from a protected attribute, such as the person's religious or political belief, physical features or disability (such as a medical condition or the presence (or potential future presence) in the body of organisms that may cause disease).

Section 86 of the **Equal Opportunity Act 2010** permits discrimination on the basis of disability or physical features if reasonably necessary to protect the health of individuals or the public generally, which is the underlying purpose of a direction made under these amendments. Accordingly, any discrimination on the basis of these protected attributes will not limit the right to equality in the Charter.

In relation to discrimination on the basis of religious or political belief, the Bill deems any such direction made under these amendments to not constitute discrimination on the basis of political belief or activity or religious belief or activity for the purposes of the **Equal Opportunity Act 2010**. I accept that such a deeming provision which reduces the scope of the definition of discrimination has a limiting effect on the right to equality. However, in my view such a limit is reasonably justified with regard to the importance of the limitation I outlined above, and the fact that any unfavourable treatment that results will be on the basis of that person's failure to take a step which may prevent or minimise the impact of a disease, rather than as a targeted result of their religious or political belief.

In relation to the case of a person with a medical contraindication to vaccination, the Secretary will be required under their s 38 Charter obligation to consider the implications of any direction for such an affected person and balance it against the public interest, including considering whether any less restrictive means are

available such as granting the affected person an exemption from a direction if to do so would not compromise the overall efficacy of the direction.

Accordingly, in my opinion the Bill is compatible with the right to equality in the Charter.

***Freedom of thought, conscience, religion and belief (s 14) and freedom of expression (s 15)***

Section 14 provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to demonstrate one's religion or belief individually or as part of a community, whether in public or private, through worship, observance, practice and teaching. A person must not be restrained or coerced in a way that limits their freedom to have a belief. Section 15 of the Charter provides that every person has the right to hold an opinion without interference.

Requiring healthcare workers to be vaccinated may be seen to limit these rights where non compliance has consequences for an individual with a religious, political or other 'conscientious objection' to vaccination (for example, if a worker is dismissed or prevented from having patient contact because they are not vaccinated). However, I consider that any limitations imposed by the Bill are justifiable having regard to the factors set out in section 7(2) of the Charter. Firstly, the limitation does not primarily affect the right, as the Bill does not purport to prevent a worker from holding a belief that they should not be vaccinated. Secondly, the purpose of the limitation, as I outlined above, is of high importance and is both rationally connected to, and capable by way of the scientific evidence, to achieving the purpose. In my view, there is no less restrictive method of effectively mitigating the risk of patients and staff contracting a vaccine preventable disease. Accordingly, I am satisfied that the Bill is compatible with the freedom of conscience and belief under the Charter.

In relation to the right to freedom of expression, special duties and responsibilities attach to this right which permit lawful restrictions to be applied where reasonably necessary to achieve certain purposes specified in s 15(3) of the Charter, which include the protection of public health. Accordingly, I consider any limit on this right effected by a direction of the Secretary will be compatible with the Charter.

***Medical treatment without full, free and informed consent (s 10(c))***

Section 10(c) of the Charter provides that a person must not be subjected to medical or scientific treatment without their full, free and informed consent.

In my view, the right in section 10(c) of the Charter is not engaged by the Bill. A direction given by the Secretary under the new provisions will not mandate vaccinations, nor will it provide for the administration of vaccinations without consent. While refusal of consent may have consequences for the worker's employment, it does not negate the voluntariness of the consent itself if given. Even if the right is engaged, I consider that any limitation is reasonable and demonstrably justified for the reasons set out above.

***Right to privacy and reputation (s 13)***

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

The effect of a direction may require a healthcare worker to provide medical information regarding their vaccination history, which would constitute the provision of personal information and thus be an interference with privacy. However, in my view any such interference would be lawful and not arbitrary, with reference to the importance of the aim and the lack of any less restrictive means available to establish whether a person is complying with the direction.

Martin Foley MP  
Minister for Mental Health  
Minister for Equality  
Minister for Creative Industries

*Second reading*

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (10:10): 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 amendments proposed by this Bill will improve the health and wellbeing of Victorians in a number of ways. Firstly, they will improve occupational health and safety for Victoria's frontline healthcare workers who provide vital services in hospitals by reducing their risk of infection by vaccine-preventable diseases. Secondly, they will protect vulnerable Victorians who are in hospital from the risk of transmission of vaccine-preventable diseases. In essence, these amendments will maximise compliance with existing recommended vaccination policy and will improve the effectiveness of the program in protecting Victorian healthcare workers and patients.

As an occupational group, healthcare workers are at increased risk of vaccine preventable diseases. If not immune, they pose a risk of transmission to patients, particularly those who are vulnerable because of age, pregnancy or chronic diseases. A poorly-vaccinated workforce creates both an occupational health and safety risk and a patient safety risk. Health services are also at increased risk of disruption due to staff absences either from illness or due to exclusion as a quarantine measure.

Currently in Victoria, the Department of Health and Human Services has guidelines for healthcare worker vaccination, however, there is no legislative mandate to enforce these guidelines. Victoria is one of the few Australian jurisdictions that does not have a mandatory immunisation requirement for healthcare workers. The amendments proposed by this Bill will ensure Victoria is in line with other jurisdictions on the mandatory vaccination of healthcare workers.

This Bill makes amendments to the *Health Services Act 1988* and the *Ambulance Services Act 1986*, which will allow the Secretary of the Department of Health and Human Services to direct employers of healthcare workers across a range of healthcare settings in Victoria to require employees who are healthcare workers to be vaccinated against specified vaccine-preventable diseases. These settings include public hospitals, denominational hospitals, private hospitals and ambulance services. The Secretary's direction will specify the settings and class of healthcare workers to be vaccinated and also specify the vaccinations that are to be required.

In developing the policies to support these amendments the Chief Health Officer has sought to review policies and evidence from other jurisdictions and has consulted with key stakeholders. In doing so it has become clear that a wide-ranging policy maximising the coverage of healthcare workers is optimal. It is intended, therefore, that all healthcare workers with patient contact in public, denominational and private hospitals, ambulance services, and public sector aged care services operated by public hospitals will be covered by the Secretary's direction.

Vaccinations are safe and save lives. Currently influenza vaccination is funded for staff working in health services and the introduction of targets has seen a rise in healthcare worker influenza vaccination rates in recent years, peaking at 84% in 2019. By mandating influenza vaccination for healthcare workers, along with vaccines for other important diseases such as pertussis, measles and chickenpox, healthcare workers and patients can be protected from these preventable diseases.

These amendments are intended to take effect the day after the Bill receives royal assent. Vaccination will not be mandated, however, until the Secretary of the Department of Health and Human Services makes a declaration under the Bill to health services. It is intended that mandatory vaccination will not be implemented until early 2021. This will allow time to consult appropriately with all stakeholders on the implementation process and to enable the development of appropriate supporting resources, including appropriate methods to monitor vaccination uptake.

I commend the Bill to the house.

**Mr WELLS (Rowville) (10:10):** 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 Thursday, 5 March.**

**OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019***Second reading*

**Debate resumed on motion of Ms KAIROUZ:**

That this bill be now read a second time.

**Mr STAIKOS (Bentleigh) (10:11):** It is a pleasure to rise to continue my contribution on the Owners Corporations and Other Acts Amendment Bill 2019. Prior to the adjournment last night I was

talking about how the issue of problems with owners corporations and indeed owners corporation managers is something that has come up very, very regularly in my electorate, particularly from older constituents. I did say prior to the adjournment that throughout my contribution I would be referring to two of those constituents in particular, two older women. One of those ladies, someone who is in her 80s, bought into a large apartment building as an investment. When she came to see me, she had two large bags full of documentation, mainly financial statements and invoices that requested large sums of money for unscheduled maintenance—things that she did not expect would happen, invoices that she did not expect would be received by her. This bill addresses her concerns because it creates a new five-tier system based on owners corporations' size. Larger owners corporations, such as the one that this particular constituent is a member of, will be subject to a greater number of requirements with regard to committees, annual financial statements and others, whilst smaller ones will be subject to less stringent regulations.

The new tiers included in the bill are tier one, more than 100 occupiable lots; tier two, 51 to 100 occupiable lots; tier three, 10 to 50 occupiable lots; tier four, three to nine; and tier five, a two-lot subdivision or services-only owners corporation. For a tier one or a tier two, as is the case for this particular constituent, the bill requires those owners corporations to prepare and to prove a maintenance plan for the property. Currently only prescribed owners corporations are required to prepare a maintenance plan. This will mean that a maintenance plan will be mandatory, and those owners corporations will be required to ensure fees are deposited into the maintenance fund and are adequate to fund the approved maintenance plan. In doing so you will minimise the sorts of surprises and, frankly, shocks that this particular constituent had to experience.

The other constituent I did want to briefly mention, a lady in her 70s, had a very different situation to the previous constituent. She is on a block of just three units, so it is a small owners corporation. Her problem was around transparency and fees for various things that they were being charged for. Explanations for charges were vague. For instance, statements that she brought in to me had things like miscellaneous repairs—I found that a lot, but there was no explanation as to what those repairs were—or accountancy fees or legal expenses. When this particular constituent raised these concerns with Consumer Affairs Victoria and Consumer Affairs subsequently made contact with the owners corporation manager, my constituent was even charged for the phone call from Consumer Affairs to the owners corporation manager.

I think it is just a disgrace, and I think that it is not before time that we have decided to have this review and that we have decided to bring in this legislation, because owners corporation legislation has not been amended in this state for 13 or 14 years. It is a positive step forward. It is wideranging, and it will provide transparency for the more than 1.5 million Victorians who are in some way associated with an owners corporation. It will certainly mean a lot of comfort for older constituents of my electorate who are part of owners corporations and who just want to know that they are not being cheated and just want to be comfortable that they are not being ripped off. I commend the bill to the house, and I wish it a speedy passage.

**Mr FOWLES** (Burwood) (10:15): It is indeed my pleasure to rise to make a contribution on the Owners Corporations and Other Acts Amendment Bill 2019. It has been inferred by some members, perhaps on both sides of the chamber, that this is not a particularly exciting bit of legislation, but I beg to differ because the simple fact is 1.5 million Victorians have some sort of relationship with an owners corporation—and I would hazard a guess that not many of them would characterise that relationship as interesting or happy or efficient or expedient. I am very grateful that the minister has taken the opportunity to bring a number of reforms to this chamber to improve the totality of the experience that Victorians have with their owners corporations.

There are a number of matters that are addressed in this bill before us, but I wanted to focus on a couple of things particularly. The first of those, and perhaps one matter that has not received quite as much attention in this debate, is the reform that the bill delivers via amendments to the Retirement Villages Act 1986. This enables residents of a retirement village to elect a residents committee irrespective of

whether there is an owners corporation in place. We know that there are numerous models of ownership for retirement villages, that there are varying degrees of care, that there are strata models and that there are bonded models where you pay a capital sum when you enter a village but you are precontracted, if you like, to receive just that sum and no capital appreciation upon exit. There are lots of complications in this sector, but it is absolutely critical to be able to have your say as a retirement village resident.

These reforms brought forward by the minister give residents more power. They give residents more ability to speak up on the issues that are affecting them. They also ensure that the power imbalance between owners and managers of retirement villages is addressed. We all know, probably from our own family's and our own experiences, that the people living in retirement villages tend to be older, and we also know that older members of our community might be subject to undue influence. It is important that we set up decision-making mechanisms that do not subject those more vulnerable members of our community to that undue influence and that we give them greater power over their lives and their living circumstances and greater power over decisions that are made that affect them each and every day when living in these communities.

Those reforms control the way in which those meetings occur, including limiting the ability of owners corporations to be at those meetings unless it is agreed by the residents. So rather than having the default position of the owners and managers being in the room influencing decisions, applying pressure either implicitly or explicitly, we actually remove them from the decision-making forum, put the power back in the hands of the residents and ensure that they are able to make their decisions and come to a collective view without undue influence from the people who are quite clearly managing a set of conflicts—the conflict between offering residents the very best experience in the facility they are managing and their other duty, which is to provide a return to their shareholders. Clearly there are going to be circumstances where those matters come into conflict, and it is appropriate then to protect the ability of the residents committees to make those decisions and to make those recommendations to management in an environment that is free of that undue influence.

These reforms also prevent those owner-managers from being able to use their majority power to just ram through changes. I think that is very important as well, that owners who control the numbers—to use the sort of political language—on these committees cannot just ram through changes that are politically expedient or commercially useful for them.

The other thing it does is it stops a majority owners corporation owner or a close associate of the owner from increasing the cost of living without the retirement village residents' consent. I think this is important. We all know that cost-of-living pressures are acutely felt by older members of our community. There are struggles each and every day, with increased costs of living, with a pension scheme that is not keeping up with those costs of living, and the ability to exploit those matters is felt acutely by many of these residents. I think it is entirely appropriate to make sure that there is that explicit protection around cost-of-living changes.

By removing owners and managers from the debate, by removing them from the voting decisions, it does not mean that they are excluded in totality from the management of their facilities. They can call meetings, of course, to discuss changes they would like to make. That is entirely appropriate. There are going to be changes that need to be made inside these facilities; it is entirely appropriate they get to call the meeting in order to be able to do that. What is not appropriate is staying in the room and then using their influence, their relationships with those residents, to unduly influence an outcome.

The other reform that I think is important in this space is that there will be created a residents committee whether there is an owners corporation or not. Previously an owners corporation, if it existed, would have the power of a residents committee. This amendment removes that ability. It gives greater power to all retirement village residents to have a group to represent their interests that exists separately from any owners corporation. That is an important power. It is important to enshrine the views and enshrine the power and the ability of those residents to bring forward the matters of most concern to them and

have a formal designation for that via this residents committee. Ensuring that residents control the rules over the use of the village facilities and that that is not undermined by village operators who control the owners corporation is in effect what these amendments achieve.

It is important to note that the Andrews government is also conducting a review of the Retirement Villages Act 1986. We engaged in community consultation around that last year, and I have no doubt that the minister will be bringing forward some changes in that space. It is undoubtedly a contested part of the universe. I am aware that in other jurisdictions—in Queensland in particular—they have a dedicated arm of their civil disputes mechanism that deals exclusively with residents' disputes in the many high-rise apartment buildings on the Gold Coast and the like. With the greatest of respect to the practitioners who fulfil these roles, I could not think of a worse job in the world than being the disputes arbitrator between grumpy old people on the Gold Coast, inside their strata-titled office buildings. However, it is important that we always protect the ability for people who are being treated unfairly to bring the appropriate action.

I know that the minister is live to the amount of traffic that is generated out of owners corporations disputes through to VCAT. I know that there are enforcement mechanisms available to owners corporations where you have perhaps one owner in a building who is refusing to make their contribution to, for example, an important maintenance matter or an upgrade. One of the things we are doing as part of this bill is making sure that the funding model changes. We are allowing owners corporations to require the deposit of sufficient fees into their maintenance funds to implement any approved maintenance plan. That hopefully will over time smooth the contributions required by individual lot owners and therefore decrease the financial hardship that will undoubtedly be felt by some of those lot owners.

Other changes—and this will just about bring my contribution to its conclusion—are some requirements around the professional standards of those managers, requiring them to hold professional indemnity insurance. Staggeringly, that was not a requirement already in the act. That is a very important reform, I think a reform that very few people would argue against, because we know that owners corporations managers can make decisions that do not necessarily but can result in significant harm to members of that owners corporation. I thank the minister for bringing these important reforms forward and look forward to the bill's speedy passage at the conclusion of the debate.

**Mr FREGON** (Mount Waverley) (10:25): I rise very happily to speak on the Owners Corporations and Other Acts Amendment Bill 2019. I thank the member for Burwood, my learned colleague, for his fantastic contribution. I agree, it is an exciting bill. It is not as boring as some would say. And I think that is best portrayed when we consider the member for Bentleigh's contribution about a wonderful example—what a fantastic local member the member for Bentleigh is—concerning the matter of a senior owner who was being basically bullied systematically by the owners corporation into paying bills that she possibly should not have been paying, and of her being bamboozled. I believe the member for Bentleigh said that word, and let us put that in *Hansard* a few times. They just thought they could get away with it. They even—and this was the highlight of the member for Bentleigh's contribution—charged this lady for the call when Consumer Affairs Victoria called them to complain. How is the cheek on that?

That is what we are trying to stop today and what this bill will do. This bill will implement recommendations from the consumer property law review, which I believe was undertaken in August 2015. Who would have brought that in? That would have been us; we do some good stuff. It was undertaken by, yes, the Andrews Labor government. The law review conducted an assessment of the existing consumer property legislation: the Estate Agents Act 1980; the Owners Corporation Act 2006, which we are amending today; the Conveyancers Act 2006; and the Sale of Land Act 1962. This review included a review of the conduct of owners corporation managers and the functions and management of owners corporations. As I said before, I think there are a number of aspects of the conduct that we have heard about before that definitely needed to be reviewed and changed for the future.

Since the Owners Corporation Act was passed in 2006, apartment and unit living has grown exponentially across our state, especially in Glen Waverley. We have two very large buildings going up right now, one on top of the Glen shopping centre and one next door; I think they are 16 and 18 storeys. All those people will be subject to the owners corporations of those buildings. With this growth in medium- and high-density living comes a wide range of people with diverse goals, interests and expectations. It is also worthy to note that this bill will assist owners in retirement villages in regard to the operation of their owners corporations as well. My district is also home to a number of existing and soon-to-be-built retirement villages, some quite large.

We have over 1.5 million Victorians—a quarter of us—who own or live in apartments. These properties are managed by over 85 000 active owners corporations. This incredible growth over 13 years requires us to review and modernise the existing legislation governing the conduct of these owners corporations. Legislation has not really kept pace with the changes, and so that is why we are addressing this today. The more than 100 submissions in response to the opinion paper in November 2016 are the best evidence, I think, for this much-needed reform.

This bill will modernise the Owners Corporation Act in several ways. It will introduce a new, more structured system, where the size of the owners corporation will determine what requirements these committees will face. This structured system will be spread across five tiers. Larger owners corporations will be subject to a greater number of requirements, while smaller corporations—I believe the last tier is for two flats, for instance—will be subject to less stringent regulation.

The bill will also double the existing required public liability insurance from \$10 million to \$20 million for any one claim. This is required because it really reflects the growth in medical expenses, repair costs and personal injury compensation-type claims—those sorts of things. Moreover, the amendments will also correct existing anomalies in this legislation. These changes will ensure that owners corporations insure all buildings in multibuilding subdivisions so that every building is covered. Further, it will allow smaller owners corporations in single-building subdivisions to decide to allow owners to take individual responsibility for such insurance but only under a unanimous resolution from the owners themselves. These changes sensibly ensure that adequate insurance is preserved across large, multibuilding complexes without blame-shifting or needless bureaucracy while also giving greater power to owners of smaller units with common property.

The proposed bill will also strengthen the protection of owners corporations from mismanagement and corruption. Developers will be prohibited from appointing themselves or their associates as managers of owners corporations and from voting on resolutions relating to building defects. We have all heard some shocking stories about some of the things that developers do, recently. I will not comment any further than that. Developers will, further, be required to disclose any beneficial relationship with current owners corporation managers, and unethical practices such as enticing buyers with lower budgets or allocating common property as private lots to increase their voting power will be made illegal.

This bill also ensures that people who have been convicted of certain criminal offences will not be able to be registered as managers without the consent of the Business Licensing Authority, and managers will be required to hold professional indemnity insurance at all times.

I am sure that we can agree that most owners corporations and their managers act suitably. Most look after their owners and their residents and do the right thing. But these changes make sure that in the worst of cases—some we have heard in the house—and in the example of the Dodgy Brothers and Co., the fox can no longer be in charge of the henhouse. That is what this bill does.

Equity between lot owners will also be enhanced by this important bill. The ability of majority lot owners to prevent an application to VCAT for changes to these settings will also be removed where all other lot owners have consented to that change, balancing the power between the big investors and everyday property-owning Victorians. Again, we are looking after the everyday Victorian, just like

we were doing on the Justice Legislation Miscellaneous Amendments Bill 2019 only yesterday. This is just another way of delivering for all Victorians.

The bill will implement several reforms to improve the governance and financial administration of owners corps, including expanding the duty of committee members to ensure they act in the best interest of the owners corporation itself. The bill will also prohibit contractual limitations on lot owners voting rights, allowing owners corporations to make rules to control smoke drift from private lots and permitting owners corporations to separately levy lot owners for costs directly attributable to the particular use of certain lots.

This bill will also strengthen the oversight of the owners corporations in retirement villages. These changes will align the powers of the village operators who control owners corps in retirement villages with the aims of the Retirement Villages Act 1986. As my colleague from Burwood said, there is also a review going on at the moment into the Retirement Villages Act 1986. I believe there is an options paper due in around about June or July, so I would encourage all retirement village residents to get involved in that and to give their submissions after the options paper. I am sure, as the member for Burwood said, we will be seeing some legislation in due course, and I look forward to the minister putting that before us.

Just a quick shout-out while I am thinking about retirement villages: recently Ms Terpstra from the other place and I went to a local retirement village, Oak Tree Hill. We had a fantastic morning tea with the residents down at Oak Tree Hill, and they asked us questions about everything. It was great to get that insight as a local member from the seniors in my community, and I hope to do that again very soon. So a quick shout-out to Stephen Wilson from Aveo down there for organising the day, and all the residents. It was a wonderful morning.

In conclusion our owners corporations and their managers will be more responsible to the owners and/or residents that they represent, and in turn these properties will be better maintained for both owners and tenants alike. I think, as we started off, it is an exciting bill because it helps the residents and the Victorians that we all serve. I commend the bill to the house.

**Mr RICHARDSON** (Mordialloc) (10:35): It is a pleasure rise and speak on the Owners Corporations and Other Acts Amendment Bill 2019 following my good friend the member for Mount Waverley, who I will also refer to as learned. Indeed it was a great summary and contribution on this bill.

This is important legislative reform. This is reform years in the making. When we think about the changing dynamics of Melbourne and Victoria, and indeed our regional communities as they grow, and the changing ways in which we live amongst our communities, the growth that we see and the smaller amounts of land that people are living on, particularly in my community in the Mordialloc electorate, owners corporations continue to expand and grow. They fulfil an important role when we think of bringing people together, living in close spaces and management of various lands and common property. How do we ensure their protection? How do we ensure their rights going forward?

I want to take two opportunities: one to reflect on a strata group that is based in my electorate and who I have interacted with on a number of occasions, Ace Body Corporate Management—and I will talk a little bit about them soon; but also going down the theme that the member for Mount Waverley and the member for Bentleigh did—the protection of residents' rights. I want to reflect on both owners corporations and retirement villages, which have been a significant issue facing our communities.

But on Ace Body Corporate, I had the pleasure, I think, back in 2015 of celebrating and launching the event for the 20-year anniversary. Stephen Raff and his wife, Binnie, have been running that company for two decades—25 years now, in fact—and it was interesting to be there to reflect on the journey over that time, the expansion of owners corporations, how significant and fundamental they are to our property ownership nowadays and also in the retirement sector and then how significant Ace Body Corporate's representation is across Victoria. In preparing for this bill I looked back through some of the evolution of the work they do and some of the significant challenges and stresses that are faced by

residents and how owners corporations and their management bring together that greater support and collaboration. As was reflected on by some members, like any industry and like any sector we look towards reforming and improving those practices and taking the industry with us through time, and after more than a decade it is time to make sure that we strengthen those protections and those reforms and protect people's rights into the future.

So this bill is significant in the context of 70 per cent of growth being confined to infill council areas. In my role in the education space we see a lot of pressure on government resources in that space, but we also see significant pressure on how we deal with that growth and development. When you look at communities like Mentone and like Cheltenham in my electorate and when you see the changes in Mordialloc and indeed Chelsea, you are seeing a lot of owners corporations established and a lot of apartments coming in. It is really important that for some of those first home buyers that might be going in or people who are downsizing and maybe changing their living arrangements and moving into retirement, and the mixture of different uses that all form the story and narrative around owners corporations, we ensure that they get the best and most appropriate protections.

So this bill will improve the regulation of owners corporations in several ways, and there are five points that I would like to take the house through and reflect on. That five-tier system, depending on the owners corporation's size, will be introduced, and so those larger owners corporations will be subject to a greater number of requirements. Also in regard to their committees there will be better scrutiny and protection of annual financial statements, while those smaller ones will have less stringent regulations, acknowledging the burden that might be placed on those that are smaller organisations and not, I guess, constricting them with compliance and undermining their purpose—that is, to serve the owners and the residents that they support and protect.

The protections around the requirement for the deposit of sufficient fees into their maintenance funds to improve the approval of maintenance plans is really important. The stories that we hear as members of Parliament across our patch—you get examples of residents coming to us or an interaction with Consumer Affairs Victoria and you hear a horror story of a fee coming forward and someone not being able to pay it and being worried that they might be presented to VCAT and that they might be a subject of legal proceedings. This is a really important reform to ensure that there is always that safety net and there is always that cushion of funding and support to protect those interests going forward and into the future. Those unexpected fees could be drastic when you are trying to manage a household budget. If it is your first home and you are trying to meet your owners corporations fees as well as your rates as well as balancing all those requirements and issues, this is a really fundamental and important thing.

The third point I want to reflect on are that the changes will also improve the quality of owners corporation managers. People who have been a subject of criminal proceedings and offences will not be able to be registered as managers. I think this sets a standard of integrity in the people that we want in this industry and in stratas to ensure that they are of a fit and proper nature when dealing with something as substantial as the roof over someone's head, their livelihood and their assets. So that is another important standard in integrity and something that my community—and indeed I reckon all Victorians—would greatly welcome as well. This is one of the absolutely fundamental reforms that goes to the heart of the challenges that we face in my electorate.

Developers will be prohibited from appointing themselves or their associates as owners corporation managers and from voting on any resolution related to building defects. Now, I will not name the organisation where this is present, but there is an example of this in Parkdale where the associates of the developers of a retirement complex there, under an owners corporation, have done everything possible to drive residents into the ground on this, whether it is fees for maintenance, return of a property to a particular level or ridiculous fees relating to a percentage of the property ownership that are unconscionable. The notion that the associates of developers or developers sit on that organisation is absolutely unconscionable. Work has been done in a bipartisan manner locally to call that out. Work has been done on committees to ensure the protection of people who would take advantage of those that are vulnerable. These are people who have worked all their life, paid their taxes throughout, raised

a family, contributed to our community, and in their retirement and in their later years are having to front up and confront owners corporation meetings, facing associates of developers, pleading for these unreasonable and draconian fees to not proceed, including when they are trying to sell their property—some pretty horrendous practices.

So I think this bill sends a signal that it is not just about making the money and developing and the like, but there is a social contract with communities—that you ensure that you protect those people whom you are serving. The government and indeed the industry is sending a signal to those that would profiteer or take advantage of vulnerable people that it will not be accepted, and with that reform we will be closely monitoring that implementation and how that works through.

The bill will also implement several reforms to improve the governance and financial administration of owners corporations. I think the member for Bentleigh covered that off well, including the integrity around those accounts, people having access to it. This includes expanding the duty of committee members to ensure they act in the owners corporation's best interests, restricting proxy farming and committee proxies and prohibiting contractual limitations on lot owners' voting rights. I think this is really important. I think the best interests test goes to the point I made around the developer representation, but also that there is a best interests test that is the objective standard that we set in ensuring that owners corporations are managed appropriately.

This is reform that has been well over a decade in the making. It did not quite get through the 58th Parliament. We are now proceeding with this in the 59th Parliament—some really important reforms as we enter the new decade, as we modernise the owners corporations bill and legislation into the future. I welcome the contributions of those opposite and the members of the government, and hopefully this bill has a speedy passage through the house.

**Mr J BULL** (Sunbury) (10:45): I am delighted to have the opportunity this morning to contribute to debate on the Owners Corporations and Other Acts Amendment Bill 2019 and to follow the fantastic, hardworking member for Mordialloc, who I think just time and time again comes into this place and continues to deliver those outstanding bill speeches. He has a sound understanding of legislation before the house and works very hard in his local community, so hopefully that has earned me a coffee or a beer.

It is a real privilege to have the opportunity to speak on this bill before the house. This bill, like of course many before it from the Andrews Labor government, is about fairness and about modernising those arrangements across those four pieces of legislation within the Victorian property sector. A number of members have mentioned both this morning and yesterday afternoon local examples of why this bill is so important and why this bill is needed, in particular the member for Bentleigh's story around a local resident who was certainly experiencing some hard times and needed some additional support, which was not at the time provided—and full marks to the member for Bentleigh for providing assistance there. This bill is an important one that goes to fairness and goes to the treatment of so many Victorians that live in these existing arrangements—over 1.5 million, as we have heard. This is a significant piece of legislation.

What we know of course is that in this state right now we are rapidly expanding. We are the fastest growing state in the nation, and this significant population growth not only creates additional jobs and opportunities for so many Victorians, but it also creates an increase in diversity within the housing market, within the housing sector. Of course we know that about 130 000 new residents called Victoria home last year.

The Andrews Labor government understands that it is continually important that we are modernising legislation; that we are reviewing those current initiatives, projects, acts and arrangements that are in place to ensure that everybody is treated fairly and to the standards that I think we all expect for ourselves and of course our families. But what is important within this legislation is levelling the

balance, making sure that we are supporting those who need it when they need it, and the changes to reform within this piece of legislation that is before the house this morning certainly do that.

Residents need to be supported and looked after. They need to be heard, they need their concerns listened to, and this bill works to support those who may raise particular issues with existing arrangements. As I mentioned, there are certainly a number of members who have spoken about existing living arrangements within their local communities. It is certainly a great thrill as a local member to visit retirement villages, communities where there are a number of residents living within apartment dwellings. In the southern part of my electorate—in the Gowanbrae, Gladstone Park, Tullamarine area—there are some terrific local villages where you can catch up with residents for a cup of tea and a chat. It is a wonderful opportunity to hear the concerns of them and their families.

We know that 1.5 million is a significant amount of people, and we know that this bill is so important in terms of providing that framework that modernises the arrangements that govern the way that they live each and every day. As others have mentioned this morning, the Owners Corporations and Other Acts Amendment Bill 2019 includes a package of 36 reforms that will streamline the regulation of owners corporations, improve the quality of owners corporation managers, enhance protections for owners corporations, expand and improve developer duties to the corporations they create and enhance those protections for corporations. It will of course improve the governance, financial administration and regulation of owners corporations within retirement villages.

This is a piece of legislation that, as other members have mentioned, has arisen due to a considerable amount of work. We know that the Owners Corporations Act 2006 has not been subject to substantial reform since December 2007. Thirteen years is certainly a significant amount of time, and as others have mentioned, there has been so much that has happened in this state over 13 years time, not just when we look at growth, but when we look at the diversity of the market. Given the way the state is changing and evolving, it is certainly important that this piece of legislation is before the house.

In 2016 Consumer Affairs Victoria reviewed the acts as part of the consumer property law review, which examined those four key pieces of Victorian property-related legislation. The review aimed to identify opportunities to modernise and improve the legislation, taking into account stakeholders experiences and industry developments since the Owners Corporation Act came into operation. It aimed to examine whether the legislation efficiently and effectively regulates the conduct of the management of owners corporations and recommended changes to improve the way the legislation operates. This is a significant reform, as I mentioned, on the back of a range of work that has gone into making sure that this bill is well drafted, is before the house and is able to be passed in a manner that is going to make a genuine difference to the lives of those 1.5 million Victorians who will be affected by this.

The new five-tier system, as other members have mentioned, is based on an owners corporation's size. Larger owners corporations will be subject to a greater number of requirements with regard to committees and annual financial statements, while smaller ones will be subject to less stringent regulations. So there is some flexibility, which is needed within the framework and within the legislation to be able to make sure that we land exactly in the right place.

Owners corporations will be required to deposit sufficient fees into their maintenance funds to implement the approved maintenance plan and to reduce the need for significant and unexpected fee increases, which can cause financial hardship for some lot owners. That is a point that should not be missed. Those additional financial burdens, if you like, that are placed on those within these dwellings are significant. Whether it is cost-of-living pressures or whether it is issues with all sorts of payments that those people face each and every day within their communities, it is particularly important that there is no unnecessary financial burden on residents and that it is making it easier each and every day. The changes, as I have mentioned, will improve the quality of owners corporations managers so that those that need to be supported are supported. This is an important step. As others have mentioned both yesterday afternoon and this morning, this government is committed to fairness and to ensuring that the

legislation that goes through this house and the house next door is continually modernised and continually looked at to ensure that the very best opportunities are provided to each and every Victorian.

We know that this legislation, although it may not necessarily grab all the headlines, has a direct benefit to those who rely on it. Each and every day we on this side of the house need to make sure that we are continuing to support as many Victorians as we can, any way we can, and the range of arrangements that are put in place to ensure that these living arrangements for our Victorians—those that we represent, those people that we come in here and fight for—are at the forefront of the legislation that is being drafted and developed. I am very pleased to commend the bill to the house. The Owners Corporations and Other Acts Amendment Bill 2019 will indeed make a significant difference, not just to my community but to communities right across the state. I happily commend the bill to the house.

**Ms HALFPENNY** (Thomastown) (10:55): I also rise to speak on the Owners Corporations and Other Acts Amendment Bill 2019. I am very pleased to speak on this bill, along with many of the members on this side of the house. Of course this is really a piece of legislation that has been debated very thoroughly over yesterday and today, and it is hard to find some additional points, but I guess I will be repeating and confirming the thoughts and views of those on this side of the chamber who have spoken before me, all very eloquently, including the members for Sunbury and Mordialloc.

To start off, this legislation is really a good example of how we need to ensure that laws change and are responsive to the way we live our lives and the way society changes over time. If we look back at home ownership, where people lived and their types of accommodation, in the past it was the quarter-acre block with one dwelling on it, one house, and that was really what all people aspired to. But with increases in population and with the massive increases in the price of land in Melbourne and Victoria generally, people have had to look at the way they live and the accommodation they live in, and that has led to high-rise apartments and it has led to lots of units. Particularly when I look at the Thomastown electorate, probably over the last 10 years there has been an enormous increase in the number of units that are being built, knocking down an old house on a block and then building two or even three or four units on that block to replace that one house.

This legislation is about addressing what happens when people are living on common land and how they work with their neighbours and ensure that everyone is treated in a fair and equitable way. Of course the Andrews Labor government is all about equity, progressiveness, fairness and responding to the needs of the people of Victoria.

In terms of this legislation we are looking at changes to and a revamping of the owners corporation laws and requirements as well as some smaller changes to the Retirement Villages Act 1986. Again, there is a need to ensure people have proper rights and protections in order for people to live closely together in harmony and without the stress that you often hear about when things do not go right in retirement villages and the owners or managers of these places are not doing the right thing by residents.

Firstly, I will talk a little bit about retirement villages. A big shout-out goes to Michael Bradley, who is the president of the residents association at Lifestyle Lyndarum in Wollert. I have to say this really is a fantastic model in terms of retirement villages. Everyone gets on really well, it has a really nice calm and tranquil feeling as you walk in the front door and the caretaker couple at the property certainly do a really good job in making sure that residents are all well looked after and provided with lots of information. I go up there regularly and talk to them about new bus routes and what is going on in the area. They certainly are a very important part of the community of Wollert and do make some really valuable contributions in the area.

Going back to the bill, when we look at the history of the making of this legislation, it has really been part of a consumer property law review that was announced a number of years ago, in the last term—

**Business interrupted under sessional orders.**

**Members****MINISTER FOR JOBS, INNOVATION AND TRADE***Absence*

**Mr ANDREWS** (Mulgrave—Premier) (11:01): I advise the house that the Minister for Jobs, Innovation and Trade will be absent from question time today and that the Minister for Mental Health will answer in his place.

**Questions without notice and ministers statements****BUDGET**

**Ms STALEY** (Ripon) (11:01): My question is to the Premier. Yesterday in question time when quizzed on the Treasurer's announcement of spending cuts of \$4 billion the Premier said, 'Of course the Treasurer made no such announcement'. Premier, the direct quote from the Treasurer on Neil Mitchell's program on 12 February is:

I'm looking at every line item of expenditure and I'm looking to take something like \$4 billion out of government expenditure going forward.

Do you stand by the Treasurer's statement?

**Mr ANDREWS** (Mulgrave—Premier) (11:02): I am sure I am grateful to the member for Ripon for her question. I stand by the Treasurer's statements and the Treasurer's absolute focus on making sure that every dollar in the budget aligns with the priorities of this government, because they are the priorities—

*Members interjecting.*

**The SPEAKER:** Order! The Leader of the Opposition! The Premier has the call.

**Mr ANDREWS:** They are the priorities that were resoundingly endorsed by the Victorian community, not something those opposite would know much about—being resoundingly endorsed by the Victorian community. We will make sure that the budget delivers in infrastructure, in jobs, in health, in education, in protecting the vulnerable, in supporting—

**Mr M O'Brien:** On a point of order, Speaker, the Premier is debating the question. At the election he famously said, 'I say what I do and I do what I say'. He never said he was going to cut \$4 billion, did he?

**The SPEAKER:** Order! The Leader of the Opposition knows that is not a point of order.

**Mr ANDREWS:** He just wants to be famous, I think. That is the key there.

*Members interjecting.*

**Mr ANDREWS:** Well, we ought not be distracted by those who are completely irrelevant numerically, philosophically, politically—on every level—completely irrelevant.

**Ms Staley:** On a point of order, Speaker, question time is not an opportunity to attack the opposition. I ask you to tell the Premier to desist.

**The SPEAKER:** I agree. I ask the Premier to come back to answering the question.

**Mr ANDREWS:** If only they had counted those votes a bit quicker, she would be sitting up at the table; I am certain of that.

I have answered this question. Every budget of this government will align with the priorities that we were elected to deliver—every day, every budget, in every way.

**Ms STALEY (Ripon) (11:04):** I repeat: on 12 February on the Neil Mitchell program the Treasurer said:

I'm looking at every line item of expenditure and I'm looking to take something like \$4 billion out of government expenditure going forward.

Is there any area of government spending that the Premier will rule out from these \$4 billion of cuts?

**Mr ANDREWS (Mulgrave—Premier) (11:04):** I thank the almost deputy leader for her question—clever question as it is. She has probably already got the press release written: 'Premier refuses to deliver the budget two months before the budget'. The budget will be delivered by the Treasurer on budget day, and what it will show is a surplus, what it will show is investment in hospitals and what it will show is investment in schools. It will show significant investment in Ripon, I would think.

**Ms Staley:** On a point of order, Speaker, on relevance, my question, surprisingly, invited a yes or no answer, and I would ask you to ask the Premier to give it one.

**The SPEAKER:** Order! I cannot direct—Premier.

**Mr ANDREWS:** On the point of order, Speaker, the questioner, who seems unaware of the question she just asked, actually invited me not to answer yes or no but invited me to provide a list of things that the budget would or would not include. I am providing a list, comprehensive I would have thought, of the things the budget will include—the themes, the essential elements of the budget. Therefore my answer is absolutely in order with the standing orders, and indeed it aligns with the question asked, although the person who asked the question seems unaware of that.

**Mr M O'Brien:** On the point of order, Speaker, the question was:

Is there any area of government spending that the Premier will rule out from these \$4 billion of cuts?

We have not heard of one area being quarantined in the Premier's answer. I ask you to bring him back to answering the question.

**The SPEAKER:** The Premier is being relevant to the question that has been asked.

**Mr ANDREWS:** Despite the confusion of those opposite, I will just clear it up for them. The budget will be all about investing in hospitals, schools, roads, rail—

*Members interjecting.*

**Mr ANDREWS:** Shout all you like. Those who found their voice not when they were actually writing budgets but now they are sitting over there—they have got all manner of priorities now. It will be a budget that delivers on our commitments to every single Victorian, including the good people of Ripon.

#### MINISTERS STATEMENTS: METRO TUNNEL

**Mr ANDREWS (Mulgrave—Premier) (11:07):** I was delighted today to be down at the future site of the Anzac station with the Minister for Transport Infrastructure to personally thank so many workers and to send the message to every one of the 7000 people who are connected with that project that every Victorian is proud of the work they are doing. The third and fourth tunnel-boring machines connected with this project will be launched from that site very soon, pushing out to Kensington then coming back and heading into the centre of the city. The amount of work that has gone on at this site—it is a credit to all of those who have been involved in the project. Of course, we marked five years since the government first began delivering on our election commitment to build the biggest public transport project in our state's history, and arguably one of the biggest in our nation's history, and what progress has been made in the last five years: twin tunnels, 9 kilometres, five new underground stations, a turn-up-and-go public transport system, the best experience, unclogging and creating additional capacity in the current loop and of course providing a premium service for those on our busiest rail line.

It was not always the case that this project was going ahead so strongly. There was a time, despite Infrastructure Australia and indeed every commentator really being on board with this project and ranking it highly and saying that it was absolutely at the centre of a better public transport system, when it sat on the shelf gathering dust while people were fundamentally misled with commitments to things like Avalon rail, Doncaster rail—remember that one?—and dare I say it, Rowville rail. Not a metre of track was laid on any of those, not a hole dug, other than the one those opposite found themselves in then and now.

### EMERGENCY SERVICES MANDATORY SENTENCING LEGISLATION

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:09): My question is to the Premier: on 22 May 2018 the Premier boasted of his mandatory sentencing law:

... if you attack and injure an emergency worker, you will go to jail.

James Haberfield was found guilty of punching paramedic Monica in the face but walked free from the Magistrates Court on a community correction order. In dismissing the DPP's appeal in December 2019, the County Court said:

In truth, it is not a mandatory sentencing provision. A mandatory provision would say that if 'crime X' is committed, 'sentence Y' is the invariable, the only result. No ifs. No buts.

Premier, will you finally strengthen these laws so the next thug who bashes an emergency services worker goes to jail—no ifs, no buts.

**Mr ANDREWS** (Mulgrave—Premier) (11:10): I would have thought that there was simply no need for any of us to be arguing or debating the notion of—

**A member** interjected.

**The SPEAKER:** Order! The Premier has the call.

**Mr ANDREWS:** Well, given I have been invited, I will provide a bit of a history lesson to those who put forward a law—a series of laws—back in 2014. There was a reference that 'these sentences apply unless the following grounds are met', and the last in that long list was 'any other reason'. In other words, drive a truck through it. It was the broadest set of get-outs you could possibly have—a whole lot of special reasons or any other reason, special or otherwise.

*Members interjecting.*

**Mr ANDREWS:** Exactly. We will not be lectured by those opposite on these matters. Every case should be heard on its merits, and if there are—

**Mr M O'Brien:** On a point of order, Speaker, the Premier seems to have forgotten his job is to be questioned—not lecture but be questioned—and we are questioning him, and we are asking him why his rhetoric has not been met in reality and why paramedics are left not protected by his laws.

**The SPEAKER:** Order! There is no point of order.

**Mr ANDREWS:** There are a number of Victorians who have assaulted paramedics and other members of the emergency services, and they have received a custodial sentence. That is the latest advice that I have. In relation to this specific case that the Leader of the Opposition raises, that has been appealed. From day one we have been clear that there are very, very limited circumstances in which a custodial sentence can be avoided. We have also—the Attorney-General, the Minister for Police and Emergency Services and me—made it clear that following the appeal we would look very closely, and if there was a need to strengthen these provisions further, then we would do that. But I am not going to be lectured on supporting paramedics by those opposite. I simply will not be lectured by those opposite on supporting paramedics. I just will not cop that. But what we also will not settle for is this kind of rank hypocrisy. What is more, we will not settle for people using our emergency services as punching bags. If we need to strengthen—

*Members interjecting.*

**The SPEAKER:** Order! I warn the Leader of the Opposition.

**Mr ANDREWS:** It is quite amazing, those who have found their voice. They have found their voice. When there were no such provisions, and to the extent that there were there were get-outs that ran to pages—pages of get-outs—a whole range of specifics or any other reason you can think of.

**Mr M O'Brien:** Why won't you do something about it?

**The SPEAKER:** Order! The Leader of the Opposition!

**Mr ANDREWS:** This is the problem. The Leader of the Opposition is incapable of listening. If he was listening to the answer, then he would not be doing this kind of inane shouting back at me. He is just embarrassing himself. Listen to the answer.

**Mr M O'Brien** interjected.

**Mr ANDREWS:** You are not embarrassing yourself then.

**Mr M O'Brien:** On a point of order, Speaker, the Premier is debating the question. The question was: Premier, will you finally strengthen these laws? I will not go into the rest of it. It was: will you strengthen these laws? That is the question. The Premier owes the community and he owes emergency services workers an answer. Will he strengthen the laws, yes or no?

**The SPEAKER:** Order! It was a long question with a lot of issues raised. The Premier has concluded his answer.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:13): Yesterday Chief Judge of the County Court, His Honour Peter Kidd, told 3AW:

The laws that you're talking about, they are not mandatory.

Unfortunately there is commentary out there which suggests they are. The community has been misled about what these laws are.

Premier, why did you mislead Victorians by telling them:

... if you attack and injure an emergency worker, you will go to jail.

**Mr ANDREWS** (Mulgrave—Premier) (11:14): I am having it put to me by the Leader of the Opposition that these are terrible laws, and yet they voted for them; such a terrible set of arrangements that those opposite voted for them. Instead of playing silly political games, let me make it clear—and let us hope the Leader of the Opposition has turned his ears on and is listening now—if we need to go further, we will.

**Mr M O'Brien:** On a point of order, Speaker, the opposition actually proposed amendments to strengthen those laws, which the government failed to back.

**The SPEAKER:** Order! That is not a point of order. The Premier has concluded his answer.

#### MINISTERS STATEMENTS: LEVEL CROSSING REMOVALS

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:14): On Monday I had the great pleasure of joining the member for Carrum to announce that Carrum is now level-crossing free for the first time. We not only did that; we opened the new station at Carrum and celebrated the removal of three dangerous and congested level crossings. I know, with my colleagues, that one of the most rewarding experiences we have is delivering on those election commitments. We have done that on 34 occasions with the removal of 34 dangerous and congested level crossings.

As we know, major projects of this size and scale do have their challenges from time to time, but I tell you what: building them is much harder than not building them.

*Members interjecting.*

**Ms ALLAN:** Wait, I am coming to you.

When it comes to Carrum, there is no doubt at times this was a challenging and complicated issue. I commend the member for Carrum because she sat down respectfully with members of her community, listening to them, working through issues with them but always reporting back to me that there was great support in Carrum for these level-crossing removals.

Now those opposite based their entire campaign in Carrum on opposing these level-crossing removals. How did that go for you? We know how that went.

We know it was also similar in Oakleigh, where there was opposition every step of the way from those opposite to the removals on the Caulfield–Dandenong corridor. And we are seeing consistency. There is opposition to the North East Link, opposition to the Suburban Rail Loop, opposition to the Toorak Road level crossings by those opposite. But I will leave the last word to Sharon Grace, the 70-year-old Carrum resident who was quoted online in the *Herald Sun* yesterday:

I used to be dead against this project ... but it's sensational.

I've lived here for years and I was handing out pamphlets against the sky-rail. But it's fabulous.

#### CASEY PLANNING SCHEME

**Mr T SMITH** (Kew) (11:16): My question is to the Minister for Planning. Why is the minister continuing to block the release under freedom of information of 76 records of identified correspondence between the minister, Judith Graley and Jude Pereira relating to Casey planning amendment C219, the rezoning that John Woodman has paid millions of dollars in donations and bribes attempting to secure?

**Mr WYNNE** (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (11:17): I thank the member for Kew, who is looking fair dinkum magnificent. Thank you so much for your question.

**Mr M O'Brien:** He has been laying off the dumplings.

**Mr WYNNE:** I say to the Leader of the Opposition in a bipartisan way, we are encouraging people to actually eat more dumplings because it is very important for us to support our Chinese community, as the Leader of the Opposition knows.

In relation to the question itself, the member for Kew FOied voluminously a whole range of correspondence in relation to matters relating to the rezoning.

**Mr T Smith:** It was not voluminous.

**Mr WYNNE:** It was a voluminous request which the department asked the member for Kew to recast.

**Mr T Smith:** Which I did.

**Mr WYNNE:** And they have been recast and they are being considered, but more importantly it does provide me with the opportunity to clarify a couple of matters which the member for Kew in a recent opinion piece asserted which are in fact completely wrong.

**Mr T Smith:** On a point of order, Speaker, the minister said that my request was voluminous. The request was redrafted, and again it was suggested it was voluminous. I do not know how 76 records could be construed as voluminous. On relevance, Speaker, the minister is misleading the chamber.

**The SPEAKER:** Order! That is not a point of order.

**Mr WYNNE:** I think it is important to clarify for the Parliament and the community more generally that the assertion that the member for Kew raised in an opinion piece on Monday that I had met with

Mr Woodman is completely false. Mr Woodman has attended a number of functions and forums, and indeed at every one of those I have been accompanied by a probity auditor.

**Mr T Smith:** On a point of order, Speaker, on relevance again, my question was regarding the minister's refusal to FOI matters of great public interest. He did attend a fundraiser at PwC in 2018 with Woodman.

**The SPEAKER:** The minister had answered the question and is now straying from answering the question that was asked. I ask the minister to come back to answering the question or conclude his answer.

**Mr WYNNE:** Indeed. The determination of FOI matters, as the member for Kew obviously knows, is made by public servants, not by ministers.

**Mr T SMITH (Kew) (11:21):** Why has this minister so far refused to disallow Casey planning amendment C219, which stands to make John Woodman millions? Why haven't you refused it? Why haven't you refused it?

**Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (11:21):** The member for Kew asked this question last year. He did ask it last year.

*Members interjecting.*

**The SPEAKER:** Order! I ask members to my left to stop shouting.

**Mr WYNNE:** I have got a ripping answer, don't worry about that. I again repeat, for the interest of the house, that I will not be making any decision in relation to the Cranbourne West precinct structure plan and rezoning until the *Draft Melbourne Industrial and Commercial Land Use Plan* is finalised. We have 106 submissions. The department is working its way systematically through those—

**A member** interjected.

**Mr WYNNE:** Coming from you! When that work is completed, and all 106 submissions have in fact been considered, I will make a decision in relation to Cranbourne West. And you ought to start telling the truth about these issues.

#### MINISTERS STATEMENTS: WORKPLACE MANSLAUGHTER LEGISLATION

**Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (11:22):** I rise to update the house on the investment that the Andrews Labor government is making to make good on the commitment that we made to the people of Victoria to introduce the new crime of workplace manslaughter. I am delighted to tell the house that the government is investing \$10 million to support the implementation of the new laws. It includes new dedicated support for families following a workplace death. It includes new specialised teams at WorkSafe that will investigate, respond and follow up, as well as work on the prosecutions. We are putting more boots on the ground. We made a commitment to recruit 40 additional WorkSafe inspectors that have experience and specialisation in construction, which we know is a high-risk industry; it is where workplace deaths are over-represented. I am delighted that we now have 20 specialist inspectors in place that we recruited as part of this program.

Tragically we have sadly already seen six workplace deaths occur this year. That is six deaths too many, so we still have a great challenge ahead of us in reducing workplace deaths and workplace injuries. Of course when these new laws take effect in the middle of the year there will be fines of up to \$16 million and penalties of up to 20 years in prison.

As I said, every death is one death too many. We know that we have got over-representation in agriculture, in construction and with people that are working at heights, and we are going to keep focused on those to try and keep people safe at work.

It is with some irony that I see that those opposite like to go around beating their chests like they are tough on crime. When it came to this crime, when it comes to industrial crime, those opposite voted against these laws. In fact they called them bizarre and unfair. We look forward to their implementation and protecting Victorians at work.

### MURRAY-DARLING BASIN PLAN

**Ms CUPPER** (Mildura) (11:24): My question is for the Minister for Water. Our community was shocked last week when we heard the news that the New South Wales government had lifted its ban on flood plain harvesting just as the first decent rains in years over the northern basin began to bring life back to the rivers. While we are all acutely aware of the mismanagement of water in New South Wales and Canberra for the benefit of powerful private interests in the northern basin, this latest decision of the New South Wales government seems beyond comprehension. This is an absolute slap in the face to irrigators in my electorate, an overwhelming majority of whom do the right thing. In the handful of cases where they do not they are pursued and prosecuted to the full extent of the law. So my question is: when irrigators complain to me about corruption and mismanagement in New South Wales, what can I tell them to give them confidence that Victoria is fighting for them and that their efforts to improve compliance, metering and efficiency are not a complete waste of their time?

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services) (11:26): Can I thank the member for Mildura for her question, a really important question and a really important issue. I know that she would have both the irrigators and the environment groups concerned about the actions of the Queensland and New South Wales governments in relation to this. I was also shocked. I thought we had made some progress, with New South Wales putting an embargo on flood plain harvesting, although they have still got a bit of work to do there. They themselves had criticised Queensland for doing it.

I have expressed on a number of occasions at the ministerial council that we needed a really strong focus on the northern basin, particularly after what we saw in the Darling River. I am really disturbed that following that they continue to make these decisions. There is no question it is a slap in the face to not only Victorian irrigators but also to some of the southern New South Wales irrigators. I think it was Chris Brooks—and Chris and I agree on some things and not on everything—who came out and said that this was robbing downstream communities. That is exactly what it is doing. The first decent set of rain we got which may have actually rehydrated a bit of the Barwon and Darling rivers—and we all saw the fish deaths—and may have started to contribute to that to wet it, even if it was not going to fill it but would actually enable future rains to start to fill those rivers, was just stolen. It is incredibly disappointing to see that.

I have written to the federal minister—the new minister. I have not yet met him, but I have written to him to outline Victoria's concerns about this and have asked him to ask the inspector-general to look at what has occurred here. In my view, as a minimum it is a breach of faith; I also probably think it is a breach of rules, and I want the inspector-general to have a look at this. I want the inspector-general to also then provide advice about what we need to do to ensure there is consistency of approach across all our communities in relation to compliance and who has access to water. I will continue to pursue that. That was just after that decision that I wrote to the minister. I have not yet got a response but I am hopeful to get one soon. We do need to take action and do whatever we need to do. If I need to look at legal options, I will as well. This has absolutely been a slap in the face to communities. It is a bad decision for irrigators and it is a bad decision for the environment as well.

**Ms CUPPER** (Mildura) (11:28): My supplementary question is also to the Minister for Water. By design, the Murray-Darling Basin plan and the legislation that sits behind it were based on agreement from all basin states that the basin requires a certain amount of water to survive and that all states need to work together for the health of our rivers. We are now facing a scenario where other states who are party to the plan and agreement are actively undermining it to the detriment of Victorians. If

representations that you have made to New South Wales and the commonwealth government are completely ignored, what is your plan B?

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services) (11:29): Thanks, again, for the supplementary. Firstly, just to give the house and communities a sense of what this also means for Victoria, if you think about our entitlement to halve the water in the Menindee Lakes system, again, this rainfall would not necessarily have filled those lakes, but it would have wet the beds and we would have had an opportunity in the next rainfall to see that. There is a real consequence from this decision and a real impact on Victoria, and I think that it is a really good question.

We have given some powers to the inspector-general. That is why I want him to do it, because we have all signed up to the inspector-general having some powers and ability to enforce some of these things. As I said, I will look at all options, whether that is legal is well. We have done our hard yards. Victoria continues to do the hard yards here and we need a fair outcome, and I will do what I can to make sure we get that.

### MINISTERS STATEMENTS: GENDER EQUALITY IN SCHOOLS

**Ms WILLIAMS** (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Youth) (11:30): Today I rise to update the house on the Andrews Labor government's commitment to gender equality in schools, something I know that the Minister for Education is also very passionate about. At the 2018 election we made a commitment to the Victorian people that we would roll out pads and tampons in every state school free of charge. We did this to reduce the stigma of periods, to make schools more inclusive of girls and to save families money. This commitment extends to every primary school, every secondary school and every specialist school, and I am pleased to say, once again, that the Andrews Labor government has delivered on our promise.

Since term 3 last year we have installed 1373 dispensers across some 623 schools. That is 47 regional schools and 576 metro schools. By the end of term 2 this year each and every government school will be benefiting from this very important initiative. Getting your period is a normal part of life for women and girls. Pads and tampons are a necessity—they are not a luxury—and this initiative will support hundreds of thousands of girls and young women across our state. This initiative provides students with the confidence that they will always have access to the products that they need, but perhaps most importantly I hope that it will break down the stigma associated with menstruation and it will ultimately enable students to focus on their studies, which is exactly what we want them doing. This initiative is making it easier for girls and young women, it is making it cheaper for their parents, it is supporting schools to look after their students and it is creating more inclusive educational environments. Periods are natural and normal, and girls should not be missing out on school or on socialising or on participating in sport just because they are menstruating. It is as simple as that, full stop—period.

### WEST GATE TUNNEL

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:32): My question is to the Premier. The government continues to tell Victorians that the West Gate Tunnel will open in 2022; however, on 11 February Transurban CEO Scott Charlton said in relation to the West Gate Tunnel Project:

... the contractor has informed us that the project is unlikely to be completed by the end of 2022 ...

As a publicly listed company—

**Ms Allan**: Read the rest of his quote! Read the rest of his quote out. If you're going to quote him, read the rest of his quote. Go on.

**The SPEAKER**: Order! The Leader of the House! The Leader of the Opposition has the call.

**Mr M O'BRIEN**: As a publicly listed company, Transurban is required to tell the truth to the stock exchange, so Premier—

**Ms Allan** interjected.

**Mr M O'BRIEN:** I will try that again. As a publicly listed company, Transurban is required to tell the truth to the stock exchange. So, Premier, when will you tell the truth and admit to Victorians that your West Gate Tunnel will not open in 2022?

**Mr ANDREWS** (Mulgrave—Premier) (11:33): I thank the Leader of the Opposition for his question and for pointing out the obligations that publicly listed companies have. There are other obligations too: when you are quoting someone you ought quote them accurately and fully. I think it is fair to say that Transurban, from their CEO down, do not necessarily accept the contention put forward by their builders as to challenges and the impact of those challenges on the ultimate time line. There is a dispute between the client and the builders, and the government expects—

**Mr Walsh** interjected.

**Mr ANDREWS:** Yes, and I have often looked to the National Party for a complete list of all the conflicts I am involved in. Thank you so much, Deputy Leader—or Leader or are you even a party these days? I do not think so. If I need help from the member for Murray Plains, I will ask for it, given the vast experience in infrastructure delivery of those opposite. Really!

Seriously, those opposite ought to quote accurately, and they ought to do less barracking for projects to fail and more learning of the lessons of 2018 and 2014, when they were comprehensively rejected because they did nothing for four years.

**Mr M O'Brien:** On a point of order, Speaker, I hope you would agree the Premier is now debating the question. I ask you to bring him back to answering it: will the West Gate Tunnel open in 2022 or not?

**The SPEAKER:** Order! The Premier has been relevant to the question. He did depart in there. I ask the Premier to come back to answering the question.

**Mr ANDREWS:** Extreme provocation, Speaker. I am terribly sorry. Such is the quality of the interjections, it is so hard to let them go, Speaker. I do apologise to you and to the house. The Leader of the Opposition in his point of order has sought to recast the question. He asked me to make a concession. I will make no such concession. We expect, on behalf of all Victorian taxpayers, that this project is delivered in full accordance with the contract.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:35): The existence of toxic spoil is a key reason for the West Gate Tunnel Project no longer being on track to open in 2022, according to the contractors. Last night at a public meeting the Treasurer said no decision had been made about the dumping of toxic spoil near the Wyndham Vale train stabling yards. Premier, will you remove this threat hanging over the heads of the local community and make a decision to rule it out right here, right now?

**Mr ANDREWS** (Mulgrave—Premier) (11:36): Two points: the management of spoil, whether it be spoil with PFAS issues or many of the other issues that need to be dealt with—with all spoil in projects like this—is principally a matter for the builders. We expect, though, that those issues be dealt with to the highest of standards, and that is why Environment Protection Authority Victoria are so central to this whole process. I must say I feel obliged to say, and I will so with the greatest of respect, the notion that we would be seeking the advice and the wise counsel on PFAS management issues of people who literally told people, 'You could put it on your breakfast cereal' up at Fiskville—it will be a cold day when we wait for your advice on managing—

*Members interjecting.*

**The SPEAKER:** Order!

**Mr M O'Brien:** On a point of order, Speaker, I would ask you to bring the Premier back to the question, asking him to rule out this threat of toxic spoil being put near the Wyndham Vale train

stabling yards. The Minister for Public Transport seemed to rule it out yesterday; the Treasurer did not rule it out last night. We are asking the Premier to actually lead, make a decision and rule it out.

**The SPEAKER:** Order! The Leader of the Opposition has made his point of order. I do not uphold it. The Premier has been relevant to the question that was asked.

**Mr ANDREWS:** I am ruling out being influenced by the toxic hypocrisy of those opposite. We will be guided—

*Members interjecting.*

**Mr ANDREWS:** Oh, it's a laughing matter now. It's a laughing matter! I have got one word: Fiskville. Fiskville, that is your answer.

### MINISTERS STATEMENTS: GENDER EQUALITY

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (11:37): In 2014, when this government was elected, we committed that all Victorians, and particularly LGBTIQ Victorians, needed to be treated equally and fairly in this state, and every day since then, and certainly since the 2018 election, we have recommitted to that. When it comes to LGBTI equality, that is not negotiable in Victoria, because this is a government that promises and delivers on its commitments. That is why I was so pleased to join with the Premier and over 10 000 other Victorians recently to march down Fitzroy Street in the biggest Pride March in its 25-year history to celebrate LGBTIQ equality and, particularly, pass the emerging Victorian Pride Centre in Fitzroy Street. I was particularly pleased to join with the Premier and commit the final \$10 million that centre needs to become Australia's first pride centre and the home where LGBTIQ Victorians and community organisations can come together and organise and pursue their campaigns to make sure that equality, in reality, is not negotiable in Victoria and be the organising base for those communities.

It will have homes for organisations like JOY FM, Minus18, the Australian Lesbian and Gay Archives, the Melbourne Queer Film Festival, Switchboard Victoria, Star Health, Thorne Harbour Health and many others. It was a particularly important opportunity for us to point to the exciting future that the Pride Centre, Australia's first pride centre, will have as a home for Victorian LGBTIQ community members. What we need to realise is that this will be a home in 2021 that more than 10 000 Victorians can proudly march past as a part of LGBTIQ equality in this great state.

**Ms McLeish:** On a point of order, Speaker, I bring to your attention three unanswered questions on notice, all put to the education minister. Question 1185 was asked in September last year, so it is considerably overdue. The other two were asked in November and due on 27 December: 1709 and 1713. I would appreciate it if you could alert the minister, as I just have, and get a response for me asap. Thank you.

**Mr Hibbins:** On a point of order, Speaker, I bring your attention to two unanswered questions well beyond their due date: question 1070 to the Minister for Housing, and question 1801 to the Minister for Education. If you could bring those questions to the ministers' attention and ask them to answer them, that would be much appreciated.

**The SPEAKER:** I will follow both those matters up for the members that have raised them.

### Constituency questions

#### ROWVILLE ELECTORATE

**Mr WELLS** (Rowville) (11:41): (1910) The question I wish to raise is for the Minister for Police and Emergency Services. Minister, when will Victoria Police increase the number of police in the Rowville area to deal with the large number of young people acting in a reckless way? I have had many constituents contact my office complaining about reckless and antisocial behaviour and how nothing is being done to stop this dangerous behaviour. One constituent brought to my attention young

people who are riding modified pushbikes that are managing to get up to speeds of 60 kilometres in a 40-kilometre zone in the electorate of Rowville. This is dangerous not only for the other drivers and pedestrians but for the young people riding these bikes who are not obeying road rules. My constituent pointed out that there have been many times where young people have nearly been hit by cars due to their reckless behaviour. Minister, despite my constituents addressing this situation to local police on numerous occasions, nothing has been done. Will someone have to be seriously injured before any action is taken?

### BASS ELECTORATE

**Ms CRUGNALE** (Bass) (11:42): (1911) My question is to the Minister for Mental Health. What is being planned for the support, funding and delivery of mental health in our schools, sports clubs, community organisations and customer service organisations like libraries in my electorate of Bass, who are increasingly playing a vital role in providing support and can be the first to identify mental health issues in our children, youth and their families? Those from the Bass region had the opportunity to provide input at two mental health forums I held last year—one in Pakenham and one in Wonthaggi—and I thank the minister for attending. Across the electorate, lack of services was the biggest mental health issue. What also came up was prevention, early intervention, post-crisis care and more education and supports. Mental Health First Aid, and the teen-specific one, was raised numerous times as one program that could be considered. Thank you, Minister, for your consideration on this very important matter and also for your lead and will to make positive change through the mental health royal commission.

### EUROA ELECTORATE

**Ms RYAN** (Euroa) (11:43): (1912) My question is to the Minister for Agriculture. I would like to know when the minister will activate drought funding for farmers in peri-urban areas like Mitchell and Murrindindi shires. I recently met with local farmers and CFA volunteers from communities across Mitchell shire, including Pyalong, Tooborac, Nulla Vale, Glenaroua and Tallarook. They are greatly concerned by failing infrastructure, including 13 standpipes which are vital not only for those who need them to cart water for stock but also for firefighting. Those standpipes need to be upgraded at a cost of about \$30 000 each. They are vital infrastructure, but Mitchell shire is struggling to meet those costs. I am concerned that the way the government is designing its drought funding means it is using arbitrary lines on a map. Drought obviously does not follow local government boundaries. I think that there is a need for the minister to review that and ensure that Mitchell has the support it needs to ensure this vital infrastructure.

### CARRUM ELECTORATE

**Ms KILKENNY** (Carrum) (11:44): (1913) My question is for the Minister for Transport Infrastructure, and it concerns the Andrews Labor government's commitment to double Hall Road between McCormicks Road and Western Port Highway and to upgrade and signalise a number of intersections. I have been contacted by a number of constituents who are very keen to know what the next steps are in delivering this much-anticipated major project. This significant and important road upgrade will see Hall Road become four lanes between McCormicks Road and the Western Port Highway and all the way through to Cranbourne-Frankston Road in Cranbourne. Five intersections will also be upgraded, and a shared user path will be built.

The Andrews Labor government is getting on with significant road upgrades throughout my electorate of Carrum and across the south-east. The project to upgrade Hall Road is a very important one. It will make a huge difference in the daily lives of so many members of my local community. Minister, what are the next steps for the duplication of Hall Road?

### FOREST HILL ELECTORATE

**Mr ANGUS** (Forest Hill) (11:45): (1914) My constituency question is to the Minister for Roads. Minister, will the government install pedestrian traffic lights on Highbury Road between Blackburn

Road and Springvale Road in Burwood East? I have been contacted by residents over the years regarding the fact that there is no pedestrian crossing on Highbury Road between Blackburn Road and Springvale Road. This makes it difficult at most times for pedestrians to safely cross north and south across Highbury Road.

Highbury Road runs east–west, with the distance between the nearest signalised intersections of Blackburn Road and Springvale Road being 1.65 kilometres. I also note that the so-called pipe track, a popular walking and cycling track that runs roughly north–south, crosses Highbury Road approximately 450 metres east of the intersection with Blackburn Road. Installing pedestrian traffic lights on this stretch of Highbury Road would greatly assist residents and others who wish to cross Highbury Road. Given the significant number of older members of the local community, such a crossing would assist them to safely cross this road.

I also note that there are mobile speed cameras in place on Highbury Road on a relatively regular basis. This indicates to me that there must be many vehicles speeding along Highbury Road, thus warranting regular speed camera operations.

### NORTHCOTE ELECTORATE

**Ms THEOPHANOUS** (Northcote) (11:46): (1915) My question is to the Minister for Transport Infrastructure, and I ask the minister: what is the latest information on the status of the tennis courts and land on the western side of the Mernda line at Croxton station? For many years there have been tennis courts adjacent to Croxton station on the land known locally as Spencer Reserve, which is owned by VicTrack. The courts were managed by the local Uniting Church, were the home of the Northbury Tennis Club and were used by locals, who could collect the key from the nearby milk bar.

Recently the church ended its lease and the courts were demolished, having fallen into disrepair and with many players choosing not to use them for fear of injuring themselves on the uneven surface. The site currently looks like a large pile of dirt surrounded by temporary fencing. Clearly this cannot remain long term. Minister, an update on the status of the courts and the land would be greatly appreciated.

### MELBOURNE ELECTORATE

**Ms SANDELL** (Melbourne) (11:47): (1916) My question is for the Minister for Planning, and it is about protection of our parks, playgrounds and open space in the Docklands. Docklands is a great place to live. It has some great parks, but unfortunately some of these parks are now under threat.

Last year the City of Melbourne introduced a plan called ‘sunlight to parks’. It was championed by Greens councillors Rohan Leppert and Cathy Oke. The aim was to protect our inner-city parks and public spaces from being overshadowed by big buildings and to make sure sunlight gets to the parks. It now seems that the Minister for Planning has decided to exempt the Docklands from this plan. Docklands already has limited public open space. The people who live there deserve, just like anyone else, to have places they can go outside and enjoy the sunshine. My question is: will the minister reverse his decision to exempt Docklands from the City of Melbourne’s ‘sunlight to parks’ amendment and commit to protecting Docklands’ precious open space from overshadowing and inappropriate development?

### BOX HILL ELECTORATE

**Mr HAMER** (Box Hill) (11:48): (1917) My constituency question is for the Minister for Transport Infrastructure. What is the latest information on the planned level crossing removals at Mont Albert Road, Mont Albert, and Union Road, Surrey Hills? The boom gates at these sites can be down for up to 40 per cent of the morning peak, when up to 53 trains run through the crossings. The Union Road level crossing was the site of two tragic fatalities in 2016.

Residents of the Box Hill electorate have been calling for the removal of these two dangerous and congested crossings and were pleased to see that these were announced during the 2018 election

campaign. Removal of these level crossings will also mean that between the city and Ringwood the Belgrave-Lilydale line will be level crossing free, paving the way for a turn-up-and-go service for all commuters along the line. In July 2019 geotechnical investigations started on these two important projects, and residents in Mont Albert and Surrey Hills are keen to find out the next stages of the project so that they can provide their input.

### BRIGHTON ELECTORATE

**Mr NEWBURY** (Brighton) (11:49): (1918) Speaker, my constituency question is to the Minister for Roads, and I ask: can the minister inform me as to when government intends to fix the Beach Road bottleneck near Small Street in Hampton, which is causing unnecessary delays and havoc in surrounding residential streets? The short strip on the city side of Beach Road in the lead-up to Small Street allows for parking during peak hours. These arrangements mean that every afternoon traffic must converge into two lanes.

Unfortunately these arrangements have a two-fold effect: firstly, Beach Road becomes a bottleneck every single weekday; and secondly, to avoid traffic some drivers divert into adjacent streets. With the adjacent Orlando Street being a particularly narrow, tight street, many home owners have had their cars dented or hit as the street has become a thoroughfare. Local parents have told me that they worry about their children's safety. A number of home owners have contacted me, distressed, with one saying, quote:

... our amenity is diminished by the speeding cars, aggressive and distracted drivers, noise, pollution and safety concerns.

Action needs to be taken urgently ...

### RINGWOOD ELECTORATE

**Mr HALSE** (Ringwood) (11:50): (1919) My question is to the Attorney-General. We recently saw high-profile celebrity chef and restaurant chain owner George Calombaris embroiled in a large-scale wage theft scandal, and his Jimmy Grants restaurant in Ringwood has had to close. Recently an article in the *Maroondah Leader* cited a study from Industry Super Australia that ranked Ringwood as one of the worst-affected electorates in Victoria for wage theft, with more than 900 workers owed their share of a missing \$16.1 million. You can bet that if the situation was reversed and those 900-plus workers breached their employment contracts to the tune of \$16.1 million we would call it what it is: theft. What information can the Attorney-General provide to the workers in my electorate on what the government is doing to bring forward new legislation to stop wage theft?

### Bills

### OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

#### *Second reading*

#### **Debate resumed.**

**Ms HALFPENNY** (Thomastown) (11:51): I had been speaking prior to question time, and I think I had got up to just talking through a little bit of background to the making of this bill that has come to the Parliament today to be debated and the extensive consultation and discussion that there has been in the lead-up to proposing these changes to the law. I think I was saying that there had been a legal review. There have now been exposure papers. There has been draft exposure legislation. There has been the ability for stakeholders and those affected to make submissions. This has been done over a number of years, really, so there has been a lot of consideration, effort and wanting to consult with those affected to make sure that this legislation does actually protect those that it needs to protect and also ensure that it is a modern law that reflects the modern circumstances that we are in.

In terms of the actual changes that this bill is proposing with owners corporations—I have mentioned the retirement village changes—it is looking at things that really you would think anyone should

expect. For example, it is trying to increase the professionalism of the management of owners corporations and ensuring that those that manage these organisations to protect tenants, owners and people living in these apartments, units and so on are fit and proper people. This legislation ensures that if people have been convicted of certain crimes, they are unable to manage owners corporations. It also gives owners of these properties and those that live in the properties a little bit more say in ensuring that the amenity is what it should be and that there is not, for example, smoke that drifts from one apartment to another. It also talks about there being things such as five tiers of owners corporations. When it comes to the regulation of these bodies, if it is a small body that is looking after, say, three units, we do not want an onerous requirement and burden on that sort of owners corporation. So they are required to do a little bit less than, for example, an owners corporation that is managing 100 apartments in a high-rise block in the inner city.

Talking about some of the other things that owners corporations will be required to do, they have to make sure, for example, that developers do not have undue control over the owners corporation at the expense of the owners of each individual lot or apartment. This legislation prevents developers from setting up owners corporations that give them all of the power at the expense of the lot owners. It also provides for lot owners being able to vote when it comes to taking actions in places such as VCAT in response to various issues that come up, again giving those lot owners a bit more say and a bit more control over the places that they have.

Another thing that has come up, and I guess it is fairly topical at the moment, is maintenance. Big blocks of apartments—or whatever—do require maintenance. We cannot allow these places to fall into disrepair, of course, because they can be unsafe as well as unsightly and can cause problems for the value of property. This legislation, which I think is really important, requires owners corporations to have—and continually top up—funds for ongoing maintenance into the future. I have heard of a number of occasions where, for example, owners corporation fees are kept very, very low, but what happens then is that when major maintenance is required, the lot owners or the owners of the properties are required, in unforeseen circumstances, to put in huge amounts of money that they cannot afford in order to fix emergency maintenance issues. This is about equity as well, so if each owner has paid a little bit more—and this is probably in particular with landlords or people that own property for investment, where they really do not want to pay anything to maintain the properties that they are leasing, even though they are getting the rents. This legislation will require those people that are more resistant to putting in extra money to do so in order to make sure there are enough funds into the future when major maintenance is required.

So overall this is legislation I think that will be welcomed, in particular by owners of properties and those that are leasing properties, and I think that it is a bill that is well worth— *(Time expired)*

**Mr EDBROOKE** (Frankston) (11:56): It is a pleasure to rise and speak on the Owners Corporations and Other Acts Amendment Bill 2019. We have heard from various speakers that while this bill is complex, it is rather dry. For me, I think I have read through all the notes, obviously, before I got up to speak and was very interested in certain aspects of this bill and how it will affect members of my community. We have heard various members talk about some of the horror stories that constituents in their seats have come to them with, and I heard the member for Bentleigh yesterday talking about an elderly lady who visited his office with a bag full of paperwork from the owners corp. His words were, I think, that he was even flummoxed by it, and I have experienced that myself as well. It does seem that that amount of paperwork is not put there for any purpose of efficiency; it is actually put there in order to flummox people, especially when we have the older generation. Whereas things probably used to be a little bit less IT and a little simpler in those situations, today I think in some aspects we are at risk of those people being taken advantage of. That is what we are experiencing in Frankston. I think this legislation goes a long way to updating the existing legislation that has not been updated since 2007, when it was actually enacted.

The background of this legislation is of course that the consumer property law review was announced in August 2015 covering four major pieces of consumer property legislation for which the Minister

for Consumer Affairs, Gaming and Liquor Regulation is responsible, including the Owners Corporations Act 2006. Issues paper 1, entitled *Conduct and Institutional Arrangements: Estate Agents, Conveyancers and Owners Corporations Managers*, was released in September 2015, with submissions closing later in 2016, and issues paper 2, entitled *Owners Corporations*, was released in March 2016, with submissions closing in April 2016. An options paper was also released, and the drafting of the bill has been informed by much stakeholder feedback and the options paper itself.

So you can see that a lot of consultation has taken place, as it did on other pieces of legislation that affect the way the people live—legislation that this government introduced to protect renters and legislation that this government introduced to protect the occupants and neighbours of rooming houses. It is a larger map that shows that this government has been listening to people, especially when these issues have been boiling away for years. We have been opening a door, saying, ‘Come and tell us exactly what we need to do as residents. Tell us what we need to do from the perspective of the owners corp’. We listened, we have consulted and this is obviously the result today.

We do see the changing nature of the way we live in Australia, in Victoria and even in Frankston every day. The revitalisation of Frankston, which has been a huge project—it started in 2015—has seen, I guess, the state government provide catalyst developments for investors who would like to build mixed retail, mixed units in Frankston. We will see more of that in the CBD of Frankston, because the way people purchase their properties—what entices people is not necessarily now the backyard; it is not necessarily the two dogs. Families are different, and we have to actually change to that as well. This bill actually goes a long way to doing that. Frankston now, for instance, is a long way from where it was in 2007. We are seeing a lot of different interests from people, who are not interested in just buying a home. They are interested in buying a unit on a brand-new street, next to a brand-new train station, metres from the beach, with great businesses. We are seeing that change, that different mode of life. People are actually interested in living in the CBD, where they can, for instance, use better public transport as well. This legislation goes a long way to ensuring that we are looking to the future and making sure that we are actually changing so that it makes it easier for residents and owners corps as well.

Some of the great things that this bill does that I would like to touch on—there are probably about four or five which really take my interest. One is that this bill rationalises the regulation of owners corps. We have heard people previously talk about the five tiers. What we are actually doing is regulating owners corps according to their size in a more rational and responsible way by introducing that tiered system, with new thresholds for owners corporations to have committees, professional managers, external audits and reviews of financial statements and also building insurance and maintenance plans as well as annual financial statements. We are actually enhancing the protection of those injured through negligently maintained common property by increasing the level of public liability insurance required to be taken out by owners corps from \$10 million for any one claim to \$20 million, which makes a lot of sense as well.

We are also enhancing the equity between past, present and future lot owners by requiring such owners corporations to deposit fees into a maintenance fund that is adequate to actually implement the maintenance plan. This has been a huge issue in my electorate. I guess as a local MP you find yourself dealing with some fairly small issues that people are upset about, and some fairly large issues too, where you are actually trying to provide housing for someone. But on the opposite end of the scale, you know, someone has been asking for a long time to get their window fixed or their door unjammed, and the owners corp just cannot do it. These issues come up every single day, and I am sure they are across the board in every electorate as well. Of course, by making it more efficient and clarifying these roles within the owners corporation, it makes it easier for people to get that work done as well.

Another interesting aspect of this bill is it improves the quality of owners corporation managers and enhances protection for owners corporations. We have strengthened the disqualification and insurance provisions of the current registration scheme for professional owners corporation managers; we have prohibited certain terms in owners corporation management contracts; and we have given the

Victorian Civil and Administrative Tribunal the power to rule generally whether other terms in management contracts are unfair.

Another very interesting aspect of this bill that will positively affect people in the electorate of Frankston is the improvements to the governance and financial administration of, and internal relations in, owners corporations, and that again might sound like a dry piece of legislation, but it is going to have very meaningful consequences for people around Victoria. We are improving decision-making within inactive owners corporations by giving the owners corporation managers authority to make interim decisions in certain circumstances, which is very useful.

We are aligning the provisions of the act governing the validity of owners corporation resolutions and those governing the validity of owners corporation rules by requiring that both resolutions and rules not be oppressive or unfairly prejudicial to a lot owner or resident or unfairly discriminate against a lot owner or resident. We support the owners corporations' duty to repair and maintain common property by permitting them to enter private lots on a reasonable notice when necessary to enable repairs to common property. Again, this is an issue that is raised time and time again in my office. It is probably as common as fencing issues, which I know the Acting Speaker would have heard of in her electorate too. But it is great to see that we have been listening, and we are enacting a piece of legislation that I think will be very beneficial to those people with those issues.

We permit owners corporations to collect and use water falling on common property and to deal with water rights through this legislation as well, and we improve decision-making in owners corporations, particularly inactive owners corporations, by providing special resolutions that do not obtain the required voting threshold but which are unopposed to be treated as interim special solutions.

Another point in this legislation which is interesting to me is that this legislation clarifies relationships and reduces disputes in owners corporations in multistorey apartment buildings, and it does that by enabling them to make rules controlling smoke drift from private lots, which is often an issue. It allows the owners corporations to develop a model rule on smoke drift that requires residents to ensure that their smoke does not penetrate the common property or any other lot, which I think makes sense.

In conclusion, the amount of consultation that has gone into this bill is quite amazing. The bill is reflective of the public's opinion of what they would like to see made easier, made more efficient and made fairer. I think that is indicative of this government over the past year, and four years previously—that we are actually out there listening to our communities, forwarding that information and making legislation based on that. I think that is why we are here. We are not here just to be yelling at each other over the table. We are actually here to listen to our communities and represent their opinions, and I think this bill does that. I commend the bill to the house.

**Mr CHEESEMAM** (South Barwon) (12:06): It is with pleasure that I rise this afternoon to speak on the Owners Corporations and Other Acts Amendment Bill 2019. In reflecting on this bill and in fact the time which I have spent in this country, I have decided to make the following contribution.

I was fortunate enough to move to Australia in 1988, and indeed we settled at that time in the regional city of Ballarat. In reflecting on my observation of Melbourne through that period of time, and indeed on our fantastic regions and our fantastic rural communities, it has occurred to me that the needs to house our communities have indeed changed. Over that period of time of course, and over the last 150 years from when Melbourne first was coined Marvellous Melbourne, our communities and our society have dramatically changed. In reflecting on the properties that our family went to look at when we first came here from New Zealand, the common property that people were looking to purchase was of course the traditional quarter-acre block, either a weatherboard home or indeed a brick veneer home. That was I think what most people in this place would have observed as Victoria's and indeed Australia's typical housing stock.

In that period of time of course, when there were disagreements over really simple things such as fences or trees overhanging property, there was a relatively straightforward process between adjoining

owners in responding to those particular issues or those circumstances, other than perhaps in the very, very inner suburbs—areas like, say, Carlton or Brunswick or North Melbourne—where there were what I would describe as very typical homes that had been built in a style that people would recognise in some of the inner-city suburbs of, say, London or Manchester and the like.

As our needs to house our community have changed, as the nature of the family unit has changed, as our families have in many instances declined in size and as our lives have become increasingly busy, the desire to have a typical quarter-acre block with a standard brick veneer or weatherboard home on it has changed. Some people of course still do aspire to that. But through the last 30 years we have seen a massive increase in Victoria's population and we have seen a massive increase in Australia's population, and that has seen us build a lot of additional housing stock in the outer suburbs of Melbourne and in our fast-growing regional communities—places like Geelong, Ballarat, Bendigo and the like. The nature of the properties that we are seeking has changed. We are now often looking to live on common land with individual dwellings built on that common land either in single-storey or two-storey buildings or often in residential towers that might be 20, 30 or 40 storeys in size. As a consequence of that, Victoria's property law has been evolving and will need to continue to evolve to reflect that new reality.

In these changed circumstances that we have seen, particularly over the last 30 or 40 years, we have needed to structure our property law to ensure that we achieve a number of things—firstly, that individual property owners within developments have the opportunity to have their say about things that are important to them, about maintaining the integrity of their private dwelling on commonly owned land and about their interest in the commonly owned land component of these developments. We have seen—many of us in this place—disputes between individuals and the view of the body corporate. We are now in a circumstance, after extensive consultation, where the minister has brought these changes to the Parliament.

I think over the next few decades we are going to see a greater percentage of our communities living in privately owned dwellings on common property. We are seeing increased densities in our middle suburbs—in places like Burwood, in places like Box Hill and in places like Mount Waverley. This legislation, I think, goes some way—in fact a long way, and I congratulate the minister for the extensive consultation with the community and with different interest groups—to making sure that we structure our property law in a way in which we can ensure that individuals have rights and that body corporations have fair and reasonable obligations on them in terms of how they interact with the individual shareholders, if you like, of the body corporate.

We have seen the nature of our properties over the last 30 years change dramatically. I think we are going to see a lot more of that change. We are going to see our housing stock change, and we are going to see increased density over the next few years. Victoria has gone through, over the last 30 years, a sustained population boom. I very much expect we will see that population boom continue over the next few decades, particularly because of the confidence that Victorians and those that wish to make Victoria their home have in the Andrews Labor government—and indeed have had in previous Labor governments—to build the modern community infrastructure that we need. That is going to see additional people moving to Melbourne, to our regions and indeed to rural Victoria.

We are going to see more body corporates established, and we are going to see more people owning private dwellings on common land. We need to make sure that our property law arrangements that are in place provide opportunities to resolve disputes, that we see fairness about how body corporates deal with individuals, that we ensure that people can continue to maintain confidence in investing in and buying privately owned dwellings on common lands, that there are appropriate arrangements in place to ensure that people have their rights preserved and that the corporations that manage these properties do so in a way that sustains these buildings.

**Mr DONNELLAN** (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (12:17): It is a great opportunity to say a few words on this legislation. Having

acted as a voluntary chair of a body corporate some years ago for an apartment block of 22 people, I remember how frustrating it was to actually get people to engage in the process to protect their own interests, to be very honest. We had a body corporate manager who was a very good body corporate manager and did have the interests of the owners at heart, so that was not in question, but the real issue was that we did not have owners who were actually engaged. In other words, they were very difficult to get hold of. I remember that with some of the owners I actually had to ring four times just to get them to respond to simple correspondence.

In the particular instance at the time what I was trying to do for and on behalf of people who had interests as owners and investors in this property was to get them to make a claim against the builder to deal with defects in the property. They were not substantial, but they were probably \$100 000, \$150 000 or \$200 000 worth of defects that needed to be dealt with, and the statute at the time gave us seven years to do so. Many letters were sent out, many times people were rung and messages were left to encourage them to sign the documentation so we could make a claim. At the time we also had the insurance industry playing games, suggesting that the body corporate could not take action for and on behalf of the owners—that each owner would have to do it individually. Fortunately I sought advice on that from a local property specialist and effectively the insurance companies had to back down and allow us, as a body corporate, to make a claim.

Subsequently we did get that sorted out. The builders, Laing O'Rourke, were good; they came back very quickly and fixed the defects. I am very grateful for that. But I can assure you there was a level of frustration about people who would spend over \$500 000 on a property and would simply think of it as a passive investment. They were not interested in responding to someone who is acting as a volunteer for and on their behalf and thought I was just there to continually ring around and one day get the damn thing sorted out. The body corporate manager was similarly frustrated and was happy to have someone who was actually actively engaged and wanting to do it.

I notice this bill will improve the capacity to get some of these decisions made. This was about defects, but we also went through the same exercise in relation to maintenance and ensuring that the common property was up to scratch. I did note that the bill will improve decision-making within inactive owners corporations by giving owners corporation managers authority to make interim decisions in certain circumstances. That is very important. As I said, this poor body corporate manager was—although it sounds a bit silly—virtually about to hug anyone who showed some interest in what was going on in that particular property because he wanted some owners to get engaged so he could get things done. Obviously this bill has identified that as a serious issue. I only had 22 units, but I can imagine how difficult it must be if there are 100 units in a particular block, 200 units or the like, and there is a need to get decisions made. If you do not keep the common property up to scratch, the investment of the individuals will deteriorate over time. So I congratulate the minister for the consultation and for identifying it as a serious issue that far too many people, when they invest, have a passive attitude to it and that they do need to engage with the investment they have and engage in what the body corporate manager and the chair require.

I have also noted that the minister has also extended the obligations of developers to owners corporations, in line with New South Wales, from five to 10 years. I think that is very important as well, because while 90 per cent of properties are built properly there are many within the community, as has been identified recently, which simply have not been built to the standards they should be, so there is an obligation on developers to come back and rectify those particular issues.

I also note the minister has identified another issue which we came across—access to private individuals' units so you can actually fix common property. In this particular instance we had to get the facade re-rendered because there was cracking. We had some owners who would simply not respond, full stop. In other words, we could not actually get the facade fixed until these owners finally responded. It took an enormous amount of work to get these owners to do what was for their own benefit—to actually damn well respond, to be blunt—and it was incredibly frustrating. The minister

has identified the need for access to private property—not common property—to fix issues in relation to, say, a common facade or a courtyard or the like which is used by all owners.

It is important that these things get done, because what you will find is that frequently people who have passive investments will suddenly rock up, many years after the event—many years after not actually engaging with what the body corporate owners and the chair was actually asking them to engage with—and scream blue murder that the property has fallen into disrepair. If you do not build a sinking fund to deal with these issues over time, you end up in a situation where you have a lumpy, I guess, call on people's funds—where for many years there may be nothing and then suddenly there is a massive lump they need to put in to actually get this common property up to scratch. That is very much a welcome addition to the act.

Another area which was not an issue at the time when I was the chair but which I can see enormous benefit of is the capacity of owners corporations to collect and use water off the roofs and the like for the benefit of all, whether it be for gardening or other purposes, in terms of common properties. It is important that this is allowed. I guess this really highlights the fact that if you actually go out there for extensive consultation, you identify the issues that need to be dealt with in terms of owners corporations, and this is what the minister has done. I note that one of those areas, which would have helped me very much at the time, is to improve decision-making in owners corporations, particularly in inactive owners corporations, by providing for special resolutions that do not obtain the required voting threshold, but which are unopposed, to be treated as interim special resolutions.

Those are the things we need to do, because I think at the time I had about three active owners out of 22—good active owners—but it really was push, push, push, push the whole way. In many ways it would have been nice if the body corporate manager at the time, who did have the interests of the owners at heart, was able to undertake some of these decisions, as opposed to us going to 22 different people and about 18 of them being inactive and never getting an actual response, and that is absolutely ridiculous.

I just want to say that the minister and her team have done a marvellous job identifying many issues, because as we know—as the previous member was indicating—a lot more people are going to be living in such apartments. There is a need to rationalise the way these are managed to ensure that they are kept up to scratch—that things like defects are identified and dealt with straightaway, without having inactive, passive investors sit still and effectively ruin it for those who are actually active and wish to do the right thing by all. Thank you.

**Mr DIMOPOULOS** (Oakleigh) (12:25): It gives me pleasure to speak on this important bill. This is a bill that is long overdue in a sense, partly because the last reflection on this in the statute books was in excess of 10 years ago—about 13 years ago. But that is not the only reason. The other reason is because Melbourne and Victoria have grown enormously in terms of owners corporation developments. I think the statistics that others have mentioned are that about 1.5 million Victorians—25 per cent of the population—live in arrangements that are covered by this bill and the legislation. In fact I am one of them, and I enjoy it because there are many benefits that come with it. Density in many respects—not in all respects—is a good thing. Density means that you have greater opportunity often to access services like transport and services like activity centres, and you can access your neighbours—in an appropriate way!—and I have the best neighbours.

*Members interjecting.*

**Mr DIMOPOULOS:** What I mean by an appropriate way is that when you go to the letterbox or you are walking down the shared path, you do not want an over-the-top intrusion into your life, but you want sufficient acknowledgement that you live in a community—you greet each other, you say hello, you check on each other's welfare, then you go—

**A member** interjected.

**Mr DIMOPOULOS:** That is right. Then you can go on your merry way.

*Members interjecting.*

**Mr DIMOPOULOS:** I will ignore the cheeky interjections from my colleagues, but density is good, obviously with protections for amenity and a range of other things.

If you think about it, this government has been an exemplar in investing in infrastructure in every part of society. We talked in question time today about major transport infrastructure, but for infrastructure in terms of social capital—schools and kindergartens and hospitals—we have invested an enormous amount. Part of that investment is because we recognise 130 000 people come to live in Victoria every year, year on year, so that investment is necessary. But what is also necessary is a revisiting of the legislation that covers an increasing number of living arrangements for us in Victoria—as I said, including my living arrangements. It is something that is required, but also now we should never consider living in an apartment or a townhouse, in any sort of owners corporation arrangement, as a second-fiddle option to the preferred option of living in your own lot or a house. That is no longer the case. We saw that with our rental reform. We have accepted that more people will live in rental accommodation—some by choice in fact, others by necessity. While we try and improve housing affordability, and we are doing a range of work on that, we also accept that because more Victorians are living in rental accommodation we need to make the rental laws fairer. Similarly, we need to make the owners corporation laws more appropriate.

There has been a historic imbalance, in my experience, when a new development comes online. For the developer, instituting a set of arrangements with the owners corporation that they establish does give them a fair bit of advantage in how they structure that property, that then new owners or even tenants have to live under. This is why this bill is extraordinarily important. It improves the quality of owners corporation managers and enhances the protections for owners corporation individuals, and in fact for their tenants if they do not live in the properties themselves. There was a significant amount of consultation conducted here, with over 100 submissions made to the government's process—experts, the lived experience of Victorians. A whole range of people contested the provisions of this legislation.

There are some things I want to point out which are important to me, and I have had direct experience with this—where a developer institutes arrangements and a contract with an owners corporation which effectively might tie the hands of future owners for five, 10 or 20 years. Not always but often those arrangements the developer institutes with a management company are either favourable to the management company or favourable to the developer; it is often not favourable to the owners. This bill outlaws that. Effectively what it does is it extinguishes any management agreement that exists upon the first meeting of the owners corporation. Then the second question you may ask is: well, what happens if the developer has retained enough properties—it has not yet sold all the properties—and therefore can still renew effectively the management agreement because they have a majority of votes on the owners corporation? This bill seeks to deal with that issue too by not allowing—prohibiting—the developer-owned properties to vote for the appointment of a manager in the owners corporation. For me, that is a key thing.

It does many, many other things. It strengthens the disqualification and insurance provisions of the current registration scheme, and I think that is critically important. It also will prohibit a range of existing behaviours by both developers and body corporate managers. I should have said this at the beginning: most developers and most managers of body corporate arrangements are good entities. They do good work.

*Members interjecting.*

**Mr DIMOPOULOS:** Most do good work. The problem is that you cannot construct legislation, unfortunately, only on the highest principles; you have to construct legislation which protects a community based on the lowest common denominator of behaviour. This bill does a range of those things.

It also expands the obligations of developers in line with the New South Wales model, which prohibits developers from appointing themselves or their associates, as I said, as body corporate managers. It will require the developer to disclose any beneficial relationship between the owners corporation and themselves. It will prohibit the setting of the initial budget at an unreasonably low level to entice buyers, and then ratcheting up the price later. I think the member for Thomastown talked about an experience there.

It also does a range of other things in relation to improving the transparency around body corporate management arrangements but also in lessening the bureaucratic burden on the smaller body corporate arrangements. This bill will institute a scaled regime in terms of obligations depending on how big the body corporate arrangement is. Others on this side have spoken about a scale of five steps in terms of the obligations that the bill and the law will require of different sizes of bodies corporate. It takes a big step in improving the governance and outcomes for owners of bodies corporate. It is something that has become, as I said in the beginning, increasingly important given a bigger number of Victorians are living under these arrangements. This is about reforming their lived experience, but also in many respects, even if it is not their lived experience, their investment if they are absent landlords.

It improves the decision-making within inactive owner corporations. It restricts, as others have said, proxy farming and committee proxies, and prohibits contractual limitations on lot owners' voting rights. I did not know the term 'proxy farming' before reading up on this bill, but I absolutely have experienced the behaviour of proxy farming by others on a body corporate that I was briefly on in Footscray. There were a couple of keen individuals who had more interest and more time perhaps than others, and they would prosecute their own agenda by effectively pretending to do a favour for other owners by offering to be their proxy. Some would amount to eight, 10, 12 proxy votes, and they would prosecute a case which was really only important to them while not giving that level of transparency to the other body corporate members about why they were so interested in attending these body corporate meetings and grabbing their vote to use it for their own purposes. So these are all very, very important things not only for investment but for residential amenity for an increasing number of Victorians.

I want to commend the bill to the house. I want to commend the minister's work. This is a very fraught area but an area that absolutely requires government investment in government time and government regulation. I thank the minister and the house for their consideration of this bill.

**Mr PEARSON** (Essendon) (12:36): It gives me great pleasure to rise today and speak on the Owners Corporations and Other Acts Amendment Bill 2019, and what a delight it is to see you in the chair on this fine afternoon on a Thursday, Acting Speaker Spence. I am delighted to make a contribution on this bill because I think that it speaks to Labor's values.

It used to be that historically you could purchase a standalone home. The notion that it would be on a quarter-acre block was certainly common, but more likely it would probably be on 700 square metres as opposed to 1000 square metres, and you could purchase a property for probably three to four times gross average annual earnings. What that would mean in a very practical sense is that you could be someone who had left school at 15, like my father did, and who was a butcher, and you could buy a house, and, if you lead a moderate and temperate lifestyle—that is, you would enjoy life a little—

**Mr Dimopoulos:** That's you to a T—moderate and temperate!

**Mr PEARSON:** Indeed. Thank you, member for Oakleigh.

You would be able to pay off that property in the fullness of time and be able to lead a good life. What would happen—and I am talking, I suppose, specifically about the baby boomer generation—is they would build up those assets over the passage of time. They would probably not have access to the superannuation system because by the time superannuation came in they were into their 40s. But you would have a set of circumstances where people would live in a house, they would pay it off over the course of time, and they would be broadly leading a pretty good and comfortable lifestyle.

Around the time when these sets of circumstances were occurring, there were challenges in terms of the infrastructure that was being provided to those communities. That certainly was a feature of political life at a state and federal level throughout the 1970s and the early 80s. Particularly, Acting Speaker Spence, you will recall some of the great campaigns about making sure sewerage was supplied to the suburbs as an example of that.

What we have seen more recently though is that the ability to service a mortgage for a house has meant that the average gross wage to service the debt to purchase a house has gone from, say, three to four times gross average earnings to probably closer to 10, depending on where you live. So the ability for people to be able to go out into the suburbs to buy a house on land and raise a family is being diminished; it is being questioned. You can lead an almost monk-like existence. You could not drink, not gamble, never go out, be solely devoted to servicing your mortgage. If you are on average weekly earnings, you are probably going to struggle to service that sort of debt in many parts of our community. And that was never the case—it was never, ever the case.

Indeed I am reminded by the great work by Daron Acemoglu and James Robinson, *Why Nations Fail*. In *Why Nations Fail* a central thesis is that where you have exclusive economic institutions and exclusive political institutions, nations fail. So there is a need to make sure that if people turn up, they work; and if they wish to be able to purchase assets and create wealth, they should be able to do so. When you lock people out and you basically say, ‘You can’t buy a house because it is too expensive’, ‘You can’t take on that level of debt because you simply cannot service that debt and we are going to lock you out’, that is when you start to see rising levels of inequality. That is where you see these sorts of challenges emerge.

Why this bill is important is that increasingly people now are buying their first property, and it is a unit, or it is an apartment, or it is a townhouse, and that is not something we have been traditionally used to in Australia. Although we are a highly urbanised society—I think more people lived in an urban setting than in a regional setting by the time of around about the First World War—we are not used to high-density living. This is a comparatively new phenomenon. It is not like living in London, or in Paris, or in New York City, or indeed in Rome, for example. I do recall that Rome in ancient times was the first metropolis that had a million residents, around the time of the establishment of the Roman Empire.

Our regulatory framework and our ability to properly regulate people who live in this built-up urban environment is quite nascent. It is very underdeveloped. On this side of the house we recognise that there is a need to have appropriate regulatory reform and an appropriate regulatory framework put in place to prevent market failure and to ensure that people who live in an apartment or some sort of complex have the ability to have fair and appropriate arrangements in place. The reality is that often the fees associated with owners corporations are quite extreme. You are not talking about a couple of hundred dollars here or there; you can be talking about thousands of dollars each and every year in order to create the sort of amenity and urban environment that people want.

So if you go from, say, the 1970s or 80s, when effectively the state would provide the infrastructure and I would live in my house—my 700-square-metre, three-bedroom brick veneer 30 kilometres from the central business district—and that was my world and that was my life, to now living in a complex with tens of other properties and hundreds of residents, maybe even thousands for the very large estates, there is a need for the owners corporation to be able to provide that regulatory certainty and to provide those services to service that area. This is new territory for us. As my good friend the member for Oakleigh indicated, the statute books have not really been updated or modernised in this respect for 12 to 13 years.

We have seen a dramatic reshaping of Melbourne’s urban landscape over the course of that time. I recall when John Thwaites was the Minister for Planning and work commenced on the *Melbourne 2030* strategy about having greater levels of residential concentration along principal public transport networks. I found that quite a fascinating concept in the early 2000s. I thought it was quite curious to

see high urban living within a concentrated space. Indeed when I reflect upon my visits to Melbourne in the 1980s, the notion that you would have a significant cohort of the community choosing to live in apartments within Melbourne would have been unfathomable in the 1980s. It was something that you just could not have even foreseen. Indeed I do recall Robert Maclellan, when he was planning minister in the 1990s, produced a document called *From Doughnut City to Café Society*. The doughnut city in those days was that you would have all the growth on the outer extremes and you would have this hollowed-out middle. Well, that has clearly not been the case at all with the passage of time.

Certainly if you look at what we have seen over this last decade, Melbourne is nothing like what it was 20 years ago. We have seen a real transformation in the way in which people live and go about their community. I think that too will bring its own challenges because people need to be able to live meaningful and fulfilled lives. People need to be able to ensure that if they are choosing to create wealth through the acquisition of an apartment or a townhouse there is an appropriate regulatory framework that protects that asset, because the reality is, as we know, that for so many people in our community the traditional pathway via which working people have been able to acquire wealth in the course of their lifetime and potentially transmit that wealth on to their children has been through the acquisition of property. That has been the way in which our society has been constructed and built.

Obviously with the rise in the development of the superannuation scheme, which was championed by Paul Keating in the early 1990s, that started to change, but we need to make sure that working people who are going to be more likely than not purchasing their first property in one of these complexes have that asset protected and that there is an appropriate regulatory regime put in place so that as they do the right thing—as they take out a loan, as they service the debt, as they pay the debt down, as they live their lives, as they raise a family or do not and as they continue to contribute to this great progressive society of which I am so proud to be a member—the regulatory framework protects that investment. Nations fail where you have got social and economic exclusion.

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (12:46): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

**FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT)  
BILL 2019**

*Second reading*

**Debate resumed on motion of Ms D'AMBROSIO:**

That this bill be now read a second time.

**Mr MORRIS** (Mornington) (12:47): I am pleased to rise to open the second-reading debate on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. It is not a terribly complicated piece of legislation. As I think the explanatory memorandum says, this is about making a number of changes to the regulation of timber harvesting and firewood collection, and that is a fair summary of the contents of the bill.

Before I start to move into the detail of the bill, I do want to first of all acknowledge the briefing and the offer of information that we received from the minister's office. It is always helpful and, regardless of whatever position we may respectively have on a particular bill, it is very important that we have informed debate. As the government holds all the information, if we are going to have that informed debate, then we are reliant on the government. I did appreciate what was provided. I also need to say that I was afforded a similar quality briefing and offer of information with regard to a bill earlier this week, the Great Ocean Road and Environs Protection Bill 2019, and I launched straight into the bill and neglected to make that observation. So I make that observation about both bills.

As I mentioned, this is about the regulation of timber harvesting. It is about the regulation of firewood collection. Basically it amends three acts, the Sustainable Forests (Timber) Act 2004, the Forests Act 1958 and the Conservation, Forests and Lands Act 1987. Two new offences are created. One replaces an existing offence but changes the nature of it a little bit—so that is an offence of undertaking timber harvesting operations without authorisation—and that is an amendment to the Sustainable Forests (Timber) Act. The second relates to the unauthorised removal of firewood from state forests.

The bill allows the incorporation of documents into both the Sustainable Forests (Timber) Act and the Forests Act and the incorporation of documents by reference in any instrument created under the act, with the exception of the regulations—and I will come back to that a little bit later in this contribution. The bill will make relevant codes of practice binding on VicForests and will allow the secretary to enter into enforceable undertakings regarding the codes. It will allow authorised officers to require the production of documents by VicForests itself or by a VicForests contractor, and there are some other provisions around the production of documents by other persons. The legislation will allow the secretary to seek an injunction to compel a person to comply with a relevant law or any condition of a works approval, authority or notice under the Conservation, Forests and Lands Act 1987, and it removes a range of redundant provisions, particularly from the Forests Act.

It has been put to me and, I am sure, to most members who have an interest in these subjects that given this bill was introduced in late 2019 and we have had, as we know, a significant event in the intervening period which has caused enormous damage to our forests, particularly in East Gippsland and the north-east, that this bill should be withdrawn and basically the whole scale of the bill enlarged—the native timber industry closed down forthwith, effectively, is the sentiment that goes along with those suggestions. I certainly do not share the view that the native timber industry needs to be closed down, but I make the point that this bill is about improving, in the view of the government, the regulation of the native timber industry and firewood as well. It is not about the merits of the industry. I am sure many will disagree with me but in my view, however terrible the events of late December and early January—and they were terrible, I think we are all agreed on that—and whatever the impact, that is not particularly relevant in terms of this particular piece of legislation.

With regard to most of the details of the bill, I will just run through them. In terms of the Sustainable Forests (Timber) Act there is a proposal to substitute new section 45 to double the penalty units for a person and almost triple the penalty units for a corporation for undertaking timber harvesting operations without authorisation. There is a move to make this offence a strict liability offence, so the manner in which events are interpreted changes and new section 45A will attribute certain conduct of a VicForests contractor to VicForests itself.

Clause 5 of the bill extends the time limit for bringing in a proceeding for an offence under new section 92A—so that is the new section. It moves that from two to three years, which seems quite reasonable.

Clause 6 introduces some transitional arrangements to ensure that attribution of conduct does not occur retrospectively. Again, this is quite reasonable.

Clause 7 is the clause that will require VicForests to comply with any relevant code of practice despite any other legislative provisions. Now, I have not been working in this space all that long—just over a year. I do not know what the history is, that VicForests are apparently not required to comply with the code of conduct, but it seems entirely reasonable to me that they should.

The next clause, clause 8, extends to the secretary's power to enable enforcement of those codes, and on this side of the house we would not argue with that concept at all.

Clause 9 is the clause relating to the production of documents, so—

**Mr Pearson:** Come on, mate, put your back into it!

**Mr MORRIS:** Have you read this bill? I reckon I'm doing a sterling job. You have got to have something to be excited about, and there are one or two things in it that I will get excited about, I can assure you. But it will not necessarily keep you awake until lunchtime.

So, an authorised officer—always exciting—will be able to require the production of documents specified in a notice from VicForests or a contractor without a court order. As I mentioned earlier there are other circumstances where someone other than VicForests or a contractor may be required to produce documents, and that option will be available to the authorised officer through an application to the Magistrates Court. As with all these things, the VicForests contractor and VicForests change seems entirely reasonable. Whether it is reasonable with regard to others we will have to see how it plays out, but there is a safeguard in there of inserting the requirement to deal with the Magistrates Court, so we are not uncomfortable with that. There is a penalty included in there for false or misleading material—20 penalty units for an individual and 100 penalty units for a corporation.

Clause 10 provides the incorporation of documents by reference to be inserted in any instrument created under the act, with the exception of the regulations. Now, this sounds about as exciting as the authorised officers, I agree, but in fact it is an issue that I think as a Parliament we need to be aware of for two reasons. Firstly, we are essentially delegating the powers of the Parliament to the authors of the incorporated documents. I am not suggesting we should not be doing this, but it is effectively delegation. By doing this we are allowing the law to be changed through the simple change to be made in a document, and we need to be wary of that and we need to make sure we know what documents are being incorporated.

We also need, I think, to recognise that for those who are not lawyers, and that is obviously the vast majority of the population, it is not necessarily logical to say, 'All right, well, there's an act and there are regulations and then there is this whole raft of other stuff that effectively has the force of the legislation or the subordinate legislation, but it's not in the same place and it's not controlled by the Parliament', which means that for those who are familiar with the system it is fine—it is a bit like incorporated documents in planning schemes; if you are used to working with them and you know where they are and you know where to find them, then you can put the picture together—but for the average person on the street it is a far more difficult thing. So while I am not objecting to clause 10, I do think we need to be careful in this bill, or any other bill that we might consider, how essentially this delegation of the Parliament is used.

Clauses 11 and 12: 12 is a statute law revision; 11 is a savings provision—pretty straightforward.

Changes to the Forests Act: clause 13 is a similar provision to clause 4. In this case it creates a new offence of cutting, splitting or otherwise removing timber from a state forest, unless authorised, with 50 penalty units or a year in prison. Again, it is a strict liability offence, and the intention, as I understand it, is to ensure that there is similar treatment for that conduct, regardless of the circumstances or public land categories, because there is a range of measures under various acts that pick up similar issues.

Clause 14, incorporation of documents for the Forests Act—we covered that under the earlier bill.

Repeals: there is a series of spent provisions in clause 15, clause 16 repeals the power to establish a forestry education facility at Creswick and clause 17 provides for the repeal of regulation-making powers regarding that board. It is rather sad that we do not have a forestry education facility anymore, but given the fact that we do not, clearly we do not need a reference to that in the Forests Act and we do not need a reference to a board for a non-existent organisation.

Clause 18 repeals provisions for the continuation of licences and leases in relation to the Otways. The remaining clauses that affect that act repeal redundant provisions.

**The ACTING SPEAKER (Ms Spence):** Order! Loath as I am to interrupt you, member for Mornington, now is the time to break for lunch.

**Sitting suspended 1.00 pm until 2.02 pm.**

**Mr MORRIS:** I am delighted to be back after the luncheon break. Before the break I was talking about the detail of what is in the bill in terms of the clauses. I had worked my way through until I got to the changes to the Conservation, Forests and Lands Act 1987. They are pretty straightforward. Clause 23 removes the exception clause that applies to VicForests with regard to codes of conduct, which is consistent with the earlier changes that have been made. Clause 24 provides capacity for the secretary to seek injunctions compelling a person to comply with a particular law, conditional works approval, authority or notice, which is an opportunity missing in the current legislation and again is pretty straightforward. Clause 25 makes statute law amendments, and clause 26 repeals the act.

As I mentioned at the start of this contribution, there is a view that the events of December and January now make these changes redundant. I certainly, as I have explained in the house, do not support that view. But I do not think we can consider this legislation without keeping in mind the background and the other events that are affecting the timber industry because, as every member of the house is well aware, on 7 November the Andrews government announced it was going to rip the heart out of the timber industry. It was going to effectively sacrifice the timber communities for what in my view is simply an ideological position related to the inner city.

It is ironic that we are now debating a bill that for the large part seems to be further regulating the industry. The industry is going to be closed down, but we are debating further regulation of the industry. The fact is that the decision to close down the native timber industry will gut regional communities and it will destroy the livelihoods of thousands of families—it is just crazy.

One of the things that really irritates me about this debate is that facts do not seem to matter. Facts just do not apply in this case. There is no science in this. It is all about what makes you feel good. Because the fact is—as everyone in this house is aware—that 94 per cent of Victoria's forest area is either unsuitable or unavailable for timber harvesting. A lot of it should not be available. A lot of it is in national parks. A lot of it is reserved, for perfectly valid environmental reasons, and that is what a balanced approach is all about. Ninety-four per cent of it is not available. Of the area that is available the annual utilisation rate is 0.04 per cent—less than half of 0.1 of 1 per cent. It is a tiny fraction of the resource. If you can claim that that makes the industry unsustainable, it is just absolutely crazy.

I think we need a better standard of debate than the misinformation—and I am not putting this on the government—in the broader debate. The misinformation, the myths and frankly the lies that have been told in this debate out in the community—again, I am not putting this on the government, I want to make that clear—are basically one misleading statement after another, and it is not reflecting well on our democracy as a whole.

The fact is that this Victorian timber industry provides a renewable resource. It should not be sacrificed on the altar of ideological outcomes. We are still going to need timber. If we cannot get it from our own forests and we cannot get it from plantations—and I will come back to that in a second—then it is going to come from overseas. It is going to come from sources that are a whole lot less sustainable, sources that are unsustainable, particularly compared with our own.

Frankly, the way this event has been waged and the way that it has been waged for decades is not a good reflection on our society, but I think people are tired of these sorts of divisive debates. There is an opportunity here to take a sustainable industry, to work with it and make it an asset for metropolitan Victoria and for regional Victoria for decades and generations to come, but the decision was made on 7 November to close it down. So I say it is not a decision that in my view is about the environment, it is a decision about politics. The fascinating thing about this bill is it suggests there was little, if any, input from the Victorian public service with regard to this policy, because if this had been on the books as part of an essential evolution, the bill we are debating would not have been brought in. Having served in government, I know what goes into bringing a bill into the house, and you would not put the

resources into the sort of work that has gone into bringing this bill into the house if you had an intention to close down an industry.

I mentioned that I would come back to plantations. We do not know, and clearly the Premier does not know, where we are going to get our timber from when the industry is closed down. Back in November, a week or so after the announcement, we asked the Premier how much high-quality appearance-grade plantation timber would be ready to harvest in 2030. He did not answer. Why didn't he answer? Well, he knows damn well that there is not a single hardwood plantation tree going to be ready by 2030, and yesterday in a briefing—I will not go into detail—it was confirmed that the overwhelming majority of whatever we grow in plantations between now and 2030 is going to be softwood. It is not going to be the sort of timber that is appropriate for structural uses. It is certainly not going to be the sort of timber that is appropriate as appearance-grade timber. It is certainly not going to be the sort of timber that is available for furniture.

Michael O'Connor of the CFMEU has said very, very rightly that the plan put forward by this government does not provide workers, in his words:

... with a fighting chance to transition or leave the industry with dignity.

It is just an appalling policy approach for this industry. Interestingly Mr O'Connor—and this is from 12 December last year—was quoted as saying the plan to move to plantation supply was vulnerable to natural disaster. I am quoting again:

The rigidity of the plan leaves the workers' jobs it is meant to secure vulnerable to factors outside of the government's control ...

For example, if there is a major bushfire which damages the resource ...

We had the major bushfire. It did not damage the plantation resource, but it gave us a pretty clear indication of what could happen. There are factors outside the government's control, and the government has proved it cannot manage native forest. It cannot protect native forests. It cannot take the steps necessary to protect native forests. Why should we expect the government to do any better, frankly, managing plantations?

Now, I mentioned on my review of the bill that there were a couple of things that were of concern in terms of the opposition's appraisal of the bill. Clause 4 increases significantly the penalties for unauthorised timber harvesting. It replaces the existing provision, the existing section 45, but it turns it into a strict liability offence. So you do not have to prove intention; if the damage has occurred, then the liability is there. Now, the penalties have increased significantly. They have doubled and tripled respectively, individual and corporate. I question the need for strict liability. If people are negligent—if they set out to harvest outside a coupe or if they set out to damage a forest—then an appropriate prosecution should occur and we should throw the book at them. I do not argue that. But the existing clause does not contain a requirement for strict liability, and I question the need for it. Of course it will depend on how closely this is enforced and the manner in which it is enforced.

I know that there is some concern in the industry that this clause will be used to drive the larger agenda and try and push the industry out earlier. I give the government more credit than that, but it is a risk. I know the industry is concerned about it. I am certainly concerned about it. My colleagues on this side of the house are concerned about it, and we will be watching the implementation of the new section 45A very, very closely.

I think it is also interesting that we do not see any amendments to create a similar offence for those who attempt to physically disrupt lawful harvesting. There is no comparable offence in this bill. There is no \$19 800 fine for individuals. There is no \$100 000 fine for organisations. I think it is important that people stand up for their rights and have the opportunity to have their say and express their view even if, as happened yesterday in this place, it is counterproductive. Frankly I think what happened yesterday was counterproductive, but how is it fair that people going about their business lawfully, harvesting timber in accord with permits and in accordance with law, can have their livelihoods disrupted, their

incomes disrupted, by people who are effectively subject to a slap on the wrist? That is simply no fair. If we are going to have a regime strictly enforcing one set of activities, we should have a similar control strictly enforcing people who seek to disrupt them, because this is a double standard. It is a double standard that is inherent in this bill, and unfortunately it is often a double standard in the way this government approaches country Victoria.

Clause 13 relates to the cutting and removal of timber in state forests. It is a new offence. The fine is in excess of \$8000 and a year in prison.

What we do not know about this bill is whether it is possible for someone to find themselves prosecuted under the changes made by clause 4 and under the changes made by clause 13. I think it is an indication of the government's view that a prison term is proposed in this case and not in clause 4, but we need to have an explanation of whether someone who is charged under one provision can also be charged under another, because they might find themselves as an individual subject to \$28 500 in personal fines and a year's imprisonment. I do not think that is the intention of the act, but it would be useful to have that point clarified.

The second thing is that with this particular offence it is a matter of degree. I understand and I support the intent of clause 13. I understand that there have been issues, and I understand that there is a loophole there that certain individuals have exploited. So I have no problem with the solution, and I accept that this is a genuine problem. But again, this is a strict liability offence. As I mentioned earlier, yes, damage does occur regardless of intention, and we need to guard against that. But it comes down to the manner in which this particular change will be enforced. The strict liability offence is created, and then a series of exemptions are included in both the Sustainable Forests (Timber) Act and the Forests Act.

This is hardly a plain English rendering of the policy intent of the government. I am not being critical of the drafting; I think perhaps it is necessary in the context of the existing act. But certainly what I would like to see is clearer material both for the members of the public who need to comply with these controls and for those who are enforcing these proposed controls—to make it clear that particularly the existing exemptions on domestic firewood collection remain in place. I know members will have different views on whether we should continue to burn firewood for heat and for energy. But it is a critical fuel, it is a critical heat source in country Victoria, and it is essential that access to that resource is not compromised for those people who absolutely depend on it to cook their food and keep their houses warm throughout our winters.

While the bulk of the bill is somewhere between fine and innocuous—we have no problems with most of it—with regard to clause 4, our concern is very much about how that clause is to be interpreted and enforced. I know, as I have said, the industry are nervous about it. The opposition are nervous about it. Given that it does not change the regime around timber harvesting, we are not proposing any changes to that particular section, but we do believe the government needs to be very, very careful about the manner in which it is enforced.

With regard to clause 13, the firewood, again it is about enforcement. If you are bringing trucks in and loading up firewood illegally, you should be prosecuted. You should have the book thrown at you. But if you are putting enough in your car boot to keep yourself warm for the weekend and you are doing it within the rules, then clearly that is a different situation—and these things are not always enforced in the way that the Parliament intended. So we raise those issues.

So at this point the opposition will not be opposing the bill in the Legislative Assembly, but we are reserving our position and we are happy to have that conversation between the houses about putting some parameters about the way these things are enforced.

**Mr PEARSON** (Essendon) (14:19): I rise to speak today on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. I have listened to the member for Mornington's

contribution, and on one level I agree with him: in some ways it is a fairly straightforward piece of legislation. But, look, it is really important, and it is a very serious matter that is before the house.

Hard things are hard, and when any industry goes through a period of change and adjustment it is incredibly challenging and incredibly difficult for the individuals involved, their families and their communities. I want to say at the outset to the logging communities, to those families, to the people who work in this industry: I respect you, I respect your work, I respect the contribution you have made to our state and I respect the communities and the lives you have made for yourselves. These things are really challenging and they are very difficult. They are very stressful for the communities involved. They are very challenging in an economic sense. It is hard. It is really hard.

Now, I listened to the member for Mornington's contribution, and I think I am fair in saying that he is suggesting that we are doing this primarily for ideological reasons. I think what I would say to the member for Mornington is: we have to have a systematic and thoughtful and considered response because the industry is facing enormous challenges.

One of the acts that is being amended is the Forests Act 1958, and I raise this from the point of view that this is an act that has been on the state's statute books for decades, clearly—and I suspect that the Forests Act 1958 probably superseded an earlier piece of legislation. Once upon a time we lived in a world where you could act freely on many of these questions. You could gather firewood, you could cut it down, you could hunt wildlife, you could enjoy yourself from a recreation perspective without any government intervention or oversight and you could conduct a business, which again did not require much in the way of government regulation and oversight.

The challenge, though, we find ourselves in now is that this resource is declining. Look at the damage that these communities and our state confronted during the Black Saturday fires, and I am really pleased that my good friend and colleague the member for Frankston is in the chamber today. He fought on the front line of those fires, and he will tell you that what he saw on Black Saturday was something that he had never experienced before and, I suspect, the state has not experienced since—until the most recent fires. These are a set of circumstances which we have never confronted before. It is not like—with native timber, hardwood timber—you can turn around and plant a seedling today and you are going to have timber harvested in a short period of time. You are looking at decades. If you are looking at mountain ash, I think it takes 40 or 50 years. Indeed, many of the plantations which were destroyed on Black Saturday had been planted after the 1939 fires, as I understand it. So we are confronted with a situation where this resource is evaporating before our eyes as a consequence of these devastating fires.

Now, we have got a view as to what is driving that. We believe that climate change is undoubtedly the major factor that is driving the reduction in this resource. Those opposite probably have a wide range of views within their party room, but we are united in following the science on these matters.

We are here to govern this state, and we are here to make sure that we have got an appropriate regulatory framework in which these assets can be appropriately managed for future generations. Because the resource is in decline and because we have got these enormous challenges facing these communities, we need to come up with a systemic approach—an approach which is across the board about supporting these communities and about having a proper regulatory framework for managing these assets. Now, it is not like it was in 1939 or in 1958 or, dare I say it, before the millennial drought, where you could kind of say, 'Look, you know, we've got all this land, we've got all this resource'—almost have the early settler's view of the world: 'If it moves, shoot it; if it doesn't, cut it down'. Well, we cannot think like that these days.

We need to make sure that we have got an appropriate regulatory framework to respond to these challenges, because if we do not do this, if we turn around and we say, 'Well, we're not going to support these industries', and we are going to just say to the native hardwood timber industries, 'Well, look, you just get whatever resources you can get a hold of and away you go, and we will not

intervene', there is just simply not going to be the resource. What you will then find is that these businesses will be sitting on stranded assets and they will have the harsh reality of owning a business that basically has got no resource in which to operate, and they will be stranded.

In some respects what we are doing here, and what we are confronting now, is not that different to the support that the car industry in Australia went through in the 1970s and the 80s, particularly if you are looking at the John Button car plan—the Button plan.

It is about valuing these communities, and it is about recognising the work that these communities do and trying to support them in a transition. I do not for a moment suggest that this is easy. I do not for a moment suggest that for the families impacted this is not an incredibly stressful and difficult time. Imagine if I was in these communities being the age that I am now. The prospect of being in your late 40s and finding out that by the time you are in your mid-50s or your late-50s you will be out of a job, that the house you live in might not be worth what it is today and that the community that you have raised your family in might not be there in 15 years time—these are really, really difficult conversations to be had around a kitchen table. It is incredibly confronting. It is the definition of an existential crisis for the individuals involved.

What we are trying to do as a government is find a coordinated and systematic way in which we can manage this transition and support these communities. I appreciate the fact that this is a very narrow bill in its own way, but what I would say is that it is part of a broad architecture of reform across this sector to make sure that we get this right. These changes are going to be so profound and their impact will be so significant that there is a need to make sure that we get this right. If we do not, what will happen to these communities? What will happen to these workers?

I remember the State Electricity Commission of Victoria (SECV) in 1989 had a workforce of 24 000 people and by the mid-1990s it had 8000. In one sense you could argue, purely from an economist's perspective, 'Well, you clearly had feather bedding. You went from 24 000 to 8000, so therefore that is a net gain for the economy'. You could argue that, but you could also make the point that there were 16 000 people that lost their jobs, and that community was devastated for a sustained period of time in trying to respond to those changes. That was an instance where the government was not interested, the government did not intervene and the government did not have appropriate transition frameworks in place. It just basically said, 'We're going to sell off the SECV, we're going to rationalise it, we're going to strip it down, flog it off and then we'll let the market sort these things out'. Again my good friend the member for Frankston has talked about, in the past, what it was like in those communities at that time. It had a devastating impact.

Now, if you take the view that you are not going to intervene and that you are going to just let market forces dictate how this is going to unfold, then just say so. Just say, 'Look, the industry is going to be in transition and these communities can fend for themselves'. But we do not believe that. We value these communities, we value these workers and we appreciate and value the contribution they have made to our society and our community for decades, and we stand with them now. This piece of legislation is an important element of the architecture of that approach as we try to work with these communities to guide them through and to work with them step by step across the next decade as these changes unfold. Hard things are hard. This is a really tough issue to confront, but real leadership, the true leadership shown by the Andrews Labor government, is to meet these challenges head on and to not shy away. It is to stand your ground and to fight your way through it and to support these communities on the way through. That is what we believe in.

**Ms McLEISH** (Eildon) (14:29): I rise to make a contribution to the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. I just want to pick up on a comment that the member for Essendon made about tackling challenges head on and make it clear to him that the government has avoided meeting with the timber workers directly on this issue for quite some time. For him to pretend otherwise is just simply ludicrous.

Forests are a particularly important part of Victorian communities. Some 6.4 million hectares of public land is in forest. They have many uses. People recreate in them doing all sorts of things, whether it be bushwalking, camping, riding, prospecting, four-wheel driving or dirt biking, and I am sure, Deputy Speaker, that you would know all of the uses of our forests. But I think they can also coexist quite happily, the recreational users and the timber industry.

Of course, I want to acknowledge that the traditional custodians of the land have had wonderful relationships with the land and forests and have had a great role in managing them for some 40 000 years, and to know that they are the oldest living culture in the world is really quite remarkable, but they relied very much on forest management techniques and also used them for recreational purposes.

It is important that we have rules around the operations of what happens in a forest and how it happens. I certainly have no issue with that. The bill that we have before us has the aim of improving the regulation around timber harvesting and firewood collection. They are both quite important uses, and certainly in my electorate they are both quite important. The underlying aim here is to ensure that Victoria's forests can be managed and improved into the future, and I think that there are lots of things that need to be done to manage and improve our forests into the future.

The invasive species, the invasive animals and plants, are doing a real disservice to our wonderful forests. It is very easy to just head up towards Whitfield from Toolangi and to see, three-metres high, acres and acres of blackberries that are really strangling out forests. It is easy to go to Toolangi and to notice that stringy bark forests are now being strangled out by wattles, and that some of the wonderful features we have in our forests are being lost because they are not being managed appropriately.

I want to touch on, first of all, timber harvesting, because timber is the ultimate renewable resource—it grows back—and people love timber. Time and time again we see in people's homes wonderful timber furniture, floorboards, benchtops and blinds. It is extremely popular. At the moment the popularity of timber is really quite high. You can talk to Planet Ark, manufacturers or people who sell the end products about how people do love their Australian timbers—and they love their Australian timbers much more than they love the imported things. One of the other features that timber has is the warmth that it generates. If you go into a room that is beautifully lined with timber, you feel that sense of warmth. It is important that we look to manage our forests and have a sustainable industry.

The acts that are being amended here are the Sustainable Forests (Timber) Act 2004, the Conservation, Forests and Lands Act 1987 and the Forests Act 1958. As I have alluded to, these are being amended to alter the rules around the regulation of harvesting. The Sustainable Forests (Timber) Act is being redrafted. New section 45A spells out exactly who can undertake harvesting operations, and it ups the penalties for people contravening that quite substantially. We have clearly laid out in new section 45(2) who can undertake timber harvesting operations. As you would think, that is VicForests, VicForests contractors, somebody who has entered into an agreement with VicForests around the harvesting or sale of the resources and somebody else who is linked to that.

As I mentioned, the penalties have been upped quite significantly from 60 penalty units up to 120—that is by about \$10 000—and for a body corporate from 240 penalty units to 600 penalty units. Penalty units are \$165.22, if I remember correctly, so these are upped quite substantially, plus we have the introduction of an offence.

The second-reading speech by the minister refers to meaningful consequences for those who break the law and providing a meaningful deterrent for those illegally harvesting. Now, I put it to the minister that we also need meaningful consequences for those who break the law and seriously disrupt harvesting operations. We have had protesters dancing around in black gear, being unable to be seen. The machine operators are very worried that they may not see somebody and that they could kill somebody. We have had people tree sitting and chaining themselves to the machinery. We had a disgraceful situation where somebody actually needed their gear not just to do the harvesting but to

help out with the bushfire effort, and there was somebody chained to their gear for several days so they could not use it. That was absolutely disgraceful. They need more than a slap on the wrist; they need meaningful deterrents as well. I think that the minister, in instances where people have ignored the public safety zone legislation, really needs to look at what is happening there.

On the rules around harvesting operations, the operations are arranged and planned by VicForests and conducted by their contractors. The changes here pertain to both and make it clear that VicForests must ensure its contractors comply.

The collection of firewood is actually something that is quite topical in light of the fires that we have just had. People see so much firewood lying around on roadsides. Many people in country areas see this as an opportunity to reduce the fuel load as well as to have firewood available to heat their homes. For many people in country areas, firewood is extremely important. I myself have a wood fire, backed up by gas bottles. A lot of country towns and certainly properties do not have gas mains, so you would otherwise be relying on electric heaters, which are quite energy intensive and quite costly. Certainly you see a lot of low-income earners, younger families and retired people who rely on the collection of wood. They collect it themselves or somebody else goes out and collects the firewood. Different councils have different arrangements in place, typically for autumn and spring. Murrindindi and Mansfield have very clear operations. At Nillumbik they play with the zoning up there so there is no collection of firewood, and I think a lot of people in Nillumbik would not mind that.

I want to talk about the importance of forestry and how it has had its heart ripped out by this Labor government, certainly towards the end of last year. This industry, the timber and forestry industry, employs directly over 15 000 workers in forest growing and management, harvest, haulage and primary and secondary processing.

My electorate has the Powelltown mill, run for a long time by the Fox family. The hills around Powelltown have been harvested several times and burnt as well—1985, I think, was the last time there were fires. But they have the Leadbeater's possums back living in them. The forests regenerate; they grow and thrive again. There are Reid Bros at Yarra Junction and Kelly's timber in Wesburn, with Hugh Kelly there. We lost the Dindi mill. Just recently I went to the Corryong sawmill and spoke with the manager there. It is run by Graham Walker. They are very concerned about the future. There is the Glencoe Group, who do prefab wall frames and roof trusses in Alexandra.

I have contractors all through my electorate. They are absolutely gutted by the decisions made by the government. I never thought I would say it, but I am on the same page as the CFMEU here—an unlikely ally. I am actually happy to see them taking the fight up. Perhaps the fight should have happened a little earlier, but they are now looking to protect the jobs of workers, and mostly these are young men.

I am alarmed that we are importing timber at a great rate. Many of the businesses say it is very hard to get locally grown timber anymore. I see that Yenckens Hardware in Yea, Alexandra and Mansfield use wood from Ryan & McNulty in Benalla, but they say it is increasingly difficult. I think we should all be very concerned globally if we are going to be relying on imports from Indonesia and South America, countries that have much less regard for the environment than we have here, and looking at decimating forests at rates we do not approve of.

Plantation timber becomes habitat. Plantations take a good 20 to 30 years to grow, depending when and where— *(Time expired)*

**Mr CHEESEMAM** (South Barwon) (14:39): It is with pleasure today that I rise to speak on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. In reflecting on the elements of this bill and the circumstances that Victorians forests find themselves in, along with those who have derived their incomes from those forests, I have reflected a little bit on the circumstances of my early life.

In the 1990s I lived in a small country town called Durham Lead, which is south of the Buninyong township. In growing up in that area my father, myself and my younger brother for a few weekends each year would go into our state forests and we would harvest timber to feed our fireplace. That was indeed the principal way in which our home was heated, particularly in Ballarat's particularly cold months. In doing that we would apply for, I think it was, a three-month licence, where we would go down to the department of conservation and apply for a permit. A forester would have previously marked out a coupe, which would be perhaps about three times the size of this chamber, and you would take the unmarked trees. If my memory serves me correctly, typically the trees that the foresters—that the department—wanted you to keep were predominantly marked with pink fluorescent colour to highlight the trees that ought to be kept, and they were generally the larger trees, generally the trees that had not been cut before. They were the better specimens. For, I think, more than a decade we would undertake this activity when the bush was drying out after the winter months, and we would often put that timber aside after cutting it up for 18 months or so to enable it to dry out.

Through that period my father was working for the University of Melbourne school of forestry out of Creswick, and I through this period would have been between the ages of about 12 and about 18. Whilst my dad worked for the school of forestry, he was not a forester; he was a technical officer there. But having said that, he was bringing home conversations that he was having with the academic staff in the lunch room about this concept called climate change, and I particularly in the first half of that period struggled to understand the concept. I found myself every Saturday playing football and certainly in the wetter months it would be exceptionally wet and muddy, and I found the concept quite difficult. He was telling me that what the scientists were telling him in the lunch room was that there were different species that had historically not competed as well and other species that were the dominant species in the bush but that things were starting to change and there was this scientific notion that the forestry officers were becoming aware of as a part of the global scientific community.

It got me thinking about climate change. I became interested in it, and in fact I went off to study for a bachelor of applied science to learn about climate change. It was a topic that I was particularly interested in. I also, through that period of time, started to think about the nature of sustainability and the fact that the Victorian forests which had of course supported many families, many communities, from an economic perspective were not a renewable resource unless as a state you took active steps to indeed add to the Victorian asset, native forests. It has become, I think, pretty apparent really over the last couple of decades that we need to have appropriate regulation put in place to ensure that those forests can be preserved for future generations.

Part of the challenge of climate change is that we see our forests much, much drier than what they have historically been. As a consequence of that the fire behaviour when a wildfire goes through those forests is that it burns at a much, much higher level, meaning that the trees—our native forests—do not have the same capacity to bounce back as they once might have been able to do. We have seen that not just this summer but about 10 years prior to that, with Black Saturday. Indeed I suspect perhaps the Ash Wednesday fires, which were in 1983 almost to this day, were again an example of the consequences of climate change.

I am very pleased that the Minister for Energy, Environment and Climate Change is at the table. I know her electorate in the northern suburbs has supported many, many former automotive workers. I know she is very, very cognisant of the challenges when industries go through adjustments, and I know her thoughts are certainly with those workers. It is because of her experiences in the northern suburbs that I know that she has a very keen understanding of the challenges of many of our regional communities, particularly ones that have for many decades supported timber workers. I think these legislative arrangements are appropriate. They are the right arrangements. We as a Labor government, we as active members in the labour movement, will be acutely aware of the challenges of forestry workers. When industries are going through these types of challenges, the reality is that it is Labor governments that will support those communities as those adjustments are required. I, and I am sure most of my colleagues who have had experience with regional and rural Victoria, will continue to

advocate and support legislation that supports these communities to make sure that we have sustainable industries.

The fires that we saw just over the last couple of months are unprecedented. They will have profound consequences. The minister is aware of that, the Premier is aware of that and the department is actively doing the work that is required to understand those consequences. I think these legislative amendments are appropriate, they are necessary and they come from a government that cares about regional Victoria.

**Mr T BULL** (Gippsland East) (14:49): I rise to make a contribution on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. I guess there is some irony in getting up and talking about timber harvesting and firewood collection so soon after the experience that we have just had in East Gippsland.

I would like to talk initially about the firewood collection aspect, which is an element of the bill, and the potential to have more of a scaled system of punishment, if you like, in relation to the offence. I guess we are talking about scales of penalty, for want of a better description. When we talk about firewood collection in country areas, my electorate would certainly be one of those areas where a very, very high percentage of our population relies enormously on their annual firewood collection. We are probably very fortunate in comparison to other areas of the state to have such a huge amount of firewood available to us and our various communities, which, as you would know, are spread out over a very large footprint, a large geographical area.

When we talk firewood collection there is a massive difference between going out with a chainsaw and cutting up a couple of trailer loads of yellow box or something like that, compared to, maybe, a pensioner living adjacent to a state forest going out and collecting her morning sticks. I can remember my wife's grandmother, who for years and years and years down at Lake Tyers would go out every morning and just pick up her morning sticks to light the fire for the day. At present those instances carry significant penalties, and I think we perhaps could have introduced levels of penalty or scales of penalty that were more appropriate to the offence.

I know in Parliament, when we introduce new laws and we introduce new regulations, in many, many, many cases we rely on discretion being used by those on the ground who are enforcing these penalties, but I think we perhaps had an opportunity here to differentiate between whether that was around the quantities of wood collected or—you probably do not want to go into the type of wood collected—something to differentiate between someone taking a trailer load or a ute load full, as compared to someone who is going out and picking up their morning sticks. So a little bit more attention, I guess, to the scales of penalty perhaps would have been good.

The other element that I want to point out is—probably 'hypocrisy' is too strong a word—I would say some differences of approach in relation to different areas of this government's enforcement regime. Here we are tightening up the laws on illegal timber harvesting, and I have no qualms at all about cracking down on people or groups who intended to do the wrong thing and illegally harvest firewood from our bush, but we also have at the same time a number of locations across the state, particularly in my electorate, where we have a number of illegal protesters that are stopping timber harvesters from logging their coupes, which is a perfectly legal pastime. It is a perfectly legal form of employment that has been through the various approval processes that have allowed timber workers to go in and harvest their coupes. Yet we have protesters who will turn up and, without any serious enforcement or action, will be allowed to hold up those very important works for long periods of time. These are workers who have to pay mortgages. These are workers who have kids at school and families to support, and I would like to see, I guess, the same level of urgency to crack down on illegal firewood collectors perhaps be applied to other people who perform illegal acts within our forest areas and who have a far, far, far greater impact on the economy of local regions and the mental health and ability to work of local families than someone who collects illegal firewood does.

These illegal protesters should be dealt with quickly and efficiently, and they should be punished accordingly. The fact that they hold up legitimate work is something that this government should also crack down on. The bill also has implications for the timber industry generally, and it would be remiss of me not to mention again the great work that our timber industry did over the recent fire period within our region. As I mentioned in this place last sitting week, these timber worker crews were at the forefront of fire protection work and then they were at the forefront of the road clean-up. The public often does not see the great work that these timber workers do at the fire front, and there is a pretty good reason for that—that is, they are generally out there ahead of the fire crews on many occasions. You might see a TV camera sneak in, and there is a bit of fire in the landscape and they are there with the fire trucks around them. These dozer drivers, for instance, are a step ahead of that. They are out, often, putting in firebreaks with fire lapping at their machinery, and I know of two timber worker dozers this year that were fire damaged while the dozer drivers were driving them. When we talk about being at the coalface, I do not think you can get any more coalface than that. The reason that that sort of footage does not get onto our mainstream media is very much because it is too dangerous for a TV crew to be there filming and taking in that footage. They just cannot be there.

These people are so critical to our local community not only for the important roles they play around fire time, whether it be cutting those firebreaks or whether it be clearing the roads; they are also critical to our communities economically. If you have a look at townships like Orbost and Heyfield, without a timber industry in those towns those towns simply do not exist. They simply do not exist. In Heyfield alone over 50 per cent of the people who live in that town are supported by the mill there. If we do not have the mill, the pub closes. The two primary schools—if they do survive—are getting rid of teachers. The Heyfield Kangaroos football club instantly cannot field teams. The local cricket club and tennis club go down the gurgler. So when we talk about the future of the timber industry, I think we wash over the wider importance of that industry to the communities.

Just on the timber industry, after the great work that these people did on the fire front, as I stand here now, they are not all back at work at present. They were there leading the charge. They were defending our homes, defending our communities, opening our roads, and now for various reasons they are not back at work. Roadside clearing commenced when we were obviously getting these roads open, the Princes and Monaro highways, but there is so much more of that work to be done now. These timber workers should have more work at the present time than they have ever had before. The coupes are still there to be harvested. Yes, some have been fire impacted, but the mixed species do not die. I note that the Premier in here made some commentary around them being destroyed. Those timber coupes are still there. The trees are now sprouting again, and they can be harvested next week—it is just that they are black on the outside. But they are still alive, and they certainly can still be harvested. So that, combined with the fact that we have all this roadside clearing to do to make sure that we do not have our highways closed for a month again—which is totally unacceptable—means that those timber workers should be flat out. They should be choosing the jobs that they are doing at the moment. They should not be without work, and yet I was talking to some earlier this week who have still got problems with getting back to work because there is a lot of dithering going on by the various departments in relation to getting them back to work.

In winding up, yes, we are not opposing this bill, but we need to put more focus on getting protesters out of the bush and letting people do their work and keeping our timber industry in work.

**Mr FOWLES (Burwood) (14:59):** It is my pleasure to get on my feet for happily the last time this week and make a contribution on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. I have listened carefully to the speakers from both sides of the chamber, and I think as Victorians we can say that we all value our native forests. Our native forests provide an important economic resource. They are important for biodiversity, recreation, cultural values and quite obviously we use our native forests for different purposes. Those purposes of course include timber harvesting. There is an inherent tension between some of those usages, and there is no doubt about that. There is no doubt that some of the usages of the forests are likely to come into conflict. The role of government

in those circumstances is balancing the values, balancing the activities and making sure that the regulatory regime that results from that balancing exercise is in fact fit for purpose.

This bill comes before the house, though it was in contemplation before this fire season, at a time when we are acutely aware of the impacts of fire on our landscape. I just wanted to commence my contribution around this bill by recapping a few of those matters, because they are germane to the broader issue of management of this particular natural resource. Over 1.3 million hectares of public land—the number, still, is just staggering; it has been said, and I have said it a number of times, but it is just a whopping number—that is parks and forests, have been impacted by the fires this season. That public land represents 85 per cent of the total fire area. So those public lands, parks and reserves are about a third of it, and state forest makes up the remaining two-thirds of those public lands. Eight-hundred-and-seventy-thousand hectares of state forests have been affected. That is more than a quarter of our total state forest. More than a quarter of our total state forest has been affected by this fire season alone. So clearly any action we take in relation to the very important management of this natural resource is going to come at a time of heightened scrutiny and heightened feelings about the regulatory approach in relation to this very important natural asset.

It is worth noting that Parks Victoria has deployed about 40 per cent of its workforce into eastern Victoria in relation to these firefighting efforts. That is an extraordinarily large impact. I want to thank the personnel from Parks Victoria and Forest Fire Management Victoria for all the hard work they have done in incredibly difficult circumstances throughout this fire season—a fire season that I should note is of course still upon us. It is still continuing.

This bill is about regulating the timber harvesting usage within our natural forests. Clearly there is a whole bunch of other usages, and indeed there is a whole bunch of other recommendations in the report that underpin this particular bill. There is a whole bunch of other recommendations, and there have indeed been some announcements by government, some policy changes, in relation to the felling of native timber. Those matters are still to come before the house, but this bill quite specifically addresses the issues we had in relation to the failed prosecution of VicForests in late 2018 by making sure that we have the right tools, the right regulatory processes and the right enforcement regime to ensure that the sourcing of timber from our native forests is done legally, is done safely and is done in accordance with the legislation that has been enacted by our state.

So how does it do that? It clarifies the key offence provision for illegal timber harvesting to ensure it unambiguously applies to VicForests and its contractors—that there is no escape route with a contractor working on behalf of VicForests for VicForests to then somehow dodge liability in relation to any improper gathering of timber. It also allows, very importantly, the use of contemporary mapping tools so that we are not relying on paper maps, particularly lower resolution paper maps that sat at the heart of this prosecution that fell over a couple of years ago. We are simply relying on the very best tools and the very best data available to us at any one time.

Can I say that the fire context is an important one. This summer has clearly been a very, very difficult time for the Victorian timber industry, but it has also been a difficult time for our wildlife. Over 25 per cent of the harvestable coupes on the timber release plan have been fully or partially affected—over 1 million hectares of parks and forests. It just bears saying again that the totality of our approach around the regulation of this resource has never been more important. It has never been more highly scrutinised either. By ensuring that it is clear that illegal timber harvesting applies to VicForests and its contractors, my constituents and the people of Victoria more broadly can feel more secure that their timber is being sustainably and legally sourced. We only ever want to see timber being made available for sale or export in Victoria having been sustainably and legally sourced. That is the only category of timber that ought be available to us.

The bill also helps protect our native flora and fauna, which are increasingly vulnerable. Over the past 12 months the conservation regulator has led investigations into international wildlife tracking and the unauthorised destruction of wildlife, resulting in a number of prosecutions. That is the same regulator

that will be regulating these revised provisions under the act. This legislation will increase the conservation regulator's powers to investigate and prosecute those who are guilty of breaches as well as ensuring that the code of practice for timber production can be enforced effectively. By creating stronger regulations around the removal of firewood, we protect the native habitat for this fauna, which has seen a significant amount of disruption over this bushfire period. Under this bill we bring the penalties for illegal logging into line with the penalties under the Flora and Fauna Guarantee Amendment Act 2019. All of these changes protect our wildlife, and I can assure constituents in my electorate that that is something that I care deeply about—and I know and I understand and I respect that it is something that they care deeply about.

The biggest changes around the production of the documents relating to the planning and the conduct of timber harvesting are very important. The increase in penalties is very important. The extension of time in which charges can be brought is important, and underpinning all this we are seeking to ensure that no corners are cut, that these operations are conducted ethically, that they are conducted transparently and that they are conducted with due regard for the social licence that timber harvesting enjoys in this state. The ability to exploit a natural resource, and I mean that in the technical sense of that word exploit—to utilise a natural resource for a fit and proper purpose, to do so ethically and to do so in a sustainable fashion—nothing, frankly, could be more important than that.

As a government we are committed to striking the right balance between the environment and jobs. There is always that balancing act. Some in this chamber would always come down hard on one side of that balancing act. Others who sit a bit closer to me in this chamber would always sacrifice any number of jobs on the altar of political purity.

**Mr D O'Brien:** Who are you talking about?

**Mr FOWLES:** The Greens.

**Mr D O'Brien:** Right.

**Mr FOWLES:** Ease up, ease up! So it is important, I think, that we recognise that the balancing act falls, I think sensibly, to a Labor government—because it is a Labor government that has at its core a commitment to workers and their jobs but only a Labor government will give due regard and full respect to the environmental values that underpin our great state of Victoria.

**Mr D O'BRIEN** (Gippsland South) (15:09): I am pleased to rise to speak on this piece of legislation as well, and I find myself a little bit shocked—I am going to stand up and, not with the very last bit, I am going to agree with the part towards the end of the member for Burwood's conversation. I did need to clarify for a second who he was talking about when he was saying that some in the chamber will sacrifice jobs on the altar of purity, but I endorse the member for Burwood's comments—so everybody note this moment down in time.

This legislation is about the enforcement of regulations and the need for strong regulations around timber harvesting. It is also about firewood, and I will come to the firewood element of it later. I do not think anybody could argue with the need to have strong regulations when it comes to native timber harvesting processes, and I am not going to comment on the detail of this particular bill other than to say there are already very strong rules in place and very strong codes of practice that are adhered to by the timber industry when they are harvesting a coupe. That is something that is regularly disregarded by protesters and environmental NGOs and of course our friends the Greens here—and I use that term advisedly—on this issue. They do not generally understand the very, very strict rules that exist around, particularly, the forestry code of practice.

That in itself is one of the reasons that when we talk about the amount of timber available to the forestry industry it is in fact a hell of a lot more than what is obviously available as general management zones in our state forests. Because of the timber code of practice there is a significant amount of forest that

is not available, because it is either too steep or it is close to a stream—and of course we have more recently had issues with zones for threatened species, which I will not go into today.

While I am happy to support strong regulation, what has been frustrating for me, and I think very clearly many in the industry in probably the last year or two, is that there has been an increase in the level of protest action on timber coupes. While we need to enforce strong regulations to ensure that timber harvesting is done appropriately, I would actually like to see some enforcement when it comes to those protesters who illegally invade timber coupes and stop law-abiding people doing their job. We heard yesterday in a briefing from the government on its timber industry plan how the protesters are continuing to change their tactics. We have seen vision in the last week or two of masked protesters coming into coupes and refusing to remove their masks. It was said to us yesterday in the briefing that a couple of protesters were literally very nearly killed recently. I think this government needs to be doing a hell of a lot more when it comes to enforcing the safety and the right of workers to go about their lawful business in a timber coupe without being harassed, without people setting up tripods and platforms and without people standing in front of machinery and stopping people from work.

I say that there are existing on-the-spot fines that were introduced by the now Leader of The Nationals, the then Minister for Agriculture in the previous Liberal-Nationals government, that the timber workers themselves have told me immediately dried up the protests. They just stopped because there were \$800-and-something fines for people who illegally went into a coupe. I contrast the lack of action now under this government—the lack of enforcement by authorised officers and by police getting to coupes where work has been stopped—with the fact that when an awful incident of the killing of hundreds of wedge-tailed eagles in East Gippsland was discovered a couple of years ago the department proudly boasted that it had 30 staff working on that particular investigation. So they can find 30 staff for an investigation into eagles' deaths, but they cannot find the authorised officers to get to a coupe to allow people to go about their law-abiding business.

I just want to say that the member for Burwood talked a bit about the bushfires. We heard in this place yesterday the Greens call for the second time in two weeks for an end to native forest harvesting now because of the fires. In addition we have seen court action in the last couple of weeks that has stopped logging in a number of coupes in the Central Highlands on the basis that there may be threatened species in those coupes and as a result of the fires we need to take an extreme precautionary principle. It staggers me that the Greens are asking a question like that. As the member for Burwood said, the stats are that we have lost 1.5 million hectares to bushfires over this summer—1.5 million hectares. The forestry industry, as VicForests will tell you, has access to harvesting or harvests on average about 3000 hectares. It staggers me that the Greens and these protesters going to court still think that the big threat to our forests is logging. When 1.5 million hectares have been burnt by the fires just this summer, we are talking 3000 hectares in forestry. It is just ridiculous and it highlights the absurdity of their position on forestry generally, bearing in mind that when it comes to VicForests operations that is taking out about four in 10 000 trees. And, hey presto, those trees are actually replanted and regrown. So it is a ridiculous situation, and it is likewise a ridiculous situation that this government is actually shutting down the forestry industry. It is important to note that the Liberals and Nationals have committed that if elected in 2022 we will reverse that ban.

I appreciate that this bill when it comes to firewood is about clamping down on organised firewood collection. I just make the point that firewood collection is far more important than many members in this place will realise, because in many areas of country Victoria—in many of our small towns and our rural areas—people have access to nothing else for heating. They really do not have too many choices. I believe that while the firewood collection areas that are available are good, we could have a lot more of those areas opened up for access to the general public for their personal use. I look in my electorate alone, driving around there, and there are numerous areas of state forest that are not logged. They are not national parks, they are not particularly attractive to tourists or anything. There are hundreds and hundreds of hectares of forest that could be used, where timber has fallen, where there

are roadsides, where there are tracks through and where firewood could be accessible. I think the government should be looking at the option to open up more of those areas.

Finally, a particular bugbear of my community is access to roadside firewood collection. As someone with a fireplace myself, it breaks my heart, driving around my community sometimes, seeing how much timber is available on the roadsides. I get that there are safety issues. We certainly cannot have people on state highways pulling over with trailers and trucks and things, collecting their firewood. But there are thousands and thousands of kilometres of roads—including some of the VicRoads roads—across our state where there is very little traffic, where there are often opportunities to go off the road and collect firewood, and it can be done. I know some will say, ‘Oh, but it’s also habitat’, and everything. A number of years ago I raised an issue about this—it was actually not related to trees; it related to native vegetation, to grass—and a VicRoads officer said to me, ‘Oh, but you’ve got to understand that the road reserves are sometimes the best remaining stands of native vegetation’, to which I replied, ‘But it’s a road reserve. It’s not a national park. It’s not there to preserve the trees or the grasses. It’s a road reserve’. I think there is an opportunity for us to have more flexibility in our local government areas and also state government, from Forest Fire Management Victoria and the Department of Environment, Land, Water and Planning to allow better access to firewood that is there. Indeed it is in many cases a fire hazard itself.

I have just received a letter back from the minister. I had written asking about access to firewood in the forested areas around Loch Sport, where it is a considerable issue. Naturally enough, it is not available in a national park, and I get that, but we could be doing more right across the state to clean up our roadsides and allow people to get access to that firewood as well, where it is safe to do so. I think that is something we certainly should be doing.

**Ms THEOPHANOUS** (Northcote) (15:19): This season large parts of our beautiful state were burning, and some parts still are. The television glared with scenes of colossal walls of flame, of brave emergency workers on the front lines, of communities facing a threat the scale of which is still hard to comprehend. In Melbourne smoke surrounded us and we all felt that eerie foreboding that came with it. I found myself unpacking a new air purifier in my 10-month-old daughter’s room and switching it on. I felt a sense of relief that she would breathe easy through the night, but back in my own room I was restless.

There may be some opposite who want to disagree, but make no mistake: the scale of the fires we saw this season were the result of hotter, drier and more sustained risk conditions. In my inaugural speech I spoke about our moral responsibility to act on climate change and transition to a clean energy economy, and I am proud that in the short time since I was elected and in the previous term I have seen our government continue to act strongly and decisively to lead us in that transition. Last year the Andrews government announced the biggest environmental protection policy in Victoria’s history: an immediate end to old-growth harvesting and a transition for the native timber industry to end native forest logging by 2030. More than 186 000 hectares of forest across Victoria became immediately exempt from logging, with more than \$120 million set aside to ensure the industry is fully supported, with long-term sustainable jobs that give regional communities a genuine pathway for the future. This means a great deal to me and my community, and I take this opportunity to read an email from one of my constituents, who wrote:

Hello Kat,

Before the last election I emailed you asking the Labor government to stop logging our old growth and native forests. The recent announcement to end this practice is great news. Thank you. Obviously, this displaces a number of people in the industry, which is devastating. As a taxpayer I am more than happy to help fund transition projects to help these people into another field of employment. In the long term, economically ceasing this practice will lead to more prosperity for the state.

My community understands that transition is hard. They understand that we have a responsibility to support the livelihoods of families in timber towns, that to do anything less would be a complete betrayal of our duty to these communities and to these workers, many of whom put their lives and

their equipment at risk to assist our emergency services in the bushfire crisis. My community gets it, but disturbingly the Greens political party do not. When the forestry announcement was made last year we saw an email bulletin go out from the member for Melbourne. It reads:

You'll be hearing a lot of bluster from the logging industry ... about jobs. But the fact is, **there are many more jobs in plantations, tourism and conservation, than there are in native forest logging.**

I will leave aside the work of the Australian Young Greens who were forced to backtrack, shamefaced, after making absurd comments about baristas outnumbering miners recently, but it shows just how fast and loose these guys are with the truth and how much disdain they have for workers who do not fit their virtue bubble.

The forestry industry is at the heart of many small towns in the state's east, but when it comes to the livelihoods of families in timber towns, when it comes to the viability of small towns and the need to help these communities secure their long-term future, the Greens political party could not be more insulting. But, hey, it makes for a great email campaign, doesn't it.

'Bluster' about jobs! I can only imagine how insulting that is to the workers and their families who are living this transition. But it is also insulting to the vast majority of my community, because I know from having many conversations with constituents that they get it. They see that governments make tough decisions, and that is the burden of government. We are criticised and we are praised for these decisions, but core to governing is finding balance and fairness in decision-making, not being victims of circumstance, not lying inert and definitely not letting fear govern the day.

When broken down to the level of the effects that the transition has on individuals and their families, my community understands that you cannot just dumb these things down to a glib line in a bulk email. They know exactly what redundancy can do to families, and they know that industry transition is not just the provision of barista courses. They know that the truck drivers and bulldozer operators—many of whom, as I said, volunteer their time, their safety and their private equipment to create firebreaks for catastrophic fire seasons such as this year, such as 2013, such as 2009 and such as 2006—deserve to be talked about as people, not denigrated with words like 'bluster'. These workers are not going to suddenly become baristas in tourist cafes. They must be supported to move out of native timber harvesting, because jobs in these towns mean the towns stay alive.

The transformation in these timber towns is no different to the huge transformation that suburbs that I represent have undergone. Communities in Northcote, Thornbury and Preston that used to be powerhouses in the textile, tannery and auto components industries have undergone change—change that has been difficult and that has been necessary. Different names may be on the front gate and different businesses may occupy the factories and warehouses, but jobs have remained and skills have been retained. I have said before and I will say it again, the interests of the environment and our working communities are not mutually exclusive. With the right policy mix we can put sustainability at the very heart of thriving economies.

But of course, when it comes to doing the hard work of nutting that out, the Greens do not show up. The Legislative Assembly has an Environment and Planning Committee—they do not show up. In fact for every single parliamentary committee in the lower house they do not show up. They have not bothered to join a single one. For the Gender Equality Bill 2019 they do not show up. Why would they bother when it is easier to mount email campaigns and slick slogans? Forget the actual work, forget the tough decisions, forget the impact on people's lives, on their job prospects, on where they grew up or on where their kids go to school; let us just make sweeping demands and let others do the hard work. But they will take credit for it; they are good at that.

Indeed the member for Melbourne has taken that to a whole other level. Her own web page takes credit for ceasing cattle grazing in national parks, and I have to say that this piece of news was a surprise to me. No doubt it would also be to the former Deputy Premier and former minister for environment, Mr Thwaites. Cattle grazing was banned in 2005 by the Bracks Labor government, and not only was

the current member for Melbourne not in this place in 2005 but there were no Greens political party members in the Parliament until 2006.

But I digress. For my own part—

**Mr D O'Brien:** On a point of order, Acting Speaker, while I do not wish to stop the member for Northcote having a good whack at the Greens, because I am in full agreement, she has got 2½ minutes to go and has not yet even mentioned the bill or gone to any of the topics related to the bill. If she is going to belt the Greens about their lack of care for forestry workers, she probably should be reflecting on the government's position of shutting down the timber industry as well. So please ask—

**The ACTING SPEAKER (Ms Suleyman):** Order! Thank you. I will ask the member to continue.

**Ms THEOPHANOUS:** So I am very happy to stand up and support this bill. It is a bill that achieves even more protection for our forests. There you go.

Victoria has around 6.4 million hectares of forests on public land, vital ecosystems that support biodiversity and air quality but also jobs and recreation for Victorians. Our forests must be properly managed and regulated, which is why we introduced the Office of the Conservation Regulator. Recently we have encountered limitations in the regulatory framework, and there is a need to improve oversight and accountability measures to increase penalties and create stronger deterrents for illegal timber harvesting and give more powers to the regulator.

This bill delivers vital reforms to increase accountability of VicForests and its contractors. To ensure the offence will be more effective in deterring unauthorised timber harvesting and to ensure the punishment is commensurate with the potential environmental harm, the penalties for illegal timber harvesting are doubling.

At the end of the day we can sit around and talk about climate action, or we can do something about it. We can sit around bashing and undermining Labor, or we can act. I choose action, and I think that we must bring people with us, fairly, inclusively and logically. That does not mean virtue-signalling rhetoric or disrupting and alienating communities, because to galvanise the support needed to achieve real action we cannot afford to alienate sections of our community.

The Labor Party has always fought to make things fairer, not with symbolism but with real reform and genuine transition. Change never is easy, but only Labor can prevent that pendulum swinging between conservative inertia and heavy-handed idealism. It is in that nexus that change does happen, and change must happen. For that reason I commend the bill to the house.

**Ms BLANDTHORN (Pascoe Vale) (15:29):** It is with great pleasure that I also rise to speak on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. Victoria's natural environments, from our forest to our coastlines, are internationally renowned. Our 6.4 million hectares of forests on public land are treasured and enjoyed by all Victorians, and a number of members of this house today have spoken to the various ways in which all of our communities, from the city to the bush, enjoy our natural resources.

Our forests are crucial to the ongoing preservation and sustainability of our ecosystems, and they are a habitat to many flora and fauna species, including threatened species and species that we have seen greatly suffer over recent weeks with the devastating impact of the bushfires. Protection of our environment is a key area of priority for my constituents in the electorate of Pascoe Vale, who place great importance on our government acting on climate change. They also are important for the sustainability of our natural environs and our ecosystems. Our Victorian forests play an integral role in absorbing carbon dioxide and therefore assist in combating the challenges that climate change brings to our environment and indeed to our community as a whole on a range of levels.

Furthermore, it is important to acknowledge, as the minister did in her second-reading speech, the connection and relationship that the traditional owners and Indigenous communities have with these

lands and their role in caring for their country. With all of these interests in mind and an understanding of the impact these forests have in supporting our regions in tourism and in resources, jobs and our local economies, it is important that we act now in striking the right balance for effective management and regulation of these environments for the future. As the member for Northcote so eloquently just put it, protection of our environment and the protection of the jobs and job security of workers in these local communities are not mutually exclusive.

The Victorian community rightly expects that our state forests are protected and that all harvesting or management activity that does occur occurs in an effectively regulated environment. Our community expects that illegal activity will attract significant penalties, and this bill responds to these community expectations and to the recommendations that were contained in the *Independent Review of Timber Harvesting Regulation*. Our government is moving to ensure that we have a framework that enables timber harvesting activity in our Victorian forests to be effectively regulated and therefore managed and sustained for future generations. This legislation before us is yet another example of the ways in which the Andrews Labor government is delivering for our environment, delivering for our regions and delivering in the interests of all Victorians.

The bill has four principal objectives, and they work to improve the regulation of both timber harvesting and illegal firewood collection in Victorian state forests. In achieving this, this bill will amend the Sustainable Forests (Timber) Act 2004, the Forests Act 1958 and the Conservation, Forests and Lands Act 1987 to improve tools and powers that facilitate timber harvesting regulation. It will also improve key offence provisions for illegal harvesting of timber, improve the powers for investigation and enforcement and improve the rules around the collection of illegal firewood.

I will return to the first objective of the bill, which is to amend the Sustainable Forests (Timber) Act 2004, the Forests Act 1958 and the Conservation, Forests and Lands Act 1987 to improve tools and powers that facilitate timber harvesting regulation. It is crucial that in effectively regulating timber harvesting in Victoria we ensure that our dedicated regulator, the Office of the Conservation Regulator, has the tools and the powers required to perform their important roles and their important responsibilities.

We know from the key recommendations and findings of the independent review that legislative and regulatory reforms are needed in order to facilitate more effective and modern regulation of timber harvesting in Victoria. In acting on these regulations and in seeking to achieve the best practice in timber harvesting regulation, this bill ensures that proportionate options are available for the regulator in responding to instances of non-compliance. We are making sure that there are clear powers and a range of regulation tools that can be used by the regulator and that where there are urgent gaps there will be reform around regulations. We are making sure that clear powers can be utilised, and in so doing we can boost the confidence that the community will have in the regulator, knowing that they have access to what they need to fulfil their role to ensure that there is effective regulation.

This is all part of ensuring a modern and effective operation of regulation of our timber industries in Victoria. This was a key recommendation of the timber harvesting regulation review, and in their introduction on page 5 they said:

The regulatory framework for native timber harvesting in state forests exists to ensure that the environmental, cultural and economic values of our forests are protected and enhanced for current and future generations. As Victoria's timber harvesting regulator, it is DELWP's role to act in the collective interests of the Victorian community in ensuring compliance with this framework.

It is critical that the public has confidence in the operations and conduct of Victoria's timber harvesting regulator.

That is exactly what this bill will achieve.

The second objective of the bill is improving key offence provisions for illegal harvesting of timber. As mentioned previously, we know how naturally valuable and precious the trees in our Victorian forests are and how crucial they are to the future of our environment as a whole. In our efforts to make

sure that our forests are maintained and improved into the future and that we can continue to support biodiversity across the regions, we must make sure that illegal harvesting of timber is effectively deterred and that where it happens and where there are wrongdoers they are held to account for their actions. If the community is to be confident in the regulation and maintenance of our forests, they need to be sure that unauthorised timber harvesting will not be tolerated.

We need to ensure that unauthorised timber harvesting does not fall through the cracks of missing gaps of regulation. The community needs to know that our laws regarding illegal timber harvesting can effectively deter wrongdoing and that penalties are significant enough to respond to incidents of wrongdoing or where there is environmental harm involved in these acts. In working to achieve effective regulation and deterrence of unauthorised timber harvesting in Victoria, this bill substantially rewrites its key offence provision. The relevant offence, being the offence contained in section 45 of the Sustainable Forest Timber Act, will be revised. This offence will act to prohibit the undertaking of unauthorised timber harvesting by any person unless undertaken in accordance with a relevant licence, allocation, order or other authorisation.

Through this bill we are ensuring that this offence is consistently applied to all people undertaking timber harvesting in Victoria's forests. Importantly, we are also ensuring that VicForests is responsible to timber harvesting activity that their contractors engage in, and in so doing we are increasing the accountability of VicForests as a whole. Furthermore, we are also increasing penalties for any offence. We are working to create penalties for unauthorised activity that act as an effective deterrent and as a meaningful punishment that responds to the potential environmental harm that is caused by the incident.

The third objective is improving the powers for investigation and enforcement. The current laws and regulations relating to timber harvesting create challenges for enforcement, and that has clearly been determined. A range of enforcement powers for investigations are lacking. The review made recommendations for the creation of new powers and protections in better assisting authorised officers to conduct their duties, and these recommended powers included the coercive power to obtain information and documents. The report itself says:

Create new powers and protections to assist Authorised Officers in conducting their duties, including coercive power to obtain information and documents rather than having to rely on clause 20 of the Allocation Order.

This bill will address this recommendation through the creation of a power for authorised officers to require the production of documents relevant to Sustainable Forests (Timber) Act 2004 compliance. Creating this power will be crucial to investigations, aiding monitoring efforts and ensuring regulatory compliance.

In relation to objective four, improving the regulation of illegal firewood collection, we know that many regional Victorians rely on the firewood resources within state forests for heating their homes in colder weather conditions; certainly members of this house have just attested to that. These resources become particularly important to people from low-income backgrounds, who struggle to afford to stay warm in winter, or people without gas connections. In fulfilling these needs we have designated firewood collection areas and seasons where people can legally take firewood from state forests for domestic purposes, and this will obviously continue. Through this bill we are working to address deficiencies that exist in firewood offences. We are not seeking to punish those people who are simply seeking to keep their homes warm in winter. This is another area where this bill is working to clarify offences and improve regulations, ensuring that we strike the right balance between all values and all interests in our Victorian state forests. We are making sure that there are clear offences in place that effectively deter individuals from doing the wrong thing and prevent their wrongdoings from impacting the future sustainability of our forests.

This bill is about protecting a range of community interests and values in Victorian forests. We are ensuring that the natural environment is effectively managed and regulated and that relevant rules and

laws can be enforced effectively. We are acting to ensure our forests can be improved and sustained for future generations.

**Mr McGHIE** (Melton) (15:39): I rise today to speak on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. Victoria's public native forests are important to all Victorians. Often whilst I am talking to constituents in my electorate of Melton I am surprised by the many people from very different backgrounds who have a strong love of our forests. It is important for all these Victorians, and even for others who might not be directly connected to our wonderful forests, that these amazing resources are managed for the benefit of all Victorians. Melton is of course a gateway to many great areas of forests and parks as you leave metropolitan Melbourne and enter regional Victoria via the Western Highway. Lerderderg State Park, Wombat State Forest and other great forest areas are right on Melton's doorstep.

Victoria has about 6.4 million hectares of forests on public land. The biodiversity that forests support, the role that they can play in relation to water and filtering our air quality, are more than just the natural beauty that we can enjoy. They also provide vital economic opportunities and jobs around management, tourism and cultural engagement. Recreation is also a vital part in our everyday lives, where we are reminded and encouraged to be more active. Forests increasingly play a role in the decision of many Victorians from diverse backgrounds as to where they spend their recreational time. Often these varied recreational, economic and other uses of our forests can be as varied as the people who use our forests. That is why it is essential that they are managed in such a way that benefits all Victorians. It is also important to acknowledge the deep connection Victoria's traditional owner communities have with the land and that forests are a very important part of this, holding memories and identity. They play an important part in culture and identity that many of us may not comprehend. For all these reasons it is important that environmental, cultural and economic values of our forests are protected and improved not just for us now but also for generations to come.

There are still people in my electorate that rely on firewood collection for heating. This bill will improve the regulation around timber harvesting and firewood collection. These are two important uses of Victoria's state forests to ensure that Victoria's forests can be maintained and improved into the future. The amendments in this bill will improve the regulation of timber harvesting and firewood. The amendments modernise the legislation and hold people to account for any illegal activities.

This legislation has been introduced by the hardworking Minister for Energy, Environment and Climate Change, who is at the table, and I commend her for her hard work and dedication to not just her portfolio but to Victoria. In 2018 the minister directed the Department of Environment, Land, Water and Planning to initiate the *Independent Review of Timber Harvesting Regulation*. This was an important directive to ensure that timber harvesting regulations keep up to date and are in line with the community's expectations. It was a first step to make sure that modern, best practice regulations of timber harvesting are in place in Victoria. This review made several recommendations about legislative changes to provide modern regulatory powers. This bill addresses these recommendations. Regulations for timber harvesting are important and the regulator must have the ability to respond to anyone not complying with the regulations designed to protect the sustainability of Victoria's forests. It is also important that the powers given to the regulator are clear and proportional and that there are a range of regulatory tools for them to use. This is important for a modern approach.

Sensibly, one improvement in this legislation is the revised offence that will prohibit any person from undertaking timber harvesting operations in state forests unless they are undertaken in accordance with a relevant licence, permit, allocation order or other authorisation. This offence will allow oversight of harvested timber and will mean conditions are imposed to manage the environment and any risk to it. It is an expectation that harvesting on public land be regulated and that those not obeying the regulations to manage the environment sustainably or illegally are subject to consequences that are meaningful. It is vital that a reasonable deterrent is in place to avoid environmental harm from those ignoring the regulations put in place to protect Victoria's forests. Deterring this initially is important, but it is just as important to punish those acting illegally. That is something that this legislation

achieves. This legislation also provides investigative powers to help authorised officers obtain important information and documents to help fulfil their duties.

In regional Victoria there are many people who rely on firewood collection in order to heat their homes in the colder months. These people are more commonly from areas of low income and opportunity. It can come as a surprise to many of us, especially when we have access to natural gas connections, that many in regional Victoria do not have access to this resource. For them, collecting firewood from state forests is vital and necessary. Of course firewood is a limited resource and also needs to be managed to protect the environment in a sustainable way. Improving regulations so that these Victorians can harvest firewood to keep warm is important, and regulation is necessary to prevent illegal collection by those seeking to make a profit whilst denying Victorians an important resource to keep their homes and families warm.

This legislation continues to protect that need so that firewood can be taken legally from state forests for domestic purposes in the designated firewood collection areas and seasons. The regulations will ensure that firewood is taken fairly and cannot be illegally sold for personal profit. Previously firewood offences have not been sufficient in dealing with this issue. This legislation addresses this by creating a new offence to prevent the cutting, felling, obtaining, removing or taking of timber from Victoria's state forests, irrespective of location or the status of the timber, unless the timber is taken in accordance with an authorisation. This offence will regulate the illegal taking of timber, including firewood, from state forests for all purposes and ensure that the conditions that allow timber to be cut and taken from state forests can be enforced.

In no other time in Victoria's history have our forests been so deeply valued as part of sensitive ecosystems. With some ecosystems found nowhere else on earth, they are a home for extraordinary biodiversity and wildlife, a refuge from climate change, support important regional economies through tourism and are a resource for firewood and timber. It is essential that with the range of competing interests for our forests that the use of this important resource is effectively managed. If people and agencies do the wrong thing, then they should be held to account. This is what this bill delivers. It was this government that introduced the Office of the Conservation Regulator, a dedicated oversight function to ensure that the protections afforded to our natural environment are in step with the law and therefore community expectations. This government is protecting our forests and Victorians' access to them.

The Victorian government is providing more opportunities to enjoy the great outdoors and make it easier for Victorians to get out and take advantage of our beaches, forests and bushland. The Minister for Energy, Environment and Climate Change introduced a bill into Parliament last year that I spoke on, which created a new marine and coastal park along the Bass Coast. This delivered on a key election commitment, providing more camping opportunities along Victoria's rivers.

Before the 2018 election the Victorian government committed \$105.6 million in a historic boost for camping by building new campgrounds, upgrading facilities and tracks, and making family holidays more affordable. I have previously contributed in this house about how important it is to my constituents in the Melton electorate that access to camping is available. Giving opportunities for access and healthy vacation time in our public forests is an important recreational resource for many families, and it can help to develop a love of nature and for how the world works from educational experiences in the natural world.

The Victorian government has also recently introduced new legislation to better protect biodiversity in Victoria. The Flora and Fauna Guarantee Amendment Bill 2019 was passed in Parliament last year and will help to prevent flora and fauna from becoming threatened, restore the conservation status of threatened species, provide longer term protection for critical habitats and improve enforcement powers and penalties for all offences. The Victorian government has also created a nation-leading 20-year strategy to improve, to protect and to work together to support Victoria's biodiversity: *Protecting Victoria's Environment: Biodiversity 2037*.

Of course we also have the *Victorian Forestry Plan* to ensure a long-term and sustainable future for Victoria's forestry industry and for the Victorian workers who rely on it. This historic plan involves VicForests extending existing timber supply arrangements to 2024, after which time native timber supply will be stepped down before ending in 2030. Logging in remaining old-growth forests will cease immediately. As part of the plan \$120 million will be set aside to ensure the industry is fully supported, backing long-term sustainable jobs and giving local workers confidence about their future. The plan includes the largest environment protection policy in the state's history, with immediate protections for the iconic greater glider species, native fauna and Victoria's remaining old-growth forests. Under the plan 90 000 hectares of Victoria's remaining rare and precious old-growth forests, aged up to 600 years, will be protected immediately. To protect the future of the greater glider, alongside dozens of other threatened species, including the Leadbeater's possum, the action statement maps out more than 96 000 hectares of forest across Victoria that is immediately exempt from logging.

This government has commitment to protecting our forests for all Victorians. This legislation is just another example of that commitment, and I commend the bill to the house.

**Ms GREEN** (Yan Yean) (15:49): I am pleased to join the debate on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. A lot has been said on forests in recent months, and it has certainly been a contentious area. Can I say that the harvesting of timber in Victoria has long been an important industry in this state. But industries like this require regulation, and that is the intent of this bill.

During the Environment and Planning Committee's inquiry into tackling climate change in Victorian communities we have been hearing some really disturbing information. One of the pieces of evidence that we heard was from Mark Norman, who is the chief scientist at Parks Victoria. This was late last year, so before the dreadful, dreadful beginning of the fires here in Victoria that have beset our state this summer, beginning in spring. One of the things that he said that horrified me was that due to the warming and the drying of our climate there is a very, very real certainty that mountain ash in Victoria will become extinct in a few short years. I nearly could not sleep that night. I could not imagine our state and the community that I represent without those beautiful, beautiful trees—certainly after the fires of Black Saturday, the Kilmore East fire in particular, that ravaged the Sherwin Ranges across the Great Divide, across the northern part of my electorate. Of course people have different views about the trees and whether they had contributed to the damage and the rate of death, but overwhelmingly in the fallout in the years after that, the research that was done showed that the community had a very, very real sense of grief at the loss of trees in their lives and in their communities—almost as much as their loss of loved ones and their homes. That was even from people who worked in the industry. So that is one side of the argument.

I was pleased when we did discover, after an assessment of some months, that there were still some stands in the reaches of Upper Plenty—a few small stands of Victorian mountain ash. The same has been with the devastation of the fires this year: the initial assessments have proved, as bad as they are, not quite as bad. But we are still seeing that the action that we took and the announcements that the government made last year in relation to the future of this industry—we were saying then that if there were significant fires, that would place this industry under even more stress.

Of the evidence that we have taken before this parliamentary inquiry, I would particularly reference the evidence that we took in Violet Town last week. The community of Violet Town in the Strathbogie shire have actually got an old racetrack that is no longer used in the Strathbogie shire, in Violet Town, and it has been planted as an urban forest. We were told about it by the proponents, those who had delivered it, and then we went for a walk out in it. They talked about the importance of thinning and harvesting and that it will be there as a carbon sink but it will also be there to provide the community with a reusable resource for heating and cooking. I thought that was a really innovative way to respond to climate change but also to deal especially with those poorer members of the community and be able to give them a cheap source of heating for their heating needs. It underscored that the timber industry can be a sustainable industry. Some of the other logs—they are about two or three years away from

maturity, I think—were planted in about 2006, and some of that timber could be used for fencing, for seating and for those sorts of things.

I am pleased to see that this bill before the house will improve the regulation of timber harvesting and firewood collection, which are two key uses of Victoria's state forests, to ensure that Victoria's forests can be maintained and improved into the future. I am pleased to see that it will particularly clarify the offence provision for illegal timber harvesting to ensure that it unambiguously applies to VicForests and its contractors. It increases standards of accountability for VicForests and increases penalties for the offences. This is a resource that belongs to all Victorians, so certain individuals should not think that they can get away with misusing it.

It creates a new offence prohibiting the cutting, felling and removal of timber from state forests that applies consistently across the entire state of Victoria. It expands the regulatory tools for graduated and proportionate responses to non-compliance, including injunctions and enforceable undertakings. It creates a power for authorised officers to require the production of documents, a power that is vital to the functioning of the regulatory framework. It harmonises the legislative provisions relating to VicForests' compliance with the *Code of Practice for Timber Production 2014*. It also will allow for contemporary mapping tools to be incorporated into key regulatory instruments for timber harvesting and ensure that these maps are enforceable. I have certainly had representations from my community about this mapping. It makes several technical amendments, including repeals of spent and redundant provisions of the Forests Act 1958.

It is not a bill that has attracted a lot of attention in the community. I think the forestry conversation has really more been about the announcements that this government made late last year but also the impact of the recent fires. I want to put on record that as Parliamentary Secretary for Regional Victoria, I will be putting first and foremost the importance of the economic future of those that are employed in the timber industry. I was lobbied recently by someone from Myrtleford who was extremely concerned about the mill there, the Carter Holt Harvey mill. The fires might have reduced its timber resource down to about three years worth, which is really quite concerning.

I know that transition is not easy, but we must respect these workers and these communities that have depended on this industry for such a long time. I have spoken before in this place about the town of Forrest in the Otway Ranges. I was there again only on Monday last week. I visited Platypi Chocolate, which is absolutely magnificent. It is just opposite the mountain biking trails that are there. I do not think anyone thought, 20 years ago, that Forrest would have a future without forestry. It is now a vibrant, beautiful little town, with Platypi Chocolate, a great little pub, a caravan park and a brewery. It is a place that people love to go and visit. I think with our climate warming, more people are going to want to go into wet forests and do physical activity like mountain biking. With the construction of the trails there, the boardwalks and everything like that, I think we see that there is still a future for timber use and the timber workforce there. It is not going to be just baristas that are needed, as important as baristas are. I would urge those in timber communities who are fearful for their future to go and visit Forrest, to go and visit the Otways and to go and visit the Wombat State Forest to see what is possible.

We have the largest country caucus that we have had in a very long time in this Labor government, and we will stand up for workers in regional Victoria and for the proper regulation of forestry.

**Mr CARBINES** (Ivanhoe) (15:59): I am pleased to make a contribution on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. In particular I want to cover in my contribution how the bill addresses some of the recommendations of the independent review, chaired by Nial Finegan, the *Independent Review of Timber Harvesting Regulation: Panel Report to the Secretary of the Department of Environment, Land, Water and Planning* of October 2018.

Can I say of Nial Finegan that I have had the opportunity to work with him both in his role at the Environment Protection Authority Victoria (EPA), where he was of course the CEO, but also much

earlier than that in his role as regional director—perhaps it was—at VicRoads, certainly in the northern suburbs of Melbourne. We had a number of conversations about Bell Street, the mall in West Heidelberg and some projects that we worked together on that I was constantly reminding him of, some of the legacy issues that we were able to deal with out there. Then of course my previous roles as Parliamentary Secretary for the Environment and Parliamentary Secretary for Water gave me the opportunity to work again with Nial in relation to the EPA and particularly our government's work in the review and the updating of the environment protection act, which was very significant work for our government.

I was pleased to see his role in chairing the independent review of timber harvesting regulations. In particular I will quote from the foreword:

What is abundantly clear is that the system of policy, legislation and regulation is dated, complex, convoluted—indeed labyrinthine—and difficult to use, and DELWP is neither an effective or respected regulator. During our consultations, we found a highly polarised and contested environment, strained relationships between parties, a lack of trust and frustration. These features undermine the realisation of better outcomes from forest management and forest values for everyone.

Not only that, but of course if you do not have a clear understanding of where the accountabilities are, people get frustrated. That leads to further issues in relation to firewood collection, its legality and trying to manage that on our public lands.

Can I say in particular that there are a couple of recommendations before I go to some aspects that perhaps the bill has not picked up. What I wanted to touch on, picking up from that foreword and that particularly incisive assessment, was that what we are trying to do here is to make sure that the bill responds to some of those more significant legislative limitations that have been outlined that have prevented the effective regulation of timber harvesting in Victoria. There have been several high-profile regulatory issues that we are aware of which have increased the community and media and stakeholder scrutiny on the legislative framework. Those issues have highlighted that the framework is performing in a manner that is not consistent with community expectations, and that has been picked up in that independent review.

The bill seeks to address three recommendations of that review that resulted from the failed timber harvesting prosecution in late 2018 and to identify significant legislative gaps that limit the effectiveness of the timber harvesting regulations. In particular there are a couple of areas where the bill seeks to pick up on recommendations 10, 11 and 12, in part and in full. They are the recommendations that seek to improve the existing regulatory tools, including the offence of unauthorised timber harvesting operations. It also enhances the regulators' ability to apply graduated and proportionate tools in response to non-compliance. Other recommendations call for action such as changes to organisational policy and procedures—not only that but also addressing, in the findings of the independent review that were just touched on, that some of the actions have been too reactive by the Department of Environment, Land, Water and Planning in its approach to regulation. So expanding the power to seek an injunction to compel certain conduct will provide the regulator with an additional tool that can be used to pre-empt and prevent environmental harm in the first place.

There are a couple of aspects that the review made recommendations about that the bill does not seek to address at this time. We are trying to use the existing timber harvesting framework and to ensure that that framework operates more effectively, so some of the longer term reforms that have been suggested in the independent review have not been picked up at this stage. That includes recommendation 14, which recommended that the government consider modernising the legislative framework in broader terms. As we have stated here, we are trying to work through the existing framework and make that more effective in the short term. The bill also does not seek to address, this time, recommendation 10, and that is about providing directions and suspension powers for authorised officers. Amendments to make those sections more effective and compliance tools require careful consideration around unintended consequences—that they are identified and managed. These and

other reforms will be considered by our government when we implement the measures that are already outlined and committed to in the *Victorian Forestry Plan*.

I also wanted to just pick up a recent article in the *Shepparton News*. I would like to reference the date for that, and I will provide that to Hansard: 2 October 2019. It is ‘Time to dob in illegal loggers’, and I quote:

Today’s front page story on the illegal felling of trees north of Shepparton comes on the back of similar activity in bushland near Mooroopna reported last month.

We have no way of knowing whether these illegal activities are being performed by the same people, but they are to be condemned whoever is responsible.

Random tree felling is upsetting and highly destructive. As well as destroying the natural habitat of hundreds of species of native birds, mammals and reptiles ...

Again, our communities are being undermined by our poor practice, and we need to make sure that there is community confidence that prosecutions are successful. We need to make sure that the regulatory framework backs in not only compliance officers but the department so that where cases are prosecuted people know that if you are going to, on balance, take these risks and break the law, there are going to be consequences. At the moment too many people behaving poorly do not believe that there are significant consequences and do not believe that they are likely to get caught. That is what we were seeking to address through that independent review work that was done in October 2018. We need to give the community confidence that the law will be applied. We need to deter those who seek to act in their best interest, perhaps, but not in the best interest of the community. We need to protect our public lands. We need to make sure, as has been outlined here, that some of those issues that we are seeking to address in this bill are able to occur.

Can I just say that what was very clear from those opposite when they were in government was that, as we well know, they presented no plan for the protection and management of Victoria’s natural environment. They decimated the operations of Parks Victoria, where one in 10 staff lost their job, and of course they crushed the support provided to coastal volunteers. We know where those opposite stand when it comes to the natural environment, and what is really important here is that in picking up on some of the issues outlined in this legislation we are trying to give the community greater confidence that those perpetrators will be brought to book and that the law that applies will be able to see more successful prosecutions in the future.

But what we really want to get to is to send a very clear message from the Parliament to not only those who seek to log illegally but also those who seem to be collecting firewood illegally as well and to make it clear that you will get caught and that there are appropriate legislative frameworks in place that will be applied to you to see that you are brought to book in our courts. Where that has been undermined in the past has led to that independent review work and has led to this legislation today. There is more that I think we can do into the future, but in the short term what we want to do is provide greater effectiveness to the existing timber harvesting framework—and that is what this bill is about.

I also reflect: everyone has their stories from the past of being able to go out into our public lands when you are camping or when you are on holidays and load up the boot with firewood to take back to wherever you might be camping. We certainly did that around Lake Eildon, growing up as kids. Down there on Maintongoon Road, down there at Bonnie Doon, we would do that. Getting out in the natural environment, being able to load up the boot there with the family and getting out there and collecting firewood—no-one is trying to take those opportunities away from families. But what we do need to make sure of is that for those who seek to take where they should not and those who seek to take more than is appropriate, we have some regulations to apply. That is really important to give confidence to the community that this is a resource that needs to be shared, it is a resource where there needs to be accountability and it belongs to all Victorians.

Can I also praise the work of our Indigenous representatives and the work that they have done in having input into this legislation and this work. I commend the bill.

**Ms THOMAS** (Macedon) (16:10): I might begin by picking up on some of the points made by my colleague the member for Ivanhoe. There is no doubt about it: there has never been a better time for Victorians to enjoy all that our natural environment has to offer, because this is a government that has created more opportunities for families to get out into our parks and into our forests with our great outdoors package that is seeing more families take up the opportunity to take out a tent and go and experience the great outdoors, as indeed the member for Ivanhoe did as a young child.

This bill is a really important bill in that it does look to our forests and ensures that we are taking good care of the estate managed by the Minister for Energy, Environment and Climate Change. I might just talk a little bit through what the bill actually seeks to do. It amends the Sustainable Forests (Timber) Act 2004, the Forests Act 1958, and the Conservation, Forests and Lands Act 1987 to clarify the key offence provisions for illegal timber harvesting to ensure that it unambiguously applies to VicForests and its contractors. It increases standards of accountability for VicForests and increases the penalties for the offence. It will create a new offence prohibiting the cutting, felling and removal of timber from state forests that applies consistently across the entire state of Victoria. It will expand the regulatory tools for graduated and proportionate responses to non-compliance, including injunctions and enforceable undertakings. It will create a power for authorised officers to require the production of documents, a power that is vital to the functioning of the regulatory framework. It will harmonise the legislative provisions relating to VicForests compliance with the Code of Practice for Timber Production 2014 and will allow contemporary mapping tools to be incorporated into key regulatory instruments for timber harvesting and ensure these maps are enforceable. It will make several technical amendments, including repeals of spent and redundant provisions of the Forests Act.

It is an important bill, and I want to go back and talk in a little bit more detail about how it fits within the context of this government's work to ensure meaningful protection and care for the environment, balanced at all times with the need to create jobs and opportunities in regional Victoria. Let us be very clear that it is only Labor governments that can manage this balancing act. On the one hand we have the Greens, who have no concern whatsoever for the job-destroying approach that they would take to the management of our environment—no concern whatsoever. Let us be clear. The Greens currently represent an inner-city bubble. They have no understanding of the way in which economies operate in the communities that I represent—for instance, the towns of Trentham or Blackwood or Kyneton or Daylesford and so on—or indeed, Deputy Speaker, the communities that you represent. The Greens have no understanding of how our regional economies work.

On the other hand, the Libs and the Nats have a faux concern for timber workers. Let us be very clear about that. These are not the friends of working people. They never have been and never will be, and we know of course they are very ready to disregard the best interests of the environment at any given time. If you want an example of that, let us look no further than when, under the Bracks government, it was the Labor government that got the cattle out of the High Country.

**Mr Carbines** interjected.

**Ms THOMAS:** Yes, indeed, member for Ivanhoe. Those on the other side—and in fact one of the former members for Northern Victoria Region in the other place, who attempted to win the seat of Macedon back in 2014—were big fans of the fuel reduction units, otherwise known as cows. Indeed that member talked about how there were lead cows that knew the pathway through the park in order not to damage the environment. Let us call this out for the nonsense that it absolutely was.

We got the cattle out of the High Country not once but twice, because when the environmental vandals, otherwise known as the Liberal Party, were in power, they put those cattle back into the High Country. I am very pleased it was the Andrews Labor government that then removed them yet again.

As I said, at no other time in Victoria's history are our forests as deeply valued as they are now as part of sensitive ecosystems, some that are found nowhere else on earth. They are homes for extraordinary

biodiversity and wildlife. They provide a refuge from climate change and support important regional economies through tourism and of course as a resource for firewood and timber.

In my community we welcome with open arms visitors from Melbourne and particularly those from the north-western suburbs. To me it is vitally important for the communities that I represent that we protect our unique landscapes and environmental values in order that they may be enjoyed by city dwellers looking for some relief and respite from city life. Indeed the Minister for Planning is in the chamber as we speak, and what I love about both this bill and the Andrews Labor government is how our ministers work in concert to ensure that we are delivering environmental protections that also enable sustainable growth.

Let us look to the distinctive areas and landscapes. As I have already mentioned in this place, it was the Minister for Planning who joined me only a week ago to announce the first statement of planning policy enabled by the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017 that was introduced in this place and passed in the last term. It will protect the unique environmental values, protect the cultural and heritage values, protect tourism assets and it will draw settlement boundaries that can only be altered by this place. What that means, and why that is really important and an important balancing act for us—again, something that only Labor governments can do—is that we recognise we need to ensure there is a land supply so that we can continue to build new housing stock and that industry can continue to grow, but protecting that area between all of the towns. It is not just the environmental values, but farming continues to be a very important part of the economy out my way.

Before I conclude, and I recognise that I have jumped around a bit in this contribution and traversed a number of topics, I did want to go to the issue of the collection of firewood. This is a really important issue in my electorate, and there are still communities that are dependent upon firewood for their heating. However, I have been having some great conversations with the minister for the environment, who of course is also the minister for energy, and my vision is really to ensure that, for those people who are doing it tough in regional Victoria, who struggle to pay their power bills, we can look at ways through our amazing Solar Homes program to ensure that we are delivering opportunities for people in smaller regional communities to access solar power and to really reduce their energy bills and enable them to use some of the most energy-efficient appliances that are now on the market.

I think there will be an inevitable transition and one that I would say could only possibly be delivered by a Labor government. But this is an important bill. It is part of a much broader strategy of reform, which is of course about balancing the needs for economic sustainability but also protecting our very beautiful natural environment here in Victoria and all of the ecosystems within it. I commend the bill to the house.

**Ms WARD** (Eltham) (16:20): I rise also with pleasure, as have so many others in this house, to speak on this bill. I was glad to hear the opposition speak on this and not oppose it, because I do think it is sensible, mature and thoughtful legislation. I am glad that there is not game playing going on with this.

It is pretty incredible when you think that Victoria has got around about 6.4 million hectares of forest on public land in this state. That is a lot of land, and it is pretty amazing when you also think that we have lost 1.2 hectares of Victorian land—

**Mr Wynne:** 1.2 million hectares.

**Ms WARD:** Yes, that is exactly right—1.2 million hectares of public and private land in our state lost through the recent fires, which I know that everybody in this place is, frankly, quite devastated by. We stand with those communities and we recognise exactly how traumatic this is. We have lived through this before, and I know that we are unfortunately going to have to live through this again in the future, because this is the new climate.

**Mr Wynne:** The new normal.

**Ms WARD:** That is exactly right, Minister—the new normal, sad as it is, so it is important that we have thoughtful legislation that does take our environment seriously, that does recognise the importance of regulation. I know that we can have a lot of conversation around the need to eliminate red tape, that ‘The Labor Party ties things up too much’ and we make things hard. Well, actually, sometimes things have to be hard. Sometimes things do need red tape. Sometimes you do have to go through steps to make sure that you are doing the right thing, and we do have to have regulations in place to protect our community, our environment and people’s livelihoods. Our forests are places to enjoy and they are places to revel in the environment, but they are also places of livelihoods. As a government we have got to respect that. We have got to, as a Labor government, thoughtfully walk that path that bridges respecting livelihoods as well as our beautiful environment.

**Ms Thomas:** Hard work is hard.

**Ms WARD:** You are right, member for Macedon; hard work is hard, and this government does not shy away from hard work and we do not shy away from making the hard decisions. I congratulate the minister and her staff in the department for all of the work that they have put into the amendments in this legislation as well as the independent review that the minister set up into timber harvesting regulation. I thank them for the recommendations that they have made.

Our forests are a finite resource. We do have to look after them. We do have to work out strategies and plans for ensuring that our regional and rural communities grow and flourish, that they are supported and that they have the jobs that they need. We have also got to make sure that we preserve our natural environment, that we look after the ecology, that we look after our flora and fauna, that we continue to nourish our green lungs that are peppered all the way across our state—that beautiful environment that we need so much to keep our air clean. We have used a modern approach which creates revised offences, including unauthorised timber harvesting, meaning anyone who is harvesting timber without a valid licence, permit or allocation. Actually, member for Macedon, you will be interested in some of the reading that I have done and the research that I have done around this bill. There was a story from the Bendigo *Advertiser*.

**Ms Thomas:** Right! The Geelong Addy?

**Ms WARD:** No, the Bendigo Addy. It talked about consumers unwittingly using illegally harvested firewood because of a raft of forest thefts over many years. This came from a La Trobe University ecologist; in the latest case—this is going back to last year—a large number of trees was taken from around the Castlemaine and Kyneton area:

It is hard to get exact figures on how much Victorian firewood has been taken illegally over the years.

I go to the member for Ivanhoe’s point: this is not people grabbing a couple of logs of wood to take home and chuck in the fire at home. Indeed—a similar experience to yours, member for Ivanhoe—when I was growing up you would go out camping; Dad would put the trailer on the back of the car and off you would go with the kids, probably illegally, bouncing around in the back of the trailer. But it was fun. Trailer rides are a lot of fun. You would jump out, grab some wood, chuck it in, go back to the campground and have your fire for the night. You would be glad for the fire because it could get pretty cold some nights. Some nights are a two-dog night, some nights are a one-dog night, but you are glad you have got your fire.

Back to this article. So anecdotally and from what you can see in the forests, you can see it is quite substantial. The La Trobe Uni ecologist goes on:

“I think there’s certainly been a rise in the amount of illegal felling and fallen timber collection to supply to the Melbourne market as open wood fires become more and more popular as a luxury heating element,” he said.

“You just have to look at what people are prepared to pay for a trailer-load of redgum or box. It is highly profitable, particularly when you are stealing that resource from the public estate.”

So I do find it ironic, and I suspect that the member for Macedon will enjoy this along with me, that some of our inner-city hipsters who like to talk about preserving our environment, stopping logging tomorrow and all the rest of it are actually potentially buying illegally felled firewood because they want to have their fires in their lovely \$2 million inner-city abodes.

**Mr Wynne** interjected.

**Ms WARD:** Not you, member for Richmond. I am sure you do not have a \$2 million luxurious inner-city abode with roaring fireplaces. My nan used to use briquettes. She had the briquette shed down the back.

**Mr Wynne** interjected.

**Ms WARD:** I am not going to talk about your pot belly, member for Richmond, but I do want to go back to the terrific speech given by the member for Northcote, who spoke about the member for Melbourne and her reference to ‘a lot of bluster about jobs’ when you are talking about forestry jobs.

**Mr Wynne** interjected.

**Ms WARD:** That is exactly right—a lot of bluster. I wanted to talk to that, because I think ‘bluster’ is actually a really insensitive term when you are talking about jobs. I went to what the definition of bluster is, and of course it is ‘talk in a loud, aggressive or indignant way with little effect’. I will tell you what: if that is not a slogan for the Greens party, I do not know what is. So while the Greens can have their bluster, what we will have is actually a serious and respectful conversation about jobs and about forestry jobs.

A 10-year transition is going to be hard, but it is something that we need to do in this state because we do take jobs seriously and we do take people’s livelihoods seriously. Transition is painful and transition is hard, and it is not something to make cheap political points about while you sip your latte in your inner-city abode with your potentially illegally harvested firewood. It is something that you need to take seriously, and you need to have serious conversations with these communities. Do not go and tell them, ‘You can get a job in tourism. Go and be a tour guide’. Do not be so disrespectful as to tell them the kind of work they should have. Go and talk to them and ask them what kind of work they would like to have. Ask, ‘How do you want to be a part of a transition, and how can we support you to do that? Because we respect your work, we respect the value that you get out of your work and we want to help you get the best job that you can get. We want to help you respect the job that you have got and feel respected for the job that you have’. Until those respectful conversations can be had by some of our environmentalists, we are going to continue to have this ongoing tension where regional and rural communities feel disrespected by inner-city elites who do not actually want to listen to them, who do not want to hear what they have to say and who do not want to understand what they value.

On this side of the house we know that those communities value the forests that they work in, they value the communities that they belong to and they want everyone in this state to show the same level of respect and the same level of regard that they have for themselves, and that is exactly what they are entitled to. I am happy to say that this is what this government wants too. This is a government that is showing leadership in this area, that is having a calm, rational and respectful conversation about what we need to do in our forests, and these amendments to the legislation are exactly that. It is a respectful conversation. They are sensible amendments to the legislation that will help protect our forests but will also help protect the livelihoods of people who do legally harvest firewood, who do legally harvest timber, people who go out there and do the right thing. They also need to be protected, which they will be by these amendments to the legislation, and the bill has my full support.

**Mr RICHARDSON** (Mordialloc) (16:30): It is a pleasure to rise and speak on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. This significant bill is part of the work we are doing in the protection of environmental assets across our state and indeed in the work relating to the transition that our timber industry is facing. Following on the theme and the points made

by the member for Eltham about this industry, I will reflect a little bit in my contribution on the contributions of forestry workers; the environmental assets that we need to protect into the future that are indeed the assets shared by every member of the sovereign state of Victoria; and, into the future, some of these regulations as we transition over the coming decade.

It is a difficult transition. We have seen an analogy of how you deal with transitions into the future. We saw the automotive industry and how the values of a political movement dealt with the transition in automotive and how political parties fronted up to that challenge. We saw those opposite and some of their mates in Canberra goad an industry away, cheerlead it, celebrate it—celebrate taking funding out and leaving workers on their knees and everything that comes with that: the challenges of meeting the family budget, the uncertainty, the depression that is experienced by losing employment and losing those outcomes.

Here on this side we do not leave people behind and we do not squib the responsibility to front up to the hard decisions and the challenges that our state faces. A weaker political movement could have put their head in the sand and said, 'We're not confronting this challenge into the future'. Now, we have stumped up and backed by science, backed by the reality of the transition of this industry and an inevitable conclusion that we are facing, we are going to support working families, because that is what Labor governments do. We will not celebrate it and gleefully cheer like the Greens political party. My good friend the member for Northcote summed up exactly everything that needed to be said on the rank hypocrisy of the Greens political party. This is a political organisation that fronts up occasionally to union movement walks through the city. You see them out on the periphery, on the fringes, trying to tap into the union movement, but they consistently leave working people high and dry. In this transition and what we are experiencing with the timber industry, and indeed into the future, we will support working families.

I remember my first interaction as a state electorate officer for the former member for Gembrook with the beautiful, pristine areas through the Black Spur, some pristine areas up through Warburton, Warburton East, Powelltown, Millgrove—just an incredible region of the Upper Yarra. It also has significant environment protection elements to it and it also has logging communities and timber-working communities as well. I observed that balance and that tension quite early on while working out how we can meet those outcomes and meet those challenges into the future. I remember difficult interactions with communities where the risk of losing substantial hundred-years-in-the-making trees and environmental assets was a significant challenge, while also assisting workers to put food on the table and balance responsibilities into the future in a diminishing industry.

We should place on the record as well that this has been amplified with recent challenges from bushfires. I want to also say—and it goes without saying as videos have been shared with members of Parliament, there have been interactions with communities and, you know, our crew will front up to this in our conference in a fortnight's time—that these timber workers and communities also put their shoulders to the wheel as CFA volunteers, as timber workers who were getting out and building those firebreaks and those lines as well, and we thank them and put on the record their contribution as well. That is what we will do as a government. We acknowledge the challenges that we face. We will acknowledge the realities that we face and not squib it for another couple of years or even 18 months.

Before these decisions were made as well, the irrefutable truth was that the harvest capacity that we face in this state would be greatly diminished by a catastrophic fire event. Unfortunately that has come to pass. It is quite hard to comprehend, but the devastation that we saw with Black Saturday was over 400 000 hectares and the area burnt and devastated is over 1.6 million hectares, so there was a substantial wipe-out of environmental assets and indeed wildlife as well, and the ability to log and harvest has been substantially felt. In the strategic plans and documents put forward by the government, assessed and reviewed, that was a strategic risk. It is a tragedy that that has played out sooner. As a government, as communities and indeed as a Parliament we have to confront that reality going forward into the future. So that is a challenge as we work through transition: how do we support our natural environment and the significant assets? We have seen such a degradation of natural

wildlife, the likes and ferocity of which we have not seen, and the impacts that that has on our community and indeed biodiversity is just a significant flow-on effect as well.

This bill is part of a number of reforms that will be coming over the decade that we have to work through. Importantly as well, it is enhancing VicForests's accountability for timber harvesting operations that it engages its contractors to undertake, providing that greater accountability and greater transparency and clarifying regulatory tools and investigative powers for timber harvesting to strengthen these tools and ensure that the rules apply equally to everyone. I think that is really important, because the experience when I was a state adviser was that sometimes the knowledge of areas that were being impacted by logging or harvesting would be ambiguous and sometimes there would be statements put forward by the community that areas were being encroached on that were not part of catchments, or there were suggestions that salvaging that was occurring at that time was beyond the realms of what was approved. This will provide greater clarity and provide greater assurance for communities that interact with these communities going forward and make sure that there is that greater accountability as well.

The other thing that I think was an important point raised by the member for Ivanhoe and the member for Eltham as well was around the harvesting of firewood along roadsides. This comes up as well in a conversation in two frames. One is about the natural habitat of various animals along roadsides, so the taking out of that and the impact that has—and we get correspondence and engagement on that. The other side is that by taking the firewood there is a suggestion that that would be a fuel reduction element as well. As was eloquently put forward by the member for Eltham, there needs to be accountability in this space. We used to live in Coldstream, which is not so regional as some of the areas that we talk about. You would grab a bit of firewood, and that would go in the Coonara and that would underpin your warmth through the winter and the like. I have fond memories of those days as well.

But it is not just that. We are talking about widespread, coordinated taking of these assets that really needs to have that greater accountability and oversight. The suggestion or notion that picking up firewood along the roadside—that is, the minimal assets you can take away in a ute or on a trailer—will be a substantial change to impacts of fire I would like to see play out in evidence. That is the suggestion sometimes put forward. I would like to see how that is actually put forward in evidence. We see high overhanging limbs and the impact from that; absolutely that is a conversation to have. The notion that things that are felled are contributing to that and undermining a firebreak—I would like to actually see those suggestions put forward in evidence and what that looks like going forward. There needs to be greater accountability, and there needs to be greater oversight going forward as well.

This is an important bill in a range of reforms that will be going over the decade, but I put again on the record that this Labor government will not squib its responsibilities where there are difficulties facing industries. It will not, like the Greens political party, cheerlead and pray and hope that working people and their families will be undermined and hope that they will lose their jobs or follow some of the absolutely outrageous examples of some environmental organisations, cheerleading bushfires and cheerleading forestry fires and people losing their jobs. You might try to sneak onto marching down Melbourne with the union movement, but we really call out what you are, and we will never, never stand with the Greens political party on issues of protecting working people.

**Mr Angus** interjected.

**Mr RICHARDSON:** The member for Forest Hill, I do not think he got a full 50 per cent primary, did he? Yes, he relied on a few preferences to get over the line. You should not be lecturing on preferences, mate. This bill is really important to future reforms.

**Ms SHEED** (Shepparton) (16:40): I am pleased to rise and speak on this bill. This is an important bill that clarifies and strengthens the regulation of timber harvesting and illegal firewood collection in Victorian state forests, and it is amending a number of pieces of legislation. It responds to a number

of concerns about the regulation of timber harvesting throughout Victoria. I have to say it has had an impact in the area I live in, and I will come to that in more detail as I go on.

It is the result of an independent review of timber harvesting regulation that was completed in 2018. The bill places new penalties on unauthorised timber harvesting operations. It increases penalties, which is something that is very important and something that I know the department and Parks Victoria have been calling for for quite a while, particularly in relation to the taking of firewood illegally. The bill increases the time period available to bring charges for an offence from two years up to three years. It places greater accountability on VicForests for actions of its contractors if they breach the offence of unauthorised timber harvesting operations. The bill expands the power for the Secretary of the Department of Environment, Land, Water and Planning to seek injunctions of various kinds, a broader power than has previously been there.

The 2018 *Independent Review of Timber Harvesting Regulation* report recommended new powers and protections be given to authorised officers to be able to require production of documents. This is an important aspect of the legislation too. It allows for newer mapping tools to be used and also harmonises legislative provisions relating to VicForests's compliance with the Code of Practice for Timber Production 2014.

The illegal taking of firewood in my electorate has been a very big issue for the last 12 months or so. I have had a number of constituents come into my office who live on the edge of Reedy Swamp or Gemmill Swamp down by Loch Garry and who hear chainsaws going throughout the night. When they go and investigate in the morning they are finding huge trees that have been logged. It appears to be some sort of illegal firewood gathering activity where large amounts of firewood are being gathered, put in trucks and brought to Melbourne to sell to the public who need wood for fire. This is highly illegal. I have seen pictures of some of the trees that have been cut down. They were really huge old-growth trees in some instances. It has been very concerning to members of my community. People have taken it upon themselves to go down at other times in daylight to video this sort of behaviour and have provided that sort of evidence to the department, so I think people in my community are very keen to see some successful prosecutions out of this. I would say that this piece of legislation certainly increases the penalties for that sort of behaviour, but let us hope it also creates more ability to prove the offences. Some of these tools that are effectively being brought in through this legislation may also help with some of the investigations and capturing people, because I think very often there is a good idea of what is going on but it is hard to gather together the proof that is needed.

The *Northern Victorian Firewood & Home Heating Project* report was published in 2018. That was an important piece of work that identified people in our northern Victorian community who actually rely on firewood for a number of reasons. This might sound surprising, but out of all households in northern Victoria, firewood is the primary source of heat for 51 per cent of the population. Now, this report also looked at vulnerable communities in northern Victoria, and it found that 55 per cent had no other source of heating, 14 per cent rely on firewood for cooking, 7 per cent rely on firewood for heating water and 43 per cent had to collect their firewood from public land.

So the issue of firewood collection for regional communities remains very important; you see that level of dependency that there still is in our communities, particularly for those people who have no other source of heating. I have the Barmah forest and the Barmah National Park in my electorate, and I often get representations from people who live up in Nathalia and Barmah, bordering the forest, about a number of vulnerable families. I know Peter Newman has talked to me about the very aged woman who is a neighbour of his for whom he collects firewood and leaves for her because that is the only form of heating and indeed cooking that she uses.

There is still quite a need out there, and I know that Parks Victoria at times will say that they are concerned that there is not enough firewood in available spaces. Over the last few years it has been a concern to a number of people that when firewood collection areas are declared, the closest one might

be way up in the Gunbower forest or somewhere like that, which really makes it very difficult for local communities to access it if they do not have their own vehicles, trailers and suitable equipment to do it.

I think it is time that some serious thought is put into how we look after those vulnerable communities. No doubt that report that has identified those groups of people will be the instigator of that. I hope that some solutions can be achieved to really assist families, because our regional communities, we know, are ageing communities, and they are unlikely to switch to new ways of doing things.

We saw the rollout of natural gas to Nathalia, probably about four years ago, and I could not help but think at the time what a great pity it was that we were spending so much money on rolling out gas when the money that that costed could probably quite easily have been translated to solar on every rooftop in a town the size of Nathalia. That would have allowed people to use all the existing appliances they had. I believe the uptake of gas has not been terrific in that town, because you need a gas oven and you need a gas heater—it really changes the way you do things—whereas solar would have been just a really nice way of enabling people to continue to use those appliances that they had, which were electric appliances. Sometimes there is a bit of short-termism in all of this. As it stands at the moment it has created a circumstance in a town like Nathalia where you have got some people on gas and some on electricity. And what will the uptake of solar be? It is a bit of a dilemma in a town like that.

I had occasion over the holidays to read a book called *Barkskins*, an incredible book about the history of timber harvesting and logging in North America and how way back in those early days of the colonisation of North America the reliance on timber was so great, the wealth that could be derived from it was so great and the destruction of so many huge forests was so great. We have seen so much of that happen in our own country, because for so long timber was the only product that we could rely on. And I think of the historic times with the Barmah forest. All of those forests were cleared for red gum timber to build railways, to build ships and to build wharves; the wharves in Echuca are red gum.

The need for that sort of timber at that time was great, but it has left our forests often just with new growth, not like they once were and now much more in need of care. And they very often are not getting the level of care they need. It is incumbent upon governments to take something like the Barmah National Park, an iconic red gum forest—Ramsar-listed—to really preserve it and bring it back to its former glory to the extent that it can. It has management plans which are about to be released, and some of those will be met with some concern in local areas, concern about whether people will have to pay to get into them, whether they will be able to camp the way they used to camp and whether they will be more regulated. All these things are important issues, and I commend the bill to the house.

**Mr WYNNE** (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (16:50): I rise to make a contribution on the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019. The bill will improve the regulation of timber harvesting and illegal firewood collection. The bill strengthens tools and powers to ensure that these activities can be better regulated. The bill amends a number of acts: the Sustainable Forests (Timber) Act 2004, the Forests Act 1958 and the Conservation, Forests and Lands Act 1987.

So what does the bill do? It clarifies the regulatory tools and investigative powers for timber harvesting to strengthen these tools and ensure that they apply equally to everyone; it enhances VicForests' accountability for the timber harvesting operations it engages contractors to undertake; it responds to recommendations for legislative change from the *Independent Review of Timber Harvesting Regulation* undertaken in 2018; and it improves offences for illegal firewood collection to ensure this resource can be managed fairly for those who need it.

These amendments will ensure that the regulator for timber harvesting and firewood, the Office of the Conservation Regulator, has the appropriate tools and powers it needs to do the job. The bill will ensure the environmental damage from unauthorised timber harvesting and firewood collection can be deterred and indeed punished. And that is a thoroughly, thoroughly worthwhile thing.

Just going to the further detail of the bill, the bill amends, as I indicated earlier, those three acts. It does clarify the key offence provisions for illegal timber harvesting to ensure it unambiguously applies to VicForests and its contractors, with increased standards of accountability for VicForests and increased penalties for offences. I think this is a really, really important step. It creates a new offence prohibiting the cutting, felling and removal of timber from state forests, which applies consistently across the entire state of Victoria. So it is a consistent application in all of our forest-related areas. It expands the regulatory tools for graduated and proportionate responses to non-compliance, including in the first instance injunctions and indeed enforceable undertakings. So there is a gradation in terms of what penalties may in fact apply, and we think that that is an important consideration.

It creates the power for authorised officers to require the production of documents—a power that is clearly vital for the functioning of this new regulatory framework. It harmonises legislative provisions relating to VicForests compliance with the code of practice for timber production, which of course you will recall, Deputy Speaker, was a very important initiative of the government. They put in place a code of practice in 2014. And it will allow contemporary mapping tools to be incorporated into key regulatory instruments for timber harvesting and ensure that these maps are enforceable. This actually has got a quite nice synergy also with my part of the department, particularly in terms of planning—the capacity for spatial oversight of timber harvesting with a level of accuracy that we have actually not enjoyed in the past. Finally, it will make some technical amendments including repeals of certain and redundant provisions in the Forests Act 1958. So this is really important, and I think that from the point of view of this government there are a number of aspects of this that we can be immensely proud of.

The Minister for Energy, Environment and Climate Change has put together here, I think, a really wonderful response to what is an important regulatory environment and one that clearly needed reform and clearly needed strengthening. She has taken up the cudgels with this, as she has done in all of her work as the minister for the environment. Frankly, there is no more passionate person who seeks to protect the environment than my dear colleague who does such a splendid job. And she does this, of course, against the backdrop of what has been—as we knew from the contributions of my colleagues—the most devastating circumstances that we have found ourselves in with these extraordinary fires that we experienced so early in the season.

I mean, the fires effectively started in late November, and can I say that I believe even today there is one fire still running in East Gippsland. That is an extraordinary situation that we have found ourselves in. We saw the desperate efforts, the courageous efforts, of our fire services, of the police and of all our emergency services who really put their lives on the line. They did this not only to save people—and of course we had the tragic deaths of five people—and that is always the first priority, but of course to save property as well. After the reports that we have seen from the Minister for Police and Emergency Services and indeed the Premier himself we stand in awe of all of the amazing work that those wonderful and brave men and women did to protect us.

The companion piece to this, of course, is the *Victorian Forestry Plan*. It was an absolute delight to be in this Parliament on 7 November 2019 where we released the *Victorian Forestry Plan* to protect immediately 96 000 hectares of habitat for the greater glider, the Leadbeater's possum and other threatened species. The plan also immediately protected old-growth forests from harvesting, and the Department of Environment, Land, Water and Planning estimates that 90 000 hectares of modelled old growth were available for timber harvesting prior to this announcement. The plan also provided, crucially, a \$120 million transition package to ensure workers, business and communities have the certainty and support they need as Victoria moves towards the end of timber harvesting in all native forests by 2030. What a magnificent achievement by the minister. What a magnificent achievement by this government.

Of course, our friends over there, the Greens, are going to claim this as their victory. Well, let me tell you it is only a Labor government that was prepared to stand up and to say that it is getting out of old growth but it is going to ensure that it protects the workers in that area as well with a \$120 million transition package. That is what Labor governments stand for, and that is what Labor governments do.

Can I say, finally, I wanted to commend the member for Macedon. I had the pleasure of being with her up in the Macedon Ranges. In Kyneton, we were—

**Ms Thomas:** Yes, Black Hill.

**Mr WYNNE:** Black Hill in Kyneton.

**A member:** Was she on her scooter?

**Mr WYNNE:** Yes, she was on her scooter. It was pretty hilly for her, but we had a beautiful day up there last week. Indeed I enjoyed your company as well, Deputy Speaker. This was where we finally resolved the distinctive areas and landscape strategy going forward for the Macedon Ranges.

It has taken us a while to get there, but we did get there. What has been absolutely crucial about that work is that, as the member so eloquently outlined in her contribution, we are doing a whole range of things. We are in fact protecting some very significant, beautiful natural assets that we enjoy in the Macedon Ranges. But we have also been able to address the question of town boundaries—where population can be but where really crucial and important natural assets are that have to be protected going forward. This is a great piece of work, and I just want to commend the member for Macedon, who has been an absolute demon to get this work up.

With her commitment to not only the Macedon Ranges but the distinctive areas and landscapes regime, she has led our government in this. This is why the Macedon Ranges was our first distinctive area and landscapes framework that we have been able to get away. Of course we will be doing more as well, and we think this is very significant work for us. But in the broader landscape of what we are achieving here, what this bill does today is part of a broader suite of initiatives that only a Labor government can envisage. And it is only a Labor government that will ensure that these commitments that we made in successive elections are in fact delivered and delivered in full.

**The DEPUTY SPEAKER:** The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The DEPUTY SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

## JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

*Second reading*

**Debate resumed on motion of Ms HENNESSY:**

That this bill be now read a second time.

**and Mr SOUTHWICK's amendment:**

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 about the benefits of removing the group costs orders and contingency fees provisions proposed for the Supreme Court Act 1986; and
- (2) retain the remaining provisions of the bill.'

**The SPEAKER (17:05):** The minister has moved that the Justice Legislation Miscellaneous Amendments Bill 2019 be now read a second time. The member for Caulfield has moved a reasoned amendment to the motion. He has proposed to omit all of the words after ‘That’ and replace them with the words that appear on the notice paper. The question is:

That the words proposed to be omitted stand part of the question.

Therefore those supporting the reasoned amendment by the member for Caulfield should vote no.

**House divided on question:**

*Ayes, 57*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D’Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr

Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Hibbins, Mr  
Horne, Ms  
Hutchins, Ms  
Kairouz, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Neville, Ms

Pallas, Mr  
Pearson, Mr  
Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 23*

Angus, Mr  
Battin, Mr  
Britnell, Ms  
Bull, Mr T  
Burgess, Mr  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr

McLeish, Ms  
Morris, Mr  
Newbury, Mr  
O’Brien, Mr D  
O’Brien, Mr M  
Riordan, Mr  
Ryan, Ms  
Smith, Mr T

Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**The SPEAKER:** The question is:

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 57*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms

Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Hibbins, Mr  
Horne, Ms  
Hutchins, Ms

Pallas, Mr  
Pearson, Mr  
Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr

Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr

Kairouz, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Neville, Ms

Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 23*

Angus, Mr  
Battin, Mr  
Britnell, Ms  
Bull, Mr T  
Burgess, Mr  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr

McLeish, Ms  
Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Ryan, Ms  
Smith, Mr T

Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019**

*Second reading*

**Debate resumed on motion of Ms D'AMBROSIO:**

That this bill be now read a second time.

**and Mr MORRIS's amendment:**

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government has resolved the significant omissions in the bill and ensures:

- (1) the source of funds to resource the operations of the Great Ocean Road Coast and Parks Authority and the implementation of the proposed Great Ocean Road strategic framework plan are identified;
- (2) the extent of the region is identified and defined;
- (3) the relationship between local planning schemes and the overarching powers granted to the minister by the bill is reconciled;
- (4) the proposed constitution of the board of the authority is amended after further consultation to provide that there is sufficient representation from residents of any of the following municipal districts:
  - (a) Surf Coast Shire Council;
  - (b) Colac Otway Shire Council;
  - (c) Corangamite Shire Council;
  - (d) Moyne Shire Council; or
  - (e) Portland City Council; and
- (5) the decision to exclude all board, or committee of management, members of responsible entities (as defined in the bill) from eligibility for appointment as a director of the authority is justified'.

**The SPEAKER (17:09):** The minister has moved that the bill be now read a second time. The member for Mornington has moved a reasoned amendment to the motion. He has proposed to omit all

of the words after 'That' and to replace them with the words that appear on the notice paper. The question is:

That the words proposed to be omitted stand part of the question.

Therefore those members supporting the reasoned amendment by the member for Mornington should vote no.

**House divided on question:**

*Ayes, 54*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr

Foley, Mr  
Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kairouz, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr

Neville, Ms  
Pallas, Mr  
Pearson, Mr  
Richards, Ms  
Richardson, Mr  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 26*

Angus, Mr  
Battin, Mr  
Britnell, Ms  
Bull, Mr T  
Burgess, Mr  
Guy, Mr  
Hibbins, Mr  
Hodgett, Mr  
McCurdy, Mr

McLeish, Ms  
Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Read, Dr  
Riordan, Mr  
Ryan, Ms  
Sandell, Ms

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**The SPEAKER:** The question is:

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 54*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms

Foley, Mr  
Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kairouz, Ms  
Kennedy, Mr

Neville, Ms  
Pallas, Mr  
Pearson, Mr  
Richards, Ms  
Richardson, Mr  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr

## ADJOURNMENT

Thursday, 20 February 2020

Legislative Assembly

559

Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr

Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr

Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 26*

Angus, Mr  
Battin, Mr  
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Guy, Mr  
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Riordan, Mr  
Ryan, Ms  
Sandell, Ms

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

### OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

*Second reading*

**Debate resumed on motion of Ms KAIROUZ:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**Ms Vallence:** On a point of order, Speaker, I have an adjournment matter that has been unresolved and unanswered: 1129; it is for the Minister for Health. It is seeking her response to an action that I requested, for her to urgently assist women in my electorate who need to access surgery for endometriosis. It was raised 163 days ago, on 10 September. I have actually raised a point of order on this a number of times. This is probably the fifth or the sixth time.

**The SPEAKER:** I thank the member for raising that matter. I will follow the matter up.

**Business interrupted under sessional orders.**

### Adjournment

**The SPEAKER:** The question is:

That the house now adjourns.

**PRINCES HIGHWAY INTERSECTIONS, BERWICK**

**Mr BATTIN** (Gembrook) (17:16): (1920) My adjournment matter is to the Minister for Roads. It is in relation to a recent change of the lights at Bryn Mawr Boulevard–Manuka Road–Princes Highway in Berwick, where we have campaigned in the past few years to get two changes to the sets of lights there, to put arrows in to allow right-hand turns coming out of Bryn Mawr Boulevard and right-hand turns coming out of Manuka Road. The intersection itself gets busy at different times of the day, with a lot of school traffic filtering through that intersection there, particularly at 3.00 to 3.30 pm and in the mornings at 8.00 am. The government has decided to upgrade one half of the lights, but like this government, they have left the other half just stranded where they are. People coming out from Berwick College will be coming down to that intersection and will be left at an intersection that is quite dangerous. In the past we have seen many accidents there, and a lot of those accidents are from people coming out and turning right—including a pedestrian being hit—when it is busy along those intersections. A lot of students cross there as well.

I would ask the minister to come out and have a look at that intersection. I do not mind if the minister gets out of bed early and comes down. I will buy her coffee and we will go down to that intersection and have a look and see what the traffic is like at around 8 to 9 o'clock in the morning, or in the afternoon, when we can have a cup of tea and a scone and sit at the side. But it is really important that they do come down and understand the impact of only doing half a job at this intersection and the risk that that is putting people at—those who are driving through but also the students walking back from school.

**WATERWAYS OF THE WEST**

**Mr PEARSON** (Essendon) (17:18): (1921) I direct my adjournment matter tonight to the Minister for Water, and the action I seek is for the minister to coordinate a meeting between representatives of Melbourne Water, the City of Moonee Valley and local community representatives to discuss progress on the Waterways of the West strategy.

**FODDER TRANSPORT FUNDING**

**Mr T BULL** (Gippsland East) (17:18): (1922) My adjournment matter for this evening is directed to the Minister for Agriculture in the other place, and the action that I am seeking is that the government meet the cost of transport of donated fodder ongoing. We have a situation here where we have some agencies up to \$70 000 out of pocket waiting for reimbursements for donated fodder. The one I have just quoted is for the Heyfield Lions Club. What is of concern is that we have heard a couple of whispers, obviously that one, that they are not getting paid in an appropriate amount of time, but we have also heard on the grapevine that this funding stream may be capped. As you would know, Speaker, we still have fires burning in our landscape, and there are some communities that still have not been accessed yet that are going to need hay into the future. We have still got fires burning on a number of fronts. I ask the minister to confirm that funding will be paid instantly to those community service groups that are out of pocket and also that this program will continue.

**MELVILLE ROAD–BELL STREET TRAM STOP**

**Ms BLANDTHORN** (Pascoe Vale) (17:19): (1923) I appreciate the opportunity to raise a matter for the attention of the Minister for Public Transport, and the action I seek is an assurance from the minister that there will be a Myki machine included in the upgraded tram stop at the corner of Melville Road and Bell Street. This terminus, located at the busy intersection of Melville Road and Bell Street, is being transformed to become a much more accessible and safe spot for the Pascoe Vale community. I know this has been welcomed by the local community, particularly those with mobility aids or prams. The 58 tramline is a vital transport connection for my community. It links to the hospitals, a number of schools, universities, the CBD and popular tourist attractions such as Melbourne Zoo and the Queen Victoria Market. This is a very busy tramline. The Melville Road and Bell Street intersection is the end of this tramline. It should include a Myki machine, and I ask for an assurance that it will.

### PORT PHILLIP PRISON

**Mr SOUTHWICK** (Caulfield) (17:20): (1924) I rise to raise an adjournment matter for the Minister for Corrections. The action that I seek from the minister is that he fully investigate the situation that is going on in Port Phillip Prison. We have had three incidents in as many days. We had a report of two terrorists that had been running a program in Port Phillip Prison to radicalise up to a dozen prisoners. Those prisoners that had been reported to have been radicalised are not on any watchlist, and the concern is that those prisoners, when they are let out of prison, will be a threat to the community. We saw reports yesterday of a prison guard having to make his way to a medical centre after being stabbed multiple times by a prisoner, again in Port Phillip Prison.

As I speak here tonight, apparently there are prisoners on the roof of Port Phillip Prison. This is a prison that is in a complete mess and that needs to be fully investigated. I ask the minister to provide a full report, a full investigation into what is going on and a reassurance to Victorians that there will be proper steps in place to ensure that the safety of the community is paramount and certainly that the safety of those prison guards that are working in that prison is not at risk. This is a real concern to the community. It is clear that the minister has completely lost control of his portfolio and that that prison is a complete mess, as is the whole corrections system here in Victoria.

### GREENSBOROUGH HIGHWAY–GRIMSHAW STREET, GREENSBOROUGH

**Ms GREEN** (Yan Yean) (17:22): (1925) It is marvellous to see you, Speaker, in the chair, because my adjournment matter tonight is to the Minister for Roads and Minister for Road Safety and the TAC in the other place, and the action I seek is for the minister to have VicRoads investigate ways to reduce north–south congestion on the Greensborough Highway in the vicinity of Grimshaw Street. This location is of course in the neighbouring electorate of Bundoora, your electorate, Speaker; however, many of the vehicles stuck in the congestion are from the electorates of Yan Yean and Eltham—sometimes even the members for Eltham and Yan Yean themselves.

It is of course well known that the Andrews Labor government is moving ahead on Victoria's largest ever road-building project, the North East Link, along with the next stage of the M80 upgrade, the Yan Yean Road stages 1 and 2, Plenty Road stages 1 and 2 and the northern roads package. But this of course does not mean that we as local members cannot suggest low-cost options during Victoria's Big Build to alleviate congestion and improve travel times.

As you well know, Speaker, on Greensborough Highway heading north there are five lanes of traffic, with one being a dedicated left-turn lane, two dedicated to through traffic and the remaining two being dedicated right-turn lanes east onto Grimshaw Street. The through traffic lanes bank back several kilometres, which not only delays this traffic but also impedes drivers wishing to turn right or left, with vehicles being stuck there as well. I understand that this is causing rat runs along Watsonia Road—the *Watsonia Bugle*, I think, is very upset and worried about it—reducing the amenity of this popular shopping strip and impeding egress and access for Watsonia station commuters. There is of course a similar situation heading south in the morning peak.

The North East Link project of course will eradicate this snarly intersection as it includes a complete grade separation, with Grimshaw Street continuing uninterrupted on a span over what is now the Greensborough Highway. I am sure that local vehicle commuters would welcome VicRoads' examination of the intersection, especially to see if an increase from two to three lanes of through traffic would have a positive impact on congestion and assist people to get to where they need to go faster.

**The SPEAKER:** There is a rumour the clerks get stuck at the intersection as well.

### SHEPPARTON ELECTORATE MINISTERIAL VISIT

**Ms SHEED** (Shepparton) (17:24): (1926) My adjournment is for the Treasurer, and the action I seek is that he visits Shepparton to view the transformational projects that are being delivered in my community and to understand the reason why I am seeking funding in the forthcoming Victorian state

budget to fund a number of intersection redevelopments, all of which will facilitate the great work that is underway.

Shortly after I was elected to this place the Treasurer visited Shepparton to hear about the projects that were needed to move Shepparton forward. After years of underinvestment and neglect for our region, the government has taken the step of investing, and that is very welcome. In March 2016 the Treasurer came to Shepparton, visited Goulburn Valley Health with me and met with many members of the community to hear the plea for investment in our hospital, and in response he delivered the \$170 million needed for the first stage of Goulburn Valley Health in that 2016–17 Victorian state budget. We now see a five-storey building at Goulburn Valley Health nearing completion. This investment and the additional investment earlier this year of another \$58 million means that residents of the Goulburn Valley will have much-improved access to facilities, including new operating theatres, new surgical beds, a new emergency department delivering three times the capacity we currently have, a new dialysis unit and refurbished maternal and child health facilities—the list goes on. While all of this is happening, work is underway on the master plan for stage 2 of Goulburn Valley Health.

Another crane in the sky at the moment is at Victoria Park Lake, where the Shepparton Art Museum is rising from the ground. This will see the home of an outstanding regional art gallery that will truly be renowned throughout Australia. The Victorian state government has made a \$10 million investment in this project to date, and the Treasurer will be very impressed to go to the top storey and see the view from that facility.

With an investment of \$356 million in rail upgrades to make the Shepparton line VLocity ready, the Treasurer will see the works currently underway at the Shepparton station and hear of the works that will soon commence as tenders are finalised for the passing platform extensions and other works.

A site visit to the new fish hatchery will give the Treasurer a vision of what will become the largest fish hatchery in our region. It is in a beautiful setting on the banks of the Goulburn River.

He will want to meet representatives from local Indigenous communities to hear of the progress of the building of the Munarra Centre for Regional Excellence, which among other things will be the new home of the Academy of Sport, Health and Education.

The *Shepparton Education Plan* has been a major undertaking over the course of the last three years, culminating in the bringing together of four secondary colleges onto one campus, known as Greater Shepparton Secondary College. Just last week I stood with the Deputy Premier as we turned the sod on the site of the old Shepparton High School for the new building.

#### YUROKE ELECTORATE EDUCATION SUPPORT

**Ms SPENCE** (Yuroke) (17:27): (1927) Is there anything that is not happening in Shepparton? Wow.

My adjournment matter is for the Minister of Education, and the action I seek is for the minister to provide me with an update as to what support is available for families in the Yuroke electorate who have children commencing school. As the minister is aware, the Yuroke electorate is experiencing substantial population growth, with many young families making Melbourne's outer north their community of choice. Many of these families are now seeing their young ones embark on a critical phase in their lives with them commencing school, and this exciting time can also come with the challenge for families now needing to find the means to provide school uniforms and learning resources. Likewise, many families have children with additional needs who require extra support in order to make the most of their schooling experience.

I know that all families in the Yuroke electorate would be very interested to hear what support is available from the state government to ensure that their children can get a great start with their education. I look forward to hearing from the minister and sharing his advice with Yuroke residents.

**PORTER STREET–FITZSIMONS LANE, TEMPLESTOWE**

**Mr GUY** (Bulleen) (17:29): (1928) My adjournment matter tonight is to the Minister for Roads, and it concerns the dangerous intersection at the Porter Street and Fitzsimons Lane roundabout. This issue has been raised multiple times over many years, and nothing has been done. I am raising this issue again tonight, noting that this is a dangerous intersection that needs to be replaced. It is a well-known roundabout, the intersection of Porter Street, Fitzsimons Lane and Williamsons Road—three lanes, buses. It is horribly congested, particularly around the time of school pick-up and of course in peak hour but also nowadays on weekends. It is terrible for pedestrians, it is almost impossible for cyclists and, as I said, there are frequently accidents at this roundabout, as people will attest to. Listening to morning radio you will hear about particularly Fitzsimons Lane but certainly the roundabout at Porter Street. There are frequently accidents at that location.

The North East Link will not solve this issue around traffic because most of this is local, and while there is Eltham-bound traffic and traffic over the Yarra, which is much of the peak-hour traffic, the weekend traffic is local. The east–west traffic there is not travelling over the Yarra; it is travelling from one part of Manningham to the other. Doncaster Shoppingtown, Saturday sports and school pick-ups are all part of the reason why this intersection is horribly congested. I have said this for many years, and I will say it again: this roundabout must be abolished. The iconic apple-peel structure at its centre should be relocated. This roundabout must be signalised rather than simply making token gestures about bus lanes and the like.

My adjournment issue tonight to the Minister for Roads is very clear: to make funding available in the coming budget to fully signalise this intersection with traffic lights to replace this confusing roundabout—and to do it as soon as possible.

**NORTHCOTE ELECTORATE SOCIAL HOUSING**

**Ms THEOPHANOUS** (Northcote) (17:30): (1929) My adjournment matter is for the Minister for Housing, and the action that I seek is that the minister update my community on the progress of the social housing units being built within the electorate of Northcote. In my electorate 335 people are listed as experiencing homelessness on any given night. They will be sleeping rough or in crowded boarding houses, couch surfing or perhaps, if they are lucky, they have managed to find themselves in short-term crisis accommodation. Thousands more are suffering under housing stress. The causes are varied and complex. We know that family violence leaves women especially vulnerable to homelessness. Addiction, mental illness, disability and trauma, when coupled with rising rental costs and insecure work, leave so many without a safety net. Every one of these people deserves respect, dignity and a safe place to call home.

My electorate is home to several public housing estates, which I have had the fortune of visiting. Several have been in disrepair for years and tenants have been suffering under conditions that they should not have to. I have spoken about this before in this place: homes that are hot in summer and cold in winter, lack of access for people with disabilities or the elderly, and poor safety, leaving families even more vulnerable. The Andrews government is investing to renew these dilapidated buildings in Northcote and Preston. These renewal projects will provide modern, safe, energy-efficient homes for more residents.

Minister, we have spoken in the past about my passion for updating the current stock as well as seeing an increase in the stock that we have. As the minister knows, I want to see more quality public and community housing in my electorate, and I am keen to see my community get its fair share of the 1000 new homes that have been promised. Of course this is just part of the solution to housing affordability and homelessness, but it is a crucial part. We are fortunate to have within the Labor Party many strong supporters of public housing, and I want to acknowledge the work of the Labor Housing Group, who are helping to drive us in the direction of an even more expansive policy like inclusionary zoning.

We are fortunate that over many years we have seen Labor ministers such as the Minister for Housing and the member for Albert Park, and premiers such as the current Premier, who have possessed a drive to have better public housing. I could not help but note the minister's moving words about the work in this space of the late and great John Cain, Jr.

Opportunities for increasing our supply of housing should not be seen as an economic burden; in fact they are a stimulus. When we lift people up, when we give them opportunity and hope, the whole community benefits. I know the minister is as passionate about this as I am, and I know that he shares the view that the rising tide floats all boats. My community would welcome an update on the progress of the government's work in providing more social housing units within the electorate of Northcote.

### RESPONSES

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Public Transport) (17:33): I would like to thank the member for Pascoe Vale for her passionate advocacy for public transport, and I do notice that just last weekend she was out there inspecting the works that are going on to make the Melville Road tram stop accessible, safe and great for people with prams and disabilities. What I can confirm is that the work will be completed this weekend and a new Myki reader will be installed within six weeks.

The member for Gembrook raised a matter for the Minister for Roads. The member for Essendon raised a matter for the Minister for Water. The member for East Gippsland raised a matter for the Minister for Agriculture in the other place. The member for Caulfield raised a matter for the Minister for Corrections. The member for Yan Yean raised a matter for the Minister for Roads and Minister for Road Safety and the TAC. The member for Shepparton raised a matter for the Treasurer. The member for Yuroke raised a matter for the Minister for Education. The member for Bulleen raised a matter for the Minister for Roads, and the member for Northcote raised a matter for the Minister for Housing. I will refer these matters.

**The SPEAKER:** The house now stands adjourned.

**House adjourned 5.35 pm until Tuesday, 3 March.**