

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**WEDNESDAY, 19 FEBRUARY 2020**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

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Minister for Child Protection and Minister for Disability, Ageing and Carers . . . . .	The Hon. LA Donnellan, MP
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Attorney-General, Minister for Workplace Safety and Minister for the Coordination of Justice and Community Safety: COVID-19 . . . . .	The Hon. J Hennessy, MP
Minister for Public Transport and Minister for Ports and Freight . . . . .	The Hon. MM Horne, MP
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Assistant Treasurer and Minister for Veterans . . . . .	The Hon. RD Scott, MP
Minister for Local Government and Minister for Small Business . . . . .	The Hon. A Somyurek, MLC
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Minister for Training and Skills, and Minister for Higher Education . . . . .	The Hon. GA Tierney, MLC

Minister for Aboriginal Affairs, Minister for Prevention of Family Violence and Minister for Women	The Hon. G Williams, MP
Minister for Planning and Minister for Housing.....	The Hon. RW Wynne, MP
Cabinet Secretary.....	Ms M Thomas, MP

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

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The Hon. CW BROOKS

**Deputy Speaker**

Ms JM EDWARDS

**Acting Speakers**

Ms Blandthorn, Mr J Bull, Mr Carbines, Mr Cheeseman, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos,  
Mr Edbrooke, Mr Fregon, Ms Kilkenny, Mr McGuire, Ms Richards, Mr Richardson, Ms Settle, Ms Spence,  
Ms Suleyman, Mr Taylor and Ms Ward

**Leader of the Parliamentary Labor Party and Premier**

The Hon. DM ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. JA MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. MA O'BRIEN

**Deputy Leader of the Parliamentary Liberal Party**

The Hon. LG McLEISH

**Leader of The Nationals and Deputy Leader of the Opposition**

The Hon. PL WALSH

**Deputy Leader of The Nationals**

Ms SM RYAN

**Leader of the House**

Ms JM ALLAN

**Manager of Opposition Business**

Mr KA WELLS

**Heads of parliamentary departments**

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

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

*Parliamentary Services:* Secretary: Mr P Lochert



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

<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
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
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Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
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Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
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Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Melbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
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Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
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Horne, Ms Melissa Margaret	Williamstown	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

**PARTY ABBREVIATIONS**

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

## **Legislative Assembly committees**

### **Economy and Infrastructure Standing Committee**

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

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

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

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

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

### **Privileges Committee**

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

### **Standing Orders Committee**

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

## **Joint committees**

### **Dispute Resolution Committee**

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

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

### **Electoral Matters Committee**

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

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

### **House Committee**

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

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

### **Integrity and Oversight Committee**

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

*Council:* Mr Grimley and Ms Shing.

### **Public Accounts and Estimates Committee**

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

*Council:* Ms Stitt.

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

*Assembly:* Mr Burgess, Ms Connolly and Ms Kilkenny.

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



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**Wednesday, 19 February 2020**

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

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

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

**Bills**

**ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020**

*Introduction and first reading*

**Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (09:33):** I move:

That I introduce a bill for an act to amend the Assisted Reproductive Treatment Act 2008 to remove requirements for criminal record and child protection order checks to be carried out before a woman may undergo a treatment procedure and for other purposes.

**Motion agreed to.**

**Ms KEALY (Lowan) (09:34):** I ask the minister for a brief explanation of the bill, please.

**Mr FOLEY:** I am happy to provide the house with a brief explanation of the bill. This is a bill that will amend the Assisted Reproductive Treatment Act 2008 to remove a requirement that a woman and her partner, if she has one, and the parties to a surrogacy arrangement must undergo a police and child protection order check prior to accessing assisted reproductive treatment.

**Read first time.**

**Ordered to be read a second time tomorrow.**

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

*Introduction and first reading*

**Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (09:35):** I move:

That I introduce a bill for an act to amend the Health Services Act 1988 and the Ambulance Services Act 1986 to provide for directions relating to the vaccination of persons employed or engaged by certain hospitals, health service establishments and ambulance services and for other purposes.

**Motion agreed to.**

**Ms KEALY (Lowan) (09:35):** I ask for a brief explanation from the minister, please.

**Mr FOLEY:** I am happy to provide a brief explanation. This is a bill that will provide the Secretary of the Department of Health and Human Services with powers to give directions to public hospitals, which will include public health services, denominational hospitals, health service establishments and ambulance services, and to be able to specify requirements for employees and workers to be vaccinated or prove immunity to specified diseases.

**Read first time.**

**Ordered to be read a second time tomorrow.**

## Petitions

Following petition presented to house by Clerk:

### KILSYTH PLANNING SCHEME AMENDMENT

**Re: 150 Cambridge Rd, Kilsyth—Planning Scheme Amendment Request—to rezone this surplus declared ‘former School’ site to NRZ residential—in ready for sale and subsequent development.**

**To the Legislative Assembly of Victoria**

The petition of certain citizens of the State of Victoria draws attention to the House the sale and subsequent development of the land for housing and related purposes would negatively impact on the Community in terms of loss of open space availability.

A Yarra Ranges Council preliminary analysis of open space in Kilsyth alone, has identified a shortfall.

Inaction by the Government will cause further open space availability depletion

The subject site needs to be preserved as it presents a rare opportunity for the Government to remedy the open space shortfall and also to provide future parkland to accommodate the open space social needs of the growing population.

The need for Appropriate amounts of suitably sized and located Parkland cannot be ignored as the long term return of the health and wellbeing of today and tomorrow’s communities is beyond measure

The petitioners therefore request that the Legislative Assembly of Victoria demand that the Government:

1. **Preserve the site to accommodate the recreational public open space demand pressures created by population Growth**
2. **Disallow the proposed amendment considering it will increase the shortfall of public open space availability**

By Mr HODGETT (Croydon) (5353 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr HODGETT (Croydon).

## Documents

### DOCUMENTS

Incorporated list as follows:

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

Voluntary Assisted Dying Review Board—Report of operations June to December 2019.

## Members statements

### NORTH–SOUTH PIPELINE

**Ms McLEISH** (Eildon) (09:37): The north–south pipeline stands as a reminder of how city-centric, arrogant Labor governments have little regard or respect for those living in country Victoria. It was 10 years last week since the completion of the almost \$1 billion white elephant. It was built during the millennium drought at a time when farmers in the north-east were getting around 30 per cent of their annual water entitlements. The Brumby government embarked on a project which sold out country Victoria. Running 70 kilometres from the Goulburn River to Sugarloaf along the Melba Highway through the middle of my electorate, this was my catalyst for entering politics.

Locals rallied, led by the indomitable Jan Beer, and the Plug the Pipe campaign took shape. ‘Plug the Pipe’ was the mantra, and messages such as ‘Put a plug in it, Brumby!’ were put out there. Communities in the north joined together to fight against a project they knew did not make sense. When water is tight in the city, you can bet there will be a drought in the country, and they could ill afford to send 75 billion litres annually to boost Melbourne’s water supply.

As it turned out, the protesters were right. It has not and will not be used. It was an enormous waste of money and effort, and we saw more effort being put into spin and intimidation. Despite the passive protests, landowners were arrested and escorted off their own property, and protesters were harassed and intimidated. Rights were violated. Melbourne Water had to make an official apology to Jan Beer following revelations through FOI that they had spied on, filmed and photographed her and tailed her while she was driving. *(Time expired)*

### KINDERGARTEN FUNDING

**Ms EDWARDS** (Bendigo West) (09:39): In an Australian first, this government is investing almost \$5 billion over the next decade to fund kindergarten for three-year-olds. From 2022 every three-year-old will have access to at least 5 hours of funded kindergarten a week. That increases to 15 hours by 2029. This includes a new \$1.68 billion investment in early learning buildings across the state. We are helping build, modernise and expand kindergartens so they have the space and facilities they need for this important reform.

In Bendigo West we have invested \$1.6 million towards a new kinder in Maiden Gully, one of the fastest growing areas of Bendigo. Shine Bright kinder will include an early learning centre with a capacity of 150, 120 four-year-old places, 60 three-year-old places, a long-day-care centre to support working families and eventually an allied health service.

We have invested \$550 000 to build a new kinder facility in Harcourt, relocating the current kinder to the co-location on the Harcourt primary school site. We have invested \$85 861 to replace ageing playground equipment at Havilah Road kinder, making this kinder one of 54 services to secure funding to upgrade their buildings or playgrounds and make them more inclusive and accessible for children with additional needs.

Making sure every child has access to three- and four-year-old kinder is a priority. We know that children benefit enormously from early learning, and that is why we are delivering unprecedented investments in early childhood services.

### KILMORE ROADS

**Ms RYAN** (Euroa) (09:40): Last month the Andrews government finally announced \$2.4 million for the revitalisation of Kilmore's main street. At the last election I pledged that if I was elected to government, The Nationals would fully fund the building of the town's bypass as well as investing \$5 million in the full redevelopment of the main street. That is what the community wants. The Andrews government is short-changing us, and the community is absolutely sick of it.

I want to congratulate Kilmore residents for their work in highlighting safety issues at the intersection of Conway Street and Kilmore-Lancefield Road. Improving the safety of this intersection was another commitment I made prior to the last election, and while it has taken the Andrews government 18 months to come on board, it is always better late than never.

### EUROA ELECTORATE MENTAL HEALTH SERVICES

**Ms RYAN**: Last week I attended the Connect Benalla suicide prevention network community meeting. Community members have done a power of work in the prevention space, but Benalla and other communities in my electorate, including Kilmore, are still experiencing a critical shortage of intervention services. Just last week I had a conversation with a mother who is distraught because her daughter is suffering anxiety and depression and she cannot get the help that she needs. Last month I spoke to a mother who was on the verge of having to close her business because the only place her son can access help when he is suicidal is in Box Hill, and once he is discharged there are no services to support him, and so the cycle repeats.

Until the Andrews government acknowledges the findings of the Auditor-General that Victoria has the lowest funding per capita of any state in Australia and addresses critical workforce shortages, nothing will change.

### BUSHFIRES

**Ms HALL** (Footscray) (09:42): I rise to recognise the generosity of the Footscray community. The start of 2020 has been difficult for many across Victoria because of the horrific bushfires. I have spoken in this chamber before about how tightly knit our community is. Footscray is a place where people look out for each other and will give anything they can to help out, even when they do not have much themselves. This spirit extends beyond Footscray.

I am proud to recognise the fundraising efforts of several groups based in Footscray for victims of bushfires. In particular I would like to recognise the Australia Light Foundation, the Quang Minh Temple, the Footscray Asian Business Association, the Asylum Seeker Resource Centre, the Yarraville Club Cricket Club, the Australian Muslim Social Services Agency and the Australian Peace Organisation. I was very proud to join with a number of these groups to meet the Premier and present a combined \$22 000 in cheques collected during Friday prayers.

I would also like to thank the many individuals who donated to Footscray's Foodbank and other charities. Even though the fires have not touched Footscray directly, the stories of survival, loss and hope have. This fire season is sadly far from over, but as long as Australians continue to support each other we can make it a little less isolated.

### MORNINGTON PENINSULA BUS SERVICES

**Mr MORRIS** (Mornington) (09:43): I rise this morning to again call for action to fix the overstretched and inadequate bus system that attempts to serve the Mornington Peninsula. The operators, Ventura, do a fantastic job but the constraints placed on them by the Andrews government means that the service they are able to offer cannot meet the demands placed on it. The population of the peninsula continues to grow and the demand for public transport with it.

Labor have been in power for 17 of the last 21 years, yet the only significant improvements that have occurred to public transport on the Mornington Peninsula happened under a Liberal government. At the start of every school year, my office receives complaint after complaint from constituents reporting overcrowding on the bus system, not just on the school buses but on the ordinary public transport system as well.

The government says it is working hard to improve bus services across Victoria. If they are, there is no evidence of it on the peninsula. We urgently need improvements to the 781 service to serve more households in Mount Martha. We urgently need improvements to the 784 and 785 services to support the significant population growth that has occurred in Mornington East. We have four bus services running through Mount Eliza village but none serving the area east of Nepean Highway.

Minister, none of this is rocket science. We do not need a longwinded investigation; we do not need assessments of the road network. We need identified improvements to the bus system delivered now.

### THORNBURY HIGH SCHOOL

**Ms THEOPHANOUS** (Northcote) (09:45): Last Tuesday was International Day of Women and Girls in Science, so I visited Thornbury High with a mission to inspire some of the young women in the year 11 biology class to think about following a career in STEM. But something very different happened. It was not me inspiring the students; it was them inspiring me. Admittedly it has been some time since I donned the lab coat for my biology class, but that is not the point. The real story is the impressive work going on at Thornbury High. I met Abbey P, Raya K, Amelia R, Izzy B, Stephanie M, Majd A, Scarlett X and Ester W—and of course their amazing teacher Lisa Pieropan.

Majd spoke of her recent trip to NASA headquarters in Florida, as one of the students to be chosen for this trip by the school, and Ms Pieropan, your passion for what you do is infectious.

Thornbury High also partner with Robogals Melbourne from Melbourne Uni to give their year 7s an intro to robotics and engineering and is one of just 13 schools in Victoria with a NexStar Evolution telescope. Right now, women make up just 27 per cent of the STEM workforce, and with the right support we can change that. Schools like Thornbury High are helping to shift the dial. Their recent VCE results speak to the quality of their STEM program and, I must add, a new STEM centre at this great school would help unlock even more of its potential.

#### **ST JAMES PRIMARY SCHOOL, VERMONT**

**Mr ANGUS** (Forest Hill) (09:46): I recently had the great pleasure of attending the assembly at St James Primary School in Vermont to present the school leadership badges, including to the school captains, other captains, school leaders and the student representative council members. Congratulations to all the student leaders on their appointments. I wish them and their fellow students, the school staff and the wider school community well for the 2020 year.

#### **CAMELOT RISE PRIMARY SCHOOL**

**Mr ANGUS**: Last Friday I had the great pleasure of attending the assembly at Camelot Rise Primary School in Glen Waverley to present the school leadership badges, including to the school captains, house captains and other school leaders. I congratulate all the school leaders on their appointments and wish them and their fellow students, the school staff and the wider school community well for the 2020 year.

#### **COVID-19**

**Mr ANGUS**: In recent weeks, following the outbreak of the coronavirus, it has been a very difficult time for many Victorians, particularly members of the Chinese community. Unfortunately this has resulted in the cancellation of numerous Lunar New Year events, including local events in the cities of Whitehorse and Monash. There has also been a massive economic impact on many businesses. I encourage people to take the necessary precautions and then to continue to support local restaurants and businesses.

#### **LUNAR NEW YEAR**

**Mr ANGUS**: I also want to take this opportunity to wish all Victorians of Asian descent a happy Lunar New Year and a healthy and prosperous Year of the Rat.

#### **PARKMORE PRIMARY SCHOOL**

**Mr ANGUS**: I recently had the great pleasure of attending Parkmore Primary School to present the school leadership badges, including to the school captains and house captains. I congratulate all the students on their appointments and wish them and their fellow students, the school staff and the wider school community well for the 2020 year.

#### **BUSHFIRES**

**Mr ANGUS**: Following the recent bushfires here in Victoria I want to place on record my thanks to the many members of the multicultural and multifaith communities who have assisted in so many ways. In particular there has been ongoing fundraising by countless groups and organisations as well as all sorts of practical support being provided. It has been an outstanding example of Victorians working together to assist fellow Victorians in their time of need.

#### **RETIRED TRAMS STRATEGY**

**Mr DIMOPOULOS** (Oakleigh) (09:48): Melbourne's trams are amongst the most iconic emblems of Melbourne, and I was lucky enough to witness a delivery of a W-class tram to Grange Junction Cafe in Carnegie as part of our government's *Retired Trams Strategy*, where they go out into the community

or to businesses. It is extraordinary: it is a W-class tram built in Melbourne, in Victoria, in the 1930s. In fact it has been in storage since 1995 in Newport. Because of our government these trams come back out into our community in parks or in businesses to be enjoyed and preserved, but in a very active way, with the public. So I want to congratulate Grange Junction Cafe for having the foresight to bring this asset, effectively—this iconic asset—to my community. They are going to make an amazing place out of it. They are going to have a bar, and it will be a cafe and restaurant. It will be a fantastic function centre, with the crowning glory of the tram in the middle of it. Well done, Sean and Giovanna from Grange Junction Cafe in Carnegie, and I look forward to the opening of the new premises.

### BUNYIP BUSHFIRES

**Mr BLACKWOOD** (Narracan) (09:49): The Bunyip fires occurred last March, and the community is very much of the opinion that they are the forgotten fires. The Premier let the survivors of that disaster down badly when he failed to apply to the federal government for help until October 2019—some eight months after the event. The federal government in their wisdom then closed off the opportunity for financial assistance in December 2019. Thirty homes were lost in March last year. At present only four owners have begun the application process, which for each of them has stalled at the last hurdle: native vegetation offsets. The Premier must grant an exemption to these offsets, which on average cost around \$2000 per tree. There is a huge difference in the assistance being offered to East Gippsland survivors compared to what has been made available to Bunyip North survivors. There must be equity in the response to both fires. Granting native vegetation offset exemptions would be a good start to removing the inequity in the response from government.

### AUSTRALIA: LAND OF MILK AND POLITICS

**Mr BLACKWOOD**: I attended the book launch for Bill Pyle's book *Australia: Land of Milk and Politics* last Friday. The book was launched by our federal member, Russell Broadbent, in his usual flamboyant style, and Bill's granddaughter Bridget, having prepared the speech for Russell, was called upon by Russell to deliver the speech, which she did magnificently. Bill was supported at the event by members of his extensive family including grandchildren and his first great-grandchild. Kevin Carmody, our very respected former Gippsland journalist, edited the book and assisted Bill in the process. It was a great celebration with many local community members recounting some of the amazing stories Bill has created during his tireless work over many years for the dairy industry and his community of West Gippsland.

### CLOSING THE GAP

**Ms COUZENS** (Geelong) (09:50): Last Thursday, 13 February, was the 12th anniversary of the national apology to the stolen generations of First Nations people. I had the privilege of participating in the Wathaurong Aboriginal Co-operative's remembrance of the national apology delivered by the then Prime Minister, Kevin Rudd, in 2008. This apology was significant. It acknowledged the wrongdoing that resulted in the stolen generations. It was traumatic, painful and hurtful but for many was a first step to healing and truth telling, which has now lost momentum and failed due to poor policy. Families torn apart, their children ripped from their arms, stolen from their mothers, fathers, brothers and sisters and taken from country and culture—Wathaurong elders tell horrific stories of their experiences and those of many other First Nations people. Closing the Gap, established by Kevin Rudd following the apology, set targets to address the appalling outcomes for First Nations peoples in this country. The current federal government's 2020 report card clearly tells the story of failure to close the gap. This is a result of poor policy and no real commitment to closing the gap. I look forward to working closely with Wathaurong to close this gap.

### BUSHFIRE RECOVERY INITIATIVES

**Mr D O'BRIEN** (Gippsland South) (09:51): The Andrews Labor government needs to do more to support businesses and particularly tourism businesses in the wake of the summer fire crisis. Tourism and other businesses relying on the visitor economy have suffered and have not seen enough support



from the Andrews government to get visitors back to our region or to stimulate our local economy. Business owners I met with in Rosedale last week told me they had lost up to 80 per cent of their turnover for January, with the long closure of the Princes Highway as much to blame as the fires themselves.

In South Gippsland the situation is similar thanks to the closure of the critical Melbourne–Sydney touring route. This highlights that this road needs to have sufficient tree clearance either side to ensure it is not closed for long periods ever again.

The government's efforts so far in providing \$200 000 to Destination Gippsland and a pittance for some events funding are not good enough and stand in stark contrast to the billions of dollars being spent in Melbourne. More Gippsland marketing spending and infrastructure projects to stimulate the local economy are needed now.

### DUCK HUNTING

**Mr D O'BRIEN:** Meanwhile the government is still to announce details for any duck season this year, and Gippsland cannot afford another economic blow. Duck season brings millions of dollars to our region, and with our wetlands full of water there is no reason a reduced season cannot go ahead. The government must not again bow to a loud but small group of activists and cut another important economic and cultural activity for country Victoria. After the timber industry closure decision, policies that closed Hazelwood and threaten other power stations in the valley and the feeble response to the bushfires, here is one last chance for Labor to show it actually governs for all Victorians, not just for an out-of-touch inner-city clique. Duck season must go ahead.

### SUNBURY BMX CLUB PAVILION

**Mr J BULL** (Sunbury) (09:53): On Sunday I was absolutely delighted to be at the Sunbury BMX, skate and scooter park with Hume City Council and over 500 locals to open the brand-new pavilion. This is a terrific new facility made possible through a \$100 000 grant from the Community Sports Infrastructure Fund and a massive contribution from Hume City Council. This club has the second largest BMX club membership in the state and was previously operating out of a shipping container used for storage. This new pavilion, an over \$1 million investment, is going to provide a significant increase and upgrade for the club. It is a terrific facility and we were really proud to be up there to open it.

### SUNBURY COMMUNITY HEALTH

**Mr J BULL:** I also had the opportunity last week to join representatives from the Sunbury community hospital committee who came together with the Victorian Health and Human Services Building Authority for our second meeting at the brand-new Hume Global Learning Centre. Sunbury Community Hospital is going to deliver outstanding health care for my community. I want to thank all the members for being part of the committee that is contributing such an important project.

### MEADOW PARK SOCCER CLUB

**Mr J BULL:** I was also delighted last week to join the Hume City Council mayor, Carly Moore, to announce \$400 000 from the Andrews Labor government's Growing Suburbs Fund for Meadow Park Soccer Club, another brand-new pavilion in my community. We continue to get things done and continue to deliver for all Victorians.

### WILDLIFE PROTECTION

**Ms SANDELL** (Melbourne) (09:54): Over the past few months I have received countless emails and phone calls about an issue that is also close to my heart, and that is about how we treat our wildlife and our animals in Victoria, and specifically about why the government has not made a decision to cancel the duck season this year. We know that every year thousands and thousands of ducks are brutally slaughtered, including some threatened species, and we have had a record drought. The

government should have made a decision already about whether to cancel the duck shooting season. I know there are probably some internal battles going on in the Labor Party—with people on one side and people on the other side—about what to do, but I am pleading with the government to please make the humane decision this time.

Our animals and wildlife have suffered so much already over the past year. We have had drought. We have had record heat, with flying foxes literally falling dead from trees. We have had of course the bushfires killing hundreds of millions of our animals, and we also see continued logging, which is threatening animals—threatened species—and their habitat. Enough is enough. The community has had enough of this war on our wildlife. They want our wildlife and our precious animals to be protected. They are saying this loud and clear. My inbox is being flooded; I am sure many other MPs are seeing those emails as well. Come on, Labor—let us make the right decision this time. Let us cancel the duck shooting season once and for all, end logging and protect our wildlife.

### **BROADMEADOWS ELECTORATE REVITALISATION**

**Mr McGUIRE** (Broadmeadows) (09:56): Economic development should drive the Australian government's proposed city deal for Melbourne's north-west and the revitalisation of Broadmeadows. My plan is to continue building unity tickets around nation-defining infrastructure anchored by the two \$15 billion projects agreed by the Australian and Victorian governments—the rail link to Melbourne Airport and the missing link in our road network, the North East Link. This is the big-picture strategy Melbourne's north craves and the best opportunity to revitalise Broadmeadows as an epicentre for new industries and jobs.

Australians are still reeling with a sense of betrayal at the demise of our once-proud automotive industry and this week's announcement that Holden cars will no longer be built. Never forget the impact on blue-collar communities. The last Holden Cruze rolled off the production line on 7 October 2016, the same day Ford closed in Geelong and Broadmeadows, marking the end of a way of life for many in these communities.

But Broadmeadows is making a comeback. I am delighted to have helped inspire a \$500 million private investor in the Ford sites and to be reappointed chair of the Broadmeadows Revitalisation Board. The investor is already planning to convert part of the derelict Ford site on Barry Road, Broadmeadows, into a retail and hospitality hub with a much-needed childcare centre near the train line. We recently opened a \$25 million redevelopment of Town Hall Broadmeadows, a co-funded partnership with Hume City Council. Rugby League and Melbourne Storm's field of dreams has also been approved to be built in Broadmeadows. These investments add to my advocacy to the Australian government, defining why Broadmeadows should be the critical hub driving economic and cultural development to underwrite future prosperity as it has so successfully delivered in the past.

### **GIVE A CARE FOUNDATION**

**Mr NEWBURY** (Brighton) (09:58): In 2019 Jeff Shaw launched Bayside-based Give a Care Foundation. The organisation is designed to combat the social isolation of disabled people by offering a range of free social and recreational activities. The foundation now assists 550 people. Jeff has an incredible story. As an adult he had a stroke. After experiencing disability providers firsthand, he launched the foundation.

### **BRIGHTON BATHING BOX CLASSIC**

**Mr NEWBURY**: Five hundred swimmers hit Brighton Beach recently for the Brighton Life Saving Club's third Bathing Box Classic. The classic is an ocean swim, with races of 1.2 and 2.5 kilometres. There was a lot of excitement as the 2.5-kilometre men's race came down to a nailbiting photo finish decided on less than a second's difference. Congratulations to president Troy Ross and the team.

**BRIGHTON CRICKET CLUB**

**Mr NEWBURY:** Brighton Cricket Club recently held their fifth annual Pink Lunch in aid of the National Breast Cancer Foundation. The club raised over \$5500. Club president Bernie Mutimer and his family did an incredible job organising the event. And good luck to club captain, Ricky Damiano, who at 18 centuries is one ton off the current district record of 19.

**ELWOOD COLLEGE**

**Mr NEWBURY:** Congratulations to Elwood College, who will take part in a pilot Stephanie Alexander kitchen garden program. The program will allow students to grow produce and make meals. I recently visited the school to encourage students to have a voice and to congratulate this year's school captains Neelu Sidhu, Duke Wilson and other leaders. Best wishes to acting principal Todd Asensio and his team for the year ahead.

**BUSHFIRES**

**Ms ADDISON (Wendouree) (09:59):** Whilst the bushfires have been so devastating for so many people, for wildlife and for the environment, the way that members of the Ballarat community have responded shows our community at its very best. I wish to honour and recognise all members of the Ballarat community who have fought fires, organised fundraisers, given a helping hand and donated money. Today I would like to share just a few examples. Thank you to the members of the district 15 strike team that went to the Gippsland fires. Thank you to venturer Corey Loader, who was asked to help Clifton Creek Primary School and rose to the challenge and sourced an Australian flag and a pump. Thank you to everyone who donated money at the City of Ballarat Summer Sundays events. Thank you to Karl and Clem, who organised the Dunnstown to East Gippsland Hay Run. Thank you to Sam McColl, Lisa Laine, local musicians and the Ballarat Mechanics Institute for putting on a sellout charity concert. Thank you to Charlotte, Nellie and Hugh from Ballarat North, who set up a little stall to raise money for the bushfires, with lolly bags, books, raffles, lemons and more, and raised a total of \$481. Thank you to the North Ballarat Sports Club and the 200 people who attended one of the biggest bingo nights, who raised \$6500 for the CFA. Thank you to the Ballarat Wildlife Park, who welcomed Willy the wombat from the Gorge Wildlife Park in South Australia. Our community is made up of so many local heroes. Well done and thank you.

**PONGAL HARVEST FESTIVAL**

**Mr MAAS (Narre Warren South) (10:01):** It is always a pleasure to attend cultural festivals in the electorate of Narre Warren South. On Sunday, 9 February, I attended the Pongal harvest festival at Casey Central Town Park. I was pleased to represent the Minister for Multicultural Affairs, as pleased as I was to be invited by the Tamil community's Valluvar Foundation. The Valluvar Foundation is a not-for-profit group which engages with Victoria's Tamil community. They do important work in promoting, preserving and facilitating Tamil culture, heritage and language. Now in its ninth year, the Pongal event provides a great opportunity for multicultural expression in our community, and it was wonderful to see aspects of Tamil culture and lifestyle on display, including a variety of entertainment, traditional dancing, games, arts, music and Tamil food stalls.

Narre Warren South is a proudly multicultural community, and the Pongal harvest festival is another great way to foster social cohesion and showcase our local diversity. When many newly arrived migrants settle in communities, it is hardworking multicultural community groups, such as the Valluvar Foundation, which reach out to help and provide support networks. The organisation provides much-needed pathways for new Australians who live in Narre Warren South, and I wish to acknowledge the foundation and Dr Bhuvana Sugumaran, their founding director, for their involvement and ongoing interest in our local community.

I wish to thank our local Tamil community and the Valluvar Foundation for inviting me to their Pongal festivities for 2020, and I look forward to the festival's 10th anniversary in 2021.

**ST ALBANS LUNAR FESTIVAL**

**Ms SULEYMAN** (St Albans) (10:02): The new year started with the St Albans Lunar Festival, celebrating the Year of the Rat. What made this year very special was the St Albans traders and Vietnamese community uniting to raise funds for the bushfire-affected communities. In particular, I would like to thank the Quang Minh Temple, its volunteers and also the Venerable Thich Phuoc Tan, Dr Phuc Nhan Pham, committee member Peter Nguyen and also Andy Ho for their work, together with the St Albans traders.

We know that the Vietnamese community has always been very generous and hardworking and has given back to the community, like they did for the Joan Kirner Women's and Children's Hospital. Already the Vietnamese community have raised throughout Melbourne close to \$1 million for the fire-affected communities, which is just an amazing effort.

I am enormously proud of—and I would also like to thank—the St Albans fire brigade, which also attended during the day and assisted with raising funds. It really did assist with the morale and spirit of the day. We saw what makes St Albans very special and unique: it is people coming together and supporting communities that are doing it tough and, most of all, giving back.

I would also like to thank the St Albans business association, including Sebastian Agricola, who is celebrating 20 years this year, and also Ray Jacobs and all the volunteers for organising another successful St Albans Lunar Festival.

**SELBY THOMPSON**

**Ms WARD** (Eltham) (10:04): (*Resumed from 5 February 2020*) for donating prizes and volunteer coaches Jordan from Kelly Sports and Tom from Equilibrium gym. It was a wonderful, inclusive and organic community event that grew out of an idea and created something beautiful, raising nearly \$1000 for the Red Cross bushfire appeal. Well done, Selby, and your beautiful family.

**ELTHAM DISTRICT HISTORICAL SOCIETY**

**Ms WARD:** My community is fortunate to have the wonderful Eltham District Historical Society and their dedicated team of volunteers. Earlier this year they achieved an outstanding milestone in producing their 250th newsletter, with their first one produced in 1978 by dedicated secretary Russell Yeoman, who is still going strong. Back in 1978 the preparation for these newsletters was rather more cumbersome than how it is put together today. I am told that Russell would handwrite the articles and hand them over to another volunteer, Sue Law, who would type out the content. They then used scissors, glue and tape to illustrate the page, printing and distributing. Of course, now it is all done on computer, using both email and photocopying to distribute it. Congratulations to all involved for this outstanding achievement, and thank you for all you do for our community.

**MONTSALVAT BUSHFIRES FUNDRAISING EXHIBITION**

**Ms WARD:** Thank you to Montsalvat and local artists for the recent exhibition held in support of the Victorian Bushfire Appeal, with funds managed by the community arm of Bendigo Bank. At the opening we were privileged to hear from Malcolm Hackett, OAM, who is the chair of the board of volunteer directors who manage our local Bendigo Bank community bank branches in Eltham, Diamond Creek, Hurstbridge, Doreen/Mernda and Kinglake, about his own experience of bushfire.

These wonderful and talented local and regional artists helped raise over \$12 000 in the first days of opening, with \$10 000 just at the event alone. Special thanks also to artist Karen Hopkins for suggesting the fundraiser exhibition and the amazing team of staff and volunteers at Montsalvat, who worked tirelessly to get this exhibition together in such a short space of time. I am especially pleased with my purchase of a beautiful painting of the Yarra by Eltham artist Kate Cross. The exhibition is on until 6 March—go check it out.

**BUSHFIRES**

**Ms GREEN** (Yan Yean) (10:05): I want to pay tribute to Kevin and Rhonda Butler and the amazing organisation BlazeAid, which began in Kilmore just over 10 years ago and was so pivotal in rebuilding lives after Black Saturday. They are now operating 31 camps currently across Australia, so I call on people who can volunteer their time to go to the BlazeAid website and see what they can do. In Victoria in particular they have got camps running currently at Bruthen, Buchan, Corryong, Ensay, Lexton, Noorinbee-Cann River and Omeo.

This weekend I will be joining a group of friends—actually from Thursday night—for a ‘cash bash’ for Victoria’s bushfire effort, and I want to congratulate Simon Theobald and Paul Allan. Firefighters who fought fires in the area have said, ‘Let’s go and do something and give something back to these communities’. Melbourne, Mallacoota, Milawa, Mansfield Marathon—it is doing a simple thing: a road trip with empty eskies, empty cars and low fuel, so we can spend money in these fire-affected communities.

**ROGER FLETCHER**

**Ms GREEN:** Finally, I want to pay tribute to a beautiful volunteer in the Mitchell shire community, Roger Fletcher, who lost his battle with cancer on 6 January. Roger was the angel that moved to our area after the Black Saturday fires and spent so much time volunteering, whether it was at OKRFM, the Mitchell Suicide Prevention Network or Positive Ageing Ambassadors. We will miss you, Roger.

**COVID-19**

**Mr TAK** (Clarinda) (10:07): Last week I was delighted to join the Minister for Health and many of my parliamentary colleagues for lunch at the iconic Shark Fin restaurant in the city and at Glen Waverley’s amazing House of Delight. Again this Friday I will be heading out for yum cha with my staff, friends and family.

It is shocking to hear some of the false assumptions being made about people of Asian appearance and assumptions that for some reason Chinese people and Chinese restaurants are unsafe. This is not based on any medical advice; it is based on fear. It is discriminatory and just plain wrong. We should be reaching out to the Chinese and broader Asian community at this extremely difficult time and supporting the businesses and the events that are now such an important part of our community. We should be embracing and supporting our Chinese and broader Asian community members, not spreading misinformation and stoking fear and division. Racism and xenophobia have no place in this response.

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

**Mr PEARSON** (Essendon) (10:08): What a joy it is to be afforded this great opportunity to make a contribution on the *Report on the 2019–20 Budget Estimates*. I am pleased and delighted that my colleague, my good friend the member for Mordialloc, who is a member of this outstanding committee, is in the chamber.

I would like to draw the house’s attention to section 9.3, ‘Agriculture portfolio: key issues’, on page 208 of the report. What I find fascinating about this item as well as 9.3.1, ‘Agricultural exports’, is the focus on the work the government is sponsoring and encouraging in supporting food and fibre, because we know that Victoria has got a clear advantage over other states in our nation in relation to food and fibre exports. What is particularly appealing is the rate of growth that is occurring. We had in 2011–12 food and fibre exports at \$10 billion. They had grown to \$14 billion in 2017–18, and there is now a target of \$20 billion per annum by 2030.

Now, looking at the rise of the middle class in the Asia-Pacific region, I remember having a conversation with Andrew Robb—it would have been probably eight or nine years ago. Andrew indicated that if you drew an arm from Indonesia, right through India, around into mainland China and up to Japan, 1 billion people will join the middle class by 2030. I think that the assessment that Andrew Robb indicated back in 2012 has probably broadly been borne out.

When you see the rise of the middle class in the Asia region, you will see that like most middle-class families or communities they are going to want to try different food, different produce. They will be prepared to pay extra, and they will have a more diversified diet as a consequence. I think Victorian companies can play a really key role in terms of helping to provide the ability to satisfy those markets. I am particularly pleased with the fact that our exporters have got a great value offering—whether it be meat, whether it be distilled spirits, whether it be wine—that would appeal to those middle-class communities, so we must try and do more to foster and encourage that level of take-up in those communities and to promote those exports.

That is why issues around trade are so important in terms of looking at, for example, the China International Import Expo, which is an annual event. It is a great way that Victorian companies can showcase their offering to a broader audience. We have got a great brand. Australia has got a great brand. We are seen as producing clean, desirable, quality produce that can look at satisfying those markets. We must try and find ways in which we can play to our strengths as a community and as a society. We are really good at this. Our farmers do fantastic jobs, as do our vignerons and our distilled spirit operators, and it is a way in which we can play to our strengths and look at finding ways in which we can build on those important trade routes.

A concern of mine in more recent times is some of the concerning narrative about trade more broadly and generally, and the fact that some of the rule-based order that we have grown used to under the World Trade Organization has been brought into doubt. If you look at the trade deal between the United States of America and China, it is a concern for the impact it might have on our companies. It is concerning if we end up where we find that our companies are being excluded because the two leviathans have reached some agreement amongst themselves, or that America has decided that it is American first and Victorian producers can go to the back of the queue—Victorian producers can be last. That would be a great pity and would signal a decline in standards, because we must operate within a rules-based framework. It is important that it is not just a case of the bigger players in the market dominating at the expense of all others.

We have got some fantastic companies here in Victoria. We have got some fantastic small businesses which are developing and strengthening their position in the market. We need to try and find a way in which they can get their produce to market quickly and easily, and having a rules-based system enables that. That is what we should all be aspiring to. We are in a global economy, we are in a diversified economy, we are going to be experiencing some real challenges over the coming months with the coronavirus, but I think Victorian producers have got a wonderful opportunity to go in and sell their produce into these markets, and that really should be encouraged.

## **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

### *Report on the 2019–20 Budget Estimates*

**Ms SHEED** (Shepparton) (10:14): I am pleased to rise today to make a contribution on the Public Accounts and Estimates Committee's report that was tabled back in October 2019. In speaking on this report I want to refer to chapter 8, which deals with findings of the Department of Environment, Land, Water and Planning. The area that I wish to speak to relates to the water portfolios generally.

We are well aware that the Minister for Water has a number of key portfolio areas and maintains accountability in relation to the Victorian Environmental Water Holder, the Victorian catchment management authorities and a range of other Victorian water corporations.

**The DEPUTY SPEAKER:** Order! Could I ask the member for Shepparton to clarify which report in October?

**Ms SHEED:** It is the 2019–20 budget estimates.

**The DEPUTY SPEAKER:** Thank you.

**Ms SHEED:** There were many topics discussed during the hearings, and I draw attention particularly to the fact that the Victorian government has secured \$29 million in commonwealth funding to enable the first stage of the Victorian Murray Floodplain Restoration Project to get underway. This is a really worthy project that is designed to contribute environmental outcomes to the Murray-Darling Basin plan and deliver a range of benefits right across nine sites along the Murray River and throughout northern Victoria, but there is a really serious anomaly in all of this that I wish to draw the house's attention to. While many of these works are being undertaken jointly between the commonwealth and many Victorian water authorities, we see on our own front door in Shepparton the very significant damage that is occurring to the Goulburn River. The Murray-Darling Basin Authority has taken it on itself to override the Victorian minister's authority and has taken steps to demand that 50 000 megalitres of water a day be provided by way of inter-valley transfer down the river. The negative impacts of this are enormous, and steps must be taken to stop it. It would seem that Victoria, which in the scheme of water policy across the whole eastern seaboard has really been the good citizen and has done the right thing by downstream communities—has been metred, has delivered water in a way that really abides by most of the rules—is becoming the victim of bad behaviour from others.

Just last week in the lower Goulburn River at Murchison it was running at 1.8 metres. Its normal, environmentally safe flow for this time of year in February would be about 50 centimetres, so it is running at four times the height it normally would—and it is cold, and it is high, and all that water is destroying the fish, the river red gums and the river banks and leaving the Goulburn Valley. The Murray-Darling Basin Authority needs to stop this. It is a breach of both federal and state environmental legislation. The Goulburn—the lower Goulburn—is one of the last strongholds anywhere in the world for trout cod, silver perch and Murray spiny crays, not to mention Murray cod. It is now being trashed and made into an irrigation ditch with cold summer flows.

There is a particular irony in all this because of the fact that the Victorian government is going to build a fish hatchery just out of Shepparton to deal with the challenge to so many of our native fish. The current operations of the Goulburn River by the Victorian government and the direction being taken by the Murray-Darling Basin Authority really will make this almost a senseless exercise if something is not done about the way the river is being used. Environmental works in the form of planting of native grasses all along our rivers are going to be—are being—damaged as we speak, and taxpayers money is effectively being thrown away while all the works that have been done to make the river more environmentally safe are being effectively washed away.

It is time the Victorian government stood up to the Murray-Darling Basin Authority and the federal government. The Victorian government has been the good guy for too long, and it is time the Victorian government takes on the Murray-Darling Basin Authority, takes legal proceedings and demands that something be done to protect our rivers here—particularly while we see northern New South Wales right now flood plain harvesting, into huge dams, irrigation water for themselves. The water has not even reached Menindee in the Darling River yet. We have seen pictures of the fish kills. There is something terribly wrong with water management in this country. It is our most precious resource and we do not know what to do about it. It is time that the Victorian government imposed some of the rules that it itself abides by on others. We are seeing massive foreign-owned almond plantations being grown down beyond the Murray choke and water forced down the choke. These developments, while harming our environment—*(Time expired)*

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

*Report on the 2019–20 Budget Estimates*

**Mr McGuire** (Broadmeadows) (10:19): I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates and particularly the contribution from the Minister for Local Government concerning the Growing Suburbs Fund. The Growing Suburbs Fund is a contribution towards critical community infrastructure. It highlights town centres as a typical project. There is no limit to the number of projects council can submit for consideration, according to the Victorian government's application guidelines. This is why I have called on the Hume City Council to nominate projects that have previously been prioritised by the Broadmeadows Revitalisation Board, and one that I highlighted was around town centres.

I just want to comment that the board included council representatives, including the former mayor. There were specific priorities given for immediate action, and it fits within the bigger picture strategy that I am trying to promote to drive economic development for Broadmeadows, to connect these different deals into the Australian government's proposed city deal for Melbourne's north-west and to revitalise this critically important community. This is how we need to have a strategic view. It is not just transactional, it is transformative, that we actually connect up these different opportunities where you can apply for funding.

This is the big-picture strategy Melbourne's north craves and the best opportunity to revitalise Broadmeadows as an epicentre for new industries and jobs. This is a proposition on how these projects could be included and could be submitted and help deliver this bigger picture—because it then goes to my argument with the Australian government on these city deals, to say to them: this is one of the hubs for the new industries and the new jobs.

Never forget the impact on blue-collar communities with the demise of our once-proud automotive industry. We are still reeling this week with a sense of betrayal that there will be no more Holdens made. How does that play out? Remember the end of the line was 7 October 2016. Ford closed in Geelong and Broadmeadows at that time, and this devastated these communities. In Broadmeadows 550 people immediately lost their jobs. Then there was the flow-on effect with the supply chain.

So I am asking, as the reappointed chair of the Broadmeadows Revitalisation Board, to get these unity tickets, to get the three tiers of government to collaborate, to bring in the private sector for the investment and to get the civil society to do it. I have only been doing it for more than two decades. Can we actually get a coordinated strategy—have these lined up? I do want to point out references to the Broadmeadows railway station:

Revitalisation of key transport interchanges has often been a central catalyst project leading urban renewal initiatives.

And:

For Broadmeadows, enhancing of the station precinct can deliver improved connections for the community between employment and residential areas as well as delivering better connections for Broadmeadows residents to key employment and activity hubs across the rest of Melbourne.

That was referenced in the first report of the Broadmeadows Revitalisation Board. This is what we are doing with the Victorian government. We have been working on all of this. Here is what the board also said:

The Board welcomes the Government's funding commitment to develop a business case for investment in an upgrade of this vital regional transport hub. The Board notes that earlier design investigations could be drawn upon and community input sort in developing the business case. A substantial redevelopment and renewal of Broadmeadows Railway Station will establish Broadmeadows as a primary transport interchange node in Melbourne's outer north and significantly support the renewal of central Broadmeadows.

These are high-value projects. This is what these funding applications are based on, but you have got to weld together the social infrastructure with the big-picture infrastructure for the new industries and



the jobs. You have got to have the coordinated strategy. This is why I am saying Broadmeadows should have been priority one in these applications. This is part of what I am arguing for. The Broadmeadows revitalisation projects have previously secured the support of key Victorian government departments and community representatives, and investing in such projects would help redevelopment, as we have with the redevelopment of the Broadmeadows town hall. That has been an outstanding collaboration between the Victorian government and Hume City Council. We have got that piece of infrastructure up and going now.

The other thing about the railway station is that the Victorian government has designated Broadmeadows as a super-hub for Australia's biggest transport project. (*Time expired*)

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### *Report on the 2019–20 Budget Estimates*

**Ms VALLENCE** (Evelyn) (10:24): As a member of the Public Accounts and Estimates Committee (PAEC), I am pleased to rise and speak on its report into the 2019–20 budget estimates. As the report sets out and as members would be well aware, the principal function of PAEC is to scrutinise matters of public administration and review outcomes of spending public money. Sadly, this Labor government is content to deny PAEC the opportunity to get on and undertake this important work. On something that is now very much in the public domain, I am disappointed the PAEC hearings that were scheduled to take place next week to review previous budget expenditure have been delayed yet again, for the second time. This undermines transparency and accountability. It sets a new low in parliamentary oversight and accountability, and the Labor government should hang its head—

**Mr Pearson:** On a point of order, Deputy Speaker, I seek your guidance. I have been listening to the member's contribution. The member is referring to deliberations of the committee and she is referring specifically to outcomes hearings. That does not relate to the report that was tabled in October last year, so I would encourage you to bring the member back to speaking on the report that was tabled in October last year, rather than pontificating on matters that the committee may or may not have discussed in more recent times.

**The DEPUTY SPEAKER:** I uphold the point of order and I do ask the member for Evelyn to speak to the report that was tabled. It is not appropriate to speak on matters that the committee is deliberating on.

**Ms VALLENCE:** On the point of order, Deputy Speaker, what I would refer to—and to the member for Essendon—is the chair's foreword in the actual report of the 2019–20 budget estimates, which says, and I quote:

... the Committee's primary aim is to promote the accountability, transparency and integrity of the Executive and the public sector.

So I say to the member for Essendon: what has the Labor government got to hide?

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

**Ms VALLENCE:** I think we all know why the Labor government is not prepared to answer for its hopeless budget management and reckless spending commitments. Days after it was announced publicly that next week's PAEC hearings had been sidelined, the Treasurer announced he needed to cut \$4 billion in spending to keep the budget in surplus, and the legacy of—

**Mr Pearson:** On a point of order, Deputy Speaker, I appreciate the fact that the member is probably trying to make the best of a bad lot, but really she needs to refer specifically to the report. She needs to talk to either the hearings and a transcript of the hearings or she needs to refer to an aspect of the report. What she is referring to are questions which were raised in question time yesterday, which came after the report was tabled and do not relate to a specific item that was discussed and was tabled in the report which was handed down in October last year. I ask that you bring the member back to the report.

**Ms VALLENCE:** On the point of order, Deputy Speaker, I am setting the scene. I am referring to the 2019–20 budget estimates. The members of the Labor government may laugh at this, but I am setting this up. It is the 2019–20 budget estimates that sets out the budget that now is actually in tatters. It is very important that we talk to this because it is in the public interest, and that is precisely what the PAEC report sets out.

**The DEPUTY SPEAKER:** Order! The member for Evelyn must not refer to deliberations that the committee are currently undertaking. The member must refer to the report that was tabled in 2019.

**Ms VALLENCE:** The legacy of the Labor government in the report is higher taxes, and we will see harsh cuts. It has clearly been a bad week for the Treasurer. The Treasury's budget update has also confirmed the wafer-thin surplus, \$1 billion, has been whittled down to \$600 million only six months into the budget and net debt is projected to increase by 10.5 per cent over the forward estimates to almost \$60 billion, with no plan to pay it back. It is the real cost of Labor.

The Treasurer has said that we are not spending more than we earn, but the Parliamentary Budget Office has revealed the real truth, reporting the budget is headed to fiscal deficit and the government is spending more than it earns, with an 8 per cent deficit-to-revenue ratio.

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

#### *Report on the 2019–20 Budget Estimates*

**Mr RICHARDSON** (Mordialloc) (10:29): You might have picked that I am a little more up and about than the member for Evelyn. I will take a different view on the budget estimates, and with a bit of joy and a bit of hope and a bit of aspiration going forward, I will confine my remarks well and truly to the report that was tabled in this Parliament and which Public Accounts and Estimates Committee members all contributed to.

I wanted to reflect an area that I am greatly passionate about in the *Report on the 2019–20 Budget Estimates*, and that is education—the transformational power of education in our state and the agenda that we have set in building the Education State, transforming the outcomes and lives of our youngest Victorians and giving them the best opportunity and hope into the future.

When I go to page 94 of the report, I see the growth projections across all sectors. We see impressive growth numbers in our government schools and also in our non-government sector, the Catholic education sector and the independent sector. Amazingly, with this round of preppies coming through, our foundation students for 2020, we went to over 1 million Victorian school students, which was a remarkable thing. In seeing that growth and in providing a record boost to infrastructure investment in our schools and our kinders, we know on this side of the house and in government that we are setting up our schools and our communities for the future.

The Minister for Education eloquently summed up some of those new school openings recently in question time. Some \$640 million over the forward estimates has been provided to build those new schools. Contrast that to yesteryear when we came to government on this side; we saw no new school openings during the time when we came to government. Contrast that to that record investment underpinning new schools in new communities and also the fact that 70 per cent of growth in our state will be confined to infill council areas. There are a lot of building works on the go. Upgrades in the forward estimates are at \$347 million—more than 100 projects on the go. Down in my neck of the woods, down the Nepean Highway, Parkdale Secondary College and Mordialloc College received that vital planning funding that underpins significant staged upgrades as well.

The biggest transformation that is happening in our state in education sits in early childhood. The Minister for Education and his fantastic Parliamentary Secretary for Early Childhood Education, the member for Carrum, are leading this reform agenda. When we go around communities and we see early childhood educators inspired about their role in shaping the youngest minds in the brain

development that happens in those first few years, it is unconscionable that we would not invest in three-year-old kinder and provide these transformational powers.

The forward estimates show at page 101 that hundreds of millions over the forward estimates is being invested. As the minister submitted in evidence, nearly 1000 kinder upgrades will be required over that journey. We also, through some of the hearings, heard some 6000 new early childhood educators will be required over the coming years to meet that increase. That is amazing. A big shout-out for the budget estimates.

I know we do not get a massive viewership on the Parliament of Victoria live stream, but if anyone is listening and anyone wants to join the early childhood sector, now is the time to put in a CV. We want you; if you are passionate about children's education and early childhood, there are 6000 jobs on the go, including the jobs that will be coming as part of attrition over the coming years. It is an inspired space, and to be part of that in a government that is looking at these vital investments is an incredible moment. Each and every one of the members of Parliament around here will benefit. Their communities will benefit from the universal rollout of three-year-old kinder.

It would be remiss of me in the minute and a bit that I have got left to not mention transport infrastructure. If you go to page 120, I tell you what—level crossing removals. Get around that. Isn't that up and about. Goodness me! I think it is 34 at the last count. I tell you what, they tried to oppose it on that side. They tried to. The member for Sandringham and others tried to push back the Mentone level crossing removals and Cheltenham level crossing removals with their 'get back in control' budget, whatever that was. I mean, if you googled that wrongly, it was 'incontinence', and that probably summed up everything about their policy agenda.

At page 120 we see level crossing removals. I tell you what, it is a big year down our way. In 18 months we are going to see level crossing removals in Mentone and Cheltenham underpinned in this budget and of course the biggest, the absolute grand final: the fast-tracking of the Chelsea level crossing removals. There are three going, and we will see a massive transformation of the patch, all underpinned in this transformational budget. This is really building communities, not just for the generation but over the next 100 years. This is what this budget sets out: jobs, investment, hope and aspiration—not cuts, not being addicted to the Institute of Public Affairs rhetoric of cuts and exposures of austerity. No, we are about investing in our communities and jobs for the future.

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### *Report on the 2019–20 Budget Estimates*

**Ms KEALY** (Lowan) (10:34): It is a great pleasure to be able to speak on the *Report on the 2019–20 Budget Estimates* published in October 2019. I would like to refer to page 98 around school infrastructure. School infrastructure is of course extraordinarily important and particularly in an electorate like mine, Lowan, where we have about 60 schools across the electorate. We do an extraordinarily good job providing high-quality education, and I give full credit to the educators who do a great job right across our region, sometimes in very, very small schools, other times in quite large schools and in fact in schools like Horsham College, where Rob Pyers was noted as principal of the year recently. They achieve absolutely outstanding results through their VCE; it is really fantastic. I will make a quick note, which will embarrass her, but I would like to make note of my beautiful surrogate stepdaughter Mya Jones, who was the dux of the Wimmera. She did a fantastic job this year. She studied extraordinarily hard, and I wish her the very, very best for the future.

But we want to make sure that all Victorian students can have a good start to life, not just those that live in certain electorates, and when I look at school infrastructure the one thing that sticks out in my mind for our region is that we have a half-built school in Warracknabeal. The Warracknabeal Education Precinct has been abandoned by this Labor government. Instead of finishing off this project, where we have got a third of the special development school—where they have had to cut back on the special education programs that are offered to those students—the government walked away from it

last year. We have also got the ridiculous situation of the secondary college, where there are cracks in the walls that you can fit your fist in. There is possum urine that leaks through the ceiling. There have actually been sections of ceiling falling down on students during their classes. It is absolutely disgraceful, but only half the funding was provided to build the new school. So we have now got half of the secondary college on a separate site, with the primary school and with a third of the special development school, and it cannot be used. The secondary school students are still stuck in their crumbling building, which has got asbestos in it which has not been removed.

We look at what this new building—this half of a new building—is being used for, and it is a storage room. As a scientist myself I find it absolutely outrageous that we have not got our year 10, 11 and 12 students using a science lab to prepare themselves to get into nursing, to be a doctor—to fill those vacancies we have got in those sectors locally—to train up to be an agronomist or to put back into their community when they have got an interest in and a love for science. Instead it is being used as a storeroom for the breakfast club. So you can go in there and have a look at cereals or maybe see if someone's bike is being stored in there, but it is not being used to train our next generation of scientists and scientific leaders in the community. I think that is an absolute outrage and a blight on this government.

We have got a budget coming up very, very soon. I plead with this government: please ensure that you finish what you started, that you listen to the local community, who have done an outstanding job in highlighting the need for this school to be funded, and that we finally see this project finished sooner rather than later. It simply cannot be pulled along where there is a little bit of money here, half a classroom there, half a school there; this needs to be finished. The students deserve it and the community deserves it.

I would also like to refer to page 64, which is around the key issues around health. One of the issues around health funding is around the ongoing funding and recurrent funding for key providers of primary health in rural Victoria, particularly in the electorate of Lowan: the primary care partnerships, bush nursing centres and community health centres. Our PCPs have had a stay of execution—they have had their funding extended to the end of June this year; however, it is absolutely essential for my region that funding is continued in the long term. PCPs do an amazing job filling the gaps and bringing our health services together.

Without PCPs we would not have the rural outreach worker, we would not have so many programs that really provide the gap fillers in relation to mental health support services in our region. If PCPs go, we will have disastrous outcomes in our local region because we simply do not have access to other mental health providers in our region. I have personal concerns around this; I have deep concerns. I understand what PCPs do—I used to be on the Wimmera PCP Executive Committee. Please, can this government fund them?

I also note the important role of bush nursing centres. I have got a number of bush nursing centres in my electorate. They have no security of funding beyond the end of June this year. Without bush nursing centres, communities like Harrow, Dartmoor, Lake Bolac and Balmoral will have no health services at all, and it is a blight on this government. *(Time expired)*

### Bills

#### NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020

##### *Statement of compatibility*

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:40): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the National Electricity (Victoria) Amendment Bill 2020.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the ‘Charter’), I make this Statement of Compatibility with respect to the National Electricity (Victoria) Amendment Bill 2020.

In my opinion, the National Electricity (Victoria) Amendment Bill 2020, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

### Overview

The Bill amends the *National Electricity (Victoria) Act 2005* (NEVA) to facilitate expedited approval of transmission system upgrades. The Bill introduces a head of power for the Minister for Energy, Environment and Climate Change (as Minister responsible for the administration of the NEVA) to make Orders modifying or disapplying provisions of the National Electricity Law and National Electricity Rules in respect of transmission augmentations and related services (for example, modifying or disapplying the regulatory investment test for transmission). The Bill also provides for the Essential Services Commission to amend licences issued to a declared transmission system operator to give effect to any matter in a Ministerial Order.

### Human Rights Issues

#### *Human rights protected by the Charter Act that are relevant to the Bill*

The Bill does not raise any human rights issues.

#### *Consideration of reasonable limitations—section 7(2)*

As the Bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter Act.

**Hon Lily D’Ambrosio MP**

**Minister for Energy, Environment and Climate Change**

### *Second reading*

**Ms D’AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:40): I move:

That this bill be now read a second time.

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

### Incorporated speech as follows:

Victoria’s recent, devastating bushfires have reinforced that Victorians need a more secure and reliable energy system.

On the 30th of December 2019, bushfires impacted the transmission lines between NSW and Victoria, shutting down key equipment and preventing Victoria from importing electricity from NSW. At the same time two large coal-powered generating units were off-line. As a result, the Australian Energy Market Operator (AEMO) was forced to deploy just under \$3.5 million of emergency demand reduction in Victoria.

More recently, on the 31st of January 2020, Victoria experienced its highest energy demand since 2014. Extreme storms in Western Victoria brought down transmission towers, interrupting supply to customers in that area, including Alcoa’s aluminium smelter in Portland. It also led to the separation of the electricity network between Victoria and South Australia. AEMO deployed emergency reserves to return the network to stable operation without the need for load shedding.

And last year, on the 24th and 25th of January, Victorians faced rolling blackouts at a time of extreme heat, combined with outages of a number of coal-powered generation units.

These events are treated by Australia’s national electricity laws as aberrations, meaning investments to address them are viewed as difficult to justify.

But we know that our summers are getting longer, hotter and more extreme because of climate change. We need urgent upgrades to our energy system to make it resilient to the increasing summer heat events, bushfires and aging coal-powered generators that are becoming less reliable.

Specifically, Victorians require a more resilient transmission network. This will increase the supply to Victorians of low-cost renewables, balance intermittent wind and solar resources, help meet diverse demand peaks and insure against the increasing unreliability of coal-powered generators.

At present, however, investments in Victoria’s transmission network are being held up by a complex national regulatory regime that subjects transmission projects to excessive delays. Victoria currently has no power to

expedite or override these tests, or substitute a more appropriate test for whether transmission investments should proceed.

### **Overview of the Bill**

This Bill will support more timely investment in Victoria's transmission network. The Bill will amend the *National Electricity (Victoria) Act 2005* (NEVA), which applies the National Electricity Law (NEL), and the National Electricity Rules (NER), as a law of Victoria.

### *Ministerial Orders*

The Bill will enable the Minister for Energy, Environment and Climate (as Minister responsible for the administration of the NEVA) to make Orders to facilitate urgent transmission projects, under a new Division 7 of Part 3 of the NEVA. A Ministerial Order will be able to regulate specified augmentations of the declared transmission system, the provision of services in respect of such augmentations, and other services that support the transmission network, including modifying or disapplying relevant provisions of the NEL and NER.

For example, an Order may modify or disapply parts of the national regulatory framework that have the potential to delay timely investment in the transmission network, including the regulatory investment test for transmission (RIT-T) and rules relating to contestable procurement for augmentations. The RIT-T can add years to a transmission project, frustrating investment to address Victoria's urgent reliability needs. If appropriate, an Order may also specify an alternative test in place of the RIT-T.

The Bill will also provide for Ministerial Orders to deal with other relevant matters, such as agreements entered into by AEMO and declared transmission system operators and cost-recovery arrangements.

While the Bill provides for the modification of parts of the national framework that may frustrate needed transmission upgrades, it is important to ensure that any projects that are the subject of an Order deliver good value for Victorian consumers. The Bill therefore provides for certain safeguards before an Order can be made. In particular, the Minister must consult with the transmission planner AEMO, as well as the Premier and the Treasurer, before making an Order. The Minister will also be required to publish the Order, together with reasons for making it, in the Government Gazette and on the Department's internet site.

### *Review of the operation of the new Division*

This Bill is being introduced as a result of the inability of the current national regulatory framework to effectively address the pressing and unprecedented challenges affecting Victoria's electricity system. The Victorian Government will continue to advocate for changes to the national framework to ensure that it is effective and fit for purpose.

Accordingly, the Bill requires a review of the operation of the new Division 7 of Part 3 of the NEVA before the end of 2025, having regard to national regulatory settings at that time. It is hoped by this time that more suitable rules for transmission upgrades will be in place at the national level and the need for the new Division can be reconsidered.

### **Facilitating transmission projects**

The powers to make Ministerial Orders under the Bill may be used to fast-track priority transmission projects and network investments to improve the reliability of Victoria's transmission system. It is important to note that such investments in the transmission system may occur through transmission network infrastructure upgrades or through network support measures which increase the service capability of the transmission network such as a grid-scale battery.

The Bill will provide the Victorian Government with the ability to expedite specified priority transmission projects to support the provision of affordable, clean and reliable electricity to Victorians.

I commend the Bill to the house.

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

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 4 March.**

## 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.'

**Mr EDBROOKE** (Frankston) (10:41): I was just thinking of where we left off yesterday evening. Let me fill you in. I think I was saying that the reasoned amendment was proof that watching seasons one and two of *Better Call Saul* does not make you an expert in law. Being able to stand up in this house with a lazy piece of paper, with a reasoned amendment, speaking without any foundation of evidence, is ridiculous, and it flies in the face of the Victorian Law Reform Commission, the Australian Law Reform Commission, the Productivity Commission and also the Supreme Court. And I think members would agree: for these people, law is their expertise and they are probably more informed and they have each got an exceptional intellect in the field of law—more so than those opposite.

In fact the Victorian Law Reform Commission found that class actions are under-utilised because plaintiffs fear that they will face the burden of legal costs if the matter is unsuccessful and that this acts as a deterrent to ordinary people, possibly affected by silicosis, possibly affected by wage theft, bringing cases against large corporations.

The Consumer Action Law Centre, also in direct contrast to the opposition's reasoned amendment, said that:

Too often class actions do not proceed because the economics don't stack up for litigation funders ...

That is a statement by consumer action chief executive Gerard Brody. Again he goes on to say:

We see so much misconduct affecting vulnerable people by businesses such as payday lenders, debt management firms and even energy companies and telcos. Too often, significant harm goes unremedied.

So the question, I guess, remains: why do the opposition oppose legislation to assist people who are currently missing out on the justice they deserve? I do not think you have to travel far, maybe even using Occam's razor: if it quacks like a duck, it is a duck. We can work this one out.

We have heard the argument against it being the honey-pot effect. Well, the evidence suggests that that is false. There are only five claims lodged with the Supreme Court every year, so it is not going to be a honey-pot effect.

It is said that it might stifle entrepreneurial initiatives and that plaintiff lawyers and litigators are the only winners. Well, I think from what I heard yesterday the argument might be in the favour of shareholders and ASX claims, and that is not representative of the larger class action regime. In fact of the largest five class actions ever awarded in Australia, none were shareholder claims. They were claims from issues like the Black Saturday bushfires, defective medical products and, more recently, wages stolen from Indigenous workers in Queensland dating back more than 80 years. That is a really interesting one to pick up on because in that case 10 000 people won \$90 million of compensation for wages lost, and they would not have been able to run this case and achieve justice without a common fund order or a contingency fee system. So that is why it is so important.

I guess from my perspective I wonder if those opposite do not actually understand how class actions are run in Australia, because they are comparing them to the States, and we had the fearmongering yesterday that we might be turning into the United States. The reality is that class actions play an

important role in providing justice to victims and compensating injured victims—those who have been ripped off by big banks, by corporations even. It might be a coincidence, but it does occur to me that those are the largest donors to the Liberal Party.

Class actions deliver life-changing results and outcomes for people who have been wronged, and wage theft is a great example of this. Wage theft is a widespread issue. It is an epidemic. But it is not too complex a problem, despite the excuses that are made, whether it is the chef that can manage to pay his bills, can manage to buy sports cars and can manage to have a real estate portfolio but somehow cannot pay his workers the legal rate. It is not that hard. Google the wage agreement, google the legal conditions those workers are entitled to, input that into your PAYG or your pay program, and the outcome will be good. These people are not stupid. They are notoriously manipulative and they are dishonest, and it is the action that we are taking today that means their victims will get justice.

Can I just say too that the actions of Victorian Trades Hall in getting especially young workers, the Young Workers Vic group, their entitlements has been amazing. But we see excuse after excuse as if ignorance is an excuse or as if an apology is absolution from this, and it is not. What we are putting through this house, this legislation, enables groups of workers who might only be six in number to actually take action. You only have to go into some bars or some cafes to hear stories from the people that work there about how they are being underpaid, how they do not feel empowered to be able to take action and how they have left jobs because the option given to them by the employer was, 'Well, if you don't like it—it might be illegal—but you can quit'. It was not long ago that I chatted to some staff in a cafe, and I wrote myself a mental list of places in this suburb not to actually visit because of the stories coming out about them and multiple stories coming out about wage theft. The worst part about it is these employers are actually taking advantage of people that are vulnerable, people that might be young, people that might have diverse backgrounds, and these employees are victimised, threatened with shifts being cut or just sacked because they want their legal entitlements. They feel no sense of empowerment, and it is my hope that this legislation will empower people to seek justice.

So arguments against this legislation need to be seen for what they are, especially regarding contingency fees. It is part of a campaign to bring funders, plaintiff lawyers and the legal system to heel by those who are holding concerns that the odds are not stacked enough in their favour. We might hear some more from the opposition today, but I think they would be wise to keep those words in mind. What this legislation does is it provides justice for those wronged where justice was previously not available and not a viable option for people who desperately need it. We are changing that. The fearmongering from those opposite is palpable on their benches. We know this is a great piece of legislation. We know that it is needed because people are being taken advantage of and they do not feel empowered to be able to take action. It is an epidemic on so many levels. I commend this bill to the house strongly. I ask those opposite to have a good think about people in their community who might be positively affected by this bill when they—*(Time expired)*

**Mr D O'BRIEN** (Gippsland South) (10:49): I am pleased to also rise on the Justice Legislation Miscellaneous Amendments Bill 2019. I feel like I have said that probably a dozen times in my five years in this place, just changing the end year, because we are regularly changing justice legislation with miscellaneous amendments. This one is a bit more significant than some of the ones that we do. I would like to pick up, as he leaves the chamber—oh no, as the member for Frankston comes across to our side—some of the comments he made.

Firstly, on a procedural matter, I am amused that yesterday the member for Essendon was telling us in respect to the government business program that if we had an amendment, we should move a reasoned amendment and that way we would have the opportunity to debate it and vote on it on Thursday when the guillotine comes along. It is unfortunate for the member for Frankston that I was here for both that contribution and his contribution, because he is telling us that we should not be moving a reasoned amendment. I am not quite sure what the advice from those opposite on the government benches is other than to say, 'Just do whatever we want you to do', which seems to be the tenor of the contribution of the member for Frankston on this particular piece of legislation. 'Trust us' seems to be the



argument—that this bill with respect to contingency fees will be good and will make it better for all Victorians.

I think the member for Caulfield has quite eloquently placed on the record our concerns with respect to this piece of legislation, because the evidence that has been presented to us in consultation on this piece of legislation is that the views of the legal fraternity are indeed very mixed. Not surprisingly those plaintiff law firms are of course in favour of this legislation because, as the member for Caulfield outlined, they stand to benefit considerably from it, and that is a concern to us. I think it is important that we place on the record the very strong support of some of those law firms for the Labor government and for the Labor Party here in Victoria and indeed nationally, particularly Slater and Gordon and Maurice Blackburn. As the member for Caulfield pointed out, Maurice Blackburn contributed over \$500 000 to the ALP last year and \$122 000 of that went to the Victorian branch. I might say I am not one for linking these things and saying straight out there is causality. There are sometimes people who say, ‘You do this as a government or as a political party because you got money from someone’. Well, actually, sometimes you are doing something or you believe something and as a result people will support you, and I acknowledge that as a truism. I think it is sometimes interpreted wrongly that we are influenced by money rather than it being the other way around and that money comes to political parties as a result of the positions we take. But I do think on this particular occasion it is difficult to sustain the argument that the government has been putting with respect to this legislation—that it is supposedly bringing greater justice for all Victorians.

We are moving to be the only state that has this situation, and it is a concern given the High Court’s ruling and the position of the other states. As I understand, Victoria has never raised this particular issue at the Council of Australian Governments, where the nation’s chief law officers have been meeting. This is something that Victoria has taken upon itself to go along on its own. As the member for Caulfield mentioned, there was an article just last week by Chris Merritt on the states’ split on fees for class actions, and it actually mentioned the honey-pot effect with respect to, as I said, the COAG element of it. It says:

This has raised concerns about forum shopping and the possibility that the big plaintiff law firms will choose to launch national class actions in Victoria.

Well, that is the honey-pot effect. We can argue about it, but the member for Frankston said, ‘That is just not going to happen’. There is already concern being raised in the public domain about exactly that. I put to the house that that is exactly what will happen.

I just also want to take up another issue that the member for Frankston raised. I do not think it is directly related to the bill, but he talked about the issue of the underpayment of workers. I find, frankly, some of the commentary that he made there a little bit inflammatory when it comes to employers. I would say to those opposite, ‘Perhaps have a look in your own backyard’. We have had scandals in the past 12 months involving the alleged underpayment of workers at the National Gallery of Victoria, and only today we have a headline—now this is not underpayment, I grant you that, as yet—about delay over bushfire pay. Noel Towell, state political editor for the *Age*, wrote:

Hundreds of public servants, including forest firefighters, will have to wait for months to be paid the money they are owed for ... extra efforts battling this summer’s bushfire crisis.

I am sure the member for Frankston, as a former firefighter, will also be very upset about this, and I am sure he is making representations to the Treasurer, to the Minister for Energy, Environment and Climate Change and to the Minister for Police and Emergency Services with respect to this, because this is just extraordinary. The member for Frankston made the comment that, ‘It is not too complex. It isn’t that hard to get pay right’. How is it then that the entire public service of the Victorian government with its \$70 billion-odd state budget does not have the capacity to actually pay its workers properly and on time? That is just extraordinary. Given the bushfire crisis that we have been through over summer and the work that our CFA volunteers, our police, our emergency services staff, our SES and many, many, many people in the community have done, and particularly the efforts of Parks Victoria

and Forest Fire Management Victoria staff—not to mention all those that have been involved in the State Control Centre and the various other management areas that have been so critical to this fire—they have put in so much work and yet they are going to be waiting months for their additional entitlements. The article by Noel Towell this morning goes on to say:

... some allowances owed for the 2018–2019 fire season were not paid until May ...

So this is not new. This is not a big surprise. This is not a situation where the government has just put on these staff. They have been around for a long time. Their entitlements, their pay rates and their overtime et cetera are known—although I know there was a dispute over that a couple of years ago, but I believe that enterprise bargaining agreement got sorted out—and yet we have the government and its bureaucracy, despite the fact that the bureaucracy has grown in cost by 40 per cent since this government was elected, unable to pay its staff properly. I think when the member for Frankston raises his concerns about access to class actions for those who were underpaid, perhaps the government should be looking at its own backyard first.

Very briefly—and I will wind up—the bill has some other areas that we do not have a problem with. We are fixing up an administrative error, I guess you would call it, with respect to municipal electoral tribunals, and the opposition has no problem with that. There are a number of other amendments to the Criminal Procedure Act 2009 as well.

As I said, I think it is only fair and reasonable that the government takes heed of the reasoned amendment moved by the member for Caulfield that we 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 retain the remaining provisions of the bill, which as I said, the opposition has no problem with.

**Ms HUTCHINS** (Sydenham) (10:57): I rise to speak on the Justice Legislation Miscellaneous Amendments Bill 2019. Silicosis, wage theft, consumer harm, exposure to asbestos—these are all issues that can arise from corporate wrongdoing, and this bill will allow for further delivery of access to justice for so many Victorians by making it easier to bring class actions about. Often the very people who are facing these issues do not have the money to pursue a legal case. They are not necessarily wealthy people who are able to front legal costs or take the risks involved in being a plaintiff to a class action, such as what is covered in these amendments. Not only is the government working to seek justice for these wrongdoings through this very legislation, we are taking the action required to ensure things like this do not happen in the first place. It is called prevention.

In relation to silicosis the government has acted decisively by banning the dry cutting of engineered stone to protect workers from deadly silica dust. New regulations will dramatically cut workers' exposure to crystallised silica and reduce the likelihood of developing silicosis—a huge step in workplace health and safety. In addition the government has developed a silica action plan to stamp out this debilitating disease. The plan includes free health screening for Victoria's 1400 stonemasons and a compliance blitz of high-risk workplaces.

This legislation also covers those who may be pursuing a wage theft claim. The government has also committed to passing laws to criminalise wage theft, which is all too common in industries like hospitality. Just this morning on 774 ABC radio there was a lengthy discussion about wage theft and underpayment. Whilst some employers claim the system of industrial relations is currently too complex, it was pointed out by many callers and many of those texting in that actually there are very rarely cases of overpayment.

**Business interrupted under sessional orders.**

**Members****ATTORNEY-GENERAL***Absence*

**Mr ANDREWS** (Mulgrave—Premier) (11:01): I advise the house that the Attorney-General will be absent from question time today and that the Minister for Corrections, Minister for Youth Justice and Minister for Victim Support will answer in her place.

**The SPEAKER:** Before calling the first question, this morning there were some people in the gallery who clapped after a statement from a member. This is just a friendly reminder to those people watching from the public gallery that there is to be no applause or interaction and also a reminder to members not to refer to people in the gallery.

**Questions without notice and ministers statements****HOSPITAL WAITING LISTS**

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:01): You are killing my applause, are you, Speaker? All right, fair enough.

My question is to the Premier. Last week the Treasurer announced that this Labor government will be imposing \$4 billion of cuts, and he said he is looking at every line item. Under the Premier's government an extra 11 000 people are languishing on hospital waiting lists. Will the Premier guarantee that his \$4 billion of budget cuts will not see even more Victorians left to languish on waiting lists in the future?

**Mr ANDREWS** (Mulgrave—Premier) (11:02): I thank the Leader of the Opposition for his question. Of course the Treasurer made no such announcement. What he indicated was that every line item in every part of the Victorian budget would be directed towards the priorities that we were elected to deliver on. If the Leader of the Opposition wants to invite a compare-and-contrast exercise on how much has been invested in our health system, how many patients are being treated, the time it is taking to treat them, ambulance response times—on any metric—

*Interjections from gallery.*

**The SPEAKER:** I am going to suspend the sitting of the house until the ringing of the bells.

**Sitting suspended 11.03 am until 11.09 am.**

**The SPEAKER:** The Premier was in the middle of an answer. Does the Premier wish to continue?

**Mr ANDREWS:** I am pleased to continue.

**A member** interjected.

**Mr ANDREWS:** Oh, that think time has been so important to me, to go through this piercing question, to get across the detail of this stunning attack from the Leader of the Opposition. I welcome a comparison of our government's consistent record—more funding to treat more patients more quickly—to a dismal four years of underinvestment. And I can assure the Leader of the Opposition that we will continue as we have started—more money for better care.

**Mr M O'Brien:** On a point of order, Speaker, the Premier is debating the question. The question related to the fact that 11 000 more people are on the waiting list under this Premier's watch. What effect is this \$4 billion of cuts going to have on that extra 11 000 people?

**The SPEAKER:** I heard the question that was asked. The Premier was relevant to the question. The Premier has concluded his answer.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:10): David Anderson is an 82-year-old veteran with a degenerative hip complaint, who has been told by this Premier's government he will have to wait a year simply to see a specialist before he can even become a number on this Premier's long waiting list. With \$4 billion of budget cuts to be ripped out of services, including health, how can 82-year-old Mr Anderson have any faith that his painful hip condition will ever be fixed?

**Mr ANDREWS** (Mulgrave—Premier) (11:10): I again reject the assertion made by the Leader of the Opposition in relation to comments made by the Treasurer last week. That is simply wrong. In relation to this specific—

*Members interjecting.*

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

**Mr ANDREWS:** The Leader of the Opposition has raised an individual patient. I think that is a serious matter, and when I can get a word in, I will be happy to respond on that issue. So if the Leader of the Opposition is happy for me to answer his question, I would be delighted to. If he provides me with the details of the patient that he has referenced today, I will provide that to the Minister for Health and ask her to make sure her department makes contact with that patient to make sure that that person can get the treatment they need as fast as possible.

I think that was your question. Or were you trying to make a political point?

**Mr M O'Brien:** Don't try and anticipate me.

*Members interjecting.*

**The SPEAKER:** Order! Government members will come to order.

**Mr M O'Brien:** On a point of order, Speaker, the health minister has already confirmed he is going to have to wait a year on the waiting list to even get an appointment. So the Premier needs to respond and explain what he is going to do to help 82-year-old war veteran Mr Anderson, given the health minister has abandoned him.

**The SPEAKER:** Order! A point of order is not an opportunity to repeat the question. The Premier has answered the question.

#### MINISTERS STATEMENTS: SCHOOL DENTAL SERVICES

**Mr MERLINO** (Monbulk—Minister for Education) (11:12): I am pleased to update the house on our commitment to provide free dental care at all government schools in Victoria. Last week I joined the Minister for Health and the excellent member for Footscray to announce the next phase of the rollout to more areas of Victoria, including Campaspe, East Gippsland, Macedon Ranges, Maribyrnong, Melton, Wangaratta and parts of Casey and Hume. An additional 146 government schools have been invited to join the Smile Squad this year. That means now that more than 300 schools will participate and offer free dental treatment to more than 100 000 Victorian students in 2020.

Our school dental program is the single biggest investment in public dental services in Victoria's history. It started six months ahead of schedule and will be completely rolled out by 2022. A quarter of our children across Australia have untreated tooth decay, and here in Victoria dental conditions are the highest single cause of hospitalisation for kids under 10. Not only will it improve dental outcomes for the next generation of Victorians but it will save parents hundreds of dollars annually. This is an uncapped benefit covering everything except cosmetic treatments, and on average it will cut dentist bills by \$400 per child per year. For some families it will be much more than that. We are delivering free dental care at all government schools—just as we said we would.

Health and education have always been priorities for the Andrews Labor government and always will be, and it is in stark contrast to \$1 billion cut out of education by those opposite—cutting the education

maintenance allowance, the worst ambulance response times ever. That is the record of those opposite. We are investing in dental care.

*Members interjecting.*

**The SPEAKER:** Order! I am not going to have a situation where members are shouting across the chamber at each other. People will be removed from the chamber without warning if they shout across the chamber.

### BUSHFIRE PREPAREDNESS

**Mr T BULL** (Gippsland East) (11:14): My question is to the Minister for Energy, Environment and Climate Change. Last week the Treasurer announced this Labor government will be imposing \$4 billion of cuts and said he is looking at every line item. Over the past five years your government has cut spending on hazard reductions, including planned burns, by 64 per cent. Minister, can you now guarantee that spending on planned burns will not be further slashed as a result of your government's \$4 billion in cuts?

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:15): I thank the member for Gippsland East for his question, and unequivocally the member is wrong—he is absolutely wrong. We are a government that increases resources and has increased resources to fire services, including of course forest fire management. The figures speak for themselves, and whichever way those opposite want to cut it, it does not stack up. The fact is we have put in more money than any other government in the history of fire management. Even just having a look at the time that we have been in government we have gone from a budget of \$108.5 million to this current financial year of \$121.68 million. Our government is very clear: we have increased services and we have increased funding.

**Mr Battin:** On a point of order, Speaker, in relation to relevance, when you are talking about the figures of direct action for the planned burns and hazard reduction in Victoria, the actual figures are \$50.2 million and reduced to \$18.2 million on direct action. The minister is misleading the house.

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

**Ms D'AMBROSIO:** I am happy to compare our record any day to those opposite because all they have done is cut funds to frontline services fighting fires, undermining our firefighting services—cut \$66 million. Under our government, resources have gone up and they will continue to be supported at record levels.

**Mr T Bull:** On a point of order, Speaker, on relevance, my question related to spending—not what has been budgeted for, what has been spent—and spending on burns has reduced over the past four years. The minister ought to come back to answering that element of the question that was asked.

**The SPEAKER:** Order! The minister is being relevant to the question that was put to her. The minister has concluded her answer.

**Mr T BULL** (Gippsland East) (11:17): For years Mr Doug Reidy has begged the government to undertake planned burns on the reserves that adjoin his Murrindal property, which is just north of Buchan, but the answer has always been no. On 30 December Mr Reidy lost the fight for his house and his farm, which were both destroyed by fire. Minister, can you guarantee that because of your budget cuts there will not be more people like Mr Reidy who will lose their homes and livelihoods as a result of a lack of planned burns?

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:18): I thank the member for Gippsland East for the supplementary question. Protecting lives, protecting property and protecting the environment are more than just about planned burning. Planned burning is one tool over a number of different tools that are available and supported by our government in terms of forest fire management.

Ultimately we have to thank all of those thousands of people who have been fighting the fires this summer and continue to do so because of the number of properties that have been saved compared to the number that have been lost. Even though it is an absolute tragedy that we have lost a number of properties, the overwhelming thousands of homes and properties that have been saved within the fire footprint has been phenomenal—and those people ought to be thanked and supported rather than attacked. Our government will always support these people—more resources, more funding and backing them when they need it most.

#### MINISTERS STATEMENTS: FAMILY VIOLENCE

**Ms WILLIAMS** (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Youth) (11:19): Today I rise to update the house on the Andrews Labor government's unwavering commitment to rebuilding Victoria's family violence system. When we came to government we said we would hold a Royal Commission into Family Violence, and we did. As we all know, the royal commission recommended complex whole-of-government reform, and we have not and will not shy away from that. We are prepared to do the hard yards because the lives of women and children depend on it. We cannot and will not stop this work until we end the tragic statistic of a woman a week dying at the hands of her partner or former partner. We cannot stop and will not stop until we no longer have a need for there to be a Minister for Prevention of Family Violence.

We were handed 227 recommendations, and we have so far implemented 143 of those with the rest well and truly underway, each of these recommendations being a building block for long-term change. With \$2.9 billion invested so far, we have established five Orange Doors with a further 12 on the way. We have established a new information sharing regime, delivered more police and child protection workers and new specialist family violence courts, and have started the very critical work of changing the underlying attitudes that we know lead to violence.

Our Respect Women: Call it Out campaign has reached millions of Victorians and draws attention to the importance of calling out bad attitudes towards women. On that I would like to pay my respects to the member for Eastern Metropolitan Region in the other place who is due to give her valedictory speech this evening. I have been given a lot of cause to talk about gender equality in this place in my time here, and I am very proud to serve in a government with 48 per cent women and a gender-equal cabinet. I have great respect for the fact that Ms Wooldridge in the other place has been a vocal advocate for more women to be preselected in the Liberal Party. I hope that her advocacy on this issue will be taken into consideration when her replacement is selected and that new, hopefully female, candidates are given more respect than Ms Wooldridge was given in the preselection for Kew.

#### WORKER ENTITLEMENTS

**Mr WAKELING** (Ferntree Gully) (11:21): My question is for the Minister for Industrial Relations. Hundreds of firefighters and other public servants have not been paid for overtime or other entitlements earned during the bushfires. These underpayments are on top of cases of Andrews government wage theft affecting staff of the NGV, prisons, youth justice facilities and public hospitals. Will the minister step in and guarantee these emergency services workers will be paid every dollar they are owed in their next pay packet?

*Members interjecting.*

**The SPEAKER:** Order! The member for Essendon and the member for South-West Coast can leave the chamber for the period of 1 hour. I have warned members not to shout across the chamber.

**Members for Essendon and South-West Coast withdrew from chamber.**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:22): I thank the member for his question. Might I say, I am refreshed to actually appreciate that those opposite are by implication going to support our wage theft legislation when we bring it into Parliament. Let me also be clear that as a proud unionist and somebody who fought for

over 30 years for the rights of working people to get fair wages and restitution from their employers, it is unacceptable in any material respect that workers are not paid their appropriate entitlements. To the extent that there are underpayments, in many respects these have been worked through to work out what the legal obligations are. I have been keeping a very close eye on all of these matters. And can I—

**Mr Wakeling:** On a point of order, Speaker, on relevance, the question was very simple. Hundreds of workers want to know: are they going to be paid their entitlements in their next pay packet, yes or no? Those workers demand an answer from the minister on this important question.

**The SPEAKER:** Order! The minister is answering the question.

**Mr PALLAS:** So if the question is, will the workers get paid their entitlements, the answer is, absolutely, yes—absolutely, yes. The government recognises that in the news today there is evidence of some delay in terms of payments that were due. We recognise that this is unacceptable, and we are taking action immediately to rectify that situation. Every worker due an entitlement will get paid their entitlements by this government.

**Mr Walsh:** On a point of order, Speaker, on relevance, the question was very clear, asking the Minister for Industrial Relations: will he guarantee that these workers will be paid in their next pay packet? I ask you to bring him back to actually answering that question, because at the moment he is being very evasive about the facts on this.

**The SPEAKER:** The Leader of The Nationals, I think, knows that the minister has been relevant to the question that was asked. The minister has concluded his answer.

**Mr WAKELING** (Ferntree Gully) (11:24): Noting that the minister refused to give a guarantee that they will receive their pay in the next pay packet, the Premier has claimed that this government will make sure all Victorians get paid for the work they do and dodgy employers get more than a slap on the wrist. So what action will be taken against the ministers for creative industries, health, corrections and environment and the heads of their respective departments for short-changing the wages of public service employees?

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:25): Well, if the member is actually advocating that any time there is an administrative error in the processing of pay we construe that as a crime, our jails will be full very soon. That is not the point behind the wage theft legislation. What we are told with regard to the forest fire management pay issue is that the Department of Environment, Land, Water and Planning has advised that these are isolated instances, that this is not a systemic problem and consequently the errors are being rectified as quickly as possible. But to simply confuse an administrative error and assume therefore that a criminal test applies, God help us if that is the way you want the law of this land administered.

**Mr Walsh:** On a point of order, Speaker, I ask you to bring the Treasurer back to actually answering the question that was asked. It is time he actually walked the talk on this instead of just talked the talk.

**The SPEAKER:** The minister has concluded his answer and has been relevant to the question asked.

*Interjections from gallery.*

**The SPEAKER:** Order! I am going to suspend the sitting of the house until the ringing of the bells and order that the galleries be cleared. The house is suspended until the ringing of the bells.

**Sitting suspended 11.27 am until 11.36 am.**

#### MINISTERS STATEMENTS: CARERS PACKAGE

**Mr DONNELLAN** (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (11:36): I rise to update the house today on the marvellous work that the Andrews government is doing with our carer community—that community that looks after loved ones, that

carer community that is very much invisible in many ways in our community—and the great work they do for others. We have 700 000 unpaid carers, many of them doing work 24 hours a day. The greatest problem for carers, more than anything else, is, I guess, poorer health outcomes and poorer educational outcomes for younger carers. In many ways they are not good at caring for themselves, which is a corollary of the great work they do with others.

Last week I was down at Mullum Mullum Creek in Ringwood along with the member for Ringwood, who has a long-time involvement in health services; the member for Ivanhoe, my parliamentary secretary; the Maroondah mayor; and councillors to announce the next stage of our \$50 million package to support carers: four new statewide partnerships and 94 local community projects for carers.

Among the statewide projects is one called Pathways for Carers, put together and run by a marvellous, energetic carer, Mel Spencer; and Jack Mulholland from the City of Maroondah—and could you find a more empathetic, caring individual than Jack Mulholland, who has done so much work with autism and carers over so many years? I would also like to acknowledge Fred Brumhead, who heads up Interchange Outer East. This is very much a program about getting carers together to talk and to share the burdens they carry each day for us and the great work they do.

This program will be run out across the state along with carers hubs in neighbourhood houses and projects to help young carers stay engaged in school. I want to thank Carers Victoria, Interchange Outer East, Access Health and Community, Little Dreamers Australia, the Financial and Consumer Rights Council, the Municipal Association of Victoria and Neighbourhood Houses Victoria, for the work they are doing with us. It is very much across the— *(Time expired)*

#### TIMBER INDUSTRY

**Mr HIBBINS** (Pahran) (11:38): My question is to the Premier. Despite the massive loss of wildlife and habitat from our native forests due to the recent bushfires, the government is still permitting logging in our remaining native forests. This is occurring right now in multiple locations in areas where threatened species are known to live. Premier, given how important the unburnt forest is to the remaining threatened species and the fact that there simply is not enough timber left to fulfil the promised supply, do you concede that the government's 2030 time line to end native forest logging will now need to be brought forward?

**Mr ANDREWS** (Mulgrave—Premier) (11:39): I thank the member for Pahran for his question. I think I essentially answered this question or the content central to it last week. What I would say firstly is that I want to be very careful not to be in essence celebrating the changes in circumstance that come from a tragedy. I would never want anyone to think that I was doing that, because I would never do that. We will assess the impact of these fires on coupes that were allocated under the current timber release plan. We will also make detailed assessments about other areas that were slated for logging short of being part of a detailed TRP but areas that were potential areas to be logged. The impact of the fires on those areas will be assessed in detail as well. And then we will have more to say at the appropriate time.

If it is the case that these fires put added pressure on the time line—or the availability of timber, I should say, and therefore potentially the time line of 2030—then we will consult with industry, we will consult with affected workers and the union, and we will consult with those environmental non-government organisations that have had a very passionate and longstanding interest in this, and of course communities. We have been criticised and praised for the decisions we made last year. We think they are balanced; we think they are fair. I appreciate not everybody agrees with that at this point. At the centre of that difficult decision was an acknowledgement by our government that we simply would not wait to be victims of circumstance; we would tackle this tough issue. One of the reasons why we needed to do that was that a big fire event would, in our judgement and the judgements of experts, pose a critical threat to the future and sustainability of this industry, and I am sad to say that this fire event—and we have never seen one of this size and scale so early in the fire season—has had a direct impact on the timber that is available today and potentially timber that will be available in the



medium and the longer term. Those assessments are not made by members of Parliament. Politicians do not make those assessments; experts make those assessments. As and when we are in a position to make further announcements, we will.

Just while I am on my feet and given the opportunity to talk about forestry though, our commitments to supporting every worker, every business and every community through this difficult time both now because of fire and the impacts it has had on this industry and the broader challenges this industry faces remain undiminished. We will continue to support everybody impacted by this, and to that end I think some of the salvage work that has gone on is first rate and the work that so many contractors with their specialist skills and equipment have done. We are grateful to them, proud of them, and we acknowledge the role they played in a very difficult fire season, one that is nowhere near over—so any assessments would only be preliminary because there may be future impacts from this season on our native forests.

**Mr HIBBINS** (Pahran) (11:42): On a supplementary question, the Premier talks about supporting the logging industry and he talks about the identified impacts that the fires have already had, but the vast majority of the government's transition payments for the logging industry will not be available until 2024. Given the fact that VicForests is already cancelling contracts with loggers, does the Premier accept that these transition payments will now have to be brought forward to enable an immediate transition out of native forest logging?

**Mr ANDREWS** (Mulgrave—Premier) (11:42): No, I do not necessarily accept that. We will be guided by what is found following detailed assessments. With the greatest of respect to the member, the member does not support the transition policy that we have put forward, so to now suddenly be barracking for it—the member opposite does not support the policy we have put forward. He does not think it is satisfactory. Now apparently he understands it better than the drafters of it, those who have actually made these important announcements, and is a big fan of it. Look, consistency is important. We have laid out a time line. We have been praised by some, criticised by others. It is a fair and balanced package—

**Mr Hibbins:** On a point of order, Speaker, the Premier is verballing me.

*Members interjecting.*

**The SPEAKER:** Order! I need the member for Pahran to state his point of order.

**Mr Hibbins:** Speaker, I would ask you to direct the Premier and bring him back to answering the question and not verbal and misrepresent my position on native forest logging.

**The SPEAKER:** Order! I do not uphold the point of order. The Premier is being relevant to the question.

**Mr ANDREWS:** I am not quite sure whether that was a point of order or a trademark claim, actually. The Greens are very good at reinterpreting Labor policy. So there is no doubt about it: we have made our announcements. We have no changes to that policy to announce, but we are aware, as I think most people of common sense are, that these fires have had an impact. When we have more to say we will do so—and no doubt the Greens will claim credit for it at that time.

#### MINISTERS STATEMENTS: MENTAL HEALTH REFORM

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (11:44): I rise to update the house further on the Andrews Labor government's response to the crisis in our mental health system. We know that every year more than 1 million Victorians deal with a diagnosed mental illness. We know that that costs some \$1.6 billion in lost productivity, it means \$4.8 billion in forgone wages and it is the fastest growing claims area in workers compensation, with WorkSafe claims already reaching approximately \$700 million per annum. We also know that this cannot really be measured in dollars. We know, for instance, that over

700 Victorians lost their lives by their own hand in 2018 through suicide and that over the last decade that toll has reached over 6000 Victorians. That is three times our road toll.

That is why last week I was so pleased to join the member for Shepparton and Goulburn Valley Health to talk about this government's commitment to rolling out all the recommendations from the first report of the Royal Commission into Victoria's Mental Health System and, in this instance, the extension of the HOPE program—the Hospital Outreach Post-suicidal Engagement program—into the member for Shepparton's electorate and the surrounding communities. It is a program that we are quite keen on rolling out across the whole state. Can I say we are quite pleased that the federal government are looking to partner with us in ways and means of extending that further, not just throughout the state but indeed the whole commonwealth. That is because the Andrews Labor government is about delivering a 21st-century mental health system. This is a priority for the Andrews Labor government which was endorsed by Victorians, and we look forward to it always being the case that this government supports mental health.

### WEST GATE TUNNEL

**Ms RYAN** (Euroa) (11:46): My question is to the Minister for Public Transport. Yesterday V/Line staff said that if the government proceeds with its plan to dump toxic waste from the West Gate Tunnel at the Wyndham Vale railyard, they will refuse to work on the site, causing the mass cancellation of V/Line trains. Is it government policy to store toxic waste in an active rail yard?

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Public Transport) (11:46): No, we are not, actually.

*Members interjecting.*

**Ms HORNE**: No, we are actually not.

*Members interjecting.*

**The SPEAKER**: Order!

**Ms HORNE**: No, it is not. We are not.

**Ms RYAN** (Euroa) (11:47): Given the union's position that the use of this facility as a toxic waste dump is completely unacceptable, what will the minister do to ensure Victorian train travellers will not suffer the mass cancellation of V/Line trains?

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Public Transport) (11:47): I thank the member for her question. I am really not into answering hypotheticals. The Wyndham Vale stabling yard is fantastic, and it will actually provide more capacity for more trains and more regional services.

### MINISTERS STATEMENTS: HEALTH FUNDING

**Mr ANDREWS** (Mulgrave—Premier) (11:48): I am delighted to update the house on the government's record investment in the health infrastructure that we need to treat more patients, to treat them faster and to have an environment that can deal with some of the challenges that we face as the community gets larger with growth. Obviously with longer life expectancy and advances in medical technology it is only appropriate that we have a long and detailed program, a pipeline if you will, of capital works across our health system—some \$7 billion worth of new and upgraded hospitals right across our state. This is not just in the centre of Melbourne or in the suburbs; it is in regional centres and the smallest of country towns.

It is not just in hospitals, either; it is in ambulance services and primary care. It is in every part of our health system to support every patient in every part of our state. We are so pleased, not just in terms of physical buildings and equipment, but we have also hired some 4000 full-time additional nursing staff and 2600 full-time additional medical staff. Our paramedics—we have never had so many

paramedics doing such amazing work. I know the member for Melton and all members on this side of the house remember the bad old days, but they now, with a real sense of pride, know that ambulance paramedics responded to 78 820 code 1 patients just last quarter. They responded to those almost 80 000 time-critical code 1 emergencies fully 2 minutes faster than under the previous government.

We have invested in every part of the health system in every corner of the state, so that every patient can get the care that they need when they need it as close to home as possible. That record investment will keep on coming.

**Ms Ward:** On a point of order, Speaker, I seek your guidance as to whether it is appropriate for the member for Gippsland East to withdraw his comment to me, apologise or be counselled by you for the implied threat that something unpleasant would be waiting for me in East Gippsland next week when I go down on caucus business and also to visit my family.

**The SPEAKER:** Order! I did not hear the comment that the member refers to, but I will follow it up outside the house and have a discussion with both members.

**Mr D O'Brien:** On a point of order, Speaker, I seek your assistance on question 1355, a question on notice to the Minister for Resources. The answer was due on 28 November and I am yet to receive a reply.

**The SPEAKER:** I will follow that matter up.

**Ms Ryan:** On a point of order, Speaker, I also have a number of questions which are outstanding. I have question 1344 to the Minister for Transport Infrastructure, which was asked on 29 October last year. For the Minister for Energy, Environment and Climate Change, questions 1433 and 1434 are still outstanding. They were asked in November last year. There are questions to the Minister for Roads and Minister for Road Safety and the TAC numbered 1650, 1651, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1662, 1663, 1664, 1665, 1668, 1669, 1670 and 1671, all of which were asked on 26 November last year and which related to accidents on roads around my electorate. I would be grateful if you would ask those ministers to comply with the standing orders.

**The SPEAKER:** I thank the member, and I will.

**Ms Sandell:** On a point of order, Speaker, following up on three unanswered questions on notice; the numbers are 01768, 01764 and 01744. Thank you.

**The SPEAKER:** I thank the member. I will follow that matter up as well.

### Constituency questions

#### RIPON ELECTORATE

**Ms STALEY (Ripon) (11:52):** (1878) My constituency question is to the Minister for Roads in the other place, and I ask her: what action has she taken to respond to repeated requests to fix the intersection of the Midland Highway and Bullock Creek Drive? In this case I am talking about what action she has taken to have it realigned, not just resurfaced, as locals are telling me that the intersection remains a significant hazard, and despite the fact that the surface of the road has been done, it is actually the alignment that has a problem. So could the minister tell me what she has done?

#### TARNEIT ELECTORATE

**Ms CONNOLLY (Tarneit) (11:53):** (1879) My question is for the Minister for Energy, Environment and Climate Change and Minister for Solar Homes. Minister, on so many occasions in this place I have praised our government's signature Solar Homes package and the benefits that it has brought to households across Victoria, particularly in my electorate of Tarneit, where this program has been extremely popular. I am really excited to hear the news that over 70 000 Victorian households have applied for rebated solar panels, solar batteries and solar hot-water systems. So my question for the minister is this: how many of these households are in the Tarneit electorate?

### LOWAN ELECTORATE

**Ms KEALY** (Lowan) (11:54): (1880) My constituency question is for the Minister for Police and Emergency Services, and it is regarding the latest round of funding under the volunteer emergency services equipment program. The information that I seek is details around all the brigades within the Lowan electorate that applied for the most recent funding—details of the brigade name, equipment sought, funding sought, the brigade contribution and whether the funding application was successful—and if not an explanation as to why the application was rejected. I have been contacted by a number of CFA brigades across my electorate—most recently the Mooralla fire brigade. I was chatting to Jimmy, who is the fabulous chef down at the Bunyip Hotel down at Cavendish. He is a volunteer with the Mooralla CFA brigade, and he was speaking about the work that Jarrod Sweeney, the captain of the Mooralla fire brigade, has done to seek some funding for an ultralight. They have got the money. They have been rejected for the past two years, and of course they are among many of the brigades who have put in applications and are wondering why this was not funded.

### IVANHOE ELECTORATE

**Mr CARBINES** (Ivanhoe) (11:55): (1881) My constituency question is to the Minister for Roads in the other place, and I ask for information on the start and completion date for the \$750 000 pedestrian-operated signals at Livingstone Street in Ivanhoe, which will connect sections of the Donaldson Creek Reserve and the pathways there—the active trails that people use. It was a very significant election commitment that was made just over a year ago and a very significant announcement to provide a safe passage across Livingston Street for local residents and also for those using Ivanhoe Primary School. There is really only a very small traffic island in the middle of Livingstone Street, and to get those pedestrian-operated signals in will be fantastic. I know there has been community consultation on design and development, but we are keen on details of the start and completion dates for that construction project. I came through there on my bike this morning, and there is no doubt that once we have those pedestrian-operated signals in place it will be much safer for everybody.

### GEMBROOK ELECTORATE

**Mr BATTIN** (Gembrook) (11:56): (1882) My constituency question is to the Minister for Planning. It is regarding a local constituent of mine who has a house framing business. He has concerns surrounding the new licensing regulations that will be occurring in the building industry. One of those that will be licensed and regulated is the framing industry. We are seeking information surrounding who will be licensed and how the regulations will affect those that make prefabricated frames in a factory and then install that frame on site. Will the people who are on site installing that need to be licensed? Will the people in the factory making it need to also comply and be licensed, or is it just the traditional carpenter who will be making the frame from scratch on site? The reason we are asking this and why the information is so important to not just my constituent but, I know, to the master builders at the Housing Industry Association is that for a lot of their clients there will actually be a competitive advantage for some if you do not have to be licensed when you are prefabricating.

### NARRE WARREN SOUTH ELECTORATE

**Mr MAAS** (Narre Warren South) (11:57): (1883) My constituency question is for the Minister for Public Transport and concerns ongoing works on the Pakenham railway line and how it affects the residents of Narre Warren South. Minister, how are the ongoing works along the Pakenham line being scheduled to minimise the impact on local communities as the state government undertakes these important upgrades? I am often contacted by constituents who are regular users of the train, particularly those who commute from Narre Warren into the city for work. They have welcomed the government's commitment of \$6.6 billion to remove 75 level crossings and the construction of five new underground stations for the Metro Tunnel project, which will ultimately provide safer and better services for commuters. They would, however, appreciate any insight into how project disruptions are being minimised in the short term. I look forward to sharing the minister's response with my community.

### MILDURA ELECTORATE

**Ms CUPPER** (Mildura) (11:58): (1884) My constituency question is for the Minister for Planning. The information I seek is the time line for the review of the *Mildura Older Irrigation Area Incorporated Document*, otherwise known as the MOIA. Last year I raised with the minister and this house the challenges that the MOIA is presenting to the community of Sunraysia. There are many constituents who purchased land across Sunraysia with the intention of building their dream home but who were subsequently prevented from doing so due to some of the more restrictive elements of the incorporated document. Many of these landholders purchased their land before the incorporated document was finalised, and in most cases that land is completely unviable for agricultural purposes due to the size of the land and the removal of irrigation infrastructure. The implementation of the MOIA document has reduced land values, in some cases by tens of thousands of dollars, and has held back economic development for our local building industry. We look forward to receiving this information as requested.

### SUNBURY ELECTORATE

**Mr J BULL** (Sunbury) (11:59): (1885) My question is for the Minister for Education. What is the latest information on the Andrews Labor government's \$3.5 million upgrade of Sunbury Primary School in my electorate? Sunbury Primary School has been providing high-quality education in my local community for over 150 years. It is a terrific local school on Jacksons Hill, south of Sunbury. Teachers, students, parents and friends all work their very hardest to provide high-quality education. I was absolutely delighted to join the Premier to announce the \$3.5 million upgrade as part of the 2018–19 state budget, and I understand that designs and plans are in progress. This is a broader story about investing in the Education State: \$50 million over five years for local schools in my community. I again ask the minister for the latest information on the project.

### SOUTH-WEST COAST ELECTORATE

**Ms BRITNELL** (South-West Coast) (12:00): (1886) My question is to the Minister for Energy, Environment and Climate Change, and I ask her for the latest information on the development of the Tower Hill master plan. Public consultation started in October last year and the Engage Victoria website says that a consultation findings summary is to be released in January 2020, but there is yet to be any sign of this information. Tower Hill is a favourite for locals and is a hidden gem for tourists who are lucky enough to discover it. Without fail you will see a wallaby, emu or koalas. But there is also much opportunity that is not being realised, and this master plan is an important document to start unlocking that potential. This is a critical issue for my electorate, particularly the entrance to the park, which is at the top of a crest on the busy Princes Highway and creates a dangerous situation where there have been many, many near misses. Minister, can you provide me with the information about when this plan will be released?

### YUROKE ELECTORATE

**Ms SPENCE** (Yuroke) (12:01): (1887) My constituency question is to the Minister for Education. What information can the minister provide on the next steps in delivering the new and long-awaited Greenvale Secondary School and Kalkallo Common Primary School? Following the completion of community consultation for both of these schools, many residents are eager to learn more about the next steps in delivering these new facilities before they welcome their first students at the start of the 2022 school year. Indeed in recent weeks the number of local parents that have contacted my office regarding future enrolments has been increasing. I look forward to seeing these new schools take shape, and I thank the minister for supporting improved access to education for Yuroke residents.

## Bills

## JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

*Second reading***Debate resumed.**

**Ms HUTCHINS** (Sydenham) (12:02): The existing law regime has failed to prevent the exploitation of Victorian workers by unscrupulous employers; this is in regard to how wage theft, under this amendment of the Justice Legislation Miscellaneous Amendments Bill 2019, may be pursued through a class action. We know that class actions are an important tool in our justice system, as they allow a case with six or more plaintiffs to combine their action. Class actions assist people who have had barriers to accessing the courts in getting awarded the damages that they deserve.

For Victorians class action laws are under-utilised, to say the least. This is what the Victorian Law Reform Commission found in its 2018 report *Access to Justice: Litigation Funding and Group Proceedings*. In an average year only five class actions are filed in the Supreme Court. By introducing this bill, we are giving effect to the law reform commission's recommendation 8 of that report. It can be hard to find a person to act as the lead plaintiff or be a representative plaintiff on behalf of a group of claimants. Plaintiffs fear that they will face the burden of legal costs if the matter is unsuccessful because they might be personally liable for meeting the costs of the other side. This acts as a major deterrent to ordinary people bringing cases against big corporations, and our laws can be improved so that more Victorians gain access to justice. We see some law firms implementing no win, no fee policies, which can alleviate some of the financial burden, stress and anxiety, but not all law firms implement these policies, which is a huge barrier to people who cannot afford to bring forward a class action.

So to the details of the legislation: this is the first time in Australia that this type of reform has been introduced. The government is serious about delivering access to justice and does not shy away from reforms that will achieve that. The bill will amend the Supreme Court Act 1986 to introduce new group costs, which will allow lawyers to receive a fee as a percentage of the settlement of damages. The burden of cost risk is shifted from the plaintiffs to the plaintiff lawyers. This arrangement will be relatively simple for class members to understand and subject to strict supervision by the Supreme Court. The bill will allow the court to vary an order, including the percentage amount for legal costs, at any time during proceedings, which will further protect class members from unfairness. These aspects of the bill improve transparency for clients and provide important safeguards. It is really about fair access. These measures ensure plaintiffs are protected and not taken advantage of during the legal process, particularly in regard to costs.

There has been a lot of support for these amendments. Workers, community members and lawyers are strongly behind this legislation. The Consumer Action Law Centre's chief executive officer, Gerard Brody, noted that, and I quote:

Too often class actions do not proceed because the economics don't stack up for litigation funders ... And regulators and other dispute forums, while important aspects of an effective justice system, can't respond to all misconduct.

The changes in this bill should mean that more class actions are able to proceed. We see so much misconduct affecting vulnerable people by businesses such as payday lenders, debt management firms and even energy companies and telcos. Too often, significant harm goes unremedied.

Several other independent institutes, such as the Victorian Law Reform Commission, the Australian Law Reform Commission and the Productivity Commission, have all recently recommended that the ban on contingency fees either be lifted completely or eliminated for class actions. The bill will allow the court to vary the orders, as I have said, and it will also make it easier for people to get access to class actions and for the legal system more broadly to become more accessible.

Any good government does its job by making sure that everyday Victorians have access to justice, and that is exactly what the Andrews government is doing with these amendments. It is not our job to

determine the outcomes of proceedings but to allow people to get to court, to be able to table and negotiate, to be able to put forward their concerns, to be able to put forward the misdemeanours that have occurred to them, whether it be in their workplace, as consumers or in the general public. This is exactly what this legislation does. This legislation is about creating better access to justice for all Victorians who otherwise possibly would not get the chance. We know, as the figures show, that there have only been around five class actions filed in the Supreme Court every year over the last few years, and whilst some opposite might claim that this is about creating a honey-pot effect, most class actions are filed in the Federal Court, a point that those opposite do not seem to grasp. The Victorian Law Reform Commission has said that our class action system is under-utilised and can be used to assist people with claims that are currently not run.

This is a really important step forward in the justice system to make sure that the average Victorian can access their rights under law by being supported and protected from the most significant costs, that are often a burden against them making a claim. If businesses are doing the wrong thing and causing harms, whether it is causing silicosis, whether it is wage theft—as I alluded to when I first started speaking before the break—or whether it is dodgy medical advice related to an illness, then Victorians should have access to the court system to pursue those wrongs. This legislation will reduce one significant barrier in making sure these people can gain justice. I recommend the amendments to the house.

**Mr TAK (Clarinda) (12:09):** I am delighted to rise today to speak on the Justice Legislation Miscellaneous Amendments Bill 2019. This is a fantastic bill, a bill that is all about delivering access to justice for ordinary Victorians by making it easier to bring class actions for issues such as silicosis and wage theft. As I mentioned in my first speech last year in this place, many years ago I used to work as a farm worker and later on as a suburban legal practitioner, so I have also witnessed the abuse of workers' visas and poor working conditions in the agricultural sector. It was just this month that some horrible reports emerged from a farm in northern Tasmania where around 70 people were found living in a five-bedroom property—just imagine that. I know that many of my constituents, especially some of those from culturally and linguistically diverse backgrounds, are still suffering from this kind of exploitation. The United Workers Union has done a tremendous job of organising many of the farm workers that travel each day from my electorate to the outer suburbs for work. I know that labour hire licensing laws are already having a real impact and supporting workers in my electorate to exercise their rights. But there is more to be done. I am so happy to see this bill here today and I am happy to see these amendments, which will help to support workers and consumers in class action lawsuits.

It was back in 2018 that the Victorian Law Reform Commission released its report, *Access to Justice: Litigation Funding and Group Proceedings*. In that report the commission found that class actions have been an effective means of providing access to justice, but they are under-utilised. It was identified in the report that on average only five proceedings are filed each year, as we have already heard from the previous speaker. One of the reasons for this is cost. In particular, it can be hard to find a person to act as the lead or representative plaintiff on behalf of a group of claimants. This is often because plaintiffs fear that they will face the burden of legal costs if the matter is unsuccessful and that they might be made personally liable for meeting the costs of the other side. As you can imagine, this acts as a major deterrent to ordinary people bringing cases against big corporations, and our laws can be improved so that many more Victorians gain access to justice.

This amendment will make it easier to bring class actions by permitting lawyers to be able to charge a percentage of the settlement fee for any class action. Currently legal firms are not able to do so, which makes running class actions in relation to issues such as silicosis and wage theft more difficult. Unfortunately silicosis is also a serious issue in my electorate. I recently met with the honourable member for Sydenham and Parliamentary Secretary for Workplace Safety to discuss the risks that the disease is posing to many workers in the Clarinda electorate. I am looking forward to conducting some site visits later this month with the honourable member and the WorkSafe silica field team. We will continue to raise awareness of the government's comprehensive action plan for silicosis, which

includes a statewide ban on uncontrolled dry cutting of materials that contain crystalline silica dust, free health screening for Victoria's 1400 stonemasons and a tough new compliance code for businesses working with silica. This bill is another example of the Andrews Labor government supporting at-risk workers and affected workers. This legislation will make the required changes to the Supreme Court Act 1986 that will allow lawyers to make the appropriate charges and to make class actions more accessible for the people who need them most.

So how will these new group costs orders operate in practice? A representative plaintiff in a class action may apply to the Supreme Court for a group costs order. Under such an order the plaintiff lawyers receive a percentage of any amount recovered as payment for their costs in return for indemnifying the representative plaintiff for any adverse costs orders and providing security for costs if ordered. The court may vary the order, including the percentage amount set by the court, at any stage in the proceedings, which provides extra protection for the representative plaintiff and group members against potential unfairness.

Several important, independent institutions have expressed their support for these changes. These include the Victorian Law Reform Commission, the Australian Law Reform Commission, the Productivity Commission, the Australian Lawyers Alliance and the Consumer Action Law Centre, all of which have made statements in support of this bill, which is very, very positive.

This is a comprehensive bill, and one that I am proud to speak on today. I am also extremely proud to be part of a government that supports the working people of Victoria. This bill is another example of the Andrews Labor government supporting Victorian workers and access to justice. We have seen it with workplace manslaughter, with labour hire licensing, with the ban on the dry cutting of engineered stone and with the silica action plan. We have seen the government's commitment to criminalising wage theft, because employers who underpay their workers need to be held accountable. These reforms and these amendments are important reforms in areas affecting everyday Victorians. Changes to our class action laws can go a long way to improving access to justice for everyday Victorians. I commend the bill to the house.

**Mr FOWLES** (Burwood) (12:16): It is my pleasure to make a contribution to the Justice Legislation Miscellaneous Amendments Bill 2019. In thinking about the principles that underpin the most substantive part of this bill, which is around class actions and the charging of contingency fees, I am reminded of how important it is that all Victorians and all Australians have fair access to justice. It is not enough in our system of government and justice that justice be done and that justice is seen to be done, but it is very, very important that people actually have access to the mechanisms by which to attain justice.

The member for Gippsland South has made a few interesting comments about this bill, but the one that stuck most in my craw, I guess, was that the views in the legal fraternity about this bill are mixed. Well, of course they are mixed, because defendants who have done the wrong thing are now more likely to be brought to justice. That is the very purpose of the bill. Typically in these circumstances—class action circumstances—the defendants are large. They are large because their actions have affected a great number of people. That is why it is in fact a class action that is being brought. So by definition they are big, by definition their actions have affected many and by definition they are well resourced and able, therefore, to take on any individual litigant and potentially just bury them with time and costs in order to escape justice. Of course there will be those in the legal fraternity who are acting in their clients' interests—those very large clients—who have a different view to the view of the government on this. The government unashamedly supports the bill for the very reason that it does provide access to a class of litigants who cannot currently access justice because of the numerous obstacles to that justice. Unethical corporations are not going to like this agenda—they are not going to like the bill—so of course there will be a spread of views. Having a spread of views in relation to a bill is no good reason at all, we would say, to block the introduction of an important reform that will improve access to justice.



The member for Gippsland South also used about half of his time on his feet to make a point about the payroll processing issues that the government is currently addressing in relation to the bushfires. Now, I have got no comment to make about the specifics of that other than that it is a matter that is being addressed, but to try and connect this bill to those matters is frankly drawing the longest of long bows. It really just goes to that sort of thing that drives people nuts about politicians and the endless pointscoreing. It is such a spurious link to be talking about that issue in the context of litigation reform. The point is just so nakedly political, so silly, frankly, to have been made in that manner and in relation to this bill that it just makes the collective eyes of our electorate roll.

Can I say in relation to contingency fees generally that it is very important that we give firms the ability to charge contingency fees in order that they take the risk on costs. Clearly there needs to be compensation for risk. All risk in our economy needs to be priced. It is priced in via lots of different ways. It is priced in via a risk premium on building projects; it is priced in via insurance premiums. Risk is priced in a market capitalist system. It is appropriate that firms, when taking a punt on their time, are rewarded for that risk taken.

Under the current model with litigation funders the amount payable to litigation funders includes both the legal costs incurred and a funding fee, whereas under this model, with the ability to charge contingency fees, there is no funding fee per se. So time rather than cash is what is being risked, and self-evidently that is cheaper. Law firms have very high fixed cost bases. They do not have a great ability to leverage their costs up and down, because most of their workforce work full-time. In circumstances where they are contemplating taking on an action like this, they are costs that are, frankly, likely to be incurred regardless of whether they take on a particular action. For that reason that risk is a smaller risk, and therefore ultimately the cost outcome to the plaintiff will be smaller. That is a very good reform because it continues to open up the pool of potential litigants to take on firms—typically very large businesses—that have engaged in unethical conduct. I cannot for the life of me understand why members of the opposition parties would be opposed to unethical corporations being held to account—why they would be opposed to justice being done.

It is important to recognise that under this bill the Supreme Court will have oversight of the costs orders. This is not something that is going to be in the hands of plaintiff lawyers, or defendant lawyers for that matter. It is not something that is going to be in the hands of the parties. It will be in the hands of the court itself. The Supreme Court, which has also been consulted on this bill, supports it. It simply will not make a group costs order, the costs orders contemplated by this bill, unless it is in the interests of the members of that group. So the court must be satisfied—and I quote from the bill—when making a group costs order that that costs order, ‘is appropriate or necessary to ensure that justice is done in the proceeding’. It is a pretty high standard. It is a pretty high bar for the court to have to clear, and I think that is an appropriate bar for the awarding of these costs orders. It is entirely reasonable to have contingency fees whereby a portion of the settled amount can be awarded to the firm that has taken a punt on its time and ultimately its money in order to represent those litigants. There is not really the opportunity here for windfall gains, because it is the court itself that must be satisfied that a settlement is fair and that the interests of the class action members themselves—not the firms—are served. That is a very, very important point.

The other very important matter is that this bill ensures that plaintiff lawyers will be liable for adverse costs if the proceedings are unsuccessful. So it is not the members of the class—the litigants themselves—who are going to be in the gun; it is the plaintiff lawyers. That will serve as a brake on speculative litigation, which I am sure is a concern, and perhaps a valid concern, of some members in this place. It is a brake on speculative litigation because it is the plaintiff lawyers themselves who will be liable for adverse costs.

If businesses are doing the wrong thing and causing harm, they ought be held to account. Whether it is silicosis, whether it is wage theft or whether it is dodgy medical devices, Victorians should have access to a court system to pursue those businesses. This legislation does not pave the path for that per se, but it does reduce one very significant barrier to accessing that justice. Access to justice ought

be a value shared by every single member in this place. It is fundamental to our system of government. It is fundamental to the rule of law in Victoria.

Can I say that this is not something that has been cooked up by the government on its own. The Victorian Law Reform Commission made recommendations in 2018 underpinning this. Similar recommendations were made by the Productivity Commission, extending all the way back to 2014, and the Australian Law Reform Commission. So these are not just organs or agencies of the Victorian government, they are agencies of the federal government as well, and these independent inquiries have heard that class actions are an effective means of providing access to justice. They are an effective means but they are under-utilised. This bill, quite validly, seeks to up the utilisation level to make sure that people can access justice on fair and reasonable terms and to change the funding mechanism for the very important role that lawyers and plaintiff lawyers, particularly in class action matters, play in order that they get appropriately remunerated for the risk they take.

The Andrews government is listening. We are pioneering these changes. It will be a game changer. We know that wage theft is an issue. It continues to run. Just yesterday Coles were found to owe perhaps \$20 million in unpaid overtime, and other members of the Coles Group like Officeworks and Target may well be facing the same set of circumstances. It is these sorts of reforms that allow those workers to access the very important justice they need.

**Ms KILKENNY** (Carrum) (12:26): It is a great privilege to be able to rise to speak on the Justice Legislation Miscellaneous Amendments Bill 2019. I have to say, for many, this bill might look quite modest and unassuming, but it is actually a very important bill. It is groundbreaking and it will see Victoria again leading the nation in some significant reform, particularly in our judicial system. That is because this bill is about the development of access to justice in Victoria. This bill, among other things, will enable Victoria to be the first jurisdiction in Australia where plaintiff lawyers will be able to use contingency fee arrangements but use them subject to court oversight and court approval. Significantly what this reform does is remove a really significant barrier for so many ordinary Victorians who want to exercise their right to seek access and to enforce and protect their rights in a court of law. It will actually mean that there are smaller class actions that may not otherwise have received third-party funding through third-party funding litigators, but they are nevertheless legitimate, they are noteworthy, they are important claims—and those claims, with this mechanism, will now proceed.

I would like to particularly acknowledge the work of our Attorney-General in bringing this forward. I would also like to acknowledge the Victorian Law Reform Commission for their work, which culminated in the March 2018 report entitled *Access to Justice: Litigation Funding and Group Proceedings*. What I am speaking on today is actually acquitting recommendation 8 of that report. When we talk about access to justice, it is really starting with that premise that in fact every single Victorian has that right—the right to seek justice—and it is about making sure that we can protect and that we can enforce our rights. I think in this regard it is really important to also acknowledge that this right to seek justice is about our rule of law and it is a core feature of our modern democracy. I guess, expressed in its simplest form, the rule of law really means that the law must be applied fairly and equally to everyone—whatever our background, whatever our status. But if there are barriers in the way, particularly financial barriers, then that is meaningless. Those ordinary Victorians are not able to seek that right. They are not able to enforce and protect their rights. I think as legislators and as representatives of our communities in this place it is absolutely incumbent upon us to make sure that we do everything in our power to give ordinary Victorians that right to seek access, to access the law, when they need to do so. I think in another sort of twist it is often most important and most critical for some of the most vulnerable members in our community that they get that access, and yet they are most often the ones who are unable to exercise that right. That is why, in a sort of a longwinded way, I think that this bill is actually quite important. It goes to that core value, that core tenet, of our modern democracy: about improving access to justice and about assisting more people to access the law so that they have that capacity to enforce and protect their rights.

When we talk about this bill we are really focused on class actions, and class actions are a good thing. They are not disputes between private parties and about private rights. They actually have a greater public role. They perform a public function to address broader statutory and public policies, whether that is about wage theft, about health issues, about unscrupulous or dodgy operators in the market, about unconscionable practices. These are really important, broader social policy issues that, without class actions, may never get ventilated and may never see that justice is served. Class actions promote efficiency because they enable ordinary Victorians to aggregate their claims and to pursue legitimate and really noteworthy, important claims, as I said, by ordinary Victorians who might not otherwise be able to do so.

Promoting access to justice is a core and central tenet of class actions. This bill is about class actions and about promoting that access to justice, which is a terrific thing. The way it will do it is, as I have said, it will allow plaintiff lawyers to charge what will be known as group costs orders. This is similar to contingency fees, and it means that plaintiff law firms will be able to seek orders from the court for an agreed percentage of what amounts might be awarded to the plaintiffs, but also importantly it puts the risk burden on the plaintiff law firms and not on the individual class members for the lead plaintiff. So in the case of any adverse cost orders in the proceedings, that risk will flow to the plaintiff law firms. If the court orders security for costs to be paid, that will also fall to the plaintiff law firms. They are significant reforms in their own regard.

I think though what is really important to note here is the oversight of the Supreme Court and its role in this part of the reform. It is the Supreme Court of Victoria which will actually have full discretion and supervision over any contingency fee arrangement which is sought. This will obviously help to reduce any concern around conflicts of interest between the interests of the lawyers and their clients, and as I said it will also place the cost risk burden on the plaintiff law firms and not on the individual class members. So these amendments quite significantly will create an exception to the current prohibition on lawyers receiving payment on the basis of an agreed percentage of a successful judgement or settlement. It is a marked change and will actually allow plaintiff law firms to do what litigation or third-party litigation funders are already doing—that is, taking a percentage of the total amount the plaintiffs cover in the proceeding.

It also needs to be pointed out that this is quite different to the arrangements that are commonly known as no win, no fee arrangements that are in place often in personal injury claims, in Transport Accident Commission matters and in public liability and medical negligence claims. In these no win, no fee situations a client is required to pay legal fees only if their case is successful, but those legal fees are not calculated as a pre-agreed percentage of the amount recovered. Instead they are worked out on often a court scale basis. I know certainly from my work in the law that that was based on 6-minute intervals, and so it can be very costly. Often we see plaintiff class action members not recovering much at all once the settlement has proceeded.

I think the main issue here is that we are focused on access to justice. What we see is the Victorian Law Reform Commission working extremely hard to promote that to Victoria. We have adopted that recommendation. I know that there is a similar issue now at the commonwealth level, with the Australian Law Reform Commission also suggesting that amendments need to be made to open up contingency fee arrangements in class actions. Again this is on the basis that this is all about access to justice for ordinary citizens who want to bring their very meritorious claims that need that public ventilation, because often what we see is that the claims are brought against big corporations or even governments, and those corporations have much, much deeper pockets than ordinary Victorians. In most cases those ordinary Victorians without the assistance of any third-party litigation funders or any other funding alternative would not be able to bring these very important claims into the public light.

This bill is a major development in access to justice. As I said it provides an alternative mechanism for funding our class actions here in Victoria. If government or businesses are doing the wrong thing, they need to be brought to account. Individual Victorians need to have the capacity to do that, and that

is exactly what the reforms in this bill will provide. This is about helping ordinary Victorians to seek access to justice, and I commend this bill to the house.

**Mr DIMOPOULOS** (Oakleigh) (12:36): It gives me pleasure to speak on this bill. It is a very, very important bill because it is effectively, as the previous speaker and speakers on this side of the house have said, about access to justice, but it is access to justice in a significant way in terms of not just the individual but a broader public benefit. It is an access to justice initiative which effectively promotes systemic change.

In this government we have a proud history of increasing access to justice. There is, I think, a concept that some still hold that there is a court, there are laws and therefore you have access to justice because anyone can go to a court and access justice through the laws that apply to everybody equally, but we know—particularly on the Labor side—that that is not how it works. It does not work like that with education. It does not work like that with work rights. Those with more power, both economic power but also knowledge, have often greater access to justice, but even some of those people get caught up in what is a less-than-ideal outcome in a proceeding because of the legal framework in place.

We have done that, and in terms of access to justice I was really proud to speak on a bill that recently passed through the Parliament that abolishes de novo appeals from the Magistrates to the County court. For me, that had a range of benefits, but we heard through the consultation period about one of the access-to-justice benefits. Often victims of sex abuse or other victims generally would be loath to go back through the entire ‘interrogation process’—in quotation marks—the cross-examination that they endured in the committal stage in the Magistrates Court, and it would then go into the County Court as a new trial effectively. So part of the benefit of abolishing de novo appeals in those circumstances was that it does not retraumatise the victim. For me, that was a big initiative around access to justice and encouraging more victims in future to come forward because they would have hopefully a slightly easier path. It is never easy being a victim, clearly, but they are not having to be re-interrogated.

We abolished the time limitations on historical child sex abuse. Again it does not matter that the child abuse occurred 20 or 30 years ago or whether it occurred last year; people have the right to access justice in those circumstances. This government is proud to have delivered on that as well.

We have also increased a whole bunch of penalties that we found were a bit out of alignment in terms of the values we hold as a government—the offence and the penalty that was in the criminal code. I am really proud of all of these achievements. We have started to address the public drunkenness offence, which was a recommendation of the 1991 Royal Commission into Aboriginal Deaths in Custody. That was a gross denial of justice for a lot of disadvantaged people, Australia’s First People amongst them principally. We have moved on that, and we have moved on a whole range of other things—not having the protection of the confessional, and also the legal structure of churches, where because of the legal structure, it was difficult for a victim to find an entity to sue.

These are all issues of access to justice, and I am painting that picture because this fits squarely into a value system that we hold as a Labor government, which is about access to justice which is fair and reasonable, and as tautological as it sounds, accessible. That is what we are doing with this bill too. So this bill does various things, but the principal part that is relevant to the comments I have just made is that it amends the Supreme Court Act 1986 to allow the court to make an order in class actions for plaintiff lawyers to receive a percentage of the amount recovered for their costs, with all class members sharing a liability for those costs—called group costs orders. It seeks to shift the burden of costs, which is from the representative or the lead plaintiff to the plaintiff’s lawyers, and also to indemnify the lead plaintiff from potential costs.

As other speakers on this side have said: except for the opposition, this has been quite roundly applauded by relevant stakeholders. It did emanate from the Victorian Law Reform Commission report *Access to Justice: Litigation Funding and Group Proceedings*, but it has got broad support from a range of stakeholders from the community legal sector but also from major private law firms who

accept that this is a good initiative. We expect to see, as the member for Carrum said, probably fewer people in a class action. They will more easily get off the ground because—subject to Parliament passing the bill—you will not have that onerous risk on the lead plaintiff which you want to then distribute across 50 or 100 other participants in the action. So there will be less people in a class action potentially but many more class actions. We also see, as I said, a lower risk for the lead plaintiff and the ability for the Supreme Court to make the decision based on justice matters and justice issues.

The other important element here, and it maybe goes in some way to mitigating some of the concerns expressed by the opposition, is that the court has the right under this bill to amend the percentage it allocates for the plaintiff lawyers at any stage in the proceedings—so it does not have to just set the amount and leave it there.

The principal things for me when you look at the stuff we have done—not just the things I have described in terms of statutory changes that have emanated from consultations and the lived experience of Victorians—are the things that have actually emanated from Victorians themselves. The impact of wage theft was a lived experience, and still is in fact, for many Victorians, but it was very difficult to effect a change through law because you would have to then get people along with you on a journey which is risky—principally risky for you as a lead plaintiff; high-profile cases, high-profile lawyers and therefore high-profile possibilities of high-profile costs. But there are things like that—wage theft or silicosis—which we have made a strong stand on, particularly in the last 12 months.

Those things that emanate from the average Victorians' lived experiences but do not find their feet in a court of law because they are not able to. That is a clear case of not having access to justice because of the frightful costs that they may incur if the action is unsuccessful. Yes, of course the Parliament of Victoria exists to address those issues—so take the lived experience of Victorians and address it through legislation—but what happens with matters that are addressed to the Parliament often, 99 per cent of the time, is that the people who have suffered the first instance of that injustice do not get compensated. The law gets changed for the future, as it should, but rarely do we pass retrospective legislation. With class actions in those examples I gave, and in numerous other examples, you achieve two things: you achieve an individual justice for those who have suffered the initial injustice—so those who have been robbed of their appropriate wages, or those stonemasons that have been subject to silicosis and health impacts—but you also get a broader public change through the benefit of public awareness, the benefit of effectively such a high-profile case moving the legislature, whatever legislature it is, into some kind of action.

The ability to get class actions off the ground and a reformist government and parliamentary agenda together combine to make the important changes that are required. It cannot just be one or the other. A lot of these injustices are found in the everyday lived experiences of Victorians, and sometimes—and this is very rare for this government because I think we have been very good on this—governments are very slow to react. So in this case I think we will be far quicker—governments in general, I mean, not our government—to respond because of the fact that people will be able to get class actions up.

This is an important bill. I commend the Attorney-General. What an outstanding Attorney-General. She was an outstanding health minister and is an equally outstanding Attorney-General. I think the intellect, the passion and the commitment that she has demonstrated in putting this legislation together and in seeking justice for a whole range of other people that have not had it in the past and to ensure justice in the future for a whole bunch of Victorians will be one of many marks of her brilliant stewardship as Attorney-General. I commend the bill to the house.

**The ACTING SPEAKER (Ms Blandthorn):** Before calling the member for Yuroke, on behalf of the Speaker can I acknowledge in the gallery the presence of Sheikh Hazrat Ameer Abdul Qadeer Awan of Pakistan.

**Ms SPENCE (Yuroke) (12:46):** I am very pleased to add my contribution to the Justice Legislation Miscellaneous Amendments Bill 2019. The bill essentially covers three areas. Firstly, it amends the

Supreme Court Act 1986 to introduce new group costs orders that will allow plaintiff lawyers in class actions to receive a percentage of any amount recovered for their costs with liability shared by all group members. Secondly, it amends the Local Government Act 1989 and the Magistrates' Court Act 1989 to validate decisions made by improperly established municipal electoral tribunals and by reserve magistrates who continue sitting after their appointments have expired, and it provides affected persons with individual immunity for decisions that they made. And, thirdly, the bill makes minor and technical amendments to various provisions in justice acts to clarify and simplify their operation, including the Criminal Procedure Act 2009, the Evidence Act 2008, the Evidence (Miscellaneous Provisions) Act 1958, the Professional Standards Act 2003, the Oaths and Affirmations Act 2018 and the Sentencing Act 1991.

What I would like to focus my contribution on is the first area that this bill covers, that being the new group costs orders in class actions. Class actions, as we have heard from many speakers today, are a really important component of our legal system. They create economies of scale where six or more plaintiffs can combine their action to make it more financially viable to take a legal action—so the cost of bringing proceedings can be spread across many claimants. In doing so, access to justice is provided to a larger number of people than would otherwise be the case. If individuals were to take separate legal action, it may be unaffordable, and for other reasons it may be inaccessible.

This can be particularly important when the legal action is against a well-resourced defendant, such as large corporations or indeed governments, or when it is being taken by not so well-resourced plaintiffs, such as low-income earners. If we think about issues such as wage theft, consumer harm, silicosis and other forms of corporate wrongdoing, the benefits of class action become pretty clear.

However, there are still some issues with the system of class actions, and this bill gives effect to recommendation 8 of the Victorian Law Reform Commission's *Access to Justice: Litigation Funding and Group Proceedings* report of March 2018, which, as mentioned, will allow plaintiff lawyers in class actions to receive a percentage of any amount recovered in proceedings for their costs through new group costs orders, with liability for those costs shared by all group members. When discussing what is referred to in that report as common fund orders, the commission notes that:

The class action regime in Victoria has proved to be an effective means of providing access to justice but appears to be underutilised. On average, only five proceedings have been filed each year.

It is quite interesting if you read the report to see the scope of what the class actions have been brought for. It is quite a broad report with quite interesting findings throughout it.

Currently it can be quite hard to find a person who is willing to act as the lead or the representative plaintiff in a class action on behalf of that group of claimants. There is a fear or an apprehension that they will face the burden of the legal costs if the matter is unsuccessful—that they might be made personally liable for meeting the costs of the other side. Whether that is a correct or a perceived fear, regardless, that is an apprehension, so that can be quite difficult. It seemed to be a major deterrent that needs to be addressed so that more Victorians can gain access to justice through the class action system. In some cases this is seen to be addressed through the legal practice acting on a no win, no fee basis or through the involvement of a litigation funder; however, where this is not the case the risk of personal liability has been seen to be quite a significant barrier to people participating in class actions.

As such, the Victorian Law Reform Commission did find that allowing lawyers to charge only a percentage of the settlement amount in return for indemnifying the lead plaintiff for the other side's costs lowered the risk for a potential lead plaintiff, and that was what they referred to as a:

... measured and contained means of ensuring that the class action regime in Victoria is meeting the objectives for which it was established

It is also worth mentioning that in addition to the law reform commission, many others in the legal profession have expressed support for this bill. It has been mentioned by the opposition that there has been a range of views expressed in regard to this bill and that it has not all been support, and that is

not surprising. The member for Burwood—where is Will?—mentioned in his contribution that the range of—

**Mr Fowles** interjected.

**Ms SPENCE:** Sorry, member for Burwood. He mentioned that it was completely unsurprising that there was a diverse range of views and provided a very good explanation why there would be a diverse range of views—because this bill may in fact empower the defendants and that might not be to the joy of large corporations, who may find more class actions being brought against them. However, I do digress.

There have been a number of quite eminent people within the legal profession who have made statements of support. I will just mention a couple. Former Law Institute of Victoria president Stuart Webb stated that:

Enabling the Supreme Court to make group costs orders in class actions will mean that plaintiffs will bear a lower costs risk burden, and may facilitate the bringing of meritorious class actions which might not otherwise have been brought in the face of higher costs risks ...

Again, this goes to increasing access to justice, which is incredibly important. The Consumer Action Law Centre backs the bill and has stated that it:

... will reduce barriers to class actions by allowing lawyers to receive a ‘contingency fee’, a fee that is calculated as a percentage of the settlement of damages.

The Victorian president of the Australian Lawyers Alliance, Jeremy King, has stated that the alliance:

... welcomes this legislation as it will directly improve access to justice in Victoria ... The new law will increase the flexibility and availability of funding which will enable more people to obtain justice through class actions.

Mr King also stated in an *Age* article by Tammy Mills on 2 February 2020 that:

It will clearly benefit vulnerable and disadvantaged individuals who may otherwise be unable to pursue a claim because of the cost ...

As someone who worked as a volunteer solicitor in a community legal centre, I am and I have always been particularly interested in improving access to justice for those who face barriers in accessing the legal system. Those barriers can be financial or they can be circumstantial. If you are facing health issues, for instance, you might not be able to access the legal system. They can be cultural, where you might have a language barrier. A lack of understanding of the legal system can in itself be a barrier to accessing and pursuing the enforcement of legal rights, and class actions are one way of removing those barriers. Where there are multiple claims with the same or similar circumstances, bringing together multiple claimants can spread understanding. Simply having a number of people sharing a circumstance can spread the understanding of legal matters. Like most things, when you bring together a group of people it is a great leveller—the increase in understanding and sharing that cost burden. This bill facilitates a greater use of class action through the use of these new group costs orders. It will allow plaintiff lawyers in class actions to receive a percentage of any amounts recovered for their costs, with the liability shared by all group members.

I thank the Attorney-General for once again bringing forward legislation that improves access to justice for those who might otherwise be denied that access, and I commend the bill to the house.

**The SPEAKER:** Before calling the good member for Bayswater I wanted to acknowledge in the gallery the presence of the Chinese Consul General to Victoria, Mr Long Zhou, and of course other representatives from his office as well. Welcome to the Parliament.

The Consul General has been invited today to the Parliament so that we can extend to him, and through to the Chinese people, our sympathy and best wishes in the face of the novel coronavirus outbreak. Our thoughts are with the people affected by this and with the health professionals that are dealing with the virus’s impact and trying to minimise that impact. We also stand with our local Chinese

Victorian community, who are faced with a range of uncertainties through no fault of their own. Mr Consul General, we hope that you can take our message of support back to the Chinese people and also to the local Chinese community at this difficult time.

**Mr TAYLOR** (Bayswater) (12:57): Of course I too extend my well wishes to the Chinese community, of which the Bayswater electorate has significant amounts in the suburbs in particular of Bayswater and Wantirna, and thank the Consul General for his presence in this place today.

Of course this is a significant piece of legislation, with some minor amendments made but no doubt a piece of legislation that will have a raft of positive changes for our legal community and for everyday workers and for Victorians. Can I just at the outset acknowledge the contributions of other members in this place today, in particular the contribution from the member for Yuroke just previously—a fantastic contribution that acknowledged the benefit and the positive outcomes that this will have for workers who do suffer at the hands of dodgy bosses. Can I also thank the minister in charge of this, the Attorney-General, for the work that she has put into this legislation, and of course her ministerial staff, who have no doubt put in countless hours.

This bill will amend the Supreme Court Act 1986 to introduce new group costs orders that will allow plaintiff lawyers in class actions to receive a percentage of any amount recovered for their costs, with liability shared by all group members. The bill will amend the Local Government Act 1989 and the Magistrates' Court Act of the same year, to validate decisions made by improperly established municipal electoral tribunals and by reserve magistrates who continued sitting after their appointments expired, and it will also provide the affected persons with individual immunity from the decisions they made. The bill will also make, as stated, minor and technical amendments to various provisions in justice acts to clarify and simplify their operation, including in a number of other various acts.

This bill is about delivering access to justice for ordinary Victorians by making it easier to bring class actions, as we have discussed here, around significantly important issues, particularly in many of our communities in Victoria, around silicosis, wage theft, consumer harm and other forms of corporate wrongdoing. This bill will pave the way for class actions to proceed where they otherwise may not be viable because of, as we know, the financial risks to plaintiffs and the legal costs.

**The SPEAKER:** Order! I might ask the member for Bayswater to pause there. Now is a good time to break for lunch. The member will have the call when we return.

**Sitting suspended 1.00 pm until 2.01 pm.**

**Business interrupted under sessional orders.**

### Matters of public importance

### GOVERNMENT POLICY INITIATIVES

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

That this house notes the Andrews Labor government's delivery of a range of state-shaping policies and projects that benefit Victorian children, including:

- (1) the start of universal three-year-old kindergarten rolling out in regional communities first. Part of the Labor government's almost \$5 billion decade-long reform, this investment will ensure every Victorian child can benefit from an extra year at kinder—an Australian first;
- (2) the next phase of the Labor government's landmark Smile Squad free dental program, which, once fully rolled out in 2022, will provide check-ups and dental treatment to more than 650 000 students in government schools every year;
- (3) the opening of 11 new schools at the beginning of the school year, part of our commitment to open 100 new schools by 2026, ensuring every child has a great local school and a great start in life. The Labor government has invested \$6.1 billion to deliver more than 1400 school upgrades, supporting more than 7500 construction jobs for Victorians.



**Mr RICHARDSON** (Mordialloc) (14:02): It is an honour to rise as a member of this place in the 59th Parliament and the Parliamentary Secretary for Schools on this matter of public importance (MPI) around education. It was once remarked by civil rights activist Maya Angelou:

Hope is born again in the faces of children.

It strikes a chord with me, this statement. When we think about the world and how we confront inequality, inequity, oppression and fear, hope is indeed the driving force of a better tomorrow. Through the actions we take in this Parliament and in how we empower our children and the next generation, this is an obligation that we have to all Victorians: to support and protect hope.

Without hope we have very little as a society. If we are to truly break the link between disadvantage and poorer outcomes, our young people are that essential ingredient. Education is absolutely a core tenet of hope and in cultivating the dreams and ambitions of our youngest Victorians. It is why education is so fundamental in the United Nations sustainable development goals and is outlined with these succinct words:

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Education is truly transformational. It is aspirational and it is the fundamental right of every young Victorian. I see the power in education every single day, as a member of Parliament and also as the Parliamentary Secretary for Schools. Whether it is our amazing primary schools, our kindergartens, our secondary schools or our specialist and low-socio-economic status schools across our sector, all do an incredible job supporting some 1 million students. It is truly inspiring to see the teachers and educators that underpin their development and their growth into the future. When you think about the values that are set down in education and everything that stands for, one cannot go any further than reflecting on the fundamental nature of Victoria as the Education State.

It is a revolution in education the likes of which this state has never seen before. It is inspired, it is passionate and it is transformational. It is ensuring every student, regardless of their circumstances, gets the very best opportunities each and every day. It is ensuring that we make those critical investments in infrastructure to deal with the growth and development over the years to come. With those 80 000 new preppies coming in this year, we have some 1 million students across our Victorian education system.

It is remarkable to think of the school builds—more than 100 over the coming years—that are driving those outcomes and of having the opportunity to open some of those buildings, in established suburbs and also on the edge of a growing Melbourne and growing regional areas where we see new communities forming and the hopes, dreams and aspirations of those communities getting underway.

When we think about the incredible work led by the Deputy Premier and his incredible Parliamentary Secretary for Early Childhood Education and kinder, we see a transformation the likes of which we have not seen. It is one of the biggest social policy reforms. It is exciting to see the \$5 billion in investment in this area. I am sure the member for Carrum will reflect a bit more on some of that transformational power in delivering universal three-year-old kinder to all young Victorians.

Health and education are intrinsically linked, and one of the transformational policies that we are embarking on is with the dental van program, the Smile Squad vans that are getting underway. Critically and devastatingly, one of the biggest reasons for hospitalisation in Victoria for young people under the age of 10 relates to chronic dental issues. That is also a symptom of disadvantage and the austerity that comes from disadvantage in our communities. This is about breaking the link and ensuring that those challenges that young people face with their oral health are not a barrier to future opportunities as well. That is being rolled out right now, in 2020. We see substantial investments—a \$300 million-plus investment over four years to deliver the school dental program, and that is the most significant investment in public dental health to date in Victoria. This is the transformational nature of education and health policy on show and on display right now. It is built on the back of those values

of education for all and quality health care for all, and we have come a long way in a relatively short period of time.

When you reflect on where, only a little while ago, we found education in Victoria, it is a stark contrast to the hopes and aspirations that we find ourselves here with today. I want people to reflect for a moment on where we found ourselves at the end of 2014, with the damage and destruction caused by the former Liberal-National government, with hope and aspiration being trampled upon and our young people's opportunities being stifled. I want people to think for a moment of education, and indeed our schools, as like building a home. Like our schools, a home provides safety and security. It is a place where you grow and develop and create your memories. It is a place of nurture and of deep care. Like a home, our education system and our schools take time to build—to develop their foundations, their values, their ethos and their structures. Each brick is a building block. Each teacher and each student contributes to the fabric of that school.

However, the demolition of a home can take a matter of moments. And like a home, in Victoria in 2011 and 2014 the Liberal-National government deeply damaged and destroyed our education system in swift, swift fashion. Whether it was betraying our teachers on pay, delivering a savage \$1 billion cut to education, losing countless teachers, underinvesting in our kinders or the destruction of our education regions, which were skeletons of what they were when they came to government, the education system was in dire straits. It was in ruins, but thankfully we can turn it around and rebuild and recover. When the Labor government came into power at the end of 2014, we set about the journey of rebuilding. We set about the journey of re-establishing trust with Victorians in our education system, reconnecting with our communities—every single one of our 1500 government schools—and building back that trust and respect with teachers, school communities and school councils, school by school, brick by brick.

As former United States Vice-President Joe Biden once remarked:

Don't tell me what you value. Show me your budget and I will tell you what you value.

If you take that reflection and that standard alone and then consider the intrinsic relationship between hope, education and breaking the link of disadvantage, one cannot fathom how the former Liberal-National government found itself in the position it did when it embarked on its savage cuts agenda. Because when you think about the intrinsic link between hope and education, you wilfully accept that you are damaging and trampling on the dreams of Victorians into the future.

When we reflect on values for a moment, it is worth looking back at history. It was journalist Sydney Harris who said:

History repeats itself, but in such a cunning disguise that we never detect the resemblance until the damage is done.

This happened once again. Once again we saw this play out in the Napthine-Baillieu governments of 2014 and way back in 1993 under the Kennett Liberals. An article of October 1993 in the *Age* under the headline 'Outrage Over Closures' stated:

Angry teachers and parents are threatening mass protests at the State Government's decision to close 159 schools across Victoria.

...

The closures were widely criticised and there were warnings that the cuts would undermine the quality of education, forcing many students to drop out of the school system.

To add insult to injury at the time were comments from the Institute of Public Affairs (IPA) stating:

The Institute of Public Affairs said the Government had not gone far enough. An institute spokesperson ... said more school closures were necessary ...

At that time the driving force for the cuts, devastation and closures was an aptly named body, the quality provision task force. It was the battering ram for a generation of school closures the likes of which we

had never seen before. This quality provision task force has an eerie similarity to other bodies proposed or established by former Liberal-National governments or politically aspiring candidates. It was the Baillieu Liberal government's eerily similar independent review of state finances, which recommended \$5 billion worth of cuts and also would have taken a further savaging to our education system. It was the former Leader of the Opposition, the member for Bulleen, and his then Shadow Treasurer, now the Leader of the Opposition, the member for Malvern, who proposed a commission of audit. That would have driven a stake through the public service and smashed our education system, even further damaging the record of the Labor government if they had come into power.

Sydney Harris was indeed right about history repeating itself, and it is again repeating itself as we are into the 59th Parliament. Just this week we had the member for Brighton and a member for Western Victoria in the other place ambushing and blindsiding the Leader of the Opposition, invoking the legacy of the former Liberal Premier, the Honourable Jeff Kennett. Championing and celebrating the virtues of small government were the features of the quotes and the comments that were espoused, and we all know what that means. That means cuts to the public service. That means the devastation of our schools and our kinders and further closures.

When you think of these values—the values that were championed and advocated for by the IPA back in 1993 when they were cheerleading further school closures and cuts—the number of members who list on their public interest records as being members of the Institute of Public Affairs and the fact that some, in their first speeches coming into this Parliament, champion the policy engine room that is the IPA, we again see that Liberals are destined to repeat the damaging history of the past in cutting schools, in cutting kinder funding and closing our TAFEs.

This is in stark contrast to the substantial investment that is being embarked on by the Andrews Labor government. In five years we have restored the trust, confidence, hope and aspirations of our communities, and with 1543 government schools now up and running across our sector, it is an exciting time for Victorian students coming into our system. By setting ambitious targets, by aiming to break the link between disadvantage and poorer outcomes for our kids, we know that we will drive forward a better outcome for our state, we will set an example for our nation and we will also lead internationally. That is what being Victorian is. It is being aspirational. It is having the hope and the aspirations for the future, not the cuts and closures, not the small government approach. When the notion of smaller government is put forward, I am always vexed as to why anyone who is a champion and cheerleader of the IPA would take a publicly funded job, would bring themselves into this Parliament. Whenever they want governance, it is to go towards smaller government and cutting the public service. The savage cuts that we have seen repeat themselves time and time again have never truly been addressed by those opposite, and it stands in stark contrast to us.

So when you think about Sydney Harris's comments about history, when you think about history and time and the communities that stood up in 1993 through to 1999 pleading with those Liberal-Nationals governments to support communities, when you saw that the first action taken by the Baillieu-Napthine governments was to take a \$1 billion axe to the education system, you know that Labor will always stand on the side of education. You know that the hopes, dreams and ambitions of our young people will always be protected, advocated for and strived for under a Labor government. You know that the health of our students and our children will always be protected. An example is of those dental vans and that transformational policy in making sure that kids who have those dental-related chronic illnesses can finally have that link of disadvantage broken.

You see, as a parent, as a member of Parliament, as someone who is now the Parliamentary Secretary for Schools, I cannot fathom and stand here and think of anyone who would sit around the cabinet table and propose policies like that of the IPA, who would say that less funding in education, lower outcomes for our kids and less funding in disadvantaged areas leads to better outcomes for our communities. That is why we will always champion equality, why we will always champion excellence in education and equity, and it is why this Labor government will continue through its second term and beyond to champion investment, and record investment, across schools, across

kinders, across TAFE and across health. It is the social contract that we have signed up to with Victorians and the great trust that they place in us. It is why we do not waste a single day in government, and it is why this MPI is so critically important.

It might be for those opposite to reflect upon some of the comments made by those opposite through time and maybe clarify their values. But right now history gives the next chapter in what they stand for and shows that Labor governments through the decades are always on the side of the next generation—their hopes, their dreams and their ambitions.

**Ms McLEISH** (Eildon) (14:18): I rise to make a contribution to the matter of public importance put forward by the member for Mordialloc, and I know by the tone in which he was delivering his contribution that he is really vying and jostling with the member for Essendon, waiting for that reshuffle. You can really see him positioning himself there. But I have got to say, he has got a very chequered view of history and also of current status, about where things are at. He may be, well, unaware that in fact under the Labor government, since I have been in Parliament, three schools in my electorate have been closed. Because it is in the country, they probably do not care so much, but that is the reality of the situation.

Now, there is a lot more work to be done in Victoria to fully benefit our children, to provide them with every opportunity, the opportunity for good-quality education, health care, a safe and secure environment and a good, healthy outdoors, so that these children, our children, can participate successfully in society as they get older, regardless of where they grow up. I am extremely concerned because the Treasurer has announced that there will be \$4 billion in cuts that he will be seeking, and I worry particularly that investment in services for our children and therefore for our future will be cut by the Treasurer, who has let costs and major projects get out of control—not being able to understand and rein them in. I also want to remind the member for Mordialloc that Labor has been in government for 16 of 20 years, and so some of the poorer outcomes are certainly not the result of any coalition government but their poor management.

I want to start with the PISA results, the Programme for International Student Assessment. Australia and Victoria are performing poorly in this area. This is a study of some 600 000 15-year-olds from 79 countries, and it is done every three years, comparing maths, reading and science performance. In Australia 740 schools and 14 000 students were assessed. They found that our students were struggling in reading, science and maths, and all were in long-term decline. These results are underwhelming. Our students are falling well behind countries that we would think perhaps we should be on an even keel with. Victorian students here are just sitting on the average, but Australia as a whole, and remember Victoria is in there, lag three and a half years behind their Chinese counterparts in maths, and as I said, maths, science and reading were in long-term decline. We are lower than China and Singapore, and people might think, 'Okay, they have different values in the way they view education', but Estonia, Canada, Finland, Ireland, Korea and Poland—they are countries we should be up there with, not falling behind.

One of the measures also is about the frequency of events such as noise and disorder, students not listening to the teachers, students not being able to work well or students having to wait a long time for the lesson to start. Well, Australia was way down the bottom of the list there. I know that if you are in China, you may not want to report on some of those things, but in Australia people will, and we were very low down the ladder in this measure. What is most disturbing is the researchers' link that the worse the classroom environment, the worse the performance in academic outcomes.

In rural Victoria we are letting students down big-time. We know that the outcomes in country areas are much poorer than in the city. The Victorian Curriculum and Assessment Authority data for 100 state high schools outside Melbourne shows that the average VCE performance of 61 schools had worsened. Eight schools had improved and 31 had maintained their results. So more than half of all regional and rural schools recorded a slump in their VCE results over the past decade, triggering

concerns about that widening gap between the country and the city—and we know that when we have a city-centric Labor government this is quite a challenge.

The Minister for Education did convene an expert panel. It was a little bit of a talkfest. People were a bit unsure about how they actually were able to contribute to that panel. But the panel came back, and the minister announced proudly that he was going to be doubling the internet speed and perhaps looking at some strategies around teacher attraction.

The schools in country Victoria look very different to those in the city. I have visited many schools in country Victoria and in the city. It is very easy when you walk around and look into a school to see that the investment is made in city schools, not surprisingly in the marginal seats, and the country areas have very much missed out. I want to raise a couple of country schools that are in an appalling situation. In Warracknabeal, the education precinct there: so we have had the special developmental school and the secondary college with its structural issues—possum urine running down the walls, all sorts of things—being moved to the primary school location because there was room. Now, when I visited the special school, their area was not finished—nothing is finished; it is an absolutely appalling situation—and they were in the science labs, in the newly constructed science labs at Warracknabeal. The students from the special school were actually having their classes there. So the secondary school was not able to use the science labs because they were being used for the special developmental school—an appalling situation. The primary school itself is not finished. How this has been able to continue on is just beyond me. The government needs to invest very much in the school at Warracknabeal. The member for Lowan has been an absolute fierce advocate in her electorate for this. I am concerned that the \$4 billion worth of cuts that the Treasurer is looking for may impact on the investment in Warracknabeal.

Likewise, in St Arnaud there is the outdated, outmoded and poor condition of the toilets and change rooms. I have been there and seen that, and I know the member for Ripon is a very fierce advocate for improved facilities at that school as well. Again, I am worried that the \$4 billion worth of cuts that the Treasurer is looking for in every line item might hit the schools in rural Victoria. They need good environments for the kids to work in. They need investment in country Victoria so they do not slip further behind and we get two very distinct demographics—country Victoria and metropolitan Melbourne.

Now, some of the issues also faced by country Victoria are the workforce issues. We need good outcomes, and so we need good attraction and retention strategies for these areas. We have got young teachers walking away. Up to 40 per cent of graduate teachers—and these are very recent figures—quit the profession within five years of work. New teachers find this very difficult. They find challenging environments. We have parents who are much more forward in coming forward and students saying that they know their rights. I cannot help but draw a link between all of this work that is being done about people understanding and children in kindergartens in Sydney being taught their rights and how to protest. What is happening in classrooms is that teachers are struggling with kids and families who are in their faces saying, ‘I know my rights. You can’t do this. You can’t make me do that. I’m not going to do this’. It is no wonder that we have such a high percentage of young graduates moving away.

Again, I am worried that the government will fail to invest in retention and attraction strategies. I know that in country areas they struggle to get CRT, casual relief teachers—some have got 100 staff; they are big schools—and once a term they have to find one day for each of those staff members to go on their professional training. That is 100 days each term, and it is really hard for the bigger towns in country Victoria, the regional cities, to find people to do that work. It is extremely challenging.

We really need development in our regional cities. We need to have the fast rail. We cannot have the government squib on costs and give us an inferior product for airport rail, because we know what that will do if it is done properly. It will open up fast rail to Geelong, to Ballarat, to Bendigo, to Shepparton and to Wodonga. We need that to happen.

Most disturbingly, I have been hearing of a number of new schools that are opening or schools that have been extended from year 6 to year 8, or even a school that has been burnt out, that do not have books. Again, I am worried that the government is already cutting costs and not giving schools the—

**A member** interjected.

**Ms McLEISH:** In the south-east suburbs I would be awfully worried, the member for Carrum, about what is going on in your backyard, because there are too many schools that are missing out on schoolbooks. This is an essential. The government is now having to look for those \$4 billion worth of cuts—every line item. They are already starting by not giving books to all of those schools that need them.

I want to talk about the government's Education State targets, because they are falling short of their targets. These were released last year with little fanfare—not surprising when you have a look at how they are falling behind in the targets. Pride and confidence in our schools: the parents report that their pride and confidence in their local government schools is on the slide. In fact it was not even reported last year. Breaking the link—ensuring more students stay in school and breaking that link between disadvantage and outcomes for students: there are failures in year 5 and in year 9, where it is measured. There is barely an impact on year 9 to year 12 students staying in education. The member for Mordialloc needs to have a good understanding of what is going on, because these are the state education targets that are reported. Resilience is going in the wrong direction. The percentage of our students reporting a high level of resilience is on the slide. They have stopped recording science targets, and one can only be cynical about why they have not recorded science targets.

I want to now move to distance education and Virtual School Victoria. It is 19 February—I think it is 19 February today—and school has been back for nearly three weeks. Virtual School Victoria is one of the biggest schools in Victoria. The secondary level there has almost 1500 kids full-time equivalent. Well, they still have not got access to their online materials. How is this helping out our students? If you have a look, a lot of these kids will be in country Victoria. Now, the minister has said for the first time that country students will have access to the same range of VCE subjects as city students—well, not if they have not got access to their materials three weeks in. This is an absolute failure of this government.

Child protection is extremely concerning for me. I hear so many instances, with people coming to my office, of failure in this area. Child protection is in crisis. I am pleased that the minister is here, because he will understand this and he will know a lot of the stories. I hear dreadful stories time and time again. I have heard from the family of a 12-year-old boy who had some difficulties and was placed in residential care with older children who have been on the street and who are drug users. Now, this young lad did not mind school. He is 12 years old, and his parents come into my office in tears often. He was moved into residential care, and he did not have to go to school. He did not even have to come home. He breaks the curfew—well, that is okay. He breaks the second curfew, and that is okay. And then he breaks the real curfew at about 2.00 am. So of course when you have kids keeping hours like this then they are in no state to go to school, but nor are they encouraged to go to school.

The family had identified a brilliant program in Chum Creek—Lesley Porter's Good Life Farm. It is a fabulous program. They identified him—the kid is in the outer east—but it was too hard for him to get there. So again he continued along with drug use, substance abuse and staying out all hours of the night. Now, what concerns me is that these kids are on the path to the youth justice system. The ironic thing is that when you get to the youth justice system—and I must thank the Minister for Corrections for facilitating a visit for me to the education system there—they have to go to school. So you have got this whole cohort of children in out-of-home care, probably between the ages of 12 and 17, who do not have to go to school and who are not encouraged to go to school. They are allowed to stay out all night. They get on the wrong track, and then they go to youth justice and they have got to go back to school.

It would make a lot more sense if we stopped failing these kids and made efforts to keep these kids in schools to look after them. These are vulnerable children in child protection for a variety of reasons,

and it disturbs me greatly, the reports of 14 000 calls to the child abuse hotline that went unanswered between January 2018 and July 2019. This really undermines the confidence that people have in the Department of Health and Human Services and leaves children in danger. There has been a 47 per cent jump in the number of children needing protection under Labor. When the minister was asked at a Public Accounts and Estimates Committee hearing in 2019 what he was going to do to reduce the number of children in out-of-home care, he said 'Hope'. He hoped that the number would reduce. Now, I have got news for him: hope is not a strategy. You do not see any organisation draw up their strategic plan and have as one of their strategies hope.

We really need to get a grip on what is happening to do the right thing by our children. The government is failing our children dismally. A lot more can be done. A lot more needs to be done to lift us to the international standards that Australians expect. We expect that we are up there with the best, not languishing midway or at the bottom. Things need to improve for our children.

**Ms KILKENNY (Carrum) (14:33):** I am absolutely delighted to be able to speak on this matter of public importance. I want to thank the member for Mordialloc, the Parliamentary Secretary for Schools, for bringing this to the house's attention. Ten minutes does not even do justice to this topic.

When we speak of benefits to Victorian children, nothing to my mind is more profound, more significant, more important than investment in education. The Andrews Labor government is a government that proudly invests in education and education reform and invests in Victorian children and families like no other government in this state's history. Of course at the very core of this is our most profound investment, which is funded three-year-old kindergarten. I have to say we are leading the nation. This is the most profound educational reform we have ever seen—the introduction and rollout of universal three-year-old kindergarten for every Victorian child.

As 90 per cent of a child's brain development takes place before they turn five, nothing is more important than investing in their early education. Australian and international research is so clear on this: that the single most impactful reform we can make to our education system is to expand kindergarten to three-year-olds. That is exactly what the Andrews Labor government is doing in an Australian first. We are rolling out three-year-old kindergarten across Victoria.

Can I first start by acknowledging the Premier, our Minister for Education and of course our Minister for Health, who was the Minister for Early Childhood Education in our last term of government. The commitment they have shown to this significant reform—this investment in early childhood education—is extraordinary. We are so profoundly fortunate to be in a position now where we are rolling out this incredible initiative across the state. It is an initiative that is going to benefit children for generations and generations to come. I would also like to acknowledge the highly professional departmental team, whose knowledge, expertise and commitment to early childhood education, to working with the stakeholders, to working with the sector, is second to none.

Yes, this is a huge investment. We are talking about \$5 billion over a decade. But again study after study around the world tells us that the return on this investment is not just good; it is absolutely tremendous. The more we can invest in early childhood education—and we are talking about quality early childhood education, which is programs led by qualified teachers—the better the results right through school and right through life. So, yes, I wish this house to note this matter of public importance and to acknowledge the leading policy reform that the Andrews Labor government is introducing with the rollout of three-year-old funded kindergarten and the benefits that it is going to bring to all Victorian children.

Can I also say how proud I am that we are actually rolling this out in the regions first. I know how proud those regions are to be leading the nation on three-year-old kinder as well. Six local government areas commenced three-year-old funded kinder this year. They are Buloke, Hindmarsh, Northern Grampians, South Gippsland, Strathbogie and Yarriambiack. It has been my absolute privilege to visit many of the kindergartens in those local government areas over the last 14 or so months.

Yarriambiack is one of those shires I have visited a number of times. Yarriambiack Shire Council is the council that has responsibilities for kindergarten services in Beulah, Rupanyup, Minyip, Hopetoun, Murtoa and Warracknabeal. This is a shire that covers more than 7000 square kilometres and has a population of 7000, so that is nearly one person per square kilometre. This is an area where the major employment sectors are agriculture, retail and health care. It is the heartland of grain production and handling in the Wimmera and the Mallee.

Like other shires, Yarriambiack shire has been a really active partner in the introduction of three-year-old kinder and preparing for the rollout this year. They have played a really key role in the planning and working group meetings. They know, like other shires where three-year-old kindergarten has been rolled out this year, that the rollout of funded three-year-old kinder needs to be a great success. It is so important for the regions. Victorian children, especially children in our rural and regional areas, have so much to gain. There are such significant benefits for them—educational benefits, economic benefits, social benefits—to gain from a quality early childhood education.

Just in early February I had the privilege to visit Minyip kindergarten, and it was the first day of funded three-year-old kindergarten. I have to say that it is when you get out to the regions—so the Mallee and the Wimmera—and beautiful towns like Dimboola, Stawell, Charlton, Sea Lake, Nhill, Birchip, Warracknabeal, Leongatha and Mirboo North, you get a real sense of just how profoundly important it is that we are rolling out three-year-old universal kindergarten with up to 15 hours in these regions.

As I said, I visited Minyip kindergarten in early February. It was the first day of three-year-old kinder. This is a town which is about 320 kilometres north-west of Melbourne. It was a huge day. Many families turned up. We had the mayor there, Cr Graham Massey. There were representatives from the shire; there were business representatives there; there were people from all over who came to have morning tea with this first group—the inaugural group—of three-year-olds who are going through the funded kindergarten program. It was such a wonderful morning. I sat down and spoke with the children, and I asked them what they were hoping to gain this year, what were they most looking forward to. It was playing, it was meeting new friends, it was working with their new teacher. Their teacher, Christiana Henke, was pretty terrific, and I have to say she had a really special story to share as well. She is actually a former primary school teacher, and it was only I think last year that she did some relief work in early childhood education and decided that this was her passion, so she applied for a scholarship to upgrade her skills and is now one of our 700 scholarship recipients. She is doing a postgraduate diploma to be able to qualify as a teacher in an early childhood education setting. She is currently completing her graduate diploma through Victoria University and will become the director and head teacher at that kindergarten. This is a fabulous story that we are also seeing replicated in other areas.

In those six local government areas we see that 20 new teachers and 20 new educator jobs have already been created. But the really significant thing that I found was that in Yarriambiack shire, in the first year that we have introduced funded three-year-old kinder, their participation rate this year is 91 per cent. That is absolutely extraordinary, and we are seeing that mirrored. In Gippsland South the participation rate is 86 per cent this year. You compare that with the same time last year when there was a 30 per cent participation rate. What we have done is we have got rid of, we have eliminated, that financial barrier. We have opened up three-year-old funded kinder. This is going to have significant benefits for not only those children but for the greater communities there, and we are proudly kicking it off in the regions, with those regions leading us out on this most profound reform.

Of course by 2029, when we are fully rolled out across Victoria, up to 90 000 little three-year-olds are expected to be participating each year and benefiting from a funded three-year-old kindergarten program, and I have to say what a fantastic and wonderful Victoria that is going to be. When we are contributing to the early education of these three-year-olds and four-year-olds, they are getting two years of early learning before they even reach school. We know that those benefits will not only carry them through school but carry them through life, and not only are those children going to be the beneficiaries of that education but the rest of Victoria will as well.



This is a tremendous reform. It is groundbreaking, it is nation leading. I have not even touched on the \$1.6 billion investment that we are making to build and upgrade nearly 1000 kindergartens across Victoria, nor the 6000 jobs, teachers and early educators that are going to be created by this uptake in three-year-old kinder. This goes to the core of Labor's values, and I am so proud to be part of a government that is rolling out this historic reform across Victoria for the benefit of all Victorian children.

**Mr ANGUS** (Forest Hill) (14:43): I am pleased to rise to make a contribution in relation to the matter of public importance (MPI), and I want to start by setting the scene in relation to the finances here in Victoria by quoting a recent *Age* article from 13 February which is headlined:

'Trying times': Pallas to slash \$4b from budget

Let me read from it. It says:

Victorian Treasurer Tim Pallas says he needs to cut \$4 billion in spending from the state's budget over the next four years to keep it in surplus amid 'trying times'.

Mr Pallas' new savings target doubles the \$2 billion in spending he planned to slash ...

It then goes on:

Mr Pallas later told reporters there were 'plenty' of government programs where the savings could be found.

Also on that same day in the *Herald Sun* was an article headed 'Dan's huge jobs axe', which says:

The bid to reduce the \$70 billion budget comes amid cost blowouts on major projects ...

and other things. That sets the scene in relation to where we are financially here in Victoria, and there have been some numbers quoted in the MPI put up by the member for Mordialloc, but I think it is important to look and to see and to wonder with trepidation as to where these cuts are going to be made, particularly in the education area. The Shadow Minister for Education, the member for Eildon, in her very informative contribution a few moments ago outlined some of the problems that we have already got and the fact that throwing money at things does not necessarily work. We can see that overwhelmingly if we look at the results. If we look at the PISA results—the Program for International Student Assessment that looks at reading, maths and science—we can see that the outcomes for that are continuing to be poor. As the member for Eildon said as well, outcomes in country areas are poorer than those in the city, and there are a whole lot of other issues. That is before the \$4 billion cuts come in.

The point I am making there is the fact that the government seems to have a mindset of throwing money at problems and thinking they will go away, that the government will somehow buy their way out of the problem. But they are not addressing the fundamental issues, and this is the delusion that those opposite are under. They think if you spend more, that equals a win. Well, it does not, and that is clear to everybody in Victoria and elsewhere. Just by looking alone at the education sector you can see, despite whatever the correct numbers are on what is being spent, it is not getting the outcomes that we need to be getting here in Victoria. In other words, it is not a good return on investment.

I think the government has got to step back a bit. They have got to come to grips with the money that they are throwing around left, right and centre and actually see if it is achieving the goals, because they love spending it. They like cutting ribbons, they love opening things, but is it achieving the goals? Are the children better behaved, are the children better educated, are the children ready for secondary education and tertiary education and the workforce? As a result of that there is a lot of work that the government needs to do.

Similarly, the MPI also says 'ensuring that every child has ... a great start in life'. There is some absolutely damning information in relation to that, particularly if we look at the child protection system. The fact is that, as we heard again today in this place, there were more than 14 400 phone calls to the child abuse hotline that went unanswered between January 2018 and July 2019. Let me tell you, Speaker, and I am sure you would agree, it is not giving every child in Victoria a great start in life when their fundamental needs, through the systems that are supposed to be in there working for them,

are not being met. A child abuse hotline, for goodness sake. When the phone calls are going through, who is on the other end of those phone calls? Children and probably parents and other family members that are desperate. They are desperate for assistance, and they are just going straight through to the keeper—and this government does not care. Heaven help us all because that is before the \$4 billion of cuts, so goodness knows what is going to happen then.

We also know that there has been a 47 per cent jump in the number of children needing protection under Labor. So there are record numbers in that area as well. We know that the number of substantiated reports of child abuse and neglect have increased by 42 per cent since 2014–15. They are alarming statistics, and I am sure deep down everybody in this place, even those opposite, would concede that they are alarmed with that. All of us would be alarmed with those particular numbers.

What I am saying is that we have got the government out there trumpeting the money that they are throwing in all sorts of directions, but is it working? Is it hitting the mark? Are the outcomes better? Clearly in this area, it is absolutely not. It is failing comprehensively, and the government has got to get a grip. The government has got to come back and see how these systems are failing so terribly and neglecting the children, the young vulnerable ones in this state. They have got to get to grips with that, come in and solve that problem, and that is, as I said, before there is \$4 billion worth of cuts.

Also, if you look, there are children taken out of abusive homes that are still being abused in state care. Between July and December 2019 there were 422 category 1 reports in relation to abuse of clients, as they are called, and hundreds of other cases as well. We have got fundamental crises in a whole lot of areas, not least of which is the child protection area, so to say that everyone is getting a great start in life here in Victoria is completely delusional. I trust that the government will get a grip on the situation and, instead of just trying to bat things off with platitudes and fancy one-liners, get in there and sort this mess out. I should say it is a mess that has largely been created under the current government, because the statistics I mentioned were off the back of when we last left government. It is a disgraceful situation, and the government needs to get on top of it.

If I turn to other school areas, I also note the fact that when we came to government in 2010 the maintenance backlog here in Victoria was hundreds of millions of dollars in relation to schools—the maintenance backlog of schools. That was the minister at the time, the member for Nepean. He instituted an audit of schools so that we could see the extent of the problem, and the extent of the problem was just disastrous. It reflected 11 years of neglect because, as I said, the government—those opposite—love to cut ribbons and pull back curtains on plaques and all that, but they will not do the hard yards. When you have got to replace the roof of a school to stop the leaking, you cannot cut the ribbon on that and you cannot unveil the plaque on that, so they do not tend to go for that.

Let me look at just some of the local schools in the Forest Hill district. These schools have been dreadfully neglected by those opposite and they lack basic facilities. We have got Vermont Secondary College. We desperately need a new basketball court, gymnasium and associated facilities down there. We have promised to continue to advocate for that, and that is exactly what I have done in this place many, many times. So that problem could be solved. We have got Vermont Primary School, which we took to the last two elections to get the central administration and classroom building rebuilt to solve the problems. I have not got the time to go into half the problems—the sewerage problems, the water problems, the asbestos problems, the leaking problems, the rot problems. I have not got time to go into those, but that is just another example in my own patch.

Orchard Grove Primary School: we have got the upgrade of the administration area that is so sorely needed. We have got female staff that have to line up at recess and lunchtime to use the toilet because there is gross inadequacy in relation to the number of toilets available for the female staff. We have got a staffroom there—and I have talked about it multiple times in this place—where when the staff all come together in that staffroom (a) they have not all got a chair and (b) if they did, they would not have a table to sit at and would have to sit on the floor. What sort of a deplorable situation is that? We

have got the Education State, the fancy label on the numberplates, but that is all it is when you are talking about the needs of these existing schools.

I have got Livingstone Primary School, one of my fast-growing schools. A number of my schools are fast growing indeed, but that is certainly one of them. All we need for there is \$200 000 to construct a staff car park. I have asked in this place multiple times for that to be provided, and we look at the number that is quoted there by the member for Mordialloc—billions of dollars; \$200 000 would not be a rounding difference on that, but do you think the Minister for Education will give a penny to the school? Not on your life, so we have got horrific traffic problems and other issues around that school,

Just in conclusion, I note that in stark contrast—as I stated in this place on 10 May 2018, and I have not had a chance to update these numbers, but they will be increasing—the member for Monbulk in the four budgets that he was involved in as a minister invested over \$40 million in 11 of his own or adjoining schools and over \$30 million in 13 schools in the Premier’s electorate of Mulgrave. We can see that they are not growth areas, so most of those are not new schools, but what I am saying there is the fact that they have invested—or pork-barrelled, basically. That is what I am saying, if you cut straight to the chase. They have left my schools with desperate needs languishing, and they have just gone and feathered their nests up in the hills and up in the seat of Mulgrave. I think that is disgraceful. There is not much joy in this at all. It is fancy words, but there is no delivery and no solving the problems.

**Mr McGHIE** (Melton) (14:53): It gives me great pleasure to rise on the matter of public importance before the house raised today by the member for Mordialloc, and I thank the member for his contribution. The member is right that this house should take note of the range of state-shaping policies that benefit Victoria. It is this Andrews Labor government that is delivering on its promises to the community, and it is in this delivery that we are seeing a transformation in Victoria unseen for many years.

Only recently we were in this house paying tribute to the late Premier John Cain, and we were all reminded from the late Premier that we should not waste the opportunity or a single moment whilst in government. That advice has not gone unheeded from the Andrews Labor government. We have seen the start of universal three-year-old kindergarten rolling out in regional communities first. This rollout is part of the Andrews Labor government’s almost \$5 billion decade-long reform. This investment will ensure every Victorian child can benefit from an extra year at kinder. From 2022 all three-year-olds across the state will have access to 5 hours of a funded kindergarten program each week. Ninety thousand children could benefit from this reform each year at full rollout. One of the reasons the Andrews Labor government is championing this reform and introducing this policy is that international studies consistently show long-term benefits for children who attend two years of kindergarten compared to those that only attend one year. Two years of high-quality, teacher-led kindergarten programs have been shown to improve academic and long-term outcomes for our children.

This policy is also creating jobs—an additional 6000 early childhood teachers and educators as well as jobs created through infrastructure investments. It is not just a slogan that we are known as the Education State. We know that education does not just start when we dress kids up in their uniforms on their first day of school to start prep, like a record number of families have done just this month. Of course those families have had the thrill of opening the bright red library bag of books and resources that were delivered to all new prep children attending a Victorian government school. These fun and engaging items have been provided to every child starting prep in every classroom regardless of their background. Giving families, regardless of their financial position, access to educational resources at home helps improve our children’s education outcomes. This investment in our children will help their education at home, but of course prep is not the start of education. We know that an early childhood education is essential to give every child the best start. An additional year of kindergarten goes some way to changing the lives of children but also to transforming Victoria as we know it.

This is particularly true for our diverse multicultural communities in Victoria. In other contributions in this house I have previously highlighted that giving children from migrant and refugee families, like the many families in my electorate of Melton, a quality early childhood education helps those children have the best start in preparation for their primary school education and beyond. It can also help their parents and caregivers connect and be a part of their wider community. Often in a preschool or child care environments parents of many cultures interact with others as their children form friendships and connections that cross cultural barriers. The first steps of truly multicultural societies come from understanding others, the seeds of which are often sewn when our children start in early education, like three-year-old kinder.

I am also extremely excited that the next phase of the Andrews Labor government's landmark Smile Squad free dental program will be hitting the streets of Melton in term 3 this year—Arnolds Creek Primary School, Coburn Primary School, Exford Primary School, Kurunjang Primary School, Kurunjang Secondary College, Melton Primary School, Melton Secondary College, Melton South Primary School, Melton Specialist School, Melton West Primary School, Staughton College and Wedge Park Primary School. All these schools in my electorate of Melton will benefit by being eligible for the rollout. Parents in Melton are as excited as I am that their children will receive free dental care and that they will save hundreds of dollars every year. Standing up for families is what this government does. Dental health has a huge impact on the long-term health impacts for people, so getting this right for our children across Victoria will have long-term positive impacts on the health of Victorians for years to come. This is fantastic preventive care that will also benefit the healthcare system in the longer term. This will help reduce the pressure on hospitals and other healthcare facilities as we know that good oral health has a lasting impact on general health and wellbeing. We know that dental conditions are the highest cause of preventable hospitalisations for Victorian children under 10 years of age.

Good oral health also has an impact on mental health and improvement in job participation later in life. Giving Victorian children access to good oral health is giving Victorians dignity. Once fully implemented in 2022 the school dental program will provide free annual oral health examinations and free follow-up treatment needed for around 650 000 children in more than 1500 government primary and secondary schools. This program is designed to make dental care easier and more affordable. Modelling indicates that this program will save the average Victorian family around \$400 per year per child. Parents in Melton and Victoria could not be happier; the Smile Squad not only puts smiles on Victorian kids but on their parents as well.

This is part of the Andrews Labor government's commitment to the health of all Victorians. The benefit of this investment into health is having a transformational effect in Melton. Families see not only the investment in their children with dental care but also the investment in delivering a new hospital in Melton. They trust the Andrews Labor government to deliver on their promise of dental care, and they have seen the investment in planning for a new Melton hospital and the recent announcement of Western Health as the operator of the future hospital in Melton.

Families in Melton have also seen the investment in other areas of their children's education. The opening of 11 new schools at the beginning of this school year has shown families in Melton, especially in the new and growing suburbs like Eynesbury and Cobblebank, that the plans for their new schools will be delivered as part of this government's commitment to open 100 new schools by 2026. The investment of \$6.1 billion to deliver more than 1400 school upgrades helps families and of course will support delivering more than 7500 construction jobs. There are 10 new primary schools opening in 2021, Eynesbury Station Primary School being one of them.

One of the key features of these schools is another fantastic policy by the Andrews Labor government that all new primary schools will include a kindergarten facility on or next to the new school sites. For families like those in the community of Eynesbury this is transformational to avoid the dreaded double drop-off, especially in new establishing communities where educational facilities may be very far away from each other. The new Eynesbury Station Primary School will be one of the schools incorporating a co-located early learning centre. Currently the families in the Eynesbury estate have

no option other than to drive their children to Exford Primary School. Exford is a fantastic school and is led by the amazing Lisa Campo. With the explosion of population from the nearby new housing developments, this has put huge pressure on the school infrastructure as well as the roads and other public infrastructure. The new school in Eynesbury and the co-located early learning centre will have the flow-on effect of relieving traffic congestion for the rest of the community.

Earlier I mentioned the advice that former Premier Cain gave the Andrews Labor government about not wasting your opportunity to deliver. We have seen that this government has taken that advice and is delivering for Victorians. This state will be a very different place for our children, and for the better, because we are wasting no time in delivering for them and their future.

How very different is that to the position under those opposite? The last time they were in government this state was frozen in inertia. Families in Melton and across the state saw those opposite sit on their hands as their children suffered from poor investment in schools, education and health care. That was a travesty because families across Victoria deserve better. They wanted their children to succeed and needed to see their government investing in their future. Those families and all of Victoria sent a strong message at the ballot box, restricting the coalition government to one term.

I am proud to be the elected member for Melton and to be part of the Andrews Labor government delivering for all our communities and all Victorians, delivering what Labor stands for: health, education, jobs and infrastructure. We are not wasting a moment in government getting things done.

**Ms RYAN** (Euroa) (15:02): I welcome the opportunity to also contribute to this matter of public importance moved by the member for Mordialloc. I have to say, upon reading the MPI, that I was a little surprised at the direction that the member for Mordialloc chose to take, given the environment in which he is proposing this matter. We know that the Treasurer has flagged \$4 billion worth of cuts that the government is seeking to make. The Treasurer said, and this is a direct quote:

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.

I think it is a difficult proposition for the member for Mordialloc to put that Labor is championing investment across schools, health and education when they are struggling to manage the budget, they have had massive cost overruns in major projects, and now as a result it is vulnerable Victorians who are going to bear the pain of those massive cuts—a stealth program of cuts, as the *Herald Sun* has put it. We see that the *Herald Sun* has reported that there will be freezes on external hiring, employees not having contracts renewed and tighter rules on using consultants. That is what governments say when they are looking to rein in the public sector, but I suspect that it will be impossible to achieve \$4 billion in cuts by putting a freeze on the use of consultants. We are going to see this smash frontline service delivery. I think if you consider the performance of government ministers standing up here in the last two days when we have asked them to rule out cuts in child protection, in transport, in hospital and health services, affecting waiting lists, not one of them has been able to do that. Not one of them has been able to guarantee that those critical services in their portfolios, services like child protection, will not worsen as a result of this \$4 billion in cuts.

If we go to child protection and have a look at Labor's record there, we see that more than 14 400 phone calls made to the child abuse hotline between January 2018 and July 2019 went unanswered. That is 14 400 cries for help that were not even answered, and that is under the child protection system as it currently stands. How is it going to cope? How is it going to serve the most vulnerable in our state when we have massive cuts imposed upon it?

As the member for Forest Hill said, there has been a 47 per cent jump in the number of children who actually need protection under this government, and the daily average number of children in out-of-home placements is expected to hit more than 11 000—almost 12 000—this financial year, well above the 8000 that we had in 2014–15. So there are huge, huge gaps in the child protection system, and we have to keep in mind that these are not just numbers; they are lives and they are families, and I am sure

that every member in this place, if my experience is anything to go by, has a large number of these cases coming through their offices. Many of them are heartbreaking, many of them are complex, many of them are difficult, and I think we need to acknowledge that the child protection workers working at the coalface of these issues are often doing the best that they can, but they are already incredibly stretched.

I also wanted to touch on adolescent mental health. If you are talking about the wellbeing of young people, then no conversation is really complete without talking about the mental health crisis that we have sweeping this state. Certainly in my electorate I would put this in the top order of issues. As I mentioned earlier today in my members statement, the Victorian Auditor-General has found that this state has the lowest spending per capita of any state in Australia on mental health. I think that is an indictment of this state and of this government, that under Labor we have the lowest investment in mental health of any state in Australia. We simply do not have the workforce in country communities—in my communities—to be able to resource the intervention services that are required to help those young people. I have had so many young people walk through the doors of my office or approach me when I am around the community telling me that they cannot access the services they need. They cannot get in to see a psychologist. They have to travel half an hour, an hour, just to access basic services.

I am not sure if members of this house are even aware that there are no adolescent intake services anywhere in regional Victoria. If there is a young person in my region who needs urgent assistance, they get zoned to Box Hill. I have parents who are stressed beyond belief, out of their minds, some of them having to put their businesses up for sale because they cannot run their business whilst they have their child bouncing in and out of Box Hill. They get home and there is no service to actually look after them. There is no follow-up. They just get bounced between these crisis services in the city and then going home and having no follow-up at all. It is at absolute crisis levels, and I think when we have these warnings from the Auditor-General it is incumbent on the state not to wait for the royal commission to actually hand down its findings to address some of these gaps. The Auditor-General said that the state needs to act now. It should not be waiting for the recommendations of the royal commission when it is so obvious that additional investment is needed.

I am a very firm believer in the importance of early childhood education. When we were last in government we implemented the Advancing Country Towns program through the \$1 billion Regional Growth Fund, and that in my own community helped fund the rollout of the Parents Early Education Partnership program by Tomorrow Today. PEEP is a locally driven program for a local problem. It is very evidence based; they brought it from the UK where it has had amazing success. It brings parents together—particularly disadvantaged parents but not necessarily—with their children and it holds regular sessions where parents read to their children. That program has now been running for six or seven years—maybe longer than that now actually—but in the last couple of years the children who first started that at between zero and six months old are now reaching primary school, and the local teachers are reporting that their readiness for school has dramatically increased. Suddenly, kids who had no hope of paying attention are now sitting on a mat, taking direction and paying attention. It has been really transformative around Benalla, and I am very proud that as a government we were able to support that program.

That program was axed by the Andrews government, and I guess that goes to my point: that while I understand that the government likes to have things to open and things to announce, sometimes there are existing programs which are doing really fantastic work which also deserve support. We do not always need to reinvent the wheel in order to get great outcomes. That is a locally driven program that deserves the government's support.

The member for Mordialloc asked what our vision was, particularly around education. At the last election we went with a policy to invest an additional \$100 million in those disadvantaged communities across rural and regional Victoria, in particular to integrate education, allied health, child and maternal services, early childhood and child health services. Integration in those communities is

particularly important, but it has to be driven locally, and it needs to be flexible to the needs of the local community.

As the member for Forest Hill said, the ultimate test for the government needs to be whether the lives of children are actually improving, whether education standards are improving, whether children are safer. We have seen a lack of investment across country areas. In East Gippsland we built two schools in our four years of government. There have been no schools built there in the last six years. In the member for Lowan's patch, at Warracknabeal, the Warracknabeal Education Precinct has just become a disaster. The government has built a third of the specialist development school then walked away. It has built half of the secondary college and then just walked away. These are projects that need to be completed if we are serious about the future of our young people and the future of our young people in regional Victoria.

**Ms GREEN (Yan Yean) (15:12):** It gives me great pleasure to join the debate on this matter of public importance (MPI) submitted by the member for Mordialloc, who is also the Parliamentary Secretary for Schools. We have absolutely put at the centre of the business of our work supporting the next generation. I know that the National Party would like to gloss over their record and verbal us as being only a government for Melbourne. Nothing could be further from the truth. The member for Euroa exhorted us to support programs that are working. The Parents Early Education Partnership program, I acknowledge, is a good program. However, we are going much further than that: it is called universal access to three-year-old kinder. Do not, National Party, go out there and mislead regional Victorians like you always do. You only hear their voices in opposition. You do not hear them in government. They are too busy sucking on the teat of government, driving around in those white cars, with their noses in the trough, while their schools get cut and their health services get cut.

What we are seeing and what we are delivering is our three-year-old kindergarten program, which is going where it is absolutely needed first, and that is deep into the heart of National Party electorates—where those people have never cared. I have been in this place for 17 years and I have rarely heard National Party members speak up for their schools—and particularly not when they are in government. I have talked about how I went to Charlton College and Donald secondary college because of the great outcomes that they have reported with their students, and I saw the great outcomes of their students—but their buildings were shameful, absolutely shameful. It was intergenerational neglect and a failure by those National Party members that had successively represented them for a very long time.

It is not only in terms of the way the member for Mordialloc has articulated this matter of public importance around spending in three-year-old kinder, in early childhood, the Smile Squad program and our building of schools, but our regional partnerships have worked absolutely with communities across regional Victoria. The National Party would love to criticise those. Let me tell you those regional partnerships are working way better than the federal government's Regional Development Australia. People who have been on those RDAs have just walked away, because there is no money attached and there is actually no ability for volunteers on those RDAs to get anything done. This three-year-old kindergarten initiative being rolled out in the far west of the state is purely because of the work that the regional partnership did in that region in identifying how disadvantaged early childhood services were there.

I heard the member for Euroa talk about the workforce—give me a break—in relation to mental health and other services. What did they do? What was their investment for regional services, the workforce in regional Victoria and their own employees? They cut them; they gutted them. Child protection services and numerous offices were shut down. I know that this was something that you, Deputy Speaker, were very concerned about because of what you saw in your area. I recall in Swan Hill, for example, the heart of the Leader of the National Party's electorate, they had a child protection worker whose duties were answering the phone, acting as a receptionist, not working with the children where they were needed. So do not give me the hypocrisy and cant that the National Party come in here with. The cuts to women's health services and the cuts to other health services led to a spike in teenage pregnancies and led to a decline in educational attainment in the regions. So do not talk to me about that.

This three-year-old kindergarten initiative is not just about rolling out those services. It is actually about investing in the personnel and in the professionals that are going to work in those services and lift the standards of those disadvantaged communities. Do you know what that will lead to? It will mean that more parents are actually able to work. I know that the member for Lowan has spoken in this place about lack of access to child care. Well, three-year-old kinder will be a big step towards that—three-year-old and four-year-old kinder will actually—

**Ms Kealy** interjected.

**Ms GREEN:** You could have your turn and speak on this MPI, member for Lowan—and you could do it from your place, rather than interject on me. In terms of health services—

**Mr R Smith:** Deputy Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Ms GREEN:** I should not be surprised at all that the National Party and their city masters would try and silence me when I am talking about their lack of investment in regional Victoria. The member for Euroa spoke before me and talked about a crisis in mental health. Well, we have actually fessed up to that crisis. It is not for us in government to actually deny that there is a problem. I recall during this time when the former member for South-West Coast tried to deny that there was an ambulance crisis. We do not deny those things. We have a mental health royal commission that has recommended an immediate 170 new beds, and the Premier has said that we will fund every single recommendation of that mental health royal commission. And the region that the member for Euroa and I share will be a beneficiary of that.

The other component of what we care about for young people and their mental health is that every secondary college in Victoria will have mental health professionals based in those schools, where they can make the most difference. I think that the member for Euroa is misleading her community if she is not getting out there and saying to them that they should be speaking to the royal commission and commenting on the recommendations. She is completely silent and trying to add to the air of crisis.

Well, we do take mental health seriously. I remember the four years on their watch when people were having to be transported from Hamilton down to Warrnambool, when a member in the other place, Mary Wooldridge, had cut services to mental health. We will not cut them. We are changing it root and branch. I am very proud of the Goulburn Regional Partnership, and I hope that the member for Euroa shows up to the deep dive that the Goulburn Regional Partnership are doing, because they are going to be doing it about youth mental health and because they will work with the government in addressing that problem.

Of course, that region has been beset with problems and additional health challenges since the horrific fires of Black Saturday. There are more students at school now than there were at the time of those fires, and those students were not assisted by the cuts to education that occurred. So there is a legacy there that we are addressing. We are supporting people in regional communities with children's services. We care about their dental and their mental health, we care about early intervention and we are building the schools that they need and co-locating them with early childhood services. I support this matter of public importance.

**Dr READ (Brunswick) (15:22):** I would like to focus particularly on the dental aspects of this motion and, if time allows, talk a bit about schools. As the member for Mordialloc correctly pointed out, oral health is critically important. In Victoria alone, just a couple of years ago 17 500 potentially preventable hospitalisations were due to dental conditions. That is around 20 000 bed days of hospital time, so preventing dental admissions to hospital will free up hospitals for elective surgery and other necessary care. One report from a doctor at the dental hospital, which I quote, said:

It's not uncommon to be taking up to 12 or 14 teeth out from very little children, even from the ages of three and four ...



We have a dental health crisis and dental health has been seriously neglected, so the government is to be commended for commencing this program of 250 school dental vans. Getting Medicare to cover dentistry has been an important Greens policy for over a decade, with priority for children. Fortunately we achieved this at a federal level when Adam Bandt's agreement was necessary for Julia Gillard to form government. It was something that was nicknamed 'Denticare', and we negotiated \$2.7 billion in funding for that. That is now known as the child dental benefits schedule. That is up and running.

What is important for supporters of the Smile Squad to note is that of the \$322 million for the Smile Squad, \$128 million is coming from the child dental benefits schedule; that is about 40 per cent. Around about 100 of the 250 dental vans are federally funded, courtesy of the agreement between Julia Gillard and Adam Bandt all that time ago. So thank you, Adam Bandt, for recognising the importance of this.

The other key point—and I go back to the comment from the doctor at the dental hospital about children as young as three and four—is the importance of prevention. Funding dentistry, Smile Squad or otherwise, is expensive, but prevention need not cost a cent. One key area and indeed a golden opportunity for this government in prevention is for advertising on government infrastructure, particularly transport infrastructure, to no longer be accepted for junk food and sugary drinks. If we follow the advice of the dentists, by preventing those advertisements we should reduce the amount of tooth decay in early life.

As we move into adulthood, and I think this has been a glaring omission in dental health care for a long time under successive governments, community dental clinics have unjustifiably long waiting lists—as long as an average of 31 months for people in my electorate of Brunswick. In the neighbouring electorate of Northcote it is just under two years. It does not get much lower than a year for most of Victoria. I think the state average is just under two years. So community dental clinics, which see healthcare card holders for dental care, are almost a non-service if you have got to wait up to two years or even longer to be seen for non-urgent care. Of course the consequence of having to wait so long for non-urgent care is that about one-third of the consultations conducted in the clinics are emergency consultations. So it is great work with the school dental vans, but we need to drive our attention to greater resources for community dental programs for adults.

I want to talk now briefly about schools. Victorian government schools are seriously underfunded. Over the past decade, the gap between private and public school funding measured on a per-student basis in Victoria has increased. There have been small recent increases by the current Labor government which have not compensated anywhere near enough for the deep cuts in commonwealth and previous state government funding to public schools in Victoria. Government schools in this state, according to the Save Our Schools website, will remain underfunded while private schools will achieve full funding within a few years. The Andrews government has unfortunately handicapped the Victorian education budget by committing it to pay 25 per cent of state funds to private schools. Now that students at independent schools are funded at almost twice the amount per student as those in government schools in Victoria and Catholic schools are still getting around \$2000 more per student, I submit that it is time to stop this. It is time to reverse the change made in 2015 by this government which committed 25 per cent of state funding to go to private schools. It is time to redirect that to the neediest schools, which are the state government schools, the primary responsibility of this state government.

This has shown up in many ways in government schools but particularly in school maintenance. For the past five years the underfunding has been severe. Particularly in electorates like mine, where a lot of the school buildings are over 100 years old, school maintenance is expensive. Slate roofs are more expensive to fix. The old plaster and lathe walls and double-brick buildings are hard to insulate. Windows will not close or will not open. As we get more climatic extremes, this gets more important. So particularly we have got leaking roofs at schools like Coburg West or Brunswick East primary schools. We have also space issues. Merri Creek Primary School is very cramped, and there is a severe lack of play space there.

Getting back to talking about old buildings and insulation and weather, I would like to conclude by pointing out an opportunity that this government has to direct more funding towards government schools—that is, by reducing their utility bills. Solar panels are now so cheap, around a dollar a watt, and schools provide a unique opportunity because they are in use in the daytime. If families put solar panels on their rooftops, most of the benefit is when they are away at work. Schools are the reverse. Schools are using their electricity primarily when the sun is shining. Utility bills for schools are very high, and replacing gas and coal-powered electricity with solar with a modest investment in solar panels for schools will cut their utility bills and enable them to direct more funding towards school maintenance, teaching programs and other areas where they are chronically underfunded.

We already have a program—the Resource Smart program—which is a great start, but that relies on the schools to initiate and apply for funding. At the moment most schools either have little solar or none, and now would be a great time, with both capital and solar panels being so cheap, to simply supply them all. Roughly \$60 000 per school on average would give most schools an adequate complement of solar panels.

So I conclude by saying that there are some great inexpensive opportunities to improve dental care in the state and, further, to reduce the power bills of schools, but critically we have underfunded state schools. We need to reverse the initiative of 2015 which committed the state government education budget to supply an additional 25 per cent of funds to private schools.

**Ms RICHARDS** (Cranbourne) (15:31): It is with great pride that I rise to add my contribution to the member for Mordialloc's terrific matter of public importance—or perhaps we could call it a matter of public priority. It is certainly a matter of priority for the Labor government. I note that the start of universal three-year-old kinder being rolled out in regional communities first, as part of the Labor government's \$5 billion decade-long reform, is something that is welcomed wholeheartedly across Victoria. We are looking forward to it arriving in Cranbourne, but in the meantime this reform is extraordinary. I look forward to talking about dental in a little bit of detail later. I will touch though on the fact that this first stage of the Smile Squad will be rolled out further but is starting in Cranbourne.

I am going to have a bit of a battle on who takes credit for the federal investment and the federal policy. My memory of then federal Minister Plibersek, an incoming Minister for Health, identifying dental as a priority is very clear to me. Of course we had recently the 30 per cent cut to the national partnership agreement on dental by the federal Liberal government. That just goes back to those constant cuts that are part of the DNA of those who think that people who have access to good quality dental ought only be those who can afford it.

I will just quickly point out to the member for Brunswick that those children who are getting access to dental care in our dental vans will become adults. I am pleased that he welcomes this extraordinary reform and acknowledges, I hope, that the waiting lists that are experienced in our dental services can be attributed to the tens of thousands of people that were added to the waiting list when we had such major cuts to the national partnership agreement only very recently, and also acknowledges that to have a big change like we have is going to make long-term differences.

I will begin where I will, perhaps, be finishing: with the opening of so many new schools and the extraordinary investment that this government is making in education. What a pleasure it is to talk about education in Cranbourne, because we know it is only a Labor government that makes the investments that we make, makes those priority decisions and makes those decisions about where resources go—such groundbreaking reform. I am so pleased to be able to start by identifying that I had two new schools opening in Cranbourne just a few weeks ago. So all those sparkling little preps were joined by children from across the year levels at two new schools, and they are included in the 1543 government schools that will be educating our children in addition to the 498 Catholic and 222 independent schools. So more than 80 000 preps are starting school this year, and we have already heard that we have a million students in our schools.

It was lovely to go to the schools, actually, to hand out prep bags in the last couple of weeks. What a reform that is. I visited Marnebek School to be able to hand out those bags that really are giving our young children an opportunity to thrive. I was pleased to welcome the Deputy Premier and Minister for Education to Cranbourne, to Casey Fields Primary School, for the first day. It was a lot of fun. It is a sparkling new school—one of 100 new schools, as we say, and one of the 11 new schools that are opening this year.

I wake to the sound of children playing in the street. I have said that before, because of course Cranbourne is booming, and I would like to just talk about Casey Fields as a primary school that was visited by the member for Mordialloc, the person who has brought this matter of public importance to us today. Casey Fields is located in the Livingston estate, and the Livingston estate is a booming estate. I have watched over the last year the families of Livingston watching this school being built, in particular the terrific grandparents. I would like to pay tribute to our Sikh community, who have their little charges that they collect from child care and kindergarten. They walked past the school and watched as it was getting built. They often had conversations with the bricklayers, the chippies, the plumbers and all the other construction workers—and of course the electricians—who were building Casey Fields. I was very pleased when the member for Mordialloc, the other Richo, came to visit Casey Fields while it was under construction. We had a terrific opportunity to watch that school emerge out of the ground like a phoenix. It was amazing. Of course we met the workers, the people in employment who are from the south-east and some from Cranbourne.

Back to the opening day, we were met and welcomed by a great new principal, Cameron Heath. He has surrounded himself with the A-team, adding Gerard Lowrie and Melanie Seal to his team of educators who, along with grandparents, parents and other people who care for their children, provided the hospitality that I think is typical of the Cranbourne community. A sparkling new school, modern facilities—it does not get any better, and it is something only a Labor government will do.

Later that same day I visited Botanic Ridge Primary School, an amazing school at Echidna Drive. I pay credit to the principal, Lisa Vandenbosch, a very well-established educator who is very well known to the Cranbourne community, having recently come from Cranbourne Carlisle Primary School and Cranbourne Primary School—again, joined by a terrific educator and assistant principal in Tobin Cuss. We were greeted at the school by one of the sparkling wits and clever young people of Cranbourne, an articulate Eliz Szasz, who invited me into the school and reminded me that the future is bright. What sets this school apart is the overwhelming community that it is building in this new estate. They had a wonderful smoking ceremony. It was quite an emotional image to watch the children leave the smoking ceremony and head off to their new school environment in a community where the new motto is ‘Where connection and community come first’.

That is really what this matter of public importance speaks to—the fact that schools are about communities and about connecting. The principal said the benefits of having a public school built in a new and growing community cannot be overstated. So here we have a public school that not only provides an education for its children but also provides space for families to connect with each other. In new and emerging communities it is so important to have those connections. It is so important to know that there are places where people can join together. I wish I could talk forever about the education in Cranbourne, but I actually—

**Mr Pearson** interjected.

**Ms RICHARDS:** I know. I could if I had another 20 minutes or so. But I do need to just remind the house of the contrast. It was a time of great sadness, of course, the last time that we had the Liberal government take the levers in Victoria. What happened in 2016? I remember not much happened in education; that is for sure. I remember looking around at the school communities that I knew, and later learning that there was not one new school opened that year in our growing state because there was a failure to plan. To think that you could have such a failure to plan that there was not one new school in the state—I mean, the contrast—not in Cranbourne, not in our growing suburbs, but across the state

of Victoria. And of course that was working off that DNA that we learned from the Kennett government, who of course closed 350 schools and sacked 7000 teachers. I know that there are some who hark back to those days. As a parent of a state school teacher—to think that they would return to the days of 7000 teachers being sacked—it is just heartbreaking to think of what happened in that time. Since assuming government, of course, we have invested \$154 million in schools in Cranbourne. I commend this matter of public importance and I commend the member for Mordialloc.

**Ms VALLENCE** (Evelyn) (15:41): I rise to make a contribution to the matter of public importance debate today. The member for Mordialloc's MPI is a veiled attempt to hide away from what is really important. With this MPI it is crystal clear that this Labor government is more concerned about reputation management than the real, pressing matters of importance to the Victorian public. So keen is the member for Mordialloc and this Labor government to avoid any meaningful debate on matters that will actually impact Victorians, like the looming cuts to jobs and wages that will come from the Treasurer's brutal \$4 billion of cuts to the budget.

The harsh cuts and higher taxes that are coming certainly will not benefit Victorian children. I invite the member for Mordialloc to ponder the impacts on the children of those government employees, including Forest Fire Management Victoria and Department of Environment, Land, Water and Planning staff, that have not been paid by this Labor government. Surely that is a more pressing matter of public importance today. The Premier has talked about jailing employers who do not pay their workers, and now he has been caught out failing to pay his own employees who bravely fought the recent bushfires, which will no doubt cause anxiety and financial pain for these families right at the time that their children have just started back at school. It is absolute hypocrisy.

Today's MPI is a veiled attempt to avoid scrutiny by rehashing a few policy headlines. It will not soften the blow of the \$4 billion of cuts and the looming higher taxes that will hurt Victorians badly. However, if the government wishes to talk about itself and topics like universal three-year-old kinder, dental vans and school infrastructure that they had let degrade for so long, then we are here at the ready. We are happy to scrutinise Labor's flagship policies, which they are already dismally failing on.

Universal three-year-old kinder—now, as a mum of two I believe strongly in education and quality early education. But this is the government's catchy headline. By the government's own admission, it will be lucky to be rolled out by 2029. It might only ever be a headline and is doomed to failure, because the Treasurer and the education minister have provided no guarantees that this program will not be subjected to savage cuts—have the axe torn through it as part of the \$4 billion of cuts. The sector is likely to never see the promised 6000 jobs in early childhood education as part of the program because, as we know, this government has already said it will be cutting jobs. The education minister will be lost for a punchline when the Treasurer drops an axe on universal three-year-old kinder, forcing him to break his promise of jobs in the early childhood sector. I can see the Treasurer eyeing off the \$49.7 million kinder fee subsidy too. I mean, let us face it, the Treasurer will have to be pretty drastic in his cuts to reach his target of \$4 billion from the budget.

Now, I was interested to note the wording of the MPI failed to mention the government's \$58 million school breakfast program. It must already be on the chopping block. The universal three-year-old kinder program is under pressure before it is really getting underway. In the 2019–20 budget estimates public hearings the education minister conceded the government had not even conducted an audit to assess the capacity in early childhood education—that is, both infrastructure and resourcing. The minister noted that an audit would occur, and I quote:

... through Ernst & Young over the course of the development of this rollout.

I am sorry to break it to the member for Mordialloc, but as the Treasurer looks to cut \$4 billion from the budget it is consultants fees that in the first place the Treasurer will be looking to cut. As the Ernst & Young audit has barely gotten started and is years off being completed, then it looks like the three-year-old kinder program is right in the firing line of the looming budget cuts.

The further flaw in the government's rushed plan—chasing headlines but with no regard for its financial commitment—is that we heard in the Public Accounts and Estimates Committee budget hearings that the program requires co-investment of kinder providers, including not-for-profit providers. Therein lies a huge problem. As a former board member of a not-for-profit kinder, I can assure the member for Mordialloc that cash of the magnitude that would be required not only for capex but also for the operating expenditure simply would not be able to be sustained.

So to the next attention-grabbing headline, the Smile Squad dental program. I mean, what happened to 'Dan's vans'? Did the Premier did not want his name attached to a program that is doomed to failure? On the dental vans, instead of landmark reform what the public is actually facing is a landmark failure. The Treasurer and the health minister have provided no guarantees that this program will not be subjected to savage cuts as part of the \$4 billion of cuts. Despite the \$395.8 million election commitment, the Labor government only provided \$321.9 million for the program in the budget. Before it even got off the ground, before it even got started, Labor cut its own program by 18.7 per cent, and there are no guarantees that these cuts will not continue.

In a comical twist, at the Public Accounts and Estimates Committee (PAEC) hearings last year the Minister for Health conceded that her dental van program was actually funded by the federal Morrison government through the child dental benefits schedule. Dental health is an important matter for Victorians, yet the Labor government is failing miserably; as we saw in the 2019–20 budget Labor has already heartlessly cut \$74 million from dental care for Victorian students.

Moreover, at the PAEC hearings, the health minister either did not know or deliberately refused to answer questions about the program, including those on the cost of screening and treatment vans and on why government procurement policies had not been followed for such an intensive spend on the capital assets of vehicles and medical equipment. This is over \$320 million of Victorian taxpayer dollars that we are talking about. In getting a huge and costly truck fleet I think the government has entirely underestimated the cost of the purchase and operation of this truck fleet, and it simply is not core government business. Victorians deserve better.

Now to school infrastructure and the government's headline on spending on upgrades to new schools: well, as a mum of a child in the public school system, I think it is very well known that the Labor government is really just playing catch-up. Labor has been in government for 16 of the last 20 years and has been failing dismally on school infrastructure investment. Now, with the Treasurer wielding his heavy axe to reach \$4 billion of cuts, the Treasurer and the Minister for Education have provided no guarantees that this school infrastructure investment program will not be cut. Part of the issue is that the government has failed to be transparent in terms of which schools will receive funding and why. Infrastructure Victoria made clear recommendations about transparency and the need to publish five-year investment priorities for new and upgraded schools alongside planning data that shows demonstrated need.

At PAEC, the government indicated they are years and years off even completing an inspection and audit of the quality of each Victorian school, so it remains unclear to parents and school communities which schools are in and which schools are being kept in the dark. Manchester Primary School in Mooroolbark in my electorate, for example, has very much had the door kept closed to them for meaningful and much-needed upgrades for school infrastructure, including the toilet block that has been quarantined for over two years now because the ceiling is exposed with wiring.

How will the government pay for these services and infrastructure outlined in this MPI when costs on all of their projects have already massively blown out? There is already \$25 billion of cost blowouts. Net debt is projected to increase by 10.5 per cent over the forward estimates to almost \$60 billion, with no plans to pay it back. Labor is scrambling to increase taxes and to make massive budget cuts. It is the real cost of Labor. The Treasurer did not mince his words when he said, and I quote:

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

His words: 'every line item'. Nothing committed in the 2019–20 budget is safe—not the universal three-year-old kinder, not the school dental program and not the school infrastructure investment program. This government continues to run from the brutal truth of its own making. It cannot manage money.

**Ms CRUGNALE (Bass)** (15:51): What a great opportunity it is to rise to speak on this matter of significant public importance and to rattle off a litany of positive capital and social investments, borne from some pretty remarkable policies and projects across many a portfolio, that at their very core are to bring out the best, offer the best and to support each and every Victorian to be their best. Because we wish our children well; we want them to participate, and we want them to be active citizens, to contribute, to challenge the status quo and to realise their potential.

Half of the world's population is under 25 years of age, so our young and our youth are an absolute asset to our community. They can change the future and show the rest of us a different way of seeing the world. Their stories, ideas and experiences can importantly inform how we better deliver programs, services and supports, both locally in my electorate and across Victoria. Our job as a government is to prepare them, to support them, to skill them up and to enable them so that they become good critical thinkers and so that we also encourage creativity at every stage of their journey. I have been told that over their lifetime they will average five different careers and work for 17 different employers. This is the workforce and the world that awaits them. So here I go on an impressive 'Hear ye, hear ye' kind of moment with real outcomes. I want everyone to picture me in a thespian-style velvet outfit holding an elongated roll of parchment paper bigger than the biblical Old Testament or the Dead Sea scrolls.

The school build: we have 1 million students, and of those, 81 000 are preps. There will be 100 new schools across the state over the next eight years and there will be an investment of \$6.1 billion to deliver more than 1400 school upgrades, supporting more than 7500 construction jobs for Victorians. This is the largest and the most ambitious investment in school infrastructure in Victoria's history ever. The investment is making sure that every child has access to a great education, that our schools can cater for Victoria's rapidly growing population and that government schools are better equipped to prepare students for the 21st century.

This year we opened a new primary school and a new senior campus in Bass. We welcomed Grayling Primary School, a beautiful new school, just this month—a wonderful addition to the Clyde North community that has already lived up to its motto, 'Proud and connected'. It is aptly named after the endangered freshwater fish that is known to inhabit Cardinia Creek at the back of the school. The principal, Luke Abdallah, and his teaching and support staff are super energised and are already delivering a quality education, programs and activities for all students to be their best—another new school proudly brought to you by the Andrews Labor government.

There is another one: the Wonthaggi Secondary College senior campus. It was with a spring in my step that I stood next to the Deputy Premier and Minister for Education to celebrate the senior campus opening at Wonthaggi Secondary College. To everyone that has been on this journey—we did it. It was an incredible moment to see this new campus built, opened and full of energy, with around 670 students alongside fabulous teachers, support staff and community, all in a super big three-court stadium—a competition-grade stadium—cheering away with smiles galore. This is a top-quality public school with fabulous light-filled learning spaces, an oval, wetlands and more—again, proudly brought to you by the Andrews Labor government.

On the elongated scroll of school buildings let me also champion the upgrades, because we are not just about all things new. Clyde, Koo Wee Rup, Lang Lang and Cowes primary schools all have architects appointed, and away they go. It will be a healthy \$30 million-plus investment once all is complete, with buildings to match their excellent and capable teachers, support staff and students.

I am really looking forward to first term 2021 when Pakenham Henry Road Secondary School—an interim name—comes on line. The land acquired last year now has the longest and most rectangular fence wraparound I have ever seen. The site shed is on, the architects are appointed, dirt is starting to

move around and machinery is en route. Also in term 1, 2021, will be Thoroughbred Primary and Timbertop (Officer North West) Primary in the neighbouring electorate of Gembrook. Bring on 2022, with Clyde North Secondary, Clyde North Primary and Bass Coast Junior Secondary School in San Remo—of course all interim names.

At all the primary schools mentioned we co-locate kinder facilities for obvious reasons—easy drop-off as a practical one. More importantly we do this to strengthen the connections and continuity between early learning and school. This is great for the kids themselves, their parents, guardians, educators and teachers. What can I say? They are proudly brought to you by the Andrews Labor government.

Speaking of kinders and what a massive reform our universal three-year-old funded kindergarten program is, I will add to the contributions of my caucus colleagues by saying a cause for celebration with the rollout and also the building program of upgrades and new facilities is that we need a workforce. So we have just added to the free TAFE course list certificate III and diploma in early childhood education and care, and these are being delivered at Chisholm's Berwick and Wonthaggi campuses, skilling up a local workforce needed for local jobs close to home. It creates jobs through two principal means: the 6000 early childhood teachers and educators we will need as well as the jobs created to actually build the infrastructure. Parents have already got on board with three-year-old kinder. In South Gippsland, which flanks the Bass electorate, 86 per cent of three-year-olds are attending the kinder program now.

It would be really remiss of me not to segue into our Local Jobs First policy, which supports local businesses and gives them the opportunity to compete for both large and small government contracts, but what I love is that it is also mandated that apprentices, trainees and cadets will work on these projects—from schools and hospitals to manufacturing and road projects.

We are not just about the physical build either. Take the rural and regional package; rural and regional education reform—I am going to have to skip through this as I am running out of time—the school readiness funding; the inclusive kinder grants; breakfast clubs, and this year the number of schools participating in Bass grew from 11 to 16; and the school building maintenance blitz. Even Pick My Projects saw a sensory play area, community school farm and food project, solar panels and bee education program for kinders, schools and outdoor ed organisations.

There is assistance for school uniform programs; the Camps, Sports and Excursions Fund; Glasses for Kids; mental health professionals in state high schools—I could go on and on and on. This is not an exhaustive list and I am in no way exhausted by talking about it, but I will run out of time so I might skip through it. We have got the Smile Squad, and can I just say that Clyde Primary School is in the mix for the rollout, so they will be having Dan's vans coming onto their premises this year. Good dental health is more than just healthy teeth. Tooth decay is over five times more prevalent than asthma, and we know that dental conditions are the highest cause of preventable hospitalisations for Victorian children under 10 years.

In summary, we have a really rapidly growing community, and with that comes new opportunities and also many challenges. I did go through some of them in my inaugural speech, where I said that we have a low year-12 completion rate, we have one of the highest rates in the state for the number of children with developmental vulnerabilities, food insecurity is really high and the number of children attending three-year-old and five-year-old maternal and child health checks is the lowest in the state. It is no surprise that things like three-year-old kinder, mental health professionals, dental vans, school builds, community hospitals, free TAFE—all this—were responded to so positively at the 2018 election.

We are addressing all of the above, and we are effecting change through social, health and educational reforms. We have a lot more to do, but we have the will and the determination. We started the minute we were elected in 2014, because this is what we do, this is our job and we have to, because all Victorians are worth it.

## Bills

## JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

*Second reading***Debate resumed.**

**Mr TAYLOR** (Bayswater) (16:01): It is fantastic to see the member for Oakleigh in the chamber.

**Mr Dimopoulos** interjected.

**Mr TAYLOR:** Thank you very much, member for Oakleigh. I know he also provided a significant contribution on this piece of legislation today. No doubt there will be many, many people in his electorate that will also benefit from the positive outcomes that this bill will deliver.

I have given a summary of the bill, and I will get back to where I left off. This bill goes to directly supporting and backing in our workers, not just across the Bayswater electorate but right across this fantastic state. We have an extremely strong record of doing exactly that, with this legislation and everything we do in this place and everything that this Andrews government has delivered for Victorians.

We talk about this legislation and what it will deliver and what will change. We saw recently of course with the sad passing of John Cain, the former great Premier of this state of Victoria, the legacy he left behind, part of which was the creation of WorkSafe, along with his many other legacies, whether it be in the creation of the Transport Accident Commission or the Victorian Electoral Commission. The work that this bill continues to build on started with John Cain and will continue in terms of making sure that we continue to back in our workers and make sure that we empower them to hold people accountable where wrongs have been done against them.

This bill talks about empowering workers to bring up class actions and making it easier for them to do so. We talk about potential class actions around silicosis and around wage theft, and in relation to silicosis we have learnt much about this insidious disease and the way that it has devastated the lives of workers, their families and their communities. Without any delay this government has acted decisively by banning the dry cutting of engineered stone to protect workers from the deadly silica dust. New regulations will dramatically cut workers' exposure to the crystalline silica and reduce their likelihood of developing the awful disease. In addition, the government has developed a silica action plan to stamp out this debilitating disease. The plan includes free health screenings for Victoria's 1400 stonemasons and a compliance blitz of high-risk workplaces.

We have too now seen a rise in the practice of wage theft by those who choose to dud their employees, shamefully. We have now heard in this place and of course across the media and a number of other platforms the stories recently of the millions of dollars of unpaid wages and workplaces where staff sadly are often left with minimal rights and in many instances are even too scared to speak out through fear of being fired or otherwise. So this government has also committed to passing laws to criminalise wage theft, which now appears to be all too common in our hospitality industry. Employers who underpay their workers need to and must be held to account.

These are important reforms in areas affecting everyday Victorians. But the government wants to use all the tools at its disposal to support workers and consumers, and our class action laws that we are discussing in this place today can go a long way—and will go a long way—towards making sure that we support those workers.

We are also supporting workers with our guaranteed apprentices on major government infrastructure projects and with our free TAFE courses across over 40 priority course areas, including, as we have discussed in the most recent matter of public importance, early childhood education. Those will be coming online this year as we start to roll out a significantly important piece of work in three-year-old kinder right across Victoria, with a close to \$1 billion investment in last year's budget. No doubt that



investment will continue, because we know the great benefits that has for three-year-olds as they continue education throughout the rest of their life. That is a landmark reform, which will transform education in this state and support jobs for early childhood workers.

Significantly, this continues to support workers, it just builds on the track record of the Andrews Labor government in its second term in supporting everyday workers—empowering them and making sure that we continue to turn that balance of power, we give that power to employees and we make sure employers do not wantonly disregard legislation and do not just get away with stealing wages and not providing safe workplaces. This will go a long way to doing that. Our reforms to class actions are a strong continuation of our work in continuing to back in workers and empowering them to stand up against wrongdoings.

Class actions are an important tool in our justice system as they allow a case with six or more plaintiffs to combine their action. These class actions allow people who have been harmed to access the courts and get the damages they rightly deserve. We know that Victoria's class action laws are now currently extremely under-utilised. This is what the Victorian Law Reform Commission found in its 2018 report *Access to Justice: Litigation Funding and Group Proceedings*. In an average year only five class actions are filed with the Supreme Court because it can be hard to find a person to act as a lead or representative plaintiff on behalf of a group of claimants. Plaintiffs fear that they will face the burden of legal costs if the matter is unsuccessful because they might be made personally liable for meeting the costs of the other side. This acts as a major deterrent, as we know, to ordinary people, to everyday people off the street, who have had wrongs done against them.

We need to make sure that people are able to bring more cases against big corporations and that our laws can be improved so that more Victorians can gain access to fair and righteous justice. In some cases, of course, the risk can be addressed by a law practice acting on a no win, no fee basis, as we have seen—and I am sure we have all seen the ads—or through the involvement of a litigation funder. However, where this is not the case the risk of personal liability may act as a major barrier to bringing a class action.

This bill will allow lawyers to receive a fee that is calculated as a percentage of the settlement of damages. This is achieved by enabling the Supreme Court to make what is called a group costs order. This will shift the burden of cost risks from the lead plaintiff to the plaintiff's lawyers in return for the lawyers receiving a percentage of any amount recovered as payment of their costs. Of course under these new group costs orders, and consistent with the law reform commission's recommendations, lawyers would be required to indemnify the lead plaintiff for any adverse costs orders and provide for security costs if required.

Many in the legal profession support this bill as an access to justice measure, whether it is the Law Institute of Victoria's then president, Stuart Webb, the Victorian president of the Australian Lawyers Alliance, Jeremy King, the Consumer Action Law Centre, the Consumer Action Law Centre's chief executive officer—the list goes on and on and on. This is good reform, this is good legislation, and it will allow the court to vary an order, including the percentage amount for legal costs, at any time during the proceedings.

There are some minor and technical amendments, albeit extremely important, which continue to strengthen our legislative framework when it comes to equal and accessible justice and around some of the acts, including the Criminal Procedure Act 2009 to clarify when a witness is cognitively impaired. We are amending the Criminal Procedure Act and we are amending the Evidence Act 2008 as well as making some other minor amendments. This bill, as I have said, is a significant piece of legislation. It will make sure that we continue to empower workers to stand up against wrongdoings, to stand up where something has happened and we know that it is wrong, and by allowing more people to access class actions, and that is exactly what we are doing. This Andrews government, as we know, will always stand up for workers. We will always back them in, not just in Bayswater but right across Victoria, and I commend this bill to the house.

**Ms RICHARDS** (Cranbourne) (16:09): I rise with great pleasure and am honoured to follow on from the member for Bayswater and his contribution on the Justice Legislation Miscellaneous Amendments Bill 2019. The contributions from this side of the house have been outstanding, and I reflect on the lived experience as well as the professional experience of so many of the contributions that have come before me, starting with the member for Frankston, an emergency worker, firefighter and educator who brings a passion to this place, and the many inspirational and deep-thinking lawyers, including the Acting Speaker now, the member for Carrum. I reflect on the member for Clarinda and the way that he also acknowledged the multicultural communities in his area, and the never forgettable member for Burwood. I would also like to thank the Attorney-General for bringing this reform to us here, the person who does the deep policy work, ably assisted by her unique advisers and departmental staff who have a passion for legal justice.

I commend this legislation because of course it importantly responds to recommendation 8 of the Victorian Law Reform Commission report that did consider access to justice litigation. On this side of the house, when we have the opportunity to have the great honour and privilege of government, we follow evidence-based approaches, and of course this legislation before us today is based on some very clear and compelling evidence.

This bill amends the Supreme Court Act 1986 and other justice-related acts that were so clearly articulated by the member for Bayswater, and these class actions that this encourages or allows are important tools that help bring about justice. I am grateful to Stuart Price, as the CEO of the Litigation Lending Services, for his clarity and research, as was articulated in the *Australian* where he explained:

Of the five largest class action awards ever made in Australia, none were shareholder claims.

He goes on to say that members of these class actions were ordinary people who were only able to access justice because they were able to find somebody willing to shoulder the financial risk. Of course that is where we have taken action. We have recognised that it is not always possible to find a person willing to take on that financial risk, nor is it feasible when the costs are prohibitive and the risk is so high. These changes will allow lawyers to indemnify the lead plaintiff to remove the fear and risk of adverse costs if the class action is unsuccessful. I also note that Ben Hardwick from Slater and Gordon—and I am grateful for his insight as well—was reported in the *Australian* as saying that class actions play an integral role in holding corporations to account and protecting everyday consumers who would otherwise not have the means to bring litigation alone.

I am so proud that Labor has taken notice of these recommendations and listened to this clear public policy. I am pleased to learn that this reform was welcomed by the Law Institute of Victoria and I am aware that Stuart Webb is reported as saying that it would increase access to justice. I note Victoria is now seen as being on the right side of history once again in moving forward with this change, ensuring Victoria is, as always, a pioneer in allowing more of these class actions to proceed.

This legislation is particularly important to Cranbourne. I know that I was always going to be able to bring in the importance of this legislation to the community I represent. I would like to acknowledge that there are many Afghan Australians in Cranbourne, and I would like to thank Ahmed Sabiri, who is the treasurer of the Victorian Afghan Associations Network, for organising a really important information session on the importance of workplace safety. Everyone has a right to feel safe at work, and I commend this organisation for organising an event on a Sunday evening in Lynbrook, where we learnt about the importance of the Afghan community. Of course there are 9000, of the 300 000 residents in my local government area, of Afghan heritage. Many have faced hardships that are hard to imagine, and these have included sacrifices in the pursuit of a better and new life for themselves and their families.

Of course the cornerstone of success is employment. I am aware that people from some of our diaspora multicultural communities are always at some risk of being more vulnerable in the workplace and that the personal costs associated with the harm, including from wage theft and silicosis, is unacceptable. Our government has been very conscious that the pursuit of employment ought not come at the cost

of a worker's health and safety. Losing a loved one, especially a breadwinner but any loved one, is devastating and unacceptable. But I am relieved that we have acted to ban dry cutting of engineered stone and put in place important frameworks to make this practice safer. I do know that many of our communities in Cranbourne, especially our Afghan communities, are people employed in professions that put them at risk of inhaling fine particles of silica dust.

We do know that on average in 2018–19 there was one silica related claim in Victoria every week, and that is unacceptable. The reality is there are too many people who are suffering, and I am proud that we have provided information on this important reform in languages other than English, including in Dari.

I would like to again acknowledge the death of a young man in Cranbourne. Dillon Wu was a 20-year-old boilermaker apprentice. I would like to acknowledge and pay my respects to his family for the pain that they have suffered. His family are constituents of mine in Cranbourne. I would also like to acknowledge Kerty Godon, who was a friend and workmate of Dillon's who came to see me and told me about the cost to the whole community at the loss of a very young man only two weeks into his role. I would like to thank the AMWU for the extraordinary work they did in responding to this awful death, and again pass on my thanks to Tony Mavromatis for the extraordinary work that his union has done in making workplaces safer for workers across Victoria, right to the centre of our public policy, and making sure that we are always aware of these costs. Wage justice is at the centre of our Labor agenda. A fair day's pay for a fair day's work is a simple concept and one that is incredibly important to us all. We need to be safe at work, we need to be paid fairly, and when people rip off workers they ought be held to account.

Last night I was very pleased to have the opportunity to discuss some of the reforms of this government, including this bill that is before us here, with Troy Gray, the secretary of the Electrical Trades Union, and some of the other organisers and delegates from the ETU. I would like to thank Matt Boyd, one of the really hardworking electricians who has been going out to sites across Victoria. He told me some alarming stories about situations that he is coming across. He goes out to make sure that his workers are safe, and he is finding examples of extraordinary practices. It is only from the work of our hardworking trade union sisters and brothers that so many of these issues are brought to our attention and brought to the fore. So I would like to add again my thanks to the Trades Hall Council, to Luke Hilakari, for always reminding us that, whether it is industrial manslaughter legislation, whether it is coming and providing information about the risks of silicosis, whether it is making sure that class actions are easy to access or actually, like we did in passing—finally—yesterday reforms that give line workers licensing; people who go to work in the morning expect the Labor government to make sure that with every reform we do we have a lens that is conscious of the effect that it has across our community. Of course I wish this legislation a speedy passage. We have fought hard for this reform over a long period of time, and I thank everyone here for their support.

**Mr McGuire** (Broadmeadows) (16:19): This bill delivers access to justice for everyday Victorians. I think this is the critical point that is being delivered. It makes it easier to bring class actions across a whole range of concerns, from silicosis to wage theft, to consumer harm and other wrongdoing that occurs, for people who do not have the opportunity to mount a case on their own. It paves the way for class actions to proceed where they otherwise would not be viable because of the financial risk to plaintiffs in legal costs. This is a critical proposition for people getting access to justice.

In relation to silicosis I do want to commend the government, the Attorney-General, the cabinet and everybody involved right through the party, and the union movement, who have acted decisively by banning the dry cutting of engineered stone to protect workers from deadly silica dust. These new regulations will dramatically cut workers' exposure to crystalline silica and reduce their likelihood of developing silicosis. In addition, the government has developed a silica action plan to stamp out this debilitating disease. This plan includes free health screenings for Victoria's 1400 stonemasons and a compliance blitz on high-risk workplaces. So this is a really important initiative in prevention and to actually address this significant problem.

I want to also raise, in the spirit of this legislation, something that I have noted just from my personal observation. Near my electorate office there is a nail salon. I have passed it, particularly on Friday evenings, when the place is full, and I can tell you the smell of the chemicals that emanate from there will clear your sinuses from 30 paces. It is in an area where there are a lot of migrant women. Particularly in my electorate I have got virtually the United Nations in one neighbourhood. Every time I have inquired about what actually is going on there, people seem to be defensive. I would like to again put this on the record in the Parliament that I think this is an area that needs to actually be looked at. I am just hoping that the people who work in these nail salons are not being exploited. They are overwhelmingly women, and I just hope that this does not become the next version of the silica problem. I just want to put that on the record with the Attorney-General as well in terms of how we take care of the vulnerable in our communities, and as I said, particularly migrant women, who are some of our most vulnerable.

With this bill the government has also committed to passing laws to criminalise wage theft. We have seen that right through the media in recent times—the different cases and how that is playing out—particularly in our hospitality industry, which has been the focus of high-profile stories and media coverage in the last couple of weeks. The bill also addresses employers who underpay their workers and how that can have greater scrutiny, accountability and compliance. So these are important reforms in areas affecting everyday Victorians, and the government wants to use all the tools at its disposal to support workers and consumers. Our class action laws can go a long way towards delivering this result.

Within our criminal justice system class action cases allow a case with six or more plaintiffs to combine their action, and they provide people who have been harmed access to courts to then get the damages that they deserve. In the past Victoria's class action laws have been under-utilised. This is what the Victorian Law Reform Commission found in its 2018 report *Access to Justice: Litigation Funding and Group Proceedings*: in an average year only five class actions are filed in the Supreme Court. So those numbers tell the story.

It can be hard to find a person to act as the lead or representative plaintiff on behalf of a group of claimants. Plaintiffs fear that they will face the burden of legal costs if the matter is unsuccessful because they might be made personally liable for meeting the costs of the other side—so what this bill will do is address this imbalance in the scales of justice—and this acts as a major deterrent to ordinary people bringing cases against big corporations. So this is an improvement in the law so that Victorians can gain greater access to justice. In some cases the risk can be addressed by a law practice acting on a 'no win, no fee' basis, and we have seen those advertised, or through the involvement of a litigation funder. From my investigations into that sector, that can be beneficial in some ways but problematic in others as well. However, where that is not the case, the risk of personal liability may act as a major barrier to bringing a class action, so this is an attempt to address this critical gap and to make access more available to more people.

The law reform commission found that allowing lawyers to charge a percentage of the settlement amount in return for indemnifying the lead plaintiff for the other side's costs lowers the risk for a potential lead plaintiff. So the bill allows lawyers to receive a fee that is calculated as a percentage of the settlement of damages, and this is achieved by enabling the Supreme Court to make what it calls group costs orders. This will shift the burden of costs risk from the lead plaintiff to the plaintiff lawyers in return for the lawyers receiving a percentage of any amount recovered as payment of their costs. So under these new group costs orders, and consistent with the law reform commission's recommendations, lawyers would be required to indemnify the lead plaintiff for any adverse costs orders and provide security for costs if ordered. Many in the legal profession support this bill as a greater access to justice mechanism. The Law Institute of Victoria's then president Stuart Webb has stated:

Enabling the Supreme Court to make group costs orders in class actions will mean that plaintiffs will bear a lower costs risk burden, and may facilitate the bringing of meritorious class actions which might not otherwise have been brought in the face of higher costs risks.

I also do want to cite the Consumer Action Law Centre response to this, and their commentary was that:

The *Justice Legislation Miscellaneous Amendments Bill 2019* ... will reduce barriers to class actions by allowing lawyers to receive a 'contingency fee', a fee that is calculated as a percentage of the settlement of damages.

And just to quote their chief executive, Gerard Brody:

Too often class actions do not proceed because the economics don't stack up for litigation funders ...

This is the point I am making about the system as it stands.

And regulators and other dispute forums, while important aspects of an effective justice system, can't respond to all misconduct.

And that is the reality of what happens. A lot of injustices are just let go because it is either too difficult or too costly or the risks are too high. I want to quote Gerard Brody again. He says:

The changes in this bill should mean that more class actions are able to proceed. We see so much misconduct affecting vulnerable people by businesses such as payday lenders, debt management firms and even energy companies and telcos. Too often, significant harm goes unremedied.

This is the critical point. He noted that court oversight over class actions is integral for fair results and that:

Class actions relating to junk add-on insurances, a problem initially identified by community legal centres and scrutinised by the Financial Services Royal Commission, are now being settled. It's important that the fees involved in these actions are fair, and steps are taken to ensure that all affected people benefit.

That is at the heart of this legislation. This is why it will deliver greater access to justice and fairer results, and on this basis I commend the bill to the house.

**Mr FREGON** (Mount Waverley) (16:28): I rise to speak on the Justice Legislation Miscellaneous Amendments Bill 2019. I would like to just start by mentioning a couple of my colleagues who mentioned a few things I would like to point out. Firstly, the member for Frankston—I do not think I have ever heard anyone mention *Better Call Saul* in Parliament before, so that was a nice little thing. His comments on the reasoned amendment that is before us I believe were summed up, if I can paraphrase, by it being more of an 'unreasonable amendment'. He also spoke about the wages that were stolen from Indigenous Australians in Queensland.

I think we are seeing more and more companies coming out in the news. I think there was even one today, which I will not name, putting themselves out there that they have not paid people what they should have paid people. I can only imagine that they are doing this on the basis that they know that there are wage theft laws coming and they are probably better off saying it now. This is something our government is committed to, and I think these changes in regard to our class action laws are part of what will hopefully mean our big corporations act in a more dutiful and better way so they are actually paying their staff proper amounts.

I also want to point out that my good colleague and neighbour, the member for Burwood, pointed out that the member for Ovens Valley seemed to comment 'on a diverse range of views', I think was the statement. I guess, go figure—this is the house for a diverse range of views, so that is not a particular surprise. I must admit that most of the time when we wait for the members on the other side to stand we sort of know, really—you get a sense that you know already—what they are going to say. The member for Burwood and I coined the phrase before: it is like 'pre-ja vu'.

I think the cornerstone of our legal system is that every person has fair and open access to seek the justice that they deserve. But lawyers are expensive, and very experienced lawyers are very expensive. We do not all have a retired QC who comes and knocks on our door and offers to take us to the High Court and look after us, Mr Kerrigan-style, so this bill makes it more possible for our everyday Joe and Joanne to get the access to justice that they deserve. So I thank the Attorney-General for her hard

work in relation to this important bill. The government has made and will continue to make significant reforms in areas which affect everyday Victorians in regard to regulations to protect workers from silicosis and stamping out wage theft as well. We will use all avenues to support and protect our workers and consumers, including updating our class action laws, which we are here to do today.

I would also like to thank our previous Attorney-General for his work in asking the Victorian Law Reform Commission to inquire into access to the law with regard to class actions. That request for that review, which was commenced in 2016, has set us down a path which has brought us here to this bill today. In amending the Supreme Court Act 1986—which, by the way, was a very good year, and my old Jag that is gone now was an '86 series 3, a very nice car; I miss it very much—this bill gives rise to recommendation 8 of the Victorian Law Reform Commission's *Access to Justice: Litigation Funding and Group Proceedings* report of March 2018. There is a mouthful.

While I am on that, a quick note of thanks for the lifelong service of the late Honourable Philip Cummins, AM, who was chair of the commission at the time. His distinguished career over six decades saw him serve as a judge of the Supreme Court of Victoria for 21 years, and it is the same Supreme Court that this bill will affect. He contributed not only to this legislation but greatly to our legal system and was a great advocate for victim rights.

This bill will improve access to justice for Victorians by making it possible for class actions to proceed where they would be prevented because of the financial risks to plaintiffs in legal costs. The commission found that in Victoria class actions are under-utilised. I think I heard from other members the figure of five a year, on average. For a class action to proceed there must be a lead or representative plaintiff on behalf of a group of claimants. The real risk for that lead plaintiff is that if the matter is unsuccessful they are sort of left holding the bag. Most of these cases are David versus Goliath cases—telcos, banks and insurance companies that are very well lawyered up. That is their right, that is the process, that is the legal system we have, but it means that if a case is unsuccessful the everyday Joe Blow can lose it all—lose a home, lose whatever he has got. That is not just affecting him; that is affecting his family. When we think about cases of silicosis, that person may already have a life-altering malady inflicted on them, so I think this bill giving access to justice for these people makes sense.

The law reform commission found that if lawyers could charge a percentage amount of a potential settlement whilst at the same time indemnifying that lead plaintiff for the other side's costs, that would lower the risk for the plaintiff and therefore more cases would likely go ahead where otherwise they would not because of that potential financial burden. This bill achieves this by providing the ability for the Supreme Court to make group costs orders. It is worth restating that the lawyers for the plaintiffs would have to indemnify that plaintiff for any adverse costs in order for the group costs orders to be granted. The court can also order those same lawyers to provide security for those said costs, so the court is instrumental in this process. In practice, a representative or lead plaintiff in a class action may apply to the Supreme Court for a group costs order. The court may then choose to grant such an order which would have the effect of the plaintiff's lawyers receiving a percentage of any recovered amount.

The Supreme Court has a very important role, as I said, in providing the checks and balances, and these orders are subject to the court's strict supervision. This bill does not tell the court exactly how to make those decisions. It does not tell them how much to choose as the percentage. That is well within the jurisdiction of that court to decide, and that is the right place. It should not be politicians making that decision; it should be our Supreme Court justices. Therefore this adds further protection for class members and safeguards the fairness of any group costs orders. It is worthy of note also that the court can adjust the percentages at any time within the proceedings.

There are several reasons why this bill will benefit class members, but key to the intent of this bill is to remove any financial barrier to commencing a class action for smaller and lower value claims. In our current system, these can be uneconomic to run but potentially more likely to be run on a group costs order basis. The court is also able to improve transparency within this process for class members, and arrangements should therefore be fairly simple for the members to understand. Percentage-based fees

are currently banned under the Legal Profession Uniform Law. However, this bill is not inconsistent with this uniform law because there is no prohibition on the Supreme Court from making a group costs order. I think it is worth saying that we do not necessarily want to take ourselves to an American free-for-all system, where we have 10-metre-high billboards for personal injury lawyers. That is not what this bill is trying to do. This bill is trying to give access to justice for the everyday bloke.

The bill implements one recommendation from the Victorian Law Reform Commission's *Access to Justice* report. The government is considering the remaining 13 recommendations, which were directed, and will consult with relevant stakeholders. Should further legislative amendments be required, then they will be introduced at a later time. It is worth noting that in the recommendation we are addressing today the commission stated that the approval of any common fund or group costs orders should be subject to conditions that are set out in legislation, as we bring today, or the Supreme Court's practice note on class actions. Most of the commission's recommendations are directed to the Supreme Court on that class actions practice note, and the court is currently working on amendments to it, as is right. I commend the bill to the house.

**Mr EREN** (Lara) (16:38): I am delighted to be able to make a contribution on this very important bill before the house, the Justice Legislation Miscellaneous Amendments Bill 2019. At the outset can I congratulate the minister, the Attorney-General, on bringing in yet again another reform of legislation to this Parliament that will make for a better society. We on this side of the house are very conscious of the fact that we are in favour of social justice, and that is what sets us apart from the other side. I am really proud to be a Labor member who enforces some of these laws through this place to make our society a more just society. As members of Parliament we bring in legislation, of course our judicial system applies those laws and then the enforcement agencies enforce those laws accordingly. On occasions we have laws such as this that come before Parliament which will see some of those battlers, some of those people that really cannot get access to justice, get access to justice as a result of this bill. I am so delighted to be making a contribution on this very important bill.

I obviously, like many people in this house, would have a lot of lawyer friends. I know that that is one occupation that tends to cause people to gravitate towards being a member of Parliament. I know that there are a lot of people with law degrees that are members of Parliament. There are a lot of lawyers that are decent lawyers out there that try to help, as much as they can, communities and individuals that are finding it difficult to access justice. There are a lot of lawyers that I know that are decent people that do pro bono work for those people that require it, because they have a sense of social justice themselves. I am really proud of that, obviously. There are certain lawyers firms that we work with as a party. Clearly philosophically we align in some of our views in terms of social justice, and therefore we gravitate towards each other. But there are some law firms, obviously, that strictly abide by the money, in terms of making as much money as they can, and of course in certain circumstances where justice should prevail it does not prevail for some of those in our community that are doing it tough and cannot access justice because they have not got enough money. So this bill will go a long way to giving access to those people that cannot normally access justice, particularly when it comes to class actions.

The amendment to the Supreme Court Act 1986 will provide the Supreme Court of Victoria with the power to make a group costs order, which would improve access to justice for plaintiffs bringing class actions in the Supreme Court. The bill will amend the Local Government Act 1989 and the Magistrates' Court Act 1989 to ensure the validity and enforceability of the actions and decisions by improperly established municipal electoral tribunals and affected reserve magistrates, make a number of minor and technical amendments to justice acts to correct errors and clarify the operation of various provisions.

The objective of the bill is about delivering access to justice for ordinary Victorians by making it easier to bring class actions for silicosis, wage theft, consumer harm and other forms of corporate wrongdoing. As our population grows, so does the need for access to justice. We know we are a great state in which to live, work and raise a family. There are unfortunately some instances where some workplaces are not safe for workers, and of course we want to make sure that they are.

In relation to silicosis, this government has acted decisively by banning the dry cutting of engineered stone to protect workers from deadly silica dust, and of course we are very proud of that. The new regulations will dramatically cut workers' exposure to crystalline silica and reduce their likelihood of developing silicosis. In addition the government has developed a silica action plan to stamp out this debilitating disease. The plan includes free health screenings for Victoria's 1400 stonemasons and a compliance blitz of high-risk workplaces—and rightfully so. As I have indicated, it is a great state to live in and to work in, but there are some inherent dangers in some of the workplaces, and we want to eliminate those because we believe that workers should not be exposed to these sorts of diseases as a result of trying to earn some money, to make a living for themselves or indeed their families.

The government has also committed to passing laws to criminalise wage theft, which is all too common in particularly the hospitality industry, and employers who underpay their workers need to be held to account. As a former Minister for Tourism and Major Events I know the importance of the sector and that to attract people to the sector you need to have accordingly a wage system in which for a hard day's work equally you get a good day's pay. But that is not so in all instances. We know the federal government has in certain circumstances discriminated against those particular workers on penalty rates, and certainly it is driving people out of the industry.

Wage theft, as we have seen over the last couple of months, is occurring in some food outlets and restaurants, and it has been proven. Clearly it is a problem out there, and now there are bigger corporates that have been caught out underpaying their staff, whether deliberately or by accident. It should be that people who work hard, that do the hard yards, should not have to pay and suffer the consequences of this type of activity by unscrupulous employers out there.

These are very important reforms in areas affecting everyday Victorians. That is what we are about as a government, protecting the rights of everyday Victorians, because it is those people, the salt-of-the-earth people, that deserve the respect of employers, that need to be protected by laws and that need to be protected by governments, because it is the right thing to do. That is why this bill is before the house.

This bill will allow lawyers to receive a fee that is calculated as a percentage of the settlement damages. This is achieved by enabling the Supreme Court to make what is called a 'group costs order'. This will shift the burden of costs risk from the lead plaintiff to the plaintiff's lawyers in return for the lawyers receiving a percentage of any amount recovered as payment of their costs. Under these new group costs orders, and consistent with the Victorian Law Reform Commission's recommendations, lawyers would be required to indemnify the lead plaintiff for any adverse costs orders and provide security for costs if ordered.

Many in the legal profession support this bill, which is good to see, as an access-to-justice measure. The Law Institute of Victoria's then president, Stuart Webb, stated that:

Enabling the Supreme Court to make costs orders in class actions will mean that plaintiffs will bear a lower costs risk burden, and may facilitate the bringing of meritorious class actions which might otherwise have not been brought in the face of higher costs risks ...

The Victorian president of the Australian Lawyers Alliance, Jeremy King, has stated that:

The ALA welcomes this legislation as it will directly improve access to justice in Victoria ... The new law will increase the flexibility and availability of funding which will enable more people to obtain justice through class actions.

Mr King also stated in the *Age* article by Tammy Mills of 3 February 2020 that:

It will clearly benefit vulnerable and disadvantaged individuals who may otherwise be unable to pursue a claim because of the cost ...

The Consumer Action Law Centre also backs the bill and has stated that it:

... will reduce barriers to class actions by allowing lawyers to receive a 'contingency fee', a fee that is calculated as a percentage of the settlement of damages.



The Consumer Action Law Centre's chief executive officer noted that:

Too often class actions do not proceed because the economics don't stack up for litigation funders ... And regulators and other dispute forums, while important aspects of an effective justice system, can't respond to all misconduct.

The changes in this bill should mean that more class actions are able to proceed. We see so much misconduct affecting vulnerable people by businesses such as payday lenders, debt management firms and even energy companies and telcos. Too often, significant harm goes unremedied.

This is, again, about social justice. That is what we are about; that is what this side of the house is about. I am so proud to be part of a government that actually cares for Victorians that need the help of government and need the help of the justice system. I commend the bill to the house.

**Mr PEARSON** (Essendon) (16:48): It gives me great joy and great pleasure to be afforded the opportunity of speaking on the Justice Legislation Miscellaneous Amendments Bill 2019. I did not think I was going to speak on this bill, but I jumped at the chance to speak on it.

**Mr Angus** interjected.

**Mr PEARSON**: No, it is important that you are here and you speak and you are counted. It is important that you stand up and that you be counted on these questions.

In reflecting on why I chose to speak on this bill, I reflected upon the life I have lived to date. All of us as we get older reflect on those moments in time, those moments in our lives, which stand out as being particularly relevant to the course of our lives.

Now, I am an atheist—pretty much I think I have always been an atheist—but I knew that I wanted to do something more and be part of something bigger. I knew that I wanted to have a meaningful life and live a fulfilled life. So for me when the opportunity came to join a trade union movement when I was aged 14 years and 10 months, I felt like it was a coming-of-age moment for me, because I felt that finally I belonged to something that was bigger, something that was more meaningful, something that had started long before I was born and something that would continue long after I pass. For me it was always about trying to find ways in which I could contribute in whatever way I could to support the cause of the labour movement.

I have chosen this path and I have come here, and I stand on the shoulders of giants. Next year our great party celebrates 130 years. It is an important and significant moment in time, because there was a recognition from the members of the labour movement back then that striking for individual causes or individual issues on individual jobs was in itself not enough; it was insufficient. So despite looking at the great contribution that the stonemasons made in downing tools at Melbourne University to ask for and demand an 8-hour day, in which they were successful, there was a recognition from the labour movement at that time that you needed to contest political power, parliamentary power, in order to implement your agenda. At every step along the way over the last 129 years we have consistently been opposed by the Liberal Party and its predecessors—at every step along the way. Every gain that we have that is a hallmark now of a civilised society has been achieved through struggle and endeavour, and we have at every step been opposed.

In the world we live in today, the society that we live in today, where you have occupational health and safety laws, where you have WorkCover compensation, where you have universal education—all of these things have been fought for and won by the labour movement, by elected representatives of the labour movement who have sought to make legislative change in this place and in other places as well.

This bill before the house ensures that access to justice can become a far easier reality for working people. Now, I have spoken in the house before about the fact that my grandmother had to borrow money from a relation to get my uncle out on bail and to get a lawyer to represent him in the Magistrates Court so he could appeal a conviction and go on to live a meaningful life. That was really hard for my grandmother. It was extremely difficult and stressful, but for working people that is often

the way. It is often the way that justice and access to justice is an incredible struggle. So a bill like this that makes it easier for members of our society, our community, to go to a plaintiff law firm and have the plaintiff law firm act on their behalf—to advocate on behalf of their interest and to seek redress—is a really important step.

It is no great surprise that for conservative politics, they do not get it and they do not support it. Who could ever forget when Bernie Banton dragged himself off his deathbed to go and protest out the front of Tony Abbott's electorate office in Sydney about the fact that as health minister Mr Abbott was reticent in making medication available for sufferers of mesothelioma. Tony Abbott said:

It was a stunt ... Let's be upfront about this. I know Bernie is very sick, but just because a person is sick doesn't necessarily mean that he is pure of heart in all things.

That is what Tony Abbott said to a man dying of mesothelioma that he contracted as a consequence of his labour.

Members of our society—I know my parents did and I am sure the member for Lara's parents did as well—make their living by selling their labour. That was it. It was through selling their labour, selling their time, that they got the funding to raise a family. When you think about that for a moment, workers in those sorts of industries are incredibly vulnerable, because often they are working in non-unionised roles, often they have got low standards of education and often they might be working in a society or an area where there are few job opportunities and there is high unemployment. They are incredibly vulnerable, and they are incredibly exposed. That is why a bill like this is so important, because it sends a signal. It sends a signal to those individuals that if they need to seek redress, there is a pathway for them to seek it and for them to obtain it without having to try and find the sums themselves—the money themselves—to do so.

And you do you know what? It sends a message to industry as well that you have got to do the right thing by your workforce. You have to have a safe workforce. You have got to look after your people. You have got to support your people to make sure that they can live and work in a safe environment.

We recognise, in the Labor Party, that if you want to make real and meaningful change to the lives of working people, it is not just about an EBA. It is not just about one particular initiative or endeavour. It is a systematic approach where you use the entire set of statute books to be able to effect change, to create and mould and build a fair society and build a great society—that is, in the eyes and the minds of working people.

Now, at every step of the way in this great endeavour—in this great and sacred mission—that the labour movement has bestowed upon us we will be opposed by those opposite. That is the reality. It has always been that way, and it will always be that way. They will oppose us at every step of the way. And invariably they are supported by their fellow travellers. You know, once upon a time it was the DLP and the groupers. These days it is the Greens party, who have not, again, bothered to speak on this bill at all, despite the fact that they might talk about having a Marxist as their leader. I think the member for Prahran was quite obsequious and deferential in a previous contribution in this place about his elevation to that august height.

It is always the Labor Party that has acted in the interests of working people. And for me to be given the chance to speak on this bill today is really important, because this is what I came to do. I came to try and make things fairer and better for working people and to create an environment where access to justice becomes easier, fairer and more available for working people. I came to make it easier for people who do not have the money and who only have resources through selling their labour—selling their time—and invariably for precious little. I came to create an environment whereby workers can get access to justice and have the opportunity to be able to live a meaningful and dignified life, and to send a message to the disreputable, irresponsible employers that it is just not good enough, that if you do the wrong thing then you are going to get caught and if you steal wages from your workers there is a consequence—there is a penalty.

Those opposite are quite happy to give those irresponsible businesses a leave pass. You know—‘Look, we’ll just turn a blind eye. We’re not going to use the power of the state to throw the book at you. You can just do your thing and we won’t stop you. We’ll let you get on with it’. Well, that is not what we are here to do in the labour movement. That is not why we have joined the Labor Party. That is not why we are members of a trade union movement. We have come here to change society. We have come here to stop them from ruining the lives of working people, which they have sought to do for generations. A bill like this is so very important because it stops them following their most base of instincts, and I commend the bill to the house.

**Ms KAIROUZ** (Kororoit—Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Suburban Development) (16:58): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

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

### LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020

*Royal assent*

**The ACTING SPEAKER (Ms Kilkenny)** (16:59): I inform the house that the Governor has today given royal assent to the Local Government (Casey City Council) Bill 2020, which was presented to her by the Clerk of the Parliaments.

### 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 ANGUS** (Forest Hill) (16:59): I am pleased to rise this evening to make a contribution in relation to the Owners Corporations and Other Acts Amendment Bill 2019. I note that this bill was introduced last year into the Parliament and went into abeyance for quite some months. It has now resurfaced, and here we are in the chamber. At the outset can I thank the Minister for Consumer Affairs, Gaming and Liquor Regulation, who is also at the table, and her staff for the briefing that we did receive last year. That was most helpful.

It has been a long time coming, this reform. The history in relation to the process goes back quite some way. It goes back to August 2015, when there was a review announced in relation to this. In December 2015 issues paper 1 was issued; in March 2016, issue 2. In November 2016 there was an options paper, and then some years later, in April 2019, there was an exposure draft. Subsequent to that there were also further opportunities to have input into it. So it has been a long time coming.

I suppose as an introduction I can say that owners corporations matters are very often a contentious area of the law. They can often be very problematic, given that there are people joined together through their ownership of a particular property or their involvement in a particular property—people that probably would never really encounter each other any other time. As a result of that there are all kinds of different personalities, and there are all kinds of different competing interests and all kinds of issues that have to be resolved.

I note too that there are more than 85 000 active owners corporations in Victoria, so it is a very large number. It covers more than 770 000-odd individual lots, and it is estimated that approximately 1.5 million Victorians either live in or own a property in an owners corporation. I think those numbers are very significant, and they indeed show the reach of owners corporations. That reach shows the obvious significant consequences of any changes to this particular legislation. That is why it is important that there is extensive consultation and, most important of course, that the bill gets things right.

If we turn to the bill, we can see that obviously clause 1 under part 1 deals with the purposes of the bill, and it goes through quite a range of provisions. In relation to the Owners Corporations Act 2006, there are 11 areas identified there. In relation to the Retirement Villages Act 1986, there is one area there. In relation to the Subdivision Act 1988, there are three areas outlined there. I will just go through and touch on some of those.

Probably one of the most significant changes I think is regarding clause 3, and that changes the definitions, particularly of what will be new section 7 of the act. It introduces the five tiers of an owners corporation, and they are outlined under that section. It talks about the five tiers: tier 1 is an owners corporation that consists of more than 100 occupiable lots; tier 2 is 51 to 100 occupiable lots, tier 3 is 10 to 50; tier 4 is three to nine; and tier 5 is two:

- (a) an owners corporation for a 2-lot subdivision; or
- (b) a services only owners corporation.

So that is a significant change. As a result of that, there are a whole lot of things that flow from that and the requirements in relation to those particular new demarcations.

In relation to the financial statements, if I turn to clause 17, there is a new section 34 headed 'Financial statements'. It talks about the requirements for annual financial statements for presentation at the annual general meeting. It goes through the various requirements of those. I note from the outset that in relation to some of the requirements about preparation of financial statements and subsequent audits and whatnot there has been some concern expressed to me and to the opposition in relation to the requirements around them. I will come back to that in more detail later on, but I do note it at this early stage. I also note in fact that at the bottom of page 13 of the bill it does say, and I quote:

Annual financial statements prepared under this section may be either General Purpose Financial Reports or Special Purpose Financial Reports as defined by the Australian Accounting Standards Board.

So there is some scope there as to what level of accounts need to be prepared in relation to that, and I think that is a good thing. But there still remain some concerns.

I also note that in relation to this whole process the regulations are being revised in the first half of this year. I have been advised that there will be a public consultation process on this. I certainly look forward to that, and I would encourage people that have got an interest in this particular issue—in owners corporations generally or specifically—to keep an eye open for that. I trust that will be broadly communicated so that everyone can indeed have their say on it.

In relation to the review, I note too on page 70 of the bill, under section 210, subsection (2), that it talks about a review being made in relation to the act. It says, and I quote:

The review must commence at least 2 years after the commencement day and no later than 5 years after the commencement day.

So at least we know that there will be further attention given to these amendments to the act, and it will give people further opportunity. I encourage the government to perhaps conduct that review closer to the two-year mark than the five-year mark because I think, like all these things, once the outworkings of the bill as proposed flow through the system we will need to then consider that and also those involved in owners corporations will have had a chance to digest that after a couple of years and to see what the consequences are. Inevitably, I would say, there will be unintended consequences, and I trust that the government will be open to fixing those up. As I said before, with so many people caught up in this and just the huge volume of owners corporations here in Victoria, it would be incumbent upon them to be responsive and to deal with any potential problems that may have been unforeseen within this particular bill.

Coming back to the main provisions of the bill, basically they can be divided up into five areas, effectively, and within those five areas there are many, many changes. I certainly will not have time and will not go into all of those, but the first area is the proposal to rationalise the regulation of owners

corporations—and there is a whole raft of ways. I have talked about the introduction of the five-tiered system for owners corporations, and that deals with that very important aspect. There are others. In relation to regulating requirements for committees, professional managers, external audits and so on, I touched on some of those. So that deals with that.

There is another requirement which is contained in here in relation to the increases required for public liability insurance from \$10 million to \$20 million, under clause 30. I note that even with that there have been some comments made to me regarding that. It is on page 21 of the bill. That perhaps should have been reconsidered. Perhaps there should be more of a tiering structure within that as well, given that that is an enormous increase—a 100 per cent increase, from \$10 million to \$20 million, for coverage—whether that is in fact is appropriate for the various tiers of owners corporations. Perhaps more thought should have been put into that. There could have been some other scope for some tiering to be conducted within those thresholds. So I think there is some more work and consideration to be made there.

Further, under that first section of rationalisation there are requirements for the contributions by owners in a maintenance fund to achieve a maintenance plan. Well, that sort of goes without saying, but it is good that that has been put in there in clauses 20 and 22. There are a whole range of other changes in relation to various things such as, for example, the removal under clause 10 on page 9 of the bill of the requirement not to have or use a common seal anymore. Again, I suppose that is a reflection of modernising the requirements here, and it goes on and talks about that because that is a fairly common situation these days as opposed to how it used to be in former days.

The second overall area is for proposals to improve the quality of owners corporations and managers and to enhance protections for owners corporations. There are a lot of items there; that is really contained on page 41, where the bill talks about the duties of the manager. It goes on and deals with a range of issues, but the one I want to particularly touch on is the one of the bottom of page 41, new section 122(2)(b), and I quote:

... if subsection (3) applies, must account separately for the money held by the manager for each owners corporation on the plan of subdivision ...

What that means is that there cannot be pooling of funds from various owners corporations. If someone is managing more than one and they have got separate funds, they cannot pool them. I think that is an appropriate improvement there. It harks back to the old trust account systems that we are so familiar with in certain other professions and other areas of enterprise, so I think that is a good improvement.

The third area is the proposal to expand and improve developers' duties to the owners corporation that the developers create and to enhance protection for owners corporations. Again there are a range of issues there, and they are basically contained on pages 23 and 24 of the bill. They talk about what needs to be disclosed at the first meeting, various other things in relation to maintenance plans and other aspects in relation to that. That is again a very important area, because one of the often contentious areas of a body corporate can be maintenance issues and the funding of the maintenance issues. If that is not clear—and in many cases it is not as clear as it should be—it can lead to problems, so is very important that that is clarified.

I can think of someone that I know that is dealing with this on a firsthand basis at the moment. They have got six lots in their body corporate, and some of the owners want to contribute to certain things and some of them do not, and they are just having all kinds of issues trying to get that resolved. They are having trouble getting someone to chair the meeting. There are a number of tenants in there, and the owners have not got a particular interest in the property that they have got tenanted. Obviously the tenants cannot be involved, and the owners are not interested. There are a couple of owner-occupiers in the block, and it has resulted in various contentious issues. Hopefully reforms like this will clarify things, just as a very small example, for this one that I know about which is a current issue out in the eastern suburbs. They should make it somewhat easier for those people managing that relatively small body corporate situation.

In relation to other areas, there are proposals to improve the governance and financial administration of internal relations in owners corporations. That is an area where there is just a huge number of changes. There are 22 changes that I have seen on a list in relation to that area. One of the areas is what is so-called proxy farming. That is a quite contentious issue, and I will be coming back to that in a bit more detail, because I think that is an area that needs to be looked at more and that can be quite problematic.

It also talks about abandoned goods and other dispute resolution procedures. Abandoned goods are dealt with in clause 29 under the new section 53A, and it brings some clarity in relation to that because that is again one of the problems that can arise—if someone abandons some property there is the issue of what you do with it. There is often a very, very long and complex process to get to a situation where that can be tidied up, and often it is at considerable inconvenience to other occupiers when there is some rubbish or some abandoned goods left lying around. That particular section, section 53A, and the subsequent sections go through the process in relation to that. Section 53D talks about the disposal of goods and the circumstances that can be the case as well. There are a range of improvements there, and as I said, some of that will be certainly welcome.

The final area is in relation to proposals to improve and to rationalise the regulation of owners corporations in retirement villages. That talks about bringing in a clearer separation between owners corporation meetings, retirement village meetings and village resident committees. The reference in relation to that is on page 73 of the bill, and it talks about those matters there. Again that remains an area of contention. There are all kinds of issues in the Retirement Villages Act 1986, which we are not dealing with in this particular bill, but that is an area where I hope the government can bring some reforms as well because there are just ongoing issues in that area that we probably all as local members regularly hear about from constituents.

As I said, there are a number of areas of concern. Let me just run through those. I touched on the issue of proxies, which is found in clause 42 on page 33. That says in new section 89D, under the heading ‘Restriction on number of lot owners on behalf of whom a proxy may vote on a resolution’:

A person must not vote as a proxy on a resolution at a meeting of the owners corporation—

- (a) on behalf of more than one lot owner—if there are 20 or less occupiable lots on the plan of subdivision; or ...
- (b) on behalf of more than 5% of the lot owners—if there are more than 20 occupiable lots on the plan of subdivision.

Some of the discussion we have had around this particular issue is that it unfairly limits the number of proxies that can be held by a single person—for example, an owners corporation manager—and it will significantly impede an owners corporation’s ability to achieve a quorum and to make decisions.

One of the people we consulted with in relation to this bill came up with a matter. This particular person dealt with about 250 meetings in a year and he said in relation to quorums that they got a quorum at 25 per cent of those meetings and at 25 per cent of them there were only proxies—there was no-one present. So I think the fact that someone cannot hold a significant number of proxies is a deficiency in this bill. I think that is a significant problem and will work against the effective management of such a corporation. I am sure there are many people in this room that are investors and that have probably never ever been and probably have no intention of ever going to a body corporate meeting for an investment property they hold that is part of a body corporate. That is not unusual; that is very typical, especially if it is interstate or in another jurisdiction far away. So I think that is a problem, and that definitely needs to be looked at.

Other people we consulted mentioned the fact that the bill does not introduce minimum professional standards of education and training or ongoing compulsory professional development for owners corporation managers. As a result of that, it is not going to be improving the professionalism of owners corporation managers. I think that is a very valid point as well, because if you are trying to lift the bar in relation to the management of such organisations—and as I said right at the start, with so many of

them in Victoria and so many people affected by the consequences of their operations—I think it is important to have professional body corporate manager standards so that the cowboys, if you like, are driven out. We want people managing other people's affairs, whether it is in this area of property or finance or any other area, to be competent, to be trained, to be experienced and to be subject to ongoing professional development, because, as we all know, nothing stays the same. That is certainly an area that I would encourage the government to look at and consider what could be some appropriate remedy in relation to that.

I talked before about financial statements and the concerns that have been raised with me in relation to the preparation of financial statements and the fact that if there is a requirement to comply with the Australian accounting standards, which there is, that could be using a sledgehammer to smash a walnut, to coin a phrase. An owners corporation's financial statements at the low end would not be that complex, but at the higher end it might be. Nevertheless if you have got proper systems and internal controls, you may not need to comply with all that. I think there needs to be some caution in relation to that as to whether it is one size fits all or whether there can be some significant flexibility in relation to that. One of the things you can be sure of is that if you make it too complicated, it will just incur more costs, and that is the last thing the owners need—additional costs to tick the boxes, so to speak, and to prepare those financial statements. So that needs to be looked at in relation to not putting additional compliance and other costs on owners in relation to that particular aspect.

Another area of significant concern is the area under clause 35, which is on page 24 of the bill. That talks about contracts under proposed section 67B(2), which says at the conclusion that 'any term of that contract must not exceed three years in duration'. This has been raised as a concern because that is too short a time frame for someone to be entering into a contract with a body corporate. There has been provided to me some comparisons with other states in relation to the three-year maximum term included in proposed section 67B. In relation to, for example, letting agreements, Victoria has proposed three years, in New South Wales the current situation is no limit and in Queensland it is 25 years. In relation to the building management agreement, in Victoria that is proposed to be three years, in New South Wales the current situation is 10 years and in Queensland it is 25 years. There are some issues there because that is going to be quite restrictive. On whether that will be a big impediment to people getting involved in managing larger owners corporations, I think that could very much be the situation, whether it is letting agreements, key operational areas or other aspects of the operations of those. There is no definition regarding the agreement and what the government's intention is. I think that is an area that does need to be looked at. Industry has said to me that that is an area of concern, and the government needs to consider looking at that again.

Just in conclusion, as I said, a number of concerns have been put to the opposition in relation to the four matters I have touched on but also in other areas. This is a big piece of work, but there is always room for improvement. I trust that the government would be open to some further input from the industry and from the professionals involved in this area, because it is a very significant contributor to the economy. It is a very significant sector, if you like, within the Victorian community, given that, as I said before, we have got 1.5 million Victorians either living in or owning a property in an owners corporation. So it is a very, very significant matter.

As a result of those concerns and those matters that I have raised, the opposition will be reserving its position in the Legislative Council. We will not be opposing the bill here, but we will be reserving our position in the Legislative Council with a view to seeking some amendments there.

**Mr HAMER** (Box Hill) (17:24): I too rise to speak on the Owners Corporations and Other Acts Amendment Bill 2019. I would like to thank the Minister for Consumer Affairs, Gaming and Liquor Regulation for bringing this bill to the house. I know it has been quite a long process, which I will discuss shortly, but the objective of this bill is really to amend the Owners Corporations Act 2006 and a number of other pieces of legislation to make owners corporation buildings better governed, more financially responsible and sustainable and generally more livable.

As I said, it has taken some time to get to this point. I thank the minister, her staff and the staff of Consumer Affairs Victoria for all the work that they have done. It was back in August 2015 that the then minister announced a review of four major pieces of consumer property legislation, and in particular in relation to owners corporations an initial issues paper was released in December 2015 and a second one in March 2016, with a final options paper, *Options for Reform of the Owners Corporation Act 2006*, later that year. Drafting of this bill has been informed by stakeholder feedback on that options paper. The introduction of this bill honours an election commitment, which was to release an exposure draft of the bill for discussion in the first half of 2019, which was done, and I am very pleased that now finally we have brought this bill to the house.

The bill includes a package of 36 important reforms that will: rationalise the regulation of owners corporations; improve the quality of owners corporation managers and enhance protection for owners corporations; expand and improve developers' duties; improve the governance and financial administration of owners corporations; and improve and rationalise the regulation of owners corporations in retirement villages.

The particular area that I would like to focus on is the change in definitions of owners corporations to a more tiered approach, creating five different tiers of owners corporations based on the size of the lots that they manage. This will regulate owners corporations in a more rational and responsible way, with larger owners corporations subject to a greater number of requirements than smaller ones. Currently there are over 166 000 owners corporations in the state, registered in respect of over 72 000 plans of subdivision. But approximately three-quarters of Victorian owners corporations are small, with three lots or fewer. In actual fact the number of owners corporations that will qualify for tier 1, which is 100 or more lots, is only estimated to be about 0.5 per cent of the entire number of owners corporations.

Under the existing legislation there are only really two distinctions. There is a distinction for a two-lot owners corporation and what is called a prescribed owners corporation under the existing act. A prescribed owners corporation does apply to owners corporations that currently manage 100 lots or more, but there is no definition for anything that falls within that boundary. Under the current legislation it is only these prescribed owners corporations that must prepare financial statements in accordance with the standards required, have their financial statements audited, prepare a maintenance plan and obtain a valuation of all buildings that they are liable to insure. There are a lot of buildings and developments, particularly in my area, where there will be new apartments being developed—maybe 50 units, 70 units, 80 units. They would not qualify under the existing legislation to have any of these requirements. Under this bill there will be increased accountability for mid-sized owners corporations with tier 1, tier 2 and tier 3 owners corporations—so that is any owners corporation managing 10 or more lots. Those owners corporations will be required to prepare financial statements in accordance with the Australian accounting standards, so setting a much clearer standard for these owners corporations to meet from a financial responsibility.

Tier 1 and tier 2 owners corporations—that is owners corporations managing 50 or more lots—will now be required to prepare and approve a maintenance plan, and all owners corporations that are managing more than two lots will be required to obtain a valuation of all buildings that are its responsibility to ensure. One of the reasons why this is important is I managed to have a look at the census data for 2006 to 2016 and how that has actually changed, particularly in my area but also within the City of Melbourne—how our landscape has changed. The seat of Box Hill is within the local government areas of Whitehorse and Boroondara. In 2006 the number of dwellings that were a flat or unit in a four-or-more-storey block was just 66. That was 66 in 2006. In 2016 that number had increased to 1162, so almost a 20-fold increase in the number of dwellings in a four-or-more-storey block. They are now likely to be classified as a tier 1 or tier 2 owners corporation and be covered by that size corporation. There is an enormous number of units that have come online that would currently fall below the threshold of a prescribed owners corporation that will now be captured with this legislation. I know we have only started some of the development, particularly in Box Hill. There are



a lot more plans for development, particularly in the Box Hill CBD, which will no doubt then benefit from a stronger owners corporation regime.

This is happening in other areas as well. In Boroondara, the other area that the electorate of Box Hill covers, in 2006 there were 768 flats, units or apartments in a four-or-more-storey block. By 2016 this had increased fivefold to 3530. We can really see the importance of having a much more robust owners corporations scheme that covers the different types of dwellings and developments that are out there and that is more attuned to the times. I know there have been discussions particularly focused on Docklands and CBD development and the move to apartment living, but it is happening across Melbourne suburbs, across Melbourne and into regional Victoria as well.

I just want to also touch on a couple of the other key points within the bill and what it will enable owners corporations to do. One of the important ones is that it will be able to separately levy lot owners for a range of costs which are associated with the use of their lot. One of the issues that has been flagged is particularly in relation to the uptake of Airbnb or short-stay accommodation. There might be certain owners within the body corporate that may be using their property for different purposes, and it allows the owners corporation to make that decision more based on the particular use of the individual property. So it gives that flexibility. I do not remember Airbnb being around back in 2006, so the bill is really a bill for modern times, and it recognises some of the changes that have occurred in the way that we live, the way that we are using apartments in and around Melbourne.

Just finally there are a number of clauses in the bill which, as I mentioned at the outset, strengthen the fiduciary duties of the owners corporations and the other governance arrangements, and I think this is a really important part. Owners corporations, as we have seen with the statistics, have more and more responsibility in terms of the properties under their management. There are more and more people who will rely on the owners corporation, so it is really important that we get the governance right. I commend the bill to the house.

**Mr McCURDY** (Ovens Valley) (17:34): I am pleased to follow the member for Box Hill on the Owners Corporations and Other Acts Amendment Bill 2019. As you have heard from other members on this bill, the purpose is to amend the Owners Corporations Act 2006, the Retirement Villages Act 1986 and the Subdivision Act 1988. It will do so in various ways across five areas.

Firstly, it proposes to improve the quality of owners corporation managers and enhance protection for owners corporations. So there will be various administrative amendments, and they are primarily for safeguards in the system, like prohibiting owners corporation managers from pooling funds from various owners corporations they manage into one bank account. The second part of that will be to rationalise the regulation of owners corporations in four instances. Firstly, it will introduce a five-tiered system for owners corporations, regulating requirements for committees, professional managers and external audits, and they will be allocated depending on size obviously. Part of that component will increase required public liability insurance from \$10 million to \$20 million, which personally I think is a good outcome. It will also require a contribution by owners into maintenance funds to achieve the maintenance plan, and various other changes, which will include removal of common seal requirements, which again is another practical outcome as far as I am concerned.

Other changes include expanding and improving developers duties to the owners corporation. That will create enhanced protection for owners corporations. Within that section it will expand the obligations of developers to owners corporations and enhance equity between lot owners. This bill proposes to improve the governance and financial administration of internal relations in the owners corporation, and as was mentioned by the member for Forest Hill, there are 22 changes in this area, including restriction of so-called proxy farming, disposal of abandoned goods and improving dispute resolution procedures.

The bill will improve and rationalise the regulation of owners corporations in retirement villages, which provides for a clearer separation between owners corporation meetings, retirement village

meetings and village resident committees. This issue is close to my heart, as two communities in my electorate at the moment are in the process of building new retirement villages—they are under construction.

Bentley Wood, who currently provide residential aged care in Yarrawonga and Myrtleford, are seeking to expand to Cobram. That will be the next location, with a 100-bed facility. Work has already begun there, and at Bright they are also seeking a 100-bed proposal. In chatting to a few locals last week, we were a little concerned as to whether that one will get off the ground in Bright. There were just a few concerns when the block was originally purchased. There was a 30-metre setback from the plantations. Now that has changed since the purchase to a 60-metre setback, obviously reducing the size of the block, and that will reduce the available space for the 100-bed centre.

My concern in that area is that for every business there is a threshold or a break-even point about what will be viable, and making the sums add up in aged care is no different. So if this 100-bed facility drops back to a 60, well, clearly that is not viable, so it is important that we work with the Alpine shire and the Minister for Planning, if necessary, to see what we can do, if anything, to ensure that the new setbacks do not put the entire facility at risk, because beautiful Bright is an outstanding community, and it is going ahead from a tourism perspective, but also Hawthorn Village, a current aged-care provider, simply cannot cater for the future retirement options alone in Bright.

So as people get older they are beginning to evaluate moving to Myrtleford and Wangaratta, because that might be more suitable further down the valley, closer to other services, but this should not be the case. Bright certainly has something to offer for all ages, and we should be promoting and assisting where possible those who retire in Bright and ensure that their retirement is not short-lived, not just a five- or 10-year retirement before they need to look elsewhere for retirement services. So legislative changes that support better aged care are beneficial to communities like Bright and Myrtleford and of course to Cobram and Yarrawonga on the mighty Murray River. They are also honey pots for older Victorians who relocate out of Melbourne to a more relaxed environment.

In our role as MPs we continue to advocate, whether it is for sporting facilities, better schools or greater opportunities for young people, which we are all doing in our committees, but at the same time health providers and aged-care facilities in our smaller communities continue to slide under the Premier for Melbourne. We seem to be going backwards, and it is important that this changes, because as we continue to say in this place, Victoria is made up of 75 per cent of people who live in Melbourne and 25 per cent who live in regional Victoria, and we just wish that the proportions were similar in terms of the funding allocations across all sectors. From that perspective the Premier and the Treasurer of the state are simply being unfair, which will require a change of government if Victoria wants or expects a fair carving up of the financial pie, particularly as we look at the aged-care sector.

Other concerns I have on the bill include minimum professional standards of education and training and ongoing compulsory professional development for owners corporation managers, and therefore it is not improving the professionalism of owners corporation managers. Clause 42 would introduce new section 89D, which limits the number of proxies for all tiers of owners corporations. The concern here is that it unfairly limits the number of proxies that can be held by a single person—for example, an owners corporation manager—and will significantly impede an owners corporation's ability to achieve a quorum, to say the least, and to make decisions, which is a restriction on a person's fundamental right to appoint someone to act on their behalf.

Another concern I have is that clause 17 requires the financial statements of an owners corporation to be prepared in accordance with the Australian accounting standards. My worry is that if they have to comply with the Australian accounting standards, that could result in excessive compliance costs to business and a significant financial burden on owners corporations to comply with the preparation of those financial statements.

My understanding is that there has been a lot of consultation. This has been on the table for some time now. There have been various issues papers. There have been options papers, and there was an exposure draft back in April last year. Also the Real Estate Institute of Victoria have been consulted and various strata associations have certainly been consulted throughout the course of this bill. I wish the bill a speedy passage.

**Ms CONNOLLY** (Tarneit) (17:42): I am very excited to rise this afternoon to speak on the Owners Corporations and Other Acts Amendment Bill 2019. That is because this bill builds upon previous governments' work to go ahead and regulate owners corporations and, most importantly, protect the people that live in them. Owners corporations are a significant part of our property system in Victoria. There are more than 85 000 owners corporations covering 772 000—that is a big number—individual lots of property. There are 1.5 million Victorians who live in or own property in an owners corporation. That is almost a quarter of us. These are property owners, these are renters and these are families who struggle to put food on the table and pay their bills. There are even retirees living in retirement villages.

I can tell you I love getting out and visiting seniors at the retirement villages across the electorate of Tarneit. In fact I remember being contacted early last year by a resident from Tarneit, a wonderful woman living in an owners corporation, and in one year her fees had nearly doubled for the purposes of maintaining nothing other than the community gym. According to her, it felt like she was paying the equivalent of another council rate. By the time she got to my office she had experienced long periods of anxiety about paying this bill and had nowhere else to turn. This is entirely unsatisfactory, and this bill is looking to better protect women like the one I met early last year in Tarneit from these sorts of situations.

When you go ahead and you buy into an owners corp as a home owner, you probably have a mortgage to pay off. Like everyone else you have bills to pay, you buy the groceries and you might even look after the kids or the grandkids. When you are paying nearly \$750 in yearly fees, it makes a big difference to families trying to do their best to make ends meet, especially in communities like Tarneit. We know that a big reason for sudden spikes in fees is a sudden need for owners corporations to pay for maintenance on shared facilities, which is exactly why this bill is going to require them to deposit some of their fee revenue into a maintenance fund.

Another great change that this bill introduces is the creation of a five-tier system to categorise owners corporations based on their size. Not all owners corporations are the same, and what we do know is that one size does not always fit all. These thresholds are consistent with the way in which we distinguish between small, medium and large businesses and the standards of reporting and accountability that they are subject to.

But at its core this bill is simply about protecting people living in owners corporations from potential abuses committed by their managers. People should not be disadvantaged due to poor management or indeed criminal activity on the part of the manager, so under changes in this bill managers cannot be registered if they have criminal convictions. It is also extremely important that they are held to the same professional standards as any corporate director in Victoria, and that is exactly why they will be required to hold professional indemnity insurance. This bill also protects people from unfair contract terms, such as those that restrict the ability for owners corporations to remove a manager. To do this VCAT will be empowered to declare unfair contract terms in owners corporation agreements.

The relationship between managers and developers is also something that this bill heavily regulates, and I have to say on record it is quite distressing that we do have to go ahead and regulate these types of relationships. That is because we have seen a disturbing pattern of collusive behaviour between developers and owners corporation managers. The only way to prevent this type of behaviour is by tightening up our regulations. That is why this bill is going to ban developers from appointing themselves or their associates as manager of the owners corporation and from voting on any resolution relating to building defects. This lines up our legislation with that of New South Wales, and it makes it perfectly clear that owners corporations must act in the best interests of the lot owners, not the

developers. The bill also requires developers to disclose beneficial relationships with managers and to provide documents relating to maintenance plans for buildings. Developers are going to be banned from engaging in dodgy practices such as enticing buyers by setting unreasonably low initial budgets or designating common property lots as private lots to increase their voting power. All of these changes will work to protect the good people in our communities from dodgy developers and corrupt managers.

Retirement villages that are owned by owners corporations will also be protected by this bill with up-to-date regulations that separate owners corporation meetings from retirement village meetings as well as going ahead and aligning their managers' powers with those of the Retirement Villages Act 1986. As I said earlier, there are a lot of great retirement villages across the Tarneit electorate, and I do love going to visit them and their residents. They are home to a lot of great people in the west. I have been fortunate enough to listen to many of the people there share their stories as well as their experiences of living in retirement villages. Some of these experiences have been fantastic and some of them have not.

But when I think of the great stories and all of the retirees I have met along the way in Tarneit, I think of people like Noel and Margaret Canning. Noel and Margaret decided not so long ago to sell up their family home. They sold the family home. It was an excruciating decision for them. They decided to go ahead and downsize. A couple of months later after moving into a local retirement village I bumped into Noel and Margaret, and they felt like they had a new lease on life. They had never been happier. They had never been fitter in their 70s, which was wonderful to see, and they had made so many new friends.

Retirement villages create strong, tight-knit communities. I have seen it in action. They provide retirees like the Cannings the opportunity to contribute to our wider community. Last year I had the pleasure of joining them for the day as they hosted a fundraiser for Cancer Council Victoria. We shared some great tea and scones, and I was more than happy to sit for very long periods of time getting great advice and tips on how to cook a really great roast and the fluffiest scones. It was certainly something that was much debated across the table as to which ingredients would prepare the best scones in the west. My community knows that I am not the greatest cook as their local MP, and I am more than willing to share their cooking tips, which I greatly appreciate.

So when I saw the changes introduced by this bill, these changes to retirement villages really stuck out to me. They are really important. They seem like a small change, but it could mean that wonderful people like Noel and Margaret, along with thousands of retirees across Victoria living in our communities, are not going to be exploited by dodgy developers or selfish managers who exploit their owners corporations and retirement villages.

Owners corporations do form a big section of our property system and they encompass a rapidly growing number of residents. My own electorate of Tarneit has seen several owners corps move into the local community. The reforms that this bill seeks to implement will make them more accountable to lot owners—to people like Noel and Margaret Canning—and better regulate their financial and administrative governance. As a result, not only will owners corporations benefit but so will the communities who live in them. I commend the bill to the house.

**Ms SANDELL** (Melbourne) (17:50): I am tempted to share my own scone recipe, but maybe the member for Tarneit can give me some tips later on—

**Ms Connolly:** Lemonade.

**Ms SANDELL:** Lemonade, yes, I have tried that one; it is a good one. But instead I might speak on the Owners Corporations and Other Acts Amendment Bill 2019, and as others have talked about, it is about reforming the way that the owners corporation system operates in Victoria. Owners corporations, previously known as body corporates, are the legal entities that manage the common property of a multi-unit dwelling. Comprising the owners of the apartments or units in a development, they have got the power to set rules regarding the use of common property. They are becoming an increasingly important part of our housing system, given that so many Victorians are now covered by one. There are over 166 000 owners corporations in Victoria in fact, and about a quarter of us are either

covered by a body corporate or are owners in one. That number continues to grow of course, especially as more and more Melburnians, in particular, are embracing apartment living.

I have spoken in this place many times about the benefits of apartment living. For those in my electorate it means that you are able to leave home and step straight out into a thriving city street, maybe with the CBD or the Docklands or another thriving inner-city suburb right at your doorstep. It means you can be close to work, close to transport, close to so many of the things that Melbourne city life offers. It also means being part of a community where you can get to know your neighbours, given that they are so close to you.

Unfortunately the way that we have regulated owners corporations has not kept up to speed with the growth in apartment living or the needs of the people who live in apartments. I often have constituents—it is one of the things that comes across my desk most often, in fact—coming to me frustrated with how developers have limited the quality of life in their apartment building. They are things like cutting corners on materials to create poorly made or even unsafe apartments—just look at flammable cladding for an example—locking apartments into unfair service contracts such as for electricity, or effectively handing over their buildings to the short-stay industry so they feel like they no longer live in a community but essentially now live in an unregulated hotel with few long-term neighbours. There are a lot of issues that are related to apartment living and the unregulated nature of apartment living that come across my desk, so I am really pleased to see the government tackle some of these issues to reform the owners corporation system and bring this bill before the house.

But of course I would not be standing here if I did not want to call out some of the things that are missing. Some of the biggest issues that come across my desk are things that this bill is not addressing. This bill is the culmination of a review of the Owners Corporations Act 2006 that has been going for the last four years, since 2015. I know that many owners and owner-occupiers have been waiting for some time for these reforms to come into this place. After such extensive consultation, after such a long time, it is really a shame that the bill still does have some really major gaps and flaws. It fails to address some of the biggest loopholes in our current body corporate system.

Some of the good things that the bill does: one of the major changes in the bill is the creation of new tiers of owners corporations separated by the size of the development. Of course, in the old act no distinction was made between towers of 99 units or blocks of three units, for example, with the same regulations applying to all developments regardless of size. This bill replaces that one-size-fits-all model with a five-tiered system with different requirements around financial statements, maintenance plans and maintenance contracts, for example, depending on the size of the development. That is a really sensible approach that means that those larger apartment blocks need to comply with more stringent regulations and the small ones with, of course, less stringent regulations.

There is also a new provision in the bill that prevents an owners corporation from making rules that unreasonably prohibit the installation of sustainability items on the exterior of a lot, which of course we welcome. This is something people come to me with a lot—wanting to put solar panels on their building and not being able to because of quite stringent rules—so it will be great to see. Those constituents will be really happy that now they are able to introduce some sustainability measures into their homes. Of course we need to be making it as easy as possible for people to make their homes greener, but it has been a challenge living in apartments, whether people wanted to get solar panels or they did not have compost bins readily available. These are issues that I often hear about, so I am pleased that the bill will stop owners corporations from unreasonably refusing to allow sustainability infrastructure like solar panels installed on properties.

There are also some really welcome restrictions on proxy voting. The bill places limits on how many owners you can act as a proxy for. You cannot be a proxy for more than one lot owner in a development of 20 or fewer units or more than 5 per cent of owners if there are more than 20 lots. Currently of course there are no such limits, which has allowed proxy farming to run rampant in owners corporations, and I have had many examples of proxy farming come across my desk from the CBD

and the Docklands. I have heard from constituents who have essentially had their owners corporations taken over, with one person or group simply gathering as many proxies as they can, buying their way to a majority and making decisions that are not actually to the benefit of most of the people who live in the apartments, so this is a really good restriction to be introduced in this bill.

One of the biggest omissions in the bill is the fact that it does not deal with the issue that comes across my desk the most, which is the issue of short-stay apartments and their effect on people who live in apartments. Of course this is something I have spoken about many, many times before in Parliament. I have been pushing for change on this issue since 2014, before I was even elected. The issue is that we have seen such an expansion of the short-stay industry that it is having a real impact on people's day-to-day lives and also the quality and flavour of our city.

It is turning what were supposed to be thriving residential communities essentially into unregulated hotels in a lot of cases. People feel like they have really lost their sense of community and the quality of life that they were expecting when they bought into an apartment. They bought into an apartment for all those reasons I mentioned—being close to other people, being close to the city, being close to amenities, having a good quality of life—and they are finding that that is being eroded because of the proliferation of short-stays. They are also essentially paying for extra maintenance and paying for extra security—things that were never factored in because these buildings were not designed as quasi-hotels. They were not designed to a hotel level of building standards. They were designed as residential buildings because that is what they are supposed to be, but then they are not used as long-term residential buildings. So we have got all the issues that that creates.

Melbourne, of course, is not the only place grappling with these issues, but it is the place where the government seems to be turning a pretty wilful blind eye to the situation. There are solutions that have been implemented in many other places—even in Sydney—that mean people can still use their residences in the sharing economy. They can still rent out a room or they can rent their apartment if they go away short term, but they put limits on this so that corporations cannot just buy up residential apartments not designed as hotels—with all the extra things that would go along with designing a hotel—and put them full-time on the short-stay market and turn big residential buildings into hotels. So we really should look seriously at these solutions so that people living in apartments in our wonderful, livable city have a good quality of life and we do not lose that standing as a livable city and we do not see our inner city turned into just a series of hotels with no community life whatsoever.

I understand the government has an interest in tourism and making sure that tourists can come to Melbourne. We all want that. We all want tourists to have an excellent experience when they come to Melbourne, but we need to balance that with the needs of the people who live in the city. People come to Melbourne to visit or to live because of its community. We do not have the Sydney Harbour or the Sydney Opera House. What we do have is a wonderful, vibrant life in our inner city. It was not always like that, but now we do have that. That is what we trade on and that is what people love about Melbourne, but we are losing it because of some of these issues that I have mentioned. We need a government that has got the vision to look at that and actually figure out how we can deal with those issues.

Now, there is one provision in the bill, new section 141A, which states that the occupier of a lot—which includes owners or renters—must ensure that any guest to the lot complies with the rules of the owners corporation and that if a guest breaches these rules then both the guest and the occupier of the lot are liable for any penalties and consequences arising from the breach. It sounds good; however, the occupier will be able to avoid liability if they provide the guest simply with a copy of the rules. A number of owners have approached me and said they are concerned that this just allows a short-stay operator to avoid liability by simply displaying a copy of the rules in the flat but not actually having to enforce compliance.

I know that recent additions to the act that relate to short-stays and party houses, as they are called, were introduced in 2018 and are due for review next year. At the time that that bill was introduced we raised serious concerns with the bill and sent it off to an inquiry because it did really little to address

the problems that residents were actually bringing up with the government and it also made it virtually impossible to enforce. So it seemed like something that the government just wanted to do—to tick the box but not actually to fix the problem. We will be watching this review very closely, as will the community. It is a growing constituency out there of people who want this issue fixed. We will continue to advocate for proper regulation in the short-stay system and ensure that buildings remain homes, not just de facto hotels.

Now turning to management of owners corporations, the bill has a number of provisions designed to strengthen the obligations on managers of owners corporations. It reduces the power of developers to control owners corporations by appointing themselves or their associates as managers of the owners corporation for their property and from voting on any resolution relating to building defects. Developers will also not be allowed to receive a payment from any owners corporation in relation to a management contract. These are all good things that are fixing a problem that comes up with me again and again.

But there are many types of contracts that owners corporations enter into, including for building managers, facilities managers, concierges, cleaners and energy suppliers, for example. So while this bill restricts the ability for the developer to control owners corporations themselves, it still seems to allow them to lock an owners corporation into lengthy service contracts. Perhaps one of the worst examples that we have seen a lot of across my desk but also in the media is embedded networks, where developers sell the rights to electricity for an entire building just to one electricity company. They lock residents into one provider and they lock them into really high prices, often very much above market rates. Some people I have heard of are paying \$500 more a year than if they had the ability to choose their own retailer or switch retailers. We do not believe that developers and managers should be able to lock residents into unfair contracts that reduce the livability and amenity of their home or make them pay more, so we will be looking to address some of these flaws in the bill in the other place.

Lastly, all of us should be able to trust that our homes are safe and, where they are not, that we can take action to make them safe. The Greens heavily campaigned for government intervention into our cladding crisis, and we were pleased to see funding allocated for removing cladding from some affected buildings. However, that fund of course—the one that we called for that the government has now implemented—will only go so far, and there are many buildings that are now affected by cladding that are not able to access this funding or will not be able to access the funding for rectification.

One of the new changes in the bill is to make it a little easier for owners corporations to commence legal proceedings by doing this through an ordinary resolution if the matter falls within the civil jurisdiction of the Magistrates Court. So that is another good change. But this limit is \$100 000, and many issues that an owners corp might be progressing to legal action—such as chasing a builder for defects—will exceed that limit, meaning that a special resolution will still be needed. I understand that no other state or territory in Australia uses this threshold, so our system is likely to act as a barrier to justice.

To conclude, this bill is a long-overdue reform of our owners corporation system. Many of these reforms are very welcomed by owners, and many of my constituents are very happy that this has happened. They are also very frustrated that the government has not taken the opportunity to close some of the bigger loopholes, the ones that are really affecting their lives day to day and affecting the whole livability of our city in fact—things that we might not feel the full impact of for a few years but when we do our city is really going to take a hit. People are already taking a hit in their everyday lives. There are some things that really the government should have addressed many years ago when they came to their attention, but now is the next best time. So we will be supporting this bill but looking at some of the other flaws very closely in the other place.

**Ms SPENCE** (Yuroke) (18:05): I am very pleased to add my contribution to the Owners Corporations and Other Acts Amendment Bill 2019. This bill implements the outcomes of the review of legislation governing the operation of owners corporations in Victoria undertaken as part of the consumer property law review. I will talk more about that review shortly, because that was a very

comprehensive review process and it warrants further discussion. But to commence, I will go over what the bill will do. I will say at the outset that this will just be a bit of a shopping list, a bit of a summary of what the bill does.

**A member** interjected.

**Ms SPENCE:** Not terribly exciting but a good idea. Time will not really permit me to go into detail of what it does do because there is a huge amount of changes to the Owners Corporations Act 2006 and other acts within this bill. I do find it quite bemusing that the member for Melbourne in her contribution made the comment that the government was just doing a tick and flick rather than trying to solve problems. I think she must not have had a look at either the detail of the review process, which was so comprehensive that it started back in 2015 and has culminated in this bill, or the detail of the amendments that are contained in it. Anyhow, I will get to the detail of the review process shortly.

Firstly, the changes that are included in this bill: the Owners Corporations and Other Acts Amendment Bill 2019 will amend legislation to rationalise the regulation of owners corporations. In doing so, owners corporations will be regulated according to their size, with a five-tiered system that has thresholds whereby larger owners corporations will be subject to a greater number of requirements with regard to committees, professional managers, external audits or reviews of annual financial statements, building insurance, maintenance plans and funds and annual financial statements, whereas smaller owners corporations will be subject to less stringent regulation. It is quite a sensible change which goes from a rather flat structure to a sensible tiered structure.

Secondly, the bill will improve the quality of owners corporation managers and enhance protection for owners corporations. It will do this by strengthening the disqualification and insurance provisions of current registration schemes for professional owners corporation managers, by prohibiting certain terms in owners corporation contracts and by giving VCAT the power to rule generally as to whether other terms in management contracts are unfair.

The bill will expand and improve developers duties to owners corporations that they create and enhance protection for owners corporations. The bill will improve the governance and financial administration of and internal relations in owners corporations. It will do this in a number of ways. It will do so by improving decision-making within inactive owners corporations and by giving owners corporation managers authority to make interim decisions in certain circumstances. It will align 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.

It supports the owners corporations duty to repair and maintain common property by permitting them to enter private lots on reasonable notice where necessary to enable repairs to common property. It expands the duties of owners corporation committee members to include a duty to act in the owners corporation's best interest. It permits owners corporations to collect and use water falling on common property to deal with water rights. It restricts proxy farming and committee proxies and prohibits contractual limitations on lot owners' voting rights. It improves decision-making in owners corporations, particularly 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.

It reduces the maximum size of owners corporation committees from 12 to seven members and allows the chair or secretary of the committee to arrange committee ballots. It exempts owners corporations from the need to engage the internal dispute resolution process for matters they initiate. It improves dispute resolution in owners corporations by enhancing the internal dispute resolution process set out in the model rules, including the provision for a grievance subcommittee. It enhances the compliance with owners corporations rules by increasing the maximum penalty for a breach to \$1100 and allows owners corporations to retain penalties. It enhances an owners corporation's ability to initiate legal actions by applying different voting thresholds for actions in different courts. It reduces inequities for



non-defaulting lot owners by permitting owners corporations to recover reasonable prelitigation costs from defaulting lot owners and to adopt payment plans in hardship cases. It reduces insurance and other inequities between lot owners by permitting owners corporations to separately levy lot owners in certain circumstances. It introduces a range of measures to clarify relationships and reduce disputes in owners corporations. It improves safety for residents by developing model rules for the provision of fire safety advice by lot owners to tenants—and much more.

The bill will also improve and rationalise the regulation of owners corporations in retirement villages by providing for a clearer separation between owners corporations meetings, retirement village meetings and village resident committee meetings and by aligning the powers of village operators who control owners corporations in retirement villages with the aims of the Retirement Villages Act 1986. The bill also makes a number of minor and technical drafting improvements to the legislation.

This is an incredibly comprehensive amendment bill that implements the findings of the consumer property law review. As I mentioned earlier, I do want to go into that review process in some detail because this was a massive review process and it went for several years. The review examined both the conduct of owners corporation managers and the functions and management of owners corporations. The review was announced back in August 2015. It covered four major pieces of consumer property legislation for which the Minister for Consumer Affairs, Gaming and Liquor Regulation is responsible, including the Owners Corporation Act 2006.

There was issues paper 1, which was entitled *Conduct and Institutional Arrangements: Estate Agents, Conveyancers and Owners Corporation Managers*, released in December 2015. Submissions closed on 11 March 2016, and 50 submissions are available to see on the website. This review is all still available on the website, and you can go online and see the issues papers and all the rest. It is all still up there, and it is quite interesting.

Issues paper 2 was entitled *Owners Corporations* and was released in March 2016. Submissions closed on 29 April 2016. There are 82 submissions available online to have a look at.

An options paper titled *Options for Reform of the Owners Corporations Act 2006* was released in November 2016, and this paper responded to the feedback that had been received from issues papers 1 and 2. It examined the issues that had been identified for reform and presented options for consideration. The minister, prior to the election in 2018, committed to bringing out an exposure draft, and in fact did so in April 2019. This bill has come about following that, so as we can see, there was an incredibly extensive consultation process. The bill has got a huge amount of backing when you see how many submissions and how much detail has gone into putting it together. I am very pleased to be able to say that a lot of people have had input into it. It is quite a comprehensive review. It is a very comprehensive act. I am very pleased to say that I fully support the bill. It is certainly not a ‘tick and flick’, as the member for Melbourne has asserted. I commend the bill to the house.

**Mr KENNEDY** (Hawthorn) (18:15): This bill sees changes to the Owners Corporations Act 2006 and the Retirement Villages Act 1987. I point out that for the past four years I have lived in a retirement village myself; however, these legislative changes will not directly impact me. In due course I will say more about retirement villages.

My electorate of Hawthorn is 19 square kilometres of lively activity, restful beauty, history, many sporting options and great educational opportunities, from primary schools to tertiary level. More and more people are coming to live in my community, and therefore our housing is changing. While we are conscious and respectful of our architectural heritage and are home to many beautiful Victorian-era villas and some mansions, change is apparent, with around 60 per cent of people in my electorate now choosing to live in an apartment, unit or type of townhouse. Over the past 20 years that proportion has increased by over 10 per cent. This bill reflects these changes in housing and will accordingly improve the regulation of owners corporations.

Gone are the days when a major apartment or unit development consisted of four or five dwellings. In fact just down the road from my electorate office in Camberwell Road a development of 345 dwellings is nearing completion. Common sense from a commonsense government will see a new five-tier system of owners corporations based on size, introduced because the needs of a 345-dwelling development and those with four units are vastly different, calling for different provisions. The bill is informed by common sense and will introduce new thresholds relevant for larger owners corporations, subjecting them to more requirements regarding committees and annual financial statements while relaxing regulation on smaller owners corporations.

The decision to require owners corporations to deposit fees into a maintenance fund will ensure equity between past, present and future owners of each property. With many first home buyers purchasing apartments or units, money can be tight. The maintenance fund ensures adequate funds are in place to implement an approved maintenance plan, ensuring new and future owners are not bearing unexpected costs and fee increases. This amendment ensures a fairer system now and into the future.

Meeting with constituents I have often heard complaints regarding owners corporation managers, so changes to improve the quality of owners corporation managers will certainly be well received in my electorate and no doubt in many others. The changes will mandate a requirement for managers to hold professional indemnity insurance. This will ensure that managers are answerable to and always acting on behalf of the owners corporation. Further, the registration scheme will be strengthened to ensure that certain criminal offences will disallow such a person from becoming an owners corporation manager.

Our aim is to ensure that complaints of cowboy managers will be a thing of the past thanks to modernised legislation. Logical changes will also be made to ensure that developers cannot appoint themselves or their associates as owners corporation managers and they cannot vote on any resolution relating to building defects. Simple changes such as this ensure that there are no conflicts of interest and that there is a better system for all.

Under the current legislation, all lot owners are equal, but some lot owners are more equal than others—to quote. These amendments will change this. New requirements for the initial settings of lot liability and entitlement are to be set up according to specific settings. Most importantly though the amendments remove the ability for a majority lot owner to prevent an application to VCAT for changes to settings where all other lot owners have consented, enhancing equity between lot owners.

Changes to proxies will see greater strength given to lot owners. Term limits and new restrictions on what a proxy can vote on give assurances and support to owners corporations. Constituents often bring complaints about proxies, and I believe these changes will alleviate some fears.

There are many other reforms this bill enacts, such as improving the governance through enabling owners corporations to make rules controlling smoke drift from private lots and improving the financial administration of owners corporations by enabling owners corporations to separately levy lot owners for a range of costs directly attributable to the particular user of certain lots.

However, I now turn to speak on a particular and important section of the bill—that relating to retirement villages. The bill proposes to amend the Retirement Villages Act 1986 to enable residents of a retirement village to elect a resident committee to represent the interests of residents who do not own their lots. This has proven invaluable at my own retirement village, and I have had the opportunity to serve on one of these resident committees in one of the years there.

The bill will also improve the regulation of owners corporations in retirement villages by providing for a clearer separation between owners corporations meetings, retirement village meetings and village resident committees. The bill will also align the powers of village operators who control owners corporations in retirement villages with the aims of the Retirement Villages Act 1986, which is currently under review.

These reforms will, amongst other things, ensure the policy objective of the Retirement Villages Act to protect retirement village residents from increases in their cost of living without their consent by preventing retirement village owners or their close associates from voting on fee resolutions where they control a majority of lot entitlements and ensure that control over the rules for use of village facilities is not undermined by village operators who control the owners corporation by preventing them from voting on the making, amendment or revocation of rules.

I will now discuss the suggestions received from the community that will strengthen the bill. In its consultative mode the government has listened to feedback provided by various stakeholders in the retirement village sector, such as Residents of Retirement Villages Victoria, who requested fine-tuning of the various exemptions for owners corporations in retirement villages, and these are contained in the bill. Further adjustments have been made to the retirement village exemptions to address concerns raised by stakeholders, with several provisions either changed or removed. However, it is not appropriate to grant leasehold residents voting rights on financial matters, given they do not have the same property rights and interests as lot owners.

Over the last year or so it has been a privilege of mine to represent the minister at various forums, including one here in Melbourne last November and others as well, because, as you know, there has been a review process. An issues paper was produced, which marked the beginning of public consultation for the review of the Residential Villages Act. It is very obvious that there are still many unresolved issues, particularly in regard to the rights of residents. I was only just speaking to someone today as a matter of fact who was trying to get some clarification on the difference between capital costs and recurrent costs, whose responsibility it is to replace fences and whose responsibility it is to replace a call system. Who should pay for those capital works? It seems that we still have a long way to go, but setting up that issues paper and now this particular bill represents a first step. I am sure we will see lots of other reforms to legislation as time goes on in regard to these residential villages. Accordingly, I commend this bill, and I look forward to future ones.

**Mr MAAS** (Narre Warren South) (18:25): It gives me great pleasure to rise and speak to the Owners Corporations and Other Acts Amendment Bill 2019. As has been said by many speakers on this bill before me, it is a very important bill. We know it is an important bill as it will affect millions of Victorians—in fact, I am reliably informed, some 1.5 to 1.6 million Victorians. Victorians who are part of owners corporations contribute billions to the economy as well as provide for safeguards to the value of property in the built environment.

Of course as the property market rises, apartment and unit living or units as investment vehicles are becoming increasingly popular options for many Victorians, and that brings together a wide range of people who have diverse goals, interests and expectations. There are currently over 85 000 active owners corporations in Victoria, and as has been said, these owners corporations cover more than 772 000 individual lots. The timing of this bill is therefore pretty ripe, as it has been some 12 to 13 years since the introduction of the Owners Corporations Act 2006. Now is the time to take the opportunity to reform and modernise the legislation to ensure risks are appropriately managed and that all stakeholder expectations are met.

Speaking of stakeholders, the government has ensured really wide consultation over an extended period of time with issues papers, options papers and exposure drafts of the bill all released to the public inviting comments, submissions and opinion. The government has carefully considered the extensive feedback that was provided to it through this time and is now in a position to legislate.

The bill itself purports to achieve five key reform areas. These are to rationalise the regulation of owners corporations; to improve the quality of owners corporation managers and enhance protection for owners corporations; to expand and improve developers' duties to the owners corporations they create and enhance protection for owners corporations; to improve the governance and financial administration of, and internal relations in, owners corporations; and to improve and rationalise the

regulation of owners corporations in retirement villages. There are also, finally, a number of minor and technical drafting improvements which the bill seeks to implement.

If I address that first key reform, the bill rationalises the regulation of owners corporations. It seeks to do that in a variety of ways. It looks at regulating owners corporations according to their size in a more rational and responsible way by introducing a five-tiered system, with new thresholds for owners corporations that must have committees, professional managers, external audits or reviews of annual financial statements, building insurance, maintenance plans and funds, and annual financial statements. It will enhance 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 corporations from \$10 million for any one claim to \$20 million. It will also enhance equity between past, present and future lot owners by requiring such owners corporations to deposit fees into a maintenance fund that are adequate to implement the maintenance plan. Finally, it will do relatively simple things like streamlining decision-making in owners corporations by removing quite an antiquated requirement for a common seal.

In terms of the second reform, the bill seeks to improve the quality of owners corporation managers as well as enhance protection for owners corporations. The bill will strengthen the disqualification and insurance provisions of the current registration scheme for professional owners corporation managers. It will prohibit certain terms in owners corporation management contracts and give VCAT the power to rule generally whether other terms in management contracts are unfair. It will expand the fiduciary obligations of owners corporation managers regarding procurement of goods and services on behalf of owners corporations, influencing voting on owners corporation matters, and owners corporations' access to their financial records.

Thirdly, the bill will expand and improve developers' duties to the owners corporations they create and thereby enhance protection for owners corporations. In terms of that key reform, the bill will expand the obligations of developers to owners corporations in line with the New South Wales approach but including other obligations and prohibitions, and extend the duration of developers' obligations from five to 10 years. In terms of that third key reform, it will also enhance equity between lot owners by requiring that the initial settings of lot liability and entitlement be established according to specified criteria and be accompanied by a statement explaining the settings and by removing the ability of a majority lot owner to prevent an application to VCAT for changes to settings where all other lot owners have consented.

Fourthly, as I said, the bill also seeks to improve the governance and financial administration of, and internal relations in, owners corporations. In terms of that key reform the bill will improve decision-making within inactive owners corporations by giving owners corporation managers authority to make interim decisions in certain circumstances. It will align 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. It will support owners corporations' duty to repair and maintain common property by permitting them to enter private lots on reasonable notice where necessary to enable repairs to common property. It will permit owners corporations to collect and use water falling on common property and to deal with water rights. Finally, it will restrict proxy farming and committee proxies, and prohibit contractual limitations on lot owners' voting rights.

The fifth key reform, as I said, is that the bill will seek to improve and rationalise the regulation of owners corporations in retirement villages. It will do that by rationalising and improving the regulation of owners corporations in retirement villages by providing for a clearer separation between owners corporation meetings, retirement village meetings and village resident committees, and by aligning the powers of village operators who control owners corporations in retirement villages with the aims of the Retirement Villages Act 1986.

Finally, as aforementioned, the bill also corrects some minor and technical drafting errors that are inherent in the current legislation.

In conclusion, the bill is an important one. Its passing in this house and in the other place will ensure better governance arrangements and better outcomes for owners corporations in Victoria. The bill will help ensure that owners corporations are better governed and that they can be more financially responsible and sustainable, with greater social cohesion and greater workability. I commend the enormous amount of work that has gone into this bill, the very broad range of consultation that it reflects and the tremendous work of the minister as well. I commend the bill to the house.

**Mr BRAYNE** (Nepean) (18:35): Thank you, Acting Speaker Bull. It is good to see you in the chair. We do not see it enough. The bill I am speaking on today is the Owners Corporations and Other Acts Amendment Bill 2019. We have had some good contributions from my friend the member for Narre Warren South, who has become a dear friend of mine in this place, and the member for Hawthorn, who is also a good friend of mine, depending on whether or not there is lunch ready to be served. It is good to note that he also lives in a retirement village, as he noted. This bill is very pertinent to him and his constituency, as it is to mine, because we have quite a few retirement villages on the Mornington Peninsula, as you probably all know.

The purpose of this bill is to amend the legislation to rationalise the regulation of owners corporations; improve the quality of owners corporation managers; enhance protection for owners corporations; expand and improve developers duties to the owners corporations they create; enhance protections for owners corporations; improve the governance and financial administration of, and internal relations in, owners corporations; improve and rationalise the regulation of owners corporations—I am just going to call them owners corps—in retirement villages, an important one for my electorate; and make a number of minor and technical draft improvements to the legislation.

The Owners Corporations Act 2006—I have to call it that because it is the total act—commenced in 2007, and we now need to reform and modernise our legislation to ensure risks are appropriately managed and stakeholder expectations are met. Drawing on stakeholder feedback, an options paper was released in November 2016 which outlined a range of potential reforms to the owners corps act. More than 100 submissions were received in response to the options paper from individuals and key institutional bodies. The government has carefully considered stakeholder feedback to develop this bill which is now before the house. I want to thank those who made submissions to this bill. Your contributions have helped identify a number of issues—important issues—and have helped to ensure that the bill before the house today strikes the right balance with all stakeholders.

Now, given the estimated 1.5 million Victorians who are affected by an owners corp, it is critical that these reforms are enacted to ensure the legislation remains fit for purpose. This is especially critical in my electorate of Nepean due to the high number of retirement villages, and I trust that many of the people in this place will likely retire in Nepean—some sooner than others. I do not know who would be sooner, but anyway. In fact I am representing one of the oldest Victorian electorates and one of the oldest electorates in the country, and I will touch on this in more detail shortly—and by shortly I mean in probably 30 seconds or so.

The bill will improve the regulation of owners corps in several ways, including for those retirement villages in Nepean, which you will all occupy soon. A new five-tier system based on owners corps's size will be introduced. Larger owners corps will be subject to a greater number of requirements while smaller ones will be subject to less stringent regulation. Owners corps will be required to deposit sufficient fees into their maintenance funds to implement the approved maintenance plan. This will reduce the need for significant and unexpected fee increases, which can cause financial hardship. Changes will also improve the quality of owners corps managers. People convicted of certain criminal offences will not be able to be registered as managers and will be required to hold professional indemnity insurance. Developers will be prohibited from appointing themselves or their associates as owners corps managers. Equity between lot owners will also be enhanced. The bill will also implement

several reforms to improve the governance and financial administration of owners corps. This includes expanding the duty of committee members to ensure they act in the owners corps's best interests and prohibiting contractual limitations on the owners' voting rights, amongst others.

Where the bill is particularly relevant to my community is where the bill will improve the regulation of owners corps in retirement villages by providing for a clearer separation between owners corps meetings, retirement village meetings and village resident committees and aligning the powers of village operators who control owners corps in retirement villages with the aims of the Retirement Villages Act 1986. This change will help clarify for these villages who is responsible for what, modernise the law and improve the relationship between owners corps and village residents. I look forward to visiting Village Glen in Rosebud in a few weeks time to share the news of these changes.

Let me just reiterate the importance of these changes, because it is important to note how important they are to seats like Nepean. This bill is providing clearer separation between owners corps meetings, retirement village meetings and village resident committees. This is important. This bill aligns the powers of village operators who control owners corps in retirement villages with the aims of the act. This bill improves the administration and regulation of owners corps in retirement villages through a range of measures, including enabling the establishment of a separate residents committee to represent the interests of occupants who do not own their lots. Importantly, this bill will help protect retirement village residents from increases in their cost of living without their consent by preventing retirement village owners from voting on fee resolutions where they control a majority of lot entitlements. Finally, this bill will ensure that control over the rules for the use of village facilities is not undermined by village operators who control the owners corps by preventing them from voting on the rules.

I referred to owners corps committees before, and I want to clarify their role under this bill's structure. Under the new regulatory tier structure, all owners corps with 10 or more lots—tiers one, two and three—will now be required to have a committee. The duties of committee members will be expanded to include a duty to act in the owners corps's best interests—pretty reasonable if you ask me. The maximum size of a committee will be reduced to seven members. These reforms will help improve overall governance and decision-making in owners corps.

The community and stakeholders will be pleased to know that should this bill make its way through the Parliament—and we fully expect that—a review will be undertaken between two and five years after the commencement of the reforms. This will examine the operation of the amendments made by the bill, including whether further amendments are required, and a written report will be provided to the minister and tabled in Parliament. This review is important because it will provide an opportunity to assess issues which are not addressed in this bill and determine if additional reforms are required.

This bill is an important first step in improving governance and outcomes for owners corps in Victoria. Implementation of these new requirements will be supported by the delivery of a voluntary, ongoing and targeted information and training program for all owners corporation managers in a partnership between Consumer Affairs Victoria and industry. The government will also continue to work with stakeholders on the development of amendments to the regulations.

This bill will help ensure that owners corporations buildings are better governed, more financially responsible and sustainable, with greater social cohesion, making them better places to live. I commend this bill to the house.

**Mr CARBINES** (Ivanhoe) (18:44): I am pleased to make a contribution to the Owners Corporations and Other Acts Amendment Bill 2019. In particular can I just start by saying there has been much change in the Ivanhoe electorate over the past decades, particularly in relation to high-density developments in Heidelberg. The electorate I represent is some 10 to 12 kilometres from the CBD, and there are development pressures that come with that.

Can I say also, in an owners corporation sense, that so many people, as they look for housing options, find they are limited, particularly in places like the City of Banyule, where I was fortunate to be a

member of the local government as a councillor. What we found was hard to provide to people was accommodation options for downsizing. There are not a lot of property changes and transfers in Banyule. People seem to go out with their boots on, and what that means is people are staying in very large homes looking for opportunities to stay in the community in which they grew up, where they are connected, where they have relationships and where their families have grown up, but those opportunities are limited.

I preface my comments in relation to this because as people seek, due to pressures on themselves and their families, to downsize from large dwellings into communal opportunities in terms of residential housing, they find themselves in arrangements where perhaps they are caught up in owners corporations. They have pressures to find accommodation in their local community, and they find themselves subject to, perhaps, arrangements that mean they do not have total autonomy. That can be really difficult, particularly looking into those details and making sure that you understand them in advance. There are differences. There are constraints. There are arrangements with owners corporations that perhaps you did not have when you were in your large dwelling in Ivanhoe, Heidelberg or Eaglemont. You have chosen to stay in the local community, but perhaps you have compromised and instead of finding a dwelling on a title where you have carte blanche in the way in which you want to arrange that, you have gone into an arrangement that you are subject to an owners corporation arrangement. Perhaps in those pressures to stay where you are you have then found yourself subject to arrangements that you do not have full control over.

I meet many people—as I am sure other members do—in my electorate office, working their way through the maze of rights and responsibilities in relation to owners corporations. What this bill does in particular is rationalise the regulation of owners corporations and improve the quality of owners corporation management and enhance the protections for owners corporations. We want to make a number of minor technical and drafting improvements to the legislation and improve the rationalised regulation of owners corporations in retirement villages. We have many retirement villages in the Ivanhoe electorate. They function really well. I am pleased to attend Anzac services at some of those retirement villages. They provide great opportunities for local people to downsize and remain in the community to which they are connected and to which they have provided so many services and made such great contributions.

With owners corporations, though, there are challenges. Some of us who have electorate offices that are subject to owners corporation arrangements would be able to speak with great empathy about how they operate—the positives and the negatives—how they provide great challenges sometimes around accountability and the desire for people who either have a stake in a property because they own it, a stake in a property because they live there or a stake in a property because it is an investment.

What we also know is this legislation will expand and improve developers' duties through the Owners Corporations Act 2006 and create enhanced protections for owners corporations. What is raised in my electorate, that comes up very often, is the opportunities for redress for people and the accountability issues that relate to those people who want to call their places home but in doing so are subject, I suppose, to so many arrangements over which they do not have control. I want to also touch on the work of the former member for Brunswick—now a member in the other place—and former Minister for Consumer Affairs, Gaming and Liquor Regulation, who started off much of this work. I want to acknowledge her work and of course the current minister for her work in driving so much consultation in relation to particularly the exposure draft that was released on 5 April 2019 and which closed in May. Some 40 submissions were received in relation to that work. In particular I want to touch on what the minister said in her second-reading speech:

The Bill will improve the regulation of owners corporations in a number of important ways.

In particular:

... a new, more logical, five-tier system based on owners corporation size will be introduced, establishing new thresholds for the requirements to have committees, prepare annual financial statements and commission external audits or independent reviews, and have maintenance plans and funds.

As Melbourne becomes a city of greater density, as there become available greater housing options of choice for residents, what we need to understand is that means owners corporations are going to be more relied on and be held to greater accountability in our community in the years ahead. We are going to see much greater density in inner Melbourne in particular. We need to understand that the pressures that people have around where they want to live and the price they are prepared to pay to find something affordable mean that they will often trade off perhaps the capacity to fully control their land title and their responsibility for their plot of land. When you are part of an owners corporation you are subject to other consensus, other arrangements and other accountabilities. What is important is if we want to grow Melbourne, if we want to provide the economic diversity and growth that is provided out of that, we need to make sure that we are also protecting people who have a range of pressures placed upon them in relation to the decisions they are making about the biggest investment in their life around where they are purchasing a property and the accountability to make sure that it is maintained to an appropriate standard.

I notice in the minister's second-reading speech that she also talked about how the first step in improving some of the governance and outcomes for owners corporations included new requirements to support the delivery of voluntary, ongoing and targeted information and training programs for owners corporation managers in a partnership with Consumer Affairs Victoria and industry bodies. What is really important is the managers of those owners corporations have the capacity, have the opportunity, to arm themselves with an ability to discharge their duties. I must say there have been many occasions when people have made representations to my office concerned about the accountability of managers of owners corporations and the follow-up and other redress schemes that are in place for them. They are particularly important.

What I find particularly important about this bill is the new five-tier system based on owners corporations' size to be introduced. 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 regulation. Have a look around Melbourne. Have a greater understanding of where the density pressures are, where the investment opportunities are, where there is a like-for-like explanation and understanding and empathy for where the legislative practice needs to be applied, because again those come down to costs. Smaller owners corporations hopefully have less residents, less costs and less administration. We need to make sure that it is not one size fits all—that we have a boutique system, a bespoke system, that can apply itself based on the size and density of those owners corporations, and that is really important.

Developers are being prohibited from appointing themselves or their associates as owners corporation managers. It is just not working—terrible. They are also prohibited from voting on resolutions relating to building defects—again terrible. We are dealing with those issues all the time in my electorate office. Effectively they want to be the judge and the jury. It is just not on. We cannot have that, and the Parliament should spell it out very clearly. We need to be in the corner of the people who have made the biggest investment of their lives—who want to stay close to services, who want to be in and amongst it all in their communities, who are making decisions under pressure at times. But what we need to make sure of is that the law reflects practice and reflects and supports their rights and obligations in the biggest investment that they will ever make.

I commend the bill to the house. Owners corporations—we have got a long way to go, but this is a start in the right direction.



**Mr STAIKOS** (Bentleigh) (18:54): It has fallen to me to take us through to the adjournment on this very, very fascinating bill—perhaps the most fascinating bill in the more than five years of my time as a parliamentarian, but a very important—

**Mr Walsh** interjected.

**Mr STAIKOS**: I will tell you what: I nearly fell asleep during your lead speaker's contribution, but the member for Forest Hill did his best.

**Ms Kealy** interjected.

**Mr STAIKOS**: Low blow, member for Lowan. Too soon, as they say.

**Ms Kealy** interjected.

**Mr STAIKOS**: Very good.

**Mr Walsh**: It is unruly to respond to interjections.

**Mr STAIKOS**: It is, and I am just going to ignore them from now on. I can hear the Zorba going on in my head as well. Excellent.

I am really pleased to speak on the Owners Corporations and Other Acts Amendment Bill 2019 tonight because I think of all of the constituents who have come to see me with various problems over the years. Many of them are older people who are part of owners corporations, and when I read the minister's second-reading speech I was very interested when she outlined just how many Victorians are in some way associated with owners corporations. Currently there are over 85 000 active owners corporations in Victoria. They cover more than 772 000 individual lots, and around 1.5 million Victorians, which is a quarter of the state's population, either live in or own property in an owners corporation. So it is no surprise to me that many of the constituents I see come to me with issues they are having, particularly with owners corporation managers. When you consider the growth in Melbourne—and you can drive around my electorate and you can see a lot of apartment development taking place, a lot of new apartments that have sprung up in the last six or seven years—apartments are going to become a bigger part of our housing mix, particularly in Melbourne, the fastest growing capital city in Australia. So it was not before time that this government initiated a review back in 2015 of the legislation covering owners corporations, and that is why we have this bill to debate in the house today.

There have probably been more than 100 constituents who have come to me over the five years with issues with owners corporations, but throughout this contribution, which it looks like I will be continuing tomorrow morning, I will focus on just two who have significant issues. For both those constituents, their issues are actually addressed in this legislation.

The first one I want to refer to is with regard to a lady in her 80s who came to see me a couple of years ago. She is someone who bought into an apartment building of significant size, something for her retirement, and when she came to see me she brought two bags full of documentation that she had received from the owners corporation manager. It was in the form of mainly correspondence but also financial statements. She showed me a number of invoices where the owners of the various lots within that building were invoiced for things that were not part of a maintenance plan. I am going to come to maintenance plans in a moment because that really is a central part of this bill. She was showing me invoices that were in the thousands, some that she would receive multiple times each year for things that she was not forewarned about.

I know with a lot of older people that when they receive a bill, because they do not like to owe money to people, they pay that bill straightaway, but I know when it comes to owners corporations, with the amount of correspondence and the amount of financial statements that older people receive, they really do become somewhat flummoxed by the amount of information they have to process. I spent a couple of hours with this constituent going through all this information, and I have to say, going through it, it did bamboozle me as well because the reasons for the invoices were very, very vague.

Now, this was an apartment building with around, I would say, 100 apartments. It will be covered in the new system outlined in this bill—that is, a five-tier system of owners corporation—

**The DEPUTY SPEAKER:** Order! I am required under sessional orders to interrupt business now. The member may continue his speech when the matter is next before the house.

**Business interrupted under sessional orders.**

### Adjournment

**The DEPUTY SPEAKER:** The question is:

That the house now adjourns.

### MURRAY PLAINS ELECTORATE POLICE RESOURCES

**Mr WALSH** (Murray Plains) (19:00): (1888) My adjournment matter tonight is for the Minister for Police and Emergency Services, and the action I seek is for the minister to provide additional police resources into the Raywood, Elmore and Rochester policing areas. I have received a letter from people north of Bendigo with 129 signatures and received another complaint from a person from Rochester, which joins a long list of people who have raised concerns around crime in the town of Rochester. The 129 people from north of Bendigo who wrote to me with the petition have said:

In the last six months, residents of the rural areas north of Bendigo (including but not limited to Kamarooka, Raywood, Campbell's Forest, Drummartin, Calivil, Tennyson and Dingee) have been targeted by thieves ...

And these thieves:

... have been using angle grinders to remove gates, creating a significant fire risk. There have also been multiple reports of cars with no number plates or stolen number plates right across our area, some of whom we believe are acting as spotters.

Our concern is with the incredible difficulty we have in reporting these occurrences with the local police ... The phones usually ring out when we called the stations ... When we are able to make a contact, we are either told that issues will be followed up but we never hear any more on the matter, or are told that there are no cars available for the officer to investigate.

... Our children, who spend a good deal of time on their own waiting for or walking to school bus picks ups are now scared due to the number of strange vehicles around and their knowledge of what is happening.

So they have signed this petition. They are asking on behalf of their communities that there be more police resources made available into that area around the Raywood and Elmore police stations. I share their concerns, as I talk to people in that area who raise the same issue with me.

The second thing on the same issue is I have received an email on my website from Steven Clarke in Rochester, who raises the same issues. He says:

As you are no doubt aware of the crime spree that hit Rochester, two armed robberies, at the Bendigo Bank and Caltex Petrol Station and a late night burglary of Majors IGA.

I quote, and it is colourful language:

I know Dopey Dan and his cronies don't give a rats arse about the bush let alone law and order, but we have a police station here that needs to be manned 24/7.

So the issue I raise with the minister for police is to please make available additional policing resources to help that area. The police that are there are doing their best, but they just do not have enough resources, do not have enough police personnel on the roster and do not have enough vehicles to be able to protect that area.

### COVID-19

**Mr FREGON** (Mount Waverley) (19:03): (1889) My adjournment matter is for the Minister for Multicultural Affairs. The action I seek is for the minister to update the house on how the Andrews Labor government is supporting my local cultural groups in the Mount Waverley district. This evening

I was fortunate to join with the Premier, the Minister for Multicultural Affairs, the Minister for Tourism, Sport and Major Events and other parliamentary colleagues in meeting with prominent members of the Chinese-Australian community.

I would like to thank the following people for attending this event: Ms Su Junxi, president of the Federation of Chinese Associations (Vic) Inc.; Mrs Li Zhiying, vice-president of the Monash Senior Chinese Volunteer Service Centre; Mrs Dai Hong, president of the Monash Chinese Friendship Association; Mr Wing Cheong, vice-president of the Waverley Chinese Senior Citizens' Club; and Professor Charles Qin, OAM, director of Chin Communications.

We were there to show our solidarity with our Chinese community during this trying time. The novel coronavirus has not only had an impact on China but has had an impact on our Chinese-Australian community and our local small and family businesses. In the Mount Waverley district the hospitality and retail businesses have especially been impacted at this time.

I would like to thank also the Minister for Health and my parliamentary colleagues and community leaders for showing their support for our community by their attendance for lunch at the House of Delight in Glen Waverley last Friday. A big thankyou to our gracious hosts, Lisa and Tony Zhang, who put on some very, very delicious food. This is a hard time for our community, but we will get through it and we will do it together. I encourage everyone to come out and eat and shop—we are open for business.

**The DEPUTY SPEAKER:** Could I ask the member for Mount Waverley to clarify the action he seeks from the minister.

**Mr FREGON:** I would like the minister to update the house on how the government is supporting the local cultural groups in my area.

**Ms Kealy** interjected.

**Mr FREGON:** Updating is an action, I believe.

**The DEPUTY SPEAKER:** We will clarify.

#### POINT GREY PRECINCT, LORNE

**Mr RIORDAN** (Polwarth) (19:05): (1890) My adjournment matter is for the Minister for Energy, Environment and Climate Change. The action I seek from the minister is for her to direct the Great Ocean Road Coast Committee to respect the growing wishes of the Lorne and Great Ocean Road community to preserve the history of the Point Grey precinct in Lorne, abandon its lavish redevelopment plans of the precinct and allow the history of the point to be preserved with a more modest, functional and historical refurbishment of the existing buildings that reflect the history of that area.

There are now well over 1000 signatures to a petition calling on this Andrews government to stop the demolition of the original fishermen's co-op that is currently occupied by the popular and well-known Lorne Pier restaurant. The hive of activity that is the Lorne angling club acts as a home away from home for locals and visitors alike, who make up what is a popular and unique precinct in and around Lorne, which is otherwise a highly developed landscape. It is one the last places left that reflects the old Lorne and is much valued by the many visitors and residents to the area.

The government is currently reviewing the Great Ocean Road Coast Committee through potentially new legislation that would see carriage of the further development of this area. However, it is becoming increasingly obvious after nearly 10 years of non-development that the site is currently becoming run-down and unsafe. The pier restaurant is unable to refurbish its toilets, make them safe and bring up to modern standards the kitchens and other facilities required to run a modern and busy restaurant.

Likewise the Lorne angling club, as one of the most popular clubs along the whole Great Ocean Road, is unable to properly cater for its many members and visitors alike at times and particularly at an event such as the Lorne Pier to Pub, where that whole precinct is filled with thousands of people. The whole area needs to be looked after. It is under current projections still many, many years, if not decades, away from the grand vision that the Great Ocean Road Coast Committee has put to the community.

Quite simply, the community is very happy with the low profile, the low density that currently exists there. There are people currently tenanted the building who have their own resources and who are prepared to invest in the area, make it good and make it usable for the community for the long-term benefits of both the Lorne township and the state. This is an area where the government is overthinking the problem. The problem's solutions are much more simple, and I urge the minister to intervene and let the community have its precinct back and let it develop it with its own resources, its own ideas and its own initiative.

### **BROADMEADOWS ELECTORATE REVITALISATION**

**Mr McGuire** (Broadmeadows) (19:07): (1891) My adjournment request is to the Minister for Transport Infrastructure. The action I seek is for her to come to Broadmeadows and inform the Broadmeadows Revitalisation Board of the important strategic nature of what she is doing as the minister for transport and the big picture that the Andrews Labor government is driving to actually get reinvestments into areas—what we are trying to do through planning, housing, transport, education, lifelong learning, skills and jobs for meaning and how this connects. This is really why governments matter, even to the entire point that people too often forget: only Labor delivers on this. This is the reality, and I think it is really important.

There should not be an argument about the future of the Broadmeadows railway station in the local newspaper. That is a folly. Let us get to the big-picture issues about what is going on, about how the investment has been made by the Andrews Labor government to actually look at how we connect all these things together and how we make this happen, because what happens is that people forget too quickly that we had the reverse Robin Hood strategy from the one-term coalition government. They took the money out and they transferred it down the line to Frankston, and they acted against the best interests of the state in how to actually build communities and develop opportunities.

Here is the once-in-a-generation opportunity we now have: we have attracted an investor for \$500 million into the Ford site; he wants to deliver new industries and jobs of the future. That is what we do as a government. That is what only the Labor Party delivers, and it should never be forgotten that you do not waste these opportunities.

We have got the Minister for Planning at the table tonight as well, and I want to acknowledge what he has done previously in housing. We are looking at affordable housing. These are iconic, life-changing propositions, and we have got a great example of the proof of this in Broadmeadows. This is how you actually can deny that miser, fate. This is what it requires and how we bring it together.

Let us see the bigger picture. Let us collaborate and corroborate. Let us get the three tiers of government to work together. And it fits within the city deal for Melbourne's north and west as well. I think that is the proposition. That is why Labor matters, and only the Andrews Labor government delivers.

### **MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT**

**Mr Morris** (Mornington) (19:10): (1892) I raise a matter this evening for the Minister for Planning, and I am delighted to see the minister at the table this evening. The matter I raise is amendment C270 to the Mornington Peninsula planning scheme, which the minister probably is not aware of yet because the council only resolved on this on 17 February.

**Mr Walsh** interjected.

**Mr MORRIS:** What the council is seeking in fact is the reverse of what the Leader of The Nationals implies there. What the council is seeking is that the minister authorises the commencement of that amendment as expeditiously as possible.

**Mr Wynne:** Put it on exhibition.

**Mr MORRIS:** Allow them to put it on exhibition as expeditiously as possible.

The amendment deals with a situation with a special use zone that is currently in place. Some of it is inside the urban growth boundary, but the particular areas that are of concern are those areas outside the urban growth boundary. There are a number of sites affected—in Mount Martha; the Point Nepean National Park; the Mornington golf course; in Kunyung Road, Mount Eliza; the Manyung recreation camp in Mount Eliza; and the Portsea Golf Club. There is a range of them, but the issue generally is that this is a special use zone which is essentially in place where the green wedge zone would normally be. The underlying zone in effect is the green wedge zone, but the special use zone just sits over the top of it. One of the critical things is that the subdivision controls et cetera are very, very different to the green wedge zone, so particularly in sensitive areas—like the area between Mount Eliza and Mornington, which is an incredibly narrow strip anyway—if those zones are allowed to continue to exist and are developed in the manner that the special use zone would permit at maximum, it is a very different situation to what is intended and what has always been intended in the green wedge zone.

Of course, as the minister is well aware, there is a long history, even dating back to the Bolte government, that there was no intention to develop that land between Mount Eliza and Mornington. Dick Hamer and Alan Hunt put in further protections. Under the Bracks government the green wedge zone was introduced, which changed the controls but basically strengthened the argument that those areas should be retained. It is about getting the balance right. I think this is a fairly critical time. We are now getting to the point where we might lose it if we are not very, very careful. I do not believe either side of politics wants that to happen, so could the minister authorise the commencement of that amendment as expeditiously as possible, get it out there and get people talking about it.

#### NEPEAN SCHOOL

**Ms KILKENNY** (Carrum) (19:13): (1893) My adjournment matter tonight is for the Minister for Roads, and the action I seek is for the minister to join me at Nepean School in Seaford for a follow-up visit to see the traffic works that have commenced at the intersection of Hartnett Drive and Klauer Street, Seaford. Last year two Nepean School students wrote to me outlining their concerns for the safety of some of their schoolfriends on local roads. Their friends, in wheelchairs, were having issues crossing at the intersection because the traffic light sequencing did not give them enough time to cross safely in their wheelchairs. On their behalf I wrote to the minister's office, and I am happy to say that the minister joined me and the member for Frankston at Nepean School late last year to announce the start of an intersection upgrade. I am very proud of these wonderful young students and how they so passionately saw an issue that needed fixing and advocated for their fellow students. I know that these students and the Nepean School community would love to welcome back the minister to celebrate the completion of this important road safety upgrade in Seaford, and we look forward to welcoming her.

#### COAL CONSUMPTION

**Dr READ** (Brunswick) (19:15): (1894) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to issue quarterly public reports on the quantity of coal consumed by Victorian power stations. Responding to a question on notice last year, the minister revealed that Victorian power stations burnt an average of 59 million tonnes of coal each year over the preceding decade. Victorian coal is brown coal, the most polluting type of coal, and it produces more carbon dioxide per unit of electricity generated than the black coal used in other states. This makes Victoria's power stations the most polluting power stations in Australia. About 70 per cent of Victoria's electricity comes from coal.

The climate-driven drought in New South Wales, northern Victoria and Gippsland, culminating in this summer's catastrophic fires, shows us how quickly we must get this state off coal. We have burnt over a billion tonnes of it in Victoria in the last 20 years, and most of that carbon dioxide is still up in the atmosphere. Australia, and indeed the world, is paying a high price for those emissions, and people expect action.

As we build more solar and wind power we would hope to see a decline in the amount of coal we burn, but the real measure of the success of our renewable energy program will only be if it displaces coal and we do see a decline. To achieve this we also need to use energy more efficiently by making buildings more energy efficient and other measures. More solar panels will not help our climate unless we see a decline in coal and gas. Hopefully this will happen and we will see this reassuring decline in coal consumption, and that is why I am asking the minister to issue timely reports on coal consumption.

### NORTH EAST LINK

**Mr TAYLOR** (Bayswater) (19:17): (1895) I rise today to raise a matter with the Minister for Transport Infrastructure. The action I seek is for the minister to visit the Bayswater electorate to discuss the benefits that the North East Link will have on our community in the outer east.

I have risen in this place many times to talk about this truly groundbreaking roads project, and I do often get very excited about it. I will say it again: it is the missing link in our freeway network that we have had for decades. This project will change that forever. I am proud that it will mean slashing travel times by up to 11 minutes during the peak along the Eastern Freeway; a massive overhaul of the Eastern Freeway, putting more lanes where they are needed most; new express lanes to reduce the merging and weaving that causes congestion; smarter entry ramps to ensure safer and easier merging, again cutting down on congestion; dedicated exit lanes to end the dreaded bottlenecks that currently exist; and smarter and more efficient public transport with a dedicated busway—and that is just for starters. Construction will of course importantly create over 10 000 well-paying jobs—

**Mr Fowles** interjected.

**Mr TAYLOR:** Ten thousand, member for Burwood, 10 000—and there will be an enormous boost to the economy in the outer east by over \$5 billion, linking jobs hubs in the north to local employees in the east. I cannot wait for this project to be delivered. It is fully funded thanks to the Treasurer, and it will see commuters in my community get to where they need to go quicker and safer.

I appreciate the minister's consideration of my request and thank her and the Andrews Labor government for getting on with the job and doing exactly what we said we would do—that is, delivering key infrastructure that all Victorians need.

### KNOXFIELD DEVELOPMENT SITE

**Mr WAKELING** (Ferntree Gully) (19:18): (1896) My adjournment matter is for the Special Minister for State, and the action that I am seeking is in regard to the future development of the Department of Environment, Land, Water and Planning site at 621 Burwood Highway in Knoxfield. I am seeking that the minister ensures that no development occurs on the site until the site has been properly assessed for contamination.

Historically this land, prior to 1950, was primarily used for agricultural purposes. Between 1950 and the present it was utilised by various government departments, including the Australian Quarantine and Inspection Service who operated a plant quarantine nursery, and it was also used as a horticultural research centre which reported the primary activities undertaken on the site included the testing of many different species of plants and the application of pesticides, herbicides and fungicides. Given the former use of the site, concerns have been raised about the potential for soil contamination and risks to air from the various pesticides, herbicides and fungicides that were used on the site. Whilst it has been noted that several environmental site assessments have been prepared and various low to medium contaminants have been identified, there has been an absence of an environmental audit or statement

being issued by Environment Protection Authority Victoria, which has obviously raised concerns in the local community.

Knox City Council, in their submission to the Government Land Standing Advisory Committee on 23 February 2018, also raised concerns about the potential for contamination of land. In their submission the council stated, and I quote:

Given the historical use of the site, including as a testing area for pesticides, and other horticultural testing, the potential contaminations that may exist on the site is of concern to Council.

It is also noted that in their submission the council identified that parts of the site are in an area of Aboriginal cultural heritage and that an appropriate study for Aboriginal culture has not been undertaken.

This site is adjacent to the Wantirna Lea housing estate as well as Fairhills High School, so there are concerns in the community that if the land is redeveloped and dust is emitted, it will impact on those local amenities. So my action is seeking for the minister to ensure that there is proper assessment of the site and that the land is deemed appropriate for development before any action is taken by Development Victoria for a housing estate to be established.

### VICTORIAN YOUTH WEEK

**Mr FOWLES** (Burwood) (19:21): (1897) My adjournment matter this evening is directed to the Minister for Youth, and the action I seek is for the minister to provide information to key local stakeholders in my electorate on how the Andrews Labor government is delivering on its promise to support young people in Victoria and what we have to look forward to locally in April for the third annual Victorian Youth Week celebrations. I know that in my electorate Ashwood School were successful in their application for a 2020 Youth Week grant to hold a Mental Health Day event.

The school has been awarded \$2000 for this project which will give the school's student leaders—the school captains, the arts captains, house captains, student environment committee and student representative committee—an opportunity to lead the students in a day to celebrate their commitment to the school's values and expectations. As a specialist school Ashwood's work is most especially important. Additionally, as a strong advocate for mental health, I am constantly in awe of how young people contribute to their community in this very important area, and I greatly look forward to talking to the students at Ashwood about their plans for the day.

I look forward to hearing more from the minister in due course and thank her for working hard every day to improve the outcomes for our single greatest resource, our young people.

**Ms Kealy:** On a point of order, Deputy Speaker, it is my understanding that an adjournment matter should seek an action; however, a constituency question is the opportunity to seek information from a minister. In my recollection of hearing the member for Burwood's adjournment matter it was seeking information and therefore would be more appropriate as a constituency question, and I ask you to review his contribution and deem whether it is out of order or not.

**Mr Fowles:** On the point of order, Deputy Speaker, the action I sought was that information be provided to key local stakeholders. That is different to providing information to this house. It is in fact an action in my submission and the question ought stand.

**The DEPUTY SPEAKER:** The adjournment matter is acceptable. I call on the Minister for Multicultural Affairs and Minister for Planning to respond to the members for Mount Waverley and Mornington.

### RESPONSES

**Mr WYNNE** (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (19:24): I will do those at the end if I can, with your indulgence, Deputy Speaker—and Minister for Housing as well by the way, just to keep me off the streets.

The member for Murray Plains raised a matter of importance for the Minister for Police and Emergency Services seeking further resources for his community of Rochester. He has a petition afoot of I think 130-odd people seeking some further support for his community with further police resources. I will make sure the minister is aware of that.

The member for Polwarth raised a matter for the Minister for Energy, Environment and Climate Change in relation to the work on the Great Ocean Road, particularly pertaining to Point Grey at Lorne and the fishermen's pier and the potential for, if I can perhaps summarise his position as I understand it, a less elaborate redevelopment of that site that is much more in keeping with the Lorne community. I will make sure that the minister is aware of that.

The member for Broadmeadows, that warrior for the good people of the north, raised a matter for the Minister for Transport Infrastructure seeking that the minister visit the Broadmeadows Revitalisation Board, which is doing some excellent work out there not only in terms of strategic planning but advocating for really a very exciting redevelopment of the Broadmeadows station precinct and other fantastic opportunities that I am very much aware of. I will make sure that the minister is aware of that good work, and I am sure the minister will be happy to visit again the revitalisation board.

The member for Carrum raised a matter for the Minister for Roads seeking that the minister visit Nepean School at Seaford to see the important traffic management works that have been undertaken there so that the young people who are participating at the school are able to access the school in safety. I think that is a fantastic outcome, and I thank the member for Carrum and indeed her community who reached out seeking support for that initiative.

The member for Brunswick raised a matter for the Minister for Energy, Environment and Climate Change seeking a quarterly update on the quantity of coal consumed by our power stations, and I will make sure that the minister is aware of that request as well.

The member for Bayswater raised a matter for the Minister for Transport Infrastructure seeking further understanding and advice in relation to the benefits for his community from the North East Link Project going forward. I will make sure that the minister is aware of that matter.

The member for Ferntree Gully raised a matter for the Special Minister of State in the other house in relation to a Development Victoria site at 621 Burwood Highway—which is on the books of Development Victoria for a residential development, as I understand it—seeking that the site be assessed for contamination because it previously had fairly toxic activities going on there. Obviously in that assessment of it for residential use an environmental overlay may well have to be put in place in the first instance. That would then satisfy some of the concerns of both the council and the local community to ensure that in any future development of the site, if there are contamination issues as the member for Ferntree Gully suggests, they will have to be addressed going forward. That is a very important consideration.

The member for Burwood raised a matter for the Minister for Youth seeking that information be provided to key stakeholders in his area in relation to opportunities that will arise out of the Victorian Youth Week funding, particularly as they relate to the Ashwood specialist school, and I think that is a fantastic initiative. I will make sure the minister is aware of that.

The member for Mornington raised a matter with me in relation to planning scheme amendment C270, which he advises me has now been approved by the council, and the request has come in to me I think in the last couple of days—

**Mr Morris** interjected.

**Mr WYNNE:** So it has just been approved. That request will no doubt come in to me fairly quickly for the matter to be exhibited in the first instance. It would go to an independent panel of course and an opportunity provided for any affected party to make submissions. That matter, as a matter of process, then comes back and it is provided to the council. Council can then deliberate on it and provide



me with advice about any potential planning scheme amendments that may be required there, so I will be looking out for that as it comes forward to me.

I think the final one was the member for Mount Waverley, as I recall. He sought my advice in relation to how the government is responding from the perspective of the multicultural portfolio to the coronavirus. I can advise the member that literally tonight there was a very important conversation between the Premier, a number of members of Parliament, the Minister for Tourism, Sport and Major Events and key members of the Chinese community who really were speaking to government about many of the issues that they are confronting but across the community, particularly in terms of the effect that this has had on the business community more generally. We all know that.

Many of us of course have enjoyed on so many occasions the opportunity that is offered to us in the broadest sense by the contribution that the Chinese community have made to this state for more than 150 years, including festivals and so forth. Along with the shadow minister, I have been at so many of these events. Indeed the Leader of the Opposition and I were together at a Chinese New Year event down here in the city. But I think we are very clear eyed that there have been significant impacts. There is no question about that. There have been significant impacts on business, very significant impacts on inbound tourism and very significant impacts of course on our universities as well. So there are very great challenges ahead for us. We know there is still quite a long way to go. That is why I was really pleased to join with the member for Mount Waverley, and of course he has got a significant community out in his area as well. I think across the Parliament we share an absolutely bipartisan position of saying we have to stand together and support our Chinese community. They are doing it tough economically, they are doing it tough socially and they are doing it tough psychologically as well.

You will see a number of initiatives that the government will be emerging with in the next couple of days which, both symbolically but indeed practically as well, speak to the opportunities that we have as a Parliament and indeed as a community to stand shoulder to shoulder and in solidarity with our Chinese community. They need us. They have reached out to us, and I know this Parliament will respond to that in the way that we always have with these great challenges. So I look forward to continuing on a bipartisan basis—and it absolutely is on a bipartisan basis that we work as a government and opposition—and we will always stick with the wonderful Chinese community that have contributed so much to the rich diversity of our great multicultural Victoria.

**The DEPUTY SPEAKER:** Order! The house now stands adjourned until tomorrow.

**House adjourned 7.33 pm.**