

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 4 AUGUST 2021

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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Attorney-General and Minister for Emergency Services	The Hon. J Symes, MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop	The Hon. JM Allan, MP
Minister for Training and Skills, and Minister for Higher Education	The Hon. GA Tierney, MLC
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Minister for Water and Minister for Police	The Hon. LM Neville, MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, and Minister for Racing	The Hon. MP Pakula, MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries	The Hon. DJ Pearson, MP
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Minister for Workplace Safety and Minister for Early Childhood	The Hon. I Stitt, MLC
Minister for Agriculture and Minister for Regional Development	The Hon. M Thomas, MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs	The Hon. G Williams, MP
Minister for Planning, Minister for Housing and Minister for Child Protection	The Hon. RW Wynne, MP
Cabinet Secretary	Ms S Kilkenny, MP

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

Speaker

The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

Mr Blackwood, Ms Blandthorn, Mr J Bull, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos, Mr Edbrooke, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Mr Morris, Ms Richards, Mr Richardson, Ms Settle, Ms Suleyman, Mr Taylor and Ms Ward

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The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. MJ GUY

Deputy Leader of the Parliamentary Liberal Party

Mr DJ SOUTHWICK

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

Ms LE STALEY

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Mr P Lochert

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

Member	District	Party	Member	District	Party
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
Connolly, Ms Sarah	Tarneit	ALP	Richards, Ms Pauline	Cranbourne	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
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Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Ryan, Stephanie Maureen	Euroa	Nats
Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	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
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
Fregon, Mr Matt	Mount Waverley	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Staikos, Mr Nicholas	Bentleigh	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staley, Ms Louise Eileen	Ripon	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
Home, 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 Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

Environment and Planning Standing Committee

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

Legal and Social Issues Standing Committee

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

Privileges Committee

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

Standing Orders Committee

The Speaker, Ms Allan, Mr Cheeseman, Ms Edwards, Mr Fregon, Ms McLeish, Ms Sheed, Ms Staley and Mr Walsh.

Joint committees

Dispute Resolution Committee

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

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Mikakos, Ms Symes and Ms Wooldridge.

Electoral Matters Committee

Assembly: Ms Hall, Dr Read and Mr Rowswell.

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

House Committee

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

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

Integrity and Oversight Committee

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

Council: Mr Grimley and Ms Shing.

Pandemic Declaration Accountability and Oversight Committee

Assembly: Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Council: Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing.

Public Accounts and Estimates Committee

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

Council: Mr Limbrick, Mrs McArthur and Ms Taylor.

Scrutiny of Acts and Regulations Committee

Assembly: Mr Burgess, Ms Connolly, Mr Morris and Ms Theophanous.

Council: Ms Patten and Ms Watt.

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Wednesday, 4 August 2021

The SPEAKER (Hon. Colin Brooks) took the chair at 9.36 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (09:37): 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.

Business of the house

ORDERS OF THE DAY

The SPEAKER (09:37): I wish to advise the house that general business, order of the day 2, will be removed from the notice paper unless the member wishing their matter to remain advises the Clerk in writing before 2.00 pm today.

Petitions

Following petition presented to house by Clerk:

PORTARLINGTON DEVELOPMENT

To the Legislative Assembly of Victoria

This Petition of residents of Victoria draws to the attention of the House the proposed construction of a five level structure at 49 Newcombe Street, Portarlington, Victoria 3223 which includes thirteen apartments and two shops.

The location of this building on the north side of Newcombe Street overlooking Port Phillip Bay is inappropriate in that the height, mass and design will:

- detract from the main street and general character of the coastal village;
- negatively impact on the heritage listed former Post Office adjacent to the proposed site and the iconic Grand Hotel; and,
- overshadow and reduce the natural light available to the adjacent pre-school.

The development would also cause significant impact on the already limited parking in Newcombe Street and adjoining streets and create waste management issues.

In October 2019, the State Government declared the Bellarine a Distinctive Area and Landscape under the Planning and Environment Act 1987 having previously promised to protect the Bellarine from over and inappropriate development.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews Government and the Minister of Planning to take whatever action is necessary to reject this proposed development.

By Mr CHEESEMAM (South Barwon) (2081 signatures)

Tabled.

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT—The Clerk tabled the following documents under Acts of Parliament:

Auditor-General—Integrated Transport Planning—Ordered to be published

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Gasworks Park Reserve

Orders under s 17D granting a lease over:

Pakenham Bushland Reserve

Williamstown Botanic Gardens Reserve

Ombudsman—The Ombudsman for Human Rights: A Casebook—Ordered to be published

Planning and Environment Act 1987—Notice of approval of an amendment to the following Planning Scheme—Victoria Planning Provisions—VC206

Subordinate Legislation Act 1994—Documents under s 15 in relation to Statutory Rules 63, 77.

Bills

ENERGY LEGISLATION AMENDMENT (ENERGY FAIRNESS) BILL 2021

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER ACTS AMENDMENT (FEDERAL JURISDICTION AND OTHER MATTERS) BILL 2021

Council's agreement

The SPEAKER (09:39): I have received messages from the Legislative Council agreeing to the following bills without amendment: the Energy Legislation Amendment (Energy Fairness) Bill 2021 and the Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Bill 2021.

Committees

LEGAL AND SOCIAL ISSUES COMMITTEE

ECONOMY AND INFRASTRUCTURE COMMITTEE

ENVIRONMENT AND PLANNING COMMITTEE

ELECTORAL MATTERS COMMITTEE

References

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (09:39): I move, by leave:

That this house refers:

- (1) an inquiry into support for elderly migrants and refugees to the Legal and Social Issues Standing Committee for consideration and report no later than 17 February 2022 and the committee should consider the needs of older Victorians from migrant and refugee backgrounds including, but not limited to, an examination of the:
 - (a) adequacy of services for older Victorians from migrant and refugee backgrounds;
 - (b) unique challenges faced by this cohort, including, but not limited to, social isolation, civic participation, digital literacy, elder abuse and access to culturally appropriate aged care and home care services; and
 - (c) ideas to advance the physical and mental health and wellbeing of Victoria's multicultural seniors including global best practices;
- (2) an inquiry into commonwealth support for Victoria to the Economy and Infrastructure Standing Committee for consideration and report no later than 30 March 2022 and the committee should consider various issues associated with the inadequacy of commonwealth support for Victoria, including, but not limited to:
 - (a) Victoria's share of federal GST funding; and
 - (b) the expiration of the 'no worse off' GST guarantee;
- (3) an inquiry into apartment design standards to the Environment and Planning Standing Committee for consideration and report no later than 30 March 2022 and the committee should consider better apartment design standards, in a global context including, but not limited to, an examination of the:
 - (a) current apartment living standards in Victoria;

- (b) improvements that can be made to the livability in apartments and apartment building developments, including communal areas; and
- (c) initiatives undertaken by other states or nations that have improved apartment design standards; and
- (4) an inquiry into whether Victoria should participate in a national electoral roll platform to the Electoral Matters Committee for consideration and report no later than 16 March 2022 and the committee should consider:
 - (a) the possible implications, if any, of a national electoral roll platform on the independence of the Victorian Electoral Commission;
 - (b) the security and integrity of Victoria's electoral system; and
 - (c) mechanisms to ensure the security and integrity of electoral systems and events in other jurisdictions around Australia and internationally to determine best practice.

Motion agreed to.

Members statements

WOMEN IN SPORT

Ms McLEISH (Eildon) (09:42): There have been wonderful achievements by Australian female athletes recently. Jamie Kah broke the record as the first Victorian jockey to ride 100 Melbourne metropolitan winners in a season, Ash Barty became the first Australian woman to win Wimbledon since 1980 and Emma McKeon's feats in the swimming pool in Tokyo have made her Australia's most decorated Olympian. One of the highest decorations, though, was the induction of Melbourne's Judy Tegart-Dalton into the International Tennis Hall of Fame. Judy was one of the original nine led by the indomitable Billie Jean King who risked their tennis future and started their own professional tour. Judy and this group had an enormous impact on professional tennis and sport for women worldwide. They revolutionised the game for female players, introduced gender equality and created the Women's Tennis Association. Judy led by example to ensure female players had the same opportunities to play world-class tournaments and win big prize money as their male counterparts. Tennis and sport for female athletes would not be what they are today without these nine women, and this is such wonderful recognition.

CAMPING REGULATION

Ms McLEISH: The Labor government's position on opening up licensed riverfrontages to campers next month remains unclear. Despite media reports that the government has backflipped, there has been no official statement released. There are still lots of unanswered questions surrounding the possible 10—or perhaps it is 20 or 25—pilot sites. September is right around the corner, so Labor had better get cracking and release finalised details of their plan instead of continuing to make up rules on the fly. Landowners, farmers, Landcare groups and communities deserve clarity and answers.

WILLIAMSTOWN ELECTORATE RAIL HISTORY AND INFRASTRUCTURE

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (09:43): Newport and Williamstown have an incredible rail history, from the site of Newport's rail yards that built some of the first trains in Australia to the site of our most modern trains, the high-capacity metro trains. It has been the epicentre of creating rail jobs in Victoria.

We have got the Newport Railway Museum, which many locals and tourists love to visit. This museum displays the largest collection of steam trains from Victoria, most of which were built in the Newport railway yards. It is home to Victoria's heritage-listed steam train Heavy Harry, as well as numerous other precious pieces of rolling stock. In 2019 I was pleased to announce that the state government had pledged \$150 000 to build a roof for the museum to shelter Heavy Harry from the elements, providing that vital protection so he could be enjoyed for years to come. A thankyou for the

tireless efforts of people like John Hawthorne and Nick Hewitt and the countless volunteers who have played such a big role in keeping Newport's train history alive for everyone to enjoy.

I am also pleased to advise that the Newport workshops will remain an important operating rail asset. This will ensure the viability of our tourist and heritage groups like Steamrail Victoria that use the facilities at Newport to support their rail heritage operations well into the future.

While there is so much work going on to protect our history, we are also at a key juncture to modernise our metropolitan rail services in this state, including the removal of the level crossing at North Williamstown railway station.

ELEANOR PATTERSON

Mr D O'BRIEN (Gippsland South) (09:45): Tomorrow is the big day in the Olympics high jump competition, and all of Gippsland will be cheering for Leongatha's own Eleanor Patterson. Eleanor has overcome injury this year and the disappointment at the Rio Olympics to qualify for the Australian team again, and I am sure the girl from Leongatha will acquit herself well, given the chance. The 2014 Commonwealth Games gold medallist jumped 1.96 metres just last month to put her in with a good chance. South Gippsland is right behind you, Floss, and we will all be watching tomorrow morning.

COVID-19

Mr D O'BRIEN: A big shout-out to all the health professionals who supported Gippslanders, especially those in Wellington and Bass Coast shires, after recent COVID scares in the region. At short notice our local health officials mobilised additional testing stations, and the Gippsland region public health unit was active in getting clear messages out to the public about the level of risk. Thankfully in Wellington shire that was low despite three positive cases. Thank you too to those who unfortunately caught COVID who did the right thing—isolating when they realised they had been exposed at Melbourne events, ensuring no local exposure sites. I would also like to thank all the GPs, nurses and other professionals helping with the vaccination rollout across Gippsland. We are up to 20 per cent of Gippslanders vaccinated with both doses, and I am proud to be one of them. We are all sick of lockdowns and disruptions, but we now have a path out. My strong message to all Gippslanders is: go out and get vaccinated as soon as you are able.

CENTRAL HIGHLANDS RURAL HEALTH

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (09:46): A huge thankyou goes out to all the dedicated staff at Central Highlands Rural Health's COVID testing team for completing their 30 000th test in July. This fantastic team led by Maree Cuddihy has been a crucial part of our local pandemic response. The hard work of this team goes a long way to keeping our whole community safe, giving us the data we need to reopen as safely as we can following the most recent wave of the pandemic.

WILLOWBANK PRIMARY SCHOOL

Ms THOMAS: As the brand new Willowbank Primary School prepares to open on the first day of the 2022 school year I would like to congratulate the newly appointed principal, Rynn Anderson. With expressions of interest now open for 2022 enrolments I look forward to working with Rynn as the Andrews Labor government continues to make sure that every child in my electorate has access to a great public school close to home.

GISBORNE PRIMARY SCHOOL

Ms THOMAS: I was also delighted to visit Gisborne Primary School at the start of term 3 to announce \$1.38 million for schools throughout Macedon from our disability inclusion package. This funding makes sure that every student of every ability will enjoy the benefits of Victoria's position as the Education State.

MACEDON ELECTORATE AWARDS

Ms THOMAS: Finally, congratulations are also in order for two Woodend women: Ria Thompson and Maddie Condrón. Ria has taken home bronze in the women's quadruple sculls in Tokyo, while Maddie has been awarded a Premier's VCE Award for her outstanding results in Australian history.

ANTI-SEMITISM

Mr SOUTHWICK (Caulfield) (09:47): Today I renew my calls to have the Nazi swastika banned in Victoria. Only a few weeks ago we saw a horrific attack at the AJAX football and cricket club in Albert Park, where we saw a swastika painted on the clubrooms, writing saying 'Abo land not kike land' and writing saying 'Nazi Jews'. This is simply unacceptable. I want to commend the clubs—Ronnie Lewis from the AJAX football club and Ian Jones from the Maccabi Ajax Cricket Club—and Dvir Abramovich from the Anti-Defamation Commission, which came swiftly into action to ensure that the clubs were supported and so were the members. I want to shout out particularly to the Beaumaris Football Club and the Caulfield Grammarians, who showed acts of solidarity in their clubs and their matches, standing with the Jewish community during this really, really tough time. I also want to thank VAFA, the Victorian Amateur Football Association, for also standing up against these anti-Semitic attacks. It is not good enough. We must have the Nazi swastika banned in Victoria. I know that is something we are working with the Attorney-General for, and I look forward to seeing it come before the house. I also would like to see the Greens come out in support of the swastika being banned. We saw the horrific comments from Julian Burnside the other day—absolutely appalling—comparing the Holocaust with the way Palestinians are treated in Israel. It is completely appalling and unacceptable, and the Greens should call this out.

BENDIGO WEST ELECTORATE SCHOOLS

Ms EDWARDS (Bendigo West) (09:49): Seven schools in Bendigo West are now a step closer to getting the great local school facilities their kids need with the appointment of architects. California Gully Primary School is set for its much anticipated \$5.48 million upgrade now that Y2 Architecture has been appointed to design the upgrade. This historic school will be modernised to ensure students are learning in an environment designed for delivering modern education. This exciting upgrade is funded from the 2021–22 budget, and I cannot wait to see the designs.

As part of this government's \$20 million Minor Capital Works Fund, \$455 665 will go towards Kangaroo Flat Primary School's much-needed refurbishment of the toilet block, and E Plus Architecture have been appointed to deliver the design for this work. \$172 165 will deliver a sensory garden with distinct learning areas at Camp Hill Primary School, and Architecture Matters Pty Ltd have been appointed to design this outdoor space. Architects One Design Office Pty Ltd have been appointed to design the Lockwood Primary School's refurbishment of the female toilet block in the main school building to improve amenity, cleanliness and hygiene.

In Castlemaine there is \$461 125 for redevelopment of Castlemaine North Primary School's south-west corner of the school grounds into a safe play area for prep to year 2 students, including a high boundary fence, and a new shade sail is on the way. And at Campbells Creek Primary School there is a \$454 125 upgrade of the playground and climbing wall, including installing sensory play panels and replacing shade sails. Ed Ewers Architecture have been appointed for these tenders, and I cannot wait to see the results.

COVID-19

Mr ANGUS (Forest Hill) (09:50): The complete lack of a plan from the state government to get Victoria back on track is appalling and a sign that they are no longer fit to govern this once great state. Victorians are crying out for the state government to show them the way out of this current crisis. All Victorians need certainty so they can move forward with their lives and start planning for the future—especially small business operators.

The ongoing uncertainty and threat of ongoing lockdowns are proving extremely damaging to many people. In particular the despair and hopelessness being experienced by children and young people in Victoria is a consequence of the government's incompetence. With schools having been closed for more than 25 weeks since the start of last year, the adverse mental health and welfare impacts on Victorian students is extraordinary. It is time the government clearly outlined a plan to get the community out of the mess we all currently find ourselves in.

JUST FOR MEN, FOREST HILL

Mr ANGUS: I want to congratulate local business operators Michelle and Desi from Just for Men hairdressing in Forest Hill. They have been closed countless times during the five lockdowns over the last 18 months. During the most recent, fifth, lockdown, despite the unenviable position they found themselves in, being unable to work, they organised for meals to be prepared for members of our community who were struggling with the lockdown. They contacted many local businesses who rallied to the cause and freely and generously provided various items, including meat, rolls, containers, water and other items. The ladies then cooked up and put together 50 meal packs, which were gladly collected by local residents. Well done to Michelle and Desi, as well as other volunteers and all those businesses who generously contributed to that fantastic community effort.

COVID-19

Mr ANGUS: As a further blow to the efforts to revive the city, the Victorian government appears set— *(Time expired)*

HOUSING AFFORDABILITY

Ms SETTLE (Buninyong) (09:52): Earlier this year I asked the Ballarat region to tell me how housing affordability was affecting them, and today I am proud to release the report to the community. I want to thank the many members of the community who made a submission and the 26 stakeholders who participated in an interview or made a submission, and I particularly want to thank parliamentary intern Brad Woolley, who brought together the submissions, researched the local facts and made workable suggestions to deal with housing affordability in our region.

We have all seen the dramatic rises in house prices and rents in our region. This is having a disproportionate impact on the young, those on Centrelink, our First Nations people, those fleeing domestic violence, migrants and refugees. I am proud of the Andrews government's Big Housing Build social housing program, which will invest at least \$115 million in Ballarat, Moorabool and Golden Plains, but I believe there is more that we can do. I will be working with the City of Ballarat and Moorabool and Golden Plains councils to look at planning approvals and identify new locations for social housing, as the Big Housing Build is investing \$1.25 billion in regional areas. And I will be taking the case for inclusionary zoning to the Minister for Housing. Inclusionary zoning would mandate or create incentives so a proportion of new residential development has affordable housing. This is a way that we can build communities which include housing for those who cannot afford to rent or buy in the current market.

SOUTH-WEST COAST ELECTORATE SCHOOL CROSSINGS

Ms BRITNELL (South-West Coast) (09:54): This morning I want to congratulate Donna Monaghan of Warrnambool and show my support for her campaign to ensure schoolchildren have a safe passage to school across the busy Raglan Parade in West Warrnambool. At the moment there is no safe location for school students to cross Raglan Parade. There is no supervised crossing and no school zone. It is a stretch of road where the speed limit is 60 kilometres an hour and is a busy main thoroughfare through Warrnambool.

The intersection of Ardlie Street, Hider Street and Raglan Parade is notoriously dangerous, along with the intersection of Fitzroy and Botanic roads a bit further along. These are issues I have raised with both the minister and the Warrnambool City Council. In terms of Hider Street and Ardlie Street, the

department has subsequently indicated it would support the implementation of a school zone along Raglan Parade if Warrnambool City Council installed a supervised crossing in that area. The Minister for Roads and Road Safety has advised that the department is working with Warrnambool City Council on issues at Fitzroy Road. Well done, Donna, and I look forward to helping you secure a positive outcome.

I also call on the minister to work with me to ensure students at Koroit and District Primary School have a safe passage to school and to help secure a new supervised or signalised crossing in the area of Commercial Road and High Street. This has been a long-running issue in the school community, who have been working with the Moyne shire but are being held up by VicRoads. Commercial Road is a busy thoroughfare for milk tankers getting to and from the milk factory, and there are a number of options on the table that need the support of the department. I am again committed to working with the school community to ensure students have a safe passage to school, and I ask the minister to join me in this commitment.

INDIE FITZGERALD

Ms KILKENNY (Carrum) (09:55): Many people in my local community knew Indie and her incredible mother, Bec Lawford. Indie was diagnosed with infantile neuroaxonal dystrophy, an ultra rare neurodegenerative disorder which causes a progressive loss of vision and physical and mental skills. It is usually diagnosed by two years of age, and thereafter there is often a rapid onset of motor and intellectual regression. Since Indie's diagnosis, many people, but particularly the Carrum Downs and Seaford communities, have travelled the journey over the years with Indie and Bec, holding fundraisers, trivia nights and play centre get-togethers—helping to support and give the best possible life to Indie and her amazing mum, Bec.

I met Indie at her sixth birthday party at Lollipop's Playland in Carrum Downs. I was absolutely taken with the compassion and generosity from our local community. There was Rhiannon Webb-Glass, who cut off her beautiful long hair to raise nearly \$6000 for Indie. The Seaford Junior Football Club supported Indie too. Narelle and her family donated their accessible car to Bec following the loss of their own son, Lachie, after hearing Bec and Indie's story on the radio back in 2019. And there is the Wynn family: Sue, Indie's godmother; Sienna, Indie's best friend; and Andy and family, who have provided the most incredible and enduring support for Bec and little Indie.

Needless to say, our community was heartbroken to learn that little Indie passed away on 21 July. She was only nine years old, but in that short time she had a big impact. To Bec and Ivy, Indie's little sister, I pass on my deepest sympathies. Your love for Indie was immense. Indie could not have had a more courageous, selfless, brave fighter for a mother. To Sue, Andy, Sienna and family, Indie could not have had a more supportive and loving extended family.

MORNINGTON PENINSULA

Mr MORRIS (Mornington) (09:57): In June this year I raised by way of adjournment, again, the metropolitan status of the Mornington Peninsula. That was the fifth time I have raised the issue in the Parliament; this time will be the sixth. The adjournment asked the Premier to take all actions necessary to reclassify the peninsula to regional. On Monday, only three weeks late, the Premier responded. Did he address the request? No. Did he indicate whether he would consider taking action? No, he did not. I got an explanation that the chief health officer has responsibility for providing public health advice, which we know. I got an explanation that the definition of Melbourne is based on the Planning and Environment Act 1987, which I know. I asked him to take action to reclassify the peninsula to regional; I did not ask the Premier to explain why the Mornington Peninsula is part of the metropolitan area. The fact that the Premier was not prepared to address the issue directly makes it clear that there is absolutely no justification for the current situation. The response confirms that this is nothing more than a bureaucratic convenience.

The peninsula is not an extension of the metropolitan area. The standard of government services on the Mornington Peninsula is not up to metropolitan standards. It is not now, and it never has been. The interests of the peninsula are complementary to the metropolitan area, but there are significant differences. It is time those differences were recognised, and it is time the government stopped hiding behind the status quo and started addressing the need for change.

SCHOOL DENTAL SERVICES

Mr CARBINES (Ivanhoe) (09:58): I was really pleased to kick off Dental Health Week, as Parliamentary Secretary for Health and also as member for Ivanhoe, at the Banyule Community Health service in West Heidelberg, where we got a chance to meet as well as wave off the Smile Squad, who were heading off to visit their first school, Streeton Primary School, which would be well known to you, Speaker, sitting on the boundary of our electorates and a school that we visited just last term. It is doing great work supporting many students and families of course who are ADF personnel at Simpsons Barracks in my electorate. They were the beneficiaries of the first Smile Squad visit from Banyule Community Health.

This is an over \$300 million investment from the Andrews government to provide free dental care to some 600 000-plus students across schools in our state. It is fantastic that Banyule Community Health have been given the task of visiting those schools across the Banyule local government area. They do a fantastic job. They have got huge respect in our community as both a vaccination centre and a testing hub for COVID and now for rolling out those Smile Squad vans, which are employing some 500 dentists, dental technicians and oral health therapists right across the state. It was fantastic to see them and wave them off on the road for their first round of visits. I know from talking to CEO Mick Geary that principals are really keen to get them booked in across schools in Banyule, which will benefit the Eltham, Bundoora and Ivanhoe electorates.

COVID-19

Ms SANDELL (Melbourne) (10:00): The pandemic has been so tough for the Melbourne CBD. Office workers, international students and tourists once fuelled the daytime buzz and economy of the city, but we do not know when or how many will come back. The arts have also been decimated. For residents, empty shopfronts and barren streets are a really sad sight. So what do we do now? For some hope we can look to other cities to see what they have done after crises. Newcastle, Christchurch, Berlin and others have all taken steps to attract the arts and new industries after a crisis, creating jobs and boosting their economies.

As the MP for Melbourne I have been thinking a lot about what the CBD will look like in the future, and I have also spoken to a lot of locals. With more and more people working from home, once we are fully vaccinated Melbourne can transform from a city that is driven by nine-to-five office workers to a city that is more about attracting people for unique experiences around the clock. But it would mean more government vision and intervention to attract creative industries, biotech and other tech companies to our city. It could start with curated events and festivals, but it cannot stop there. It needs to be backed up with policies like state-government-funded rent caps for creative industries and a change to policies that encourage landlords to keep shopfronts empty rather than rent them out at a discount. The government could even look to pay a percentage of rent for companies that base themselves in Melbourne's CBD for five years.

We could also use this time to make the city more livable for residents, but that means policies to better deal with congestion and safety and to better deal with the impact of construction and short stays on residents, and creating more green spaces. All of this will rely on an improved vaccine rollout, but once this happens, let us not just go back to where we were before. Let us think about a big vision.

CLIMATE CHANGE

Mr FOWLES (Burwood) (10:01): I rise to draw the house's attention to the vitally important work of the Andrews Labor government to reduce emissions, futureproof our state's economy and create

secure jobs through our climate change strategy. Underpinning the strategy are ambitious but achievable emission reduction targets of 28 to 33 per cent by 2025 and 45 to 50 per cent by 2030, on the way to net zero emissions by 2050, putting Victoria at the forefront of climate change action nationally and internationally.

I recently had the pleasure of speaking with Lynn Franks and Charles Jones from the non-partisan environmental action group Lighter Footprints to discuss their concerns regarding climate change. As a frequent attendee of their events, I would like to acknowledge and commend their efforts in advancing climate policy. The science is clear: climate change is happening, but there are choices to be made in how we respond. The Andrews government is listening to the science and acting now. Our strategy sets a course to move to affordable renewable energy sources, protect our environment, boost sustainable investment and create jobs. We have also set a target for zero-emissions vehicles to make up 50 per cent of all new light vehicle sales by 2030, with grants of up to \$3000 to help Victorians buy one of these cars. And we continue to make it easy for more home owners to go solar, providing both rebates and interest-free loans which help a typical household save \$890 a year with panels and a further \$640 with a battery. This decade is crucial in creating lasting change, and I am enormously proud to be part of a government that pushes for environmental reforms that will truly benefit future generations.

ROTARY CLUB OF BRIGHTON NORTH

Mr NEWBURY (Brighton) (10:03): Twenty-five years ago the North Brighton Rotary Club established a youth suicide awareness project. The project started after Michael Carr-Gregg, then director of the education and training unit the Centre for Adolescent Health at the Royal Children's Hospital, presented to the club. Twenty-nine centre graduates have been supported by the Rotary club since. The club has made a real difference with this outstanding project.

BRIGHTON ELECTORATE CRIME

Mr NEWBURY: In mid-July two offenders broke into a home in Albert Street, Brighton. The home owners, who were at home asleep, immediately called police. As our community knows, certain streets in Brighton and Brighton East have been repeatedly targeted by criminals. My community has a right to feel safe, and the state Labor government should be doing more to prevent crime and protect my local community.

JULIE AVERY

Mr NEWBURY: Brighton Rotary Club recently welcomed the inauguration of Julie Avery as president of the club. Julie is a 26-year Rotarian, having been a charter member of Brighton Beach before moving to Brighton in 2018. Julie will be Brighton Rotary's first female president since the club was formed in 1973. The members look forward to her experience and passion for Rotary in leading the club.

LANDCOX PARK

Mr NEWBURY: In September my community will welcome a new shelter at Landcox Park in Brighton East. Landcox Park is a wonderful park. Many say it is a much-loved secret that we are lucky to enjoy. The shelter came about after hundreds of local residents banded together to voice their support to council for an all-weather shelter. Congratulations to my community, whose voices have been heard.

COVID-19

Mr DIMOPOULOS (Oakleigh) (10:04): I would like to offer my sincere thanks to everyone in my community for their efforts over the last few months in defeating the latest COVID outbreak from Sydney. I would especially like to recognise students, staff, parents, family members and friends of St Patrick's Primary School in Murrumbidgee; staff, friends, patrons and the owners of Vanilla Lounge in Oakleigh; and residents of an apartment building in Oakleigh. These are people who have really done it hard in the last couple of months. As we have seen through the latest outbreaks, tens of thousands of

people have been required to isolate and, sadly, some people in my community have contracted the virus. We know this is incredibly contagious, but I think what is lost sometimes in the messaging about this and the coverage of this is that, like any other virus, you can get it while still doing the right thing. Anyone can catch it, whether you are observant or not in terms of the COVID rules.

We need to remember that these are people. They are not just a random statistic, not just a number on a spreadsheet, not just part of a cluster—they are people. When one person catches the virus in the community we need to recognise the efforts of those who are close contacts and need to isolate, and there are often many thousands of them. The community, my community, understands this and has displayed such loyalty and such support in the most recent outbreak—friends, neighbours, strangers, Facebook pages, local businesses going out of their way to make sure that support was offered to those in isolation. Again, thank you to my community. You have gone above and beyond again, and we see low case numbers every day because of you.

COVID-19 VACCINATIONS

Mr FREGON (Mount Waverley) (10:06): I rise to also acknowledge the collective efforts and resilience of all Victorians over the past number of months, who have yet again changed the course of these outbreaks for us. As a community we have done what many in the world have not been able to achieve and beaten back to what is now another doughnut day. On Saturday we hit a significant milestone—1 million Victorians are now fully vaccinated, with just over 2.2 million having received their first dose of either the Pfizer or AstraZeneca vaccine. Our Victorian GPs, our nurses, our vaccine hubs and all their workers, our Aboriginal community health organisations and our pharmacists and all their workers are all playing a vital role in getting Victoria—and especially for me, our electorate of Mount Waverley district—vaccinated. And that is our way out of this.

PREMIER'S VCE AWARDS

Mr FREGON: Now, speaking about people who also work incredibly hard, I would like to acknowledge and congratulate nine exceptional students from the Mount Waverley district who are worthy recipients of the 2020 Premier's VCE Awards, presented on 27 July. 297 of our top-performing students have been awarded for their outstanding academic achievements. The winners are Belinda Huang, Peijia Hong, Jeff Chen, Vivian Luh, Tasha Herjanto, Samarth Ram Raghavendra, Emilie Reiner, Gajanan Saicasan and Vinusakini Rajarajan. I just got them in.

URBAN VEGETATION

Ms CONNOLLY (Tarneit) (10:07): It has been nearly two months since our government announced \$5 million in funding to plant half a million trees in Melbourne's west, and my community has embraced this announcement with open arms. People in Tarneit know there is an appetite for revitalisation and greening our suburbs in the outer west, and they are the first ones to put up their hands to help make this possible. Over the past couple of weeks I have been inundated with emails and phone calls from volunteers looking to help plant these trees across Wyndham. Thank you to everyone who has contacted my office. On a personal note, it makes me feel very proud that so many people are so passionate and ready to roll up their sleeves, grab a shovel and help make our neighbourhoods cleaner, greener and cooler.

I want to take this opportunity to say to the rest of my community listening today that I would love to have you involved in planting our trees and giving the TLC many of our streets, parks and local streets need right across our community. I am hoping that we can come together, not just on one occasion but for many years into the future and that volunteers will make a deep and long-lasting connection with local Landcare and environmental groups, because I know for many of them people power will enable them to cover a lot more ground than they are at the moment. You can get involved by emailing my office directly. That way when opportunities come to plant trees, starting from the beginning of next month, you will be the first ones to know about where and when we are going to be planting them. So get your green thumbs ready, sign up and get involved, because we have got a lot of work to do, Tarneit.

BARBARA KIRKBRIDE

Ms GREEN (Yan Yean) (10:09): Today I would like to acknowledge the passing of a lovely constituent of mine, Barbara Kirkbride. Barbara passed away recently as a resident at Estia Health in Wattle Glen. She was a much-loved community member of Diamond Creek and Wattle Glen. She is now safe in Ron's arms and no doubt having a cup of tea with him. We will all look forward, those who loved Barbara and her family and Ron, to having a memorial ceremony at Ellis Cottage in Wattle Glen. Both Ron and Barbara spent a lot of time building up the gardens there. They were life members of the Nillumbik Historical Society and Ron was the founding captain of the Wattle Glen CFA. They were also very active in the Diamond Valley Gem Club. My deepest condolences to Barbara's children and family and friends.

PAULA KAIROUZ PILLING

Ms GREEN: I also want to offer my sincerest condolences to the member for Kororoit, a dear friend of mine, longstanding of many decades, on the passing of her beautiful sister, Paula Kairouz Pilling. I offer my condolences to the member and to their brother, Tom, and to their parents, Fadia and Tony. To go suddenly at 43 is way too early. Paula was a beautiful, kind and intelligent young woman, and she will be very much missed by her family and friends and her husband, Adam.

MELTON WATER RECYCLING PLANT

Mr McGHIE (Melton) (10:10): I rise today to speak on an innovation taking place in my backyard. In early July I had the opportunity to represent the acting Minister for Water, the member for Richmond, on a tour of Greater Western Water's Melton water recycling plant. This tour was to highlight a pilot program, the result of a partnership between South East Water, Intelligent Water Networks, Greater Western Water and RMIT University. Together they are working on developing a unique pyrolysis technology to convert biosolids to biochar. In a nutshell, biosolids are widely used in agricultural settings and are the solid organic material left over after sewage treatment.

This innovation is the first of its kind in Australia. It uses high temperatures to destroy pathogens and microplastics in biosolids, creating biochar, which then can be re-used. This means that all by-products can be recycled and re-used, with nothing sent to landfill. This is important as it serves multiple purposes: it has the potential to eliminate the landfill waste across the water industry by creating safe, re-usable biosolids; it enables farmers in the agricultural industry to safely use biochar to improve soil health and fertility; and it helps to support Victoria's renewable energy target of 40 per cent by 2025—not a sexy subject, but a great example of how like-minded organisations can work together with a shared commitment to sustainable solutions. This is a project that the community of Melton should be very proud of. It highlights that once again Victoria, and in particular the west, leads the way in innovation.

Statements on parliamentary committee reports**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE***Report on the 2020–21 Budget Estimates*

Mr T BULL (Gippsland East) (10:12): I wish to make a few comments on the 2020–21 budget estimates. Within this committee report there are many, many references to bushfire recovery. I will focus on page 192 and the reference there relating to delivering bushfire recovery. As you know, Deputy Speaker, my region was pretty severely impacted by the fires of the 2019–20 bushfire season. But when it comes to bushfire recovery this government has moved pretty much at the speed of a glacier, and worse still, they will not tell communities when the works will be completed. Our communities want time frames on when the works will be finished at specific sites.

Just one month ago—on 5 July it was—I had a hook-up with representatives from the minister's office and Parks Victoria, and I was told I would be given a list of all bushfire recovery works in my region within 10 days and that it would have a status of the works and an expected completion date. Here we

are now into August and I still do not have that list. Nineteen months after the fires went through East Gippsland this is what the situation looks like—19 months. The Thurra River campground and access to Point Hicks remains out of action, and the word is that it will not be restored until late next year. One bridge that provides access to a campground of 50 and the famous Point Hicks lighthouse that people would have seen on a number of postcards and brochures—access will not be restored for three years. One bridge, three years after the fires—I mean, you have seriously got to be kidding. Even in the department that will give an overstated time frame and then say, ‘We’ve delivered it early’, three years is just a despicable time frame to be given. The Cape Conran boardwalk has still got police tape up—that popular boardwalk around the East Cape there. There is no time frame of when that will be finished. There is a little bit of action going on at Mallacoota at some of the jetties but not all sites. Many of the day visitor areas around Mallacoota still have the tapes up restricting access. I was told that the Mallacoota works would be finished by mid 2021. It is mid 2021 now and many have not even been started. Other areas include the Wilderness Coast Walk, the Fly Cove Walk at Wingan Inlet, Mueller Inlet campgrounds, Cicada Trail, Swan Lake Track, Clinton Rocks Track—I was told this was open, but it is still on the website as being closed—the Wingan Inlet Rapids Walk and Elusive Lake Walk, and there are many more. It is 19 months on after the fires, and this government told us it would walk with us and assist in our recovery.

I also want some clarity on some of the works being done at Mallacoota. There were a couple of jetties up there that were in disrepair prior to the fires in Kingfisher Point and Cape Horn. I believe they are being upgraded as a result of bushfire recovery funding, but the bushfire did not impact on them. I think Parks are using some of these bushfire recovery funds for their own maintenance funds. We need to know the time frames. The Buchan Caves is another one that has run into complications and been closed. We need time frames and a work status on those issues.

I also want to quickly refer to page 181 of the same report and the reference to the mining sector, and I ask the government to please keep my community informed of the progress relating to the Fingerboards mineral sands mine. The proposal has recently been through the environment effects statement process and has then had assessments done, and I understand a report is currently being prepared for the minister on this proposal. There is a high level of interest in my community on this issue, and I would ask the minister to please keep my community informed during the various stages of this process and in particular to outline the time frames that are attached to them.

ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Tackling Climate Change in Victorian Communities

Ms GREEN (Yan Yean) (10:17): It is a great privilege to rise today to speak on the report on what communities are doing to tackle climate change, which was investigated last year by the Environment and Planning Committee of the Legislative Assembly. On the membership at the time, the chair was the now Government Whip, the member for South Barwon. I know he is really enjoying his role as the whip, but I think he was very pleased to be able to conclude this inquiry because it was something that he was really passionate about, with the deputy chair, the member for Mornington. It has been a great opportunity for me actually to work with the member for Mornington. It is one of the great joys of parliamentary committee work that you do actually get to work with people across the aisle, and I want to commend the member for Mornington for his contribution to that.

The member for Box Hill and the member for Burwood and I really, really enjoyed particularly the regional hearings. It is nothing that you would be unfamiliar with, Deputy Speaker, and we indeed did hearings in Bendigo. I think it is our coastal communities and our communities north of the Divide, and particularly our smaller communities, that are really doing the most and actually doing what maybe governments should be doing—that is, really taking action on the ground. It was a fantastic learning experience for all of us on the committee to see what communities were doing.

In particular my memory of Bendigo is of the council but also the sustainability groups there and even seeing the Corr family, who are very active in Bendigo but grew up in my electorate, and their parents

as well are very active on climate change matters in the Arthurs Creek and Strathewen communities. Being the Parliamentary Secretary for Sport, I was really interested to see the Bendigo community wanting to ensure that, with increased heat and the impact of climate change, people are still able to undertake sport, and particularly older people, and to see the stadium in Bendigo that has solar panels on the roof and has battery power so the sporting communities there and the clubs are able to continue to play sport with air conditioning but not have an impact on the planet, so they are able to keep good health and able to keep active. It also means that there is a place where on very, very hot days people can actually come and have some respite from their homes if their homes are too hot, so it is really just an example of what communities are doing to assist themselves.

The other community that I would really like to commend is the community of Yackandandah, the 'Totally Renewable Yack'. Not only have they now formed Indigo Power—across the Indigo shire there is a microgrid—but I think close to 50 per cent of the houses in Yackandandah have solar panels. They are really an exemplar, and I would encourage any members of the house and members of the community to visit Yackandandah and see what they are doing for themselves. The same community group acquired a petrol station, which they have been operating as a social enterprise, and it was indeed this social enterprise together with their community power that was able to save a lot of property and townships from the Black Summer fires the year before last. It has really stuck with me, and I know it has stuck with the member for Benambra, how the township of Corryong was just between a breakdown in generators. There were three generators that blew up, and it was only the fourth that was able to continue operating the fuel station in Corryong so that CFA trucks were able to be refuelled. But in Yackandandah that did not happen because they had their own power and their own fuel station.

I think that tackling climate change not only is good for the environment and good for community health but can also help communities protect themselves, and the recommendations of this report reflect the input that we had from those communities. I really look forward to seeing the response from government in how we can build and grow from the learnings of these great communities that had input into this report. I want to thank the staff involved and thank all the communities and individuals that presented and did a lot of work in presenting to this report.

ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Tackling Climate Change in Victorian Communities

Ms STALEY (Ripon) (10:22): I rise to speak today on the Legislative Assembly Environment and Planning Committee *Inquiry into Tackling Climate Change in Victorian Communities* report, and I do so in the context that this report speaks about the Western Victoria Transmission Network Project and also talks about how that project can be a lever, if you like, to some other projects.

Last week the member for Murray Plains, the Leader of The Nationals, and I met with a number of stakeholders along the western transmission project, including Emma Muir, who is from Stop AusNet's Towers; Katherine Myers, who is the horticulture vice-president of the Victorian Farmers Federation and a Tourello farmer in Ripon; and Chris Stephens, who is the president of the McCain's potato growers and is also a farmer in Ripon. What they told me—and I have met with them all before in various contexts—is that they are not getting what they want in terms of the consultation and response from the government on this project. The government continues to put this project back to Australian Energy Market Operator, and then through AEMO to AusNet, and AusNet is clearly not consulting properly with people affected along the lines. We have had many examples of people receiving a first consultation from AusNet being told that they are directly in the line of this project. This project has enormous community opposition all the way through the Buninyong electorate and then through Ripon, and yet we do not see this government coming to the table to fix it, because it is clearly not viable to rip into communities in the way that this project is going to.

And what we see from this report that I am speaking on today is not only does it talk about this project but it then talks about a number of additional projects that rely on the terminal station being built north of Ballarat. Now, the terminal station is a massive industrial complex that will be built in the middle

of a valley that is currently used for potato growing. And this report makes clear that the government's plan is to use that terminal station as an interconnector to a number of other projects, including linking Wagga Wagga to there. We are being told that both of the options go from Wagga Wagga to North Ballarat; they just go different ways. So clearly that terminal station is part of a grand plan that this government has to transition the grid, and yet the communities there are being faced with a set of regulations that are wholly unfit for purpose. There just are not the right structures for communities to have input into what is really ripping apart decades—in fact hundreds of years—of potato growing and hundreds of years of community building in those areas. And yet this report again gives us an answer to what can be done here. It says:

Under amendments to the *National Electricity (Victoria) Act 2005* ... the Act now enables the Minister to specify an alternative regulatory test that considers a broader range of criteria than market cost and benefit alone.

Well, the government needs to come in and use those powers it has given itself. It has got the powers. The Minister for Energy, Environment and Climate Change has the power to fix this project, yet all we are hearing is government members, including the member for Buninyong, going out and saying it is about AEMO. Well, it is about this government. AEMO is the grid operator because the government, the Andrews Labor government, appointed it as the grid operator. They could appoint somebody else. There is no reason for this false idea, other than of course political cowardice to actually stand up to your own government and say they are doing the wrong thing in the face of monumental community opposition. But that is what is needed here, not the cowardice we are seeing from the member for Buninyong and the member for Melton. This project is unloved. They need to fix it.

ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Sustainable Employment for Disadvantaged Jobseekers

Ms THEOPHANOUS (Northcote) (10:27): It is my honour to speak on the inquiry into sustainable employment for disadvantaged jobseekers, which was referred to the Economy and Infrastructure Committee by the Legislative Assembly. As a member of the committee I gained great insight from the extensive consultation that was undertaken, which took us far and wide across Victoria to hear from key stakeholders as well as many current and former jobseekers. We heard many firsthand accounts from jobseekers who had experienced a range of challenges and barriers in their search for work, and we heard moving and inspirational accounts of successes and what finding meaningful employment has meant for many people and their families.

Initially I would like to express my deep thanks to the chair of the Economy and Infrastructure Committee, the member for Lara, who steered our work with immense sensitivity and compassion. I would also like to thank the other members of our committee, who at the time included the deputy chair, the member for Narracan; the member for Wendouree; the member for Sandringham; the member for Euroa; and the member for Tarneit. And it would be remiss of me not to also acknowledge the incredible work of the committee secretariat, who put in countless hours organising and coordinating the work of the committee as well as researching and coalescing the findings from the many submissions and hearings. In particular I would like to thank Kerryn Riseley, our committee manager; Marianna Stylianou, our research officer; and Janelle Spielvogel and Anna Scott, the administration officers.

The inquiry into sustainable employment for disadvantaged jobseekers was one which traversed a great many aspects of the lives of Victorians who are trying to find work and participate in our economy, and of course we know that a job is so much more than a pay cheque. We heard about the benefits of secure and sustainable employment to individuals, households and communities. We heard about the dignity of work and its power to improve mental health and wellbeing and create a sense of social inclusion. We heard about how financial security and independence reduces pressure on government services, delivering a huge social return and reducing social and economic inequalities. Yet we also heard that it is not a level playing field out there. Personal circumstances such as financial

hardship, disability, limited English and caring responsibilities can create barriers to employment. Poor access to opportunities and resources can also create barriers by limiting people's ability to gain skills, work experience and networking opportunities. Employers can also create barriers with unconscious bias, stigmatisation and in some cases discrimination, leaving people out. Without adequate support these complex challenges can lead to long-term joblessness, putting people at risk of poverty and poor physical and mental health.

Our committee has made 70 recommendations to government. They are wide-ranging because we know that there is no one-size-fits-all model. They cover aspects such as encouraging flexible work, supporting Aboriginal-controlled organisations to become training and employment service providers, fostering greater collaboration between Learn Locals and TAFEs, encouraging councils to develop and implement social procurement policies and making improvements to the Jobs Victoria Employment Network, as well as many more.

We know the coronavirus pandemic has had a significant impact on the Victorian labour market, including in my electorate of Northcote, where sectors like hospitality, higher education and creative industries have been hit hard. As a government we have recognised and responded to these challenges, delivering over \$7 billion in economic supports for businesses and putting in place a Victorian jobs plan that will see 400 000 people back to work by 2025. An important part of this work must be generating opportunities for employment for those who are disadvantaged when it comes to the labour market, because the economic impacts of COVID-19 have not been experienced equally. Women, young people, those aged over 60, those in regional and remote communities and those with little work experience are some of the most impacted. I have been extremely pleased to see proactive incentives put in place by our government to create opportunities for people in these groups, whether that is through wage subsidies, labour hire initiatives or expanded opportunities for apprentices and traineeships. In my own electorate the Working for Victoria program has had an extraordinary impact.

As I have said, this is an extremely important report and should be used to inform our work as we recover from the pandemic in a way that responds to some of the fractures and inequalities in our systems and in our communities. I thank all of those who made submissions, both in writing and in person, and I commend the report to the house and to government.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2020–21 Budget Estimates

Mr HIBBINS (Pahran) (10:32): I rise to speak on the Public Accounts and Estimates *Report on the 2020–21 Budget Estimates*. This was the budget that introduced the EV tax into Victoria as outlined in the committee report on page 254. I think this was an initiative that really undermined a budget that otherwise I thought made some really good investments in housing and renewable energy, but this was—

A member interjected.

Mr HIBBINS: Well, as you would be aware, the Greens campaigned very strongly to see more investment in housing and more investment in renewable energy, particularly in that budget, and we welcome those investments. But it was undermined by the electric vehicle tax, and I reckon even the mob on the other side might agree on that—a tax on people trying to reduce their carbon emissions. It was not a tax on carbon emissions but a tax on clean air. During the hearings—I am a member of that committee—I had quite an interesting discussion with the Treasurer on the matter, and throughout that hearing it became very clear that the government's reasonings for introducing this tax were simply wrong and seemed to be perpetuating falsehoods. The first one was of course the fact that the fuel excise that they seek to replace is actually a federal tax, and that money goes into general revenue; it is not hypothecated to roads funding. This link between fuel excise and roads funding was imaginary. It was a figment of the Treasurer's imagination.

Similarly with the electric vehicle tax, that goes into general revenue, and as the Treasurer outlined very clearly, it is not hypothecated to roads funding. In fact that was not part of the bill that was introduced into Parliament. It goes into general revenue. We were told that on the one hand it would be helping pay for all these new roads, roads maintenance, investment in electric vehicle infrastructure, yet the Treasurer said, 'We're actually spending more on electric vehicles than we are raising from the EV tax'. So which one is it? Is it paying for all these things or is it not even enough to pay for the electric vehicle infrastructure? It was very clear as well that there was very little consultation with the sector itself in the lead-up to announcing the EV tax—next to none. And of course the government had to scramble to then engage with the industry after the backlash, which brought industry and environmentalists together in opposition to that tax, described as the world's worst electric vehicle policy.

Since then, whilst this government rushed ahead and now we have got EV drivers getting their notices just months after the bill was passed to send in photos of their odometer with threats of suspension of their registration, we have seen New South Wales say, 'We're not going to go ahead with similar reform until we've got a significant amount of EVs on the road'. Similarly in New Zealand, which was pointed to by this government as an example of another jurisdiction, they have said the same thing: that they are not going to introduce a road user charge for EVs until there is significant uptake. They have gone even further with significant, significant incentives to support the uptake of EVs—around NZ\$8000 off your EV—and they are paying for it by making polluting cars pay. They are making polluters pay, not the people who are seeking to buy a car that is good for the environment.

Since then we have seen the climate sector pledge, which is a step in the right direction, but it is clear from what is in that pledge that there is still a long way to go to reduce our carbon emissions from transport here in Victoria—the biggest-growing source of carbon emissions in Victoria, second only to coal and still growing. The government has outlined it wants 50 per cent of new car sales to be EVs by 2030, yet in other jurisdictions around the world they are putting an end to sales of the combustion engine, some by 2030 and some by 2025. They are putting in a trial for electric buses. If we look at New South Wales, they are racing ahead with the building of thousands of new electric buses, creating jobs along the way. It is good to see that there is some proposed mode shift to active transport, but that is going to mean a massive investment is needed in active transport, not the small amount that is currently in the budget.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2020–21 Budget Estimates

Mr McGuire (Broadmeadows) (10:37): I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates 2020–21 and the contribution from the Minister for Economic Development on how Victoria is trying to strengthen economic performance with a range of mechanisms. Today I want to report a new deal for women. A world-first opportunity to improve the lives of women is being established in Broadmeadows. This strategy combines a network of support for the safety and security of families with internationally proven innovation to help unemployed women start their own businesses and create jobs. For the first time, Nobel Peace Prize winner Muhammad Yunus's program for microfinance will be established in Australia. Starting in Broadmeadows, the plan is to expand nationwide, creating 6000 jobs for women in the next two years. The program combines microfinance loans with peer support and mentoring to help women establish their own small businesses. It focuses on older women, those with disabilities and those from culturally and linguistically diverse backgrounds. For years I have pursued this initiative and held meetings with the Nobel laureate, who has just been awarded an Olympic Laurel by the International Olympic Committee for his business accelerator. Grameen Australia, subsequent to a feasibility study reporting in 2018, defined Broadmeadows as the launching pad in Australia.

The Broadmeadows Revitalisation Board has backed the Comeback strategy that endorses this initiative, but also adds a proposal to connect it with the microfinancing into a centre for social enterprise in Broadmeadows, critically by linking it with the Victorian government's response to the

Royal Commission into Family Violence, the Orange Door network, which provides free services for adults, children and young people experiencing family violence. Financial independence is the next step to empowering women. The Andrews Labor government is on track to open every Orange Door network across Victoria by the end of next year, ensuring families can access coordinated family violence and child wellbeing support no matter where they live. The Minister for Prevention of Family Violence recently announced the Orange Door sites have now been confirmed in every region and that the network should begin operating in the Hume Moreland area by the end of the year, with a lease to be signed for a site in Broadmeadows. Five local service partners—Berry Street, Uniting, DPV Health, the Victorian Aboriginal Child Care Agency and the Victorian Aboriginal Community Services Association—will bring the Orange Door network to the communities in the Hume Moreland region. The Orange Door network is a \$448 million Australian-first initiative for adults, children and young people who are experiencing or using family violence and families needing extra support with the wellbeing and development of children. It is that critical. It is that fundamental for your chance in life. The Orange Door brings together workers from specialist family violence, child and family, Aboriginal and men's services to provide help and support for families. I want to thank the Minister for Prevention of Family Violence, who recently joined me in Broadmeadows, on these initiatives and for her commitment to rolling them out statewide. This is generationally defining.

I also want to thank the Australian government's Minister for Women's Economic Security for backing the program for microfinancing with a \$3.5 million investment, because this will give greater flexibility and opportunities for women as well. This is part of the Broadmeadows Revitalisation Board 4.0 strategy to combine the three tiers of government, business and civil society to drive economic and social development.

Continuing this theme of economic development and collaboration, I want to highlight the view, published today, of Australian Nobel Prize winner Professor Peter Doherty that 'It's a no-brainer' that the manufacturing of mRNA vaccines should be in Victoria. The Victorian government has pledged \$50 million to develop the industry, and here we have the absolute opportunity to do something in the national interest. This is a Team Australia moment, and this is where we have to put partisanship and politics aside and invest with the best. And it is clear: the Olympic Games have shown how we can be world leaders through leadership and excellence. And medical research is one of the only other areas where we are genuinely world leaders. The infrastructure is here, the elegant science, the industry, the acumen, the clear manufacturing nous that we have established. So I call on the Australian government to invest with the best and make sure this is a Team Australia moment.

Bills

BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) BILL 2021

Statement of compatibility

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:43): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Building Amendment (Registration and Other Matters) Bill 2021.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the 'Charter'), I make this Statement of Compatibility with respect to the Building Amendment (Registration and Other Matters) Bill 2021.

In my opinion, the Building Amendment (Registration and Other Matters) Bill 2021, 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 of the Bill

Part 2 of the Bill amends the *Building Act 1993* (Building Act) to make several improvements to the scheme for the registration of builder subcontractors and the licensing of building employees. This scheme was inserted into the Building Act by the *Building Amendment (Registration of Building Trades and Other Matters) Act 2018*. The scheme will commence when certain types of building work carried out by building

subcontractors and building employees are prescribed in regulations. The scheme has not yet commenced as the regulations have not yet been made.

Specifically, Part 2 of the Bill will

- o reclassify the proposed classes of registered subcontractors as registered and provisionally registered builder subcontractors in the category of builder, to distinguish them from other registered builders who are authorised to carry out work as head contractors for building work costing more than the prescribed amount (currently \$10,000);
- o provide that registered builder subcontractors cannot be head contractors for any building projects costing more than the prescribed amount (\$10,000); which in turn will support amendments to reduce the financial and personal probity requirements for registered and provisionally registered builder subcontractors;
- o clarify that the Act and regulations can prescribe that a prerequisite for being granted a certain class of builder subcontractor registration or building employee licence is a requirement to hold, respectively, a certain class of registration or licence; and
- o provide for additional regulation-making powers necessary for implementation of the new scheme.

Part 2 of the Bill also amends the *Domestic Building Contracts Act 1995* to not allow a registered or provisionally registered builder subcontractor to enter into a major domestic building contract, which is for domestic building work costing more than the prescribed amount (currently \$10,000).

Part 3 of the Bill amends section 251 of the Building Act to clarify that, if a retail lease for premises in a retail shopping centre provides that the occupier is responsible for the costs of maintaining essential safety measures for the premises, the building or land owner can recover these costs from the occupier as outgoings under the lease. The Bill ensures the lease will take priority over other provisions in the *Building Act and Building Regulations 2018* that make the building owner primarily responsible for the maintenance and costs of essential safety measures.

The Bill also makes other minor or technical amendments to the Building Act.

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

The human rights protected by the Charter that are relevant to the Bill are the right to privacy and reputation (section 13) and property rights (section 20).

Right to privacy and reputation

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

In Part 2 of the Bill, clauses **222 and 228** will amend the Building Act to insert a requirement that a person who is a provisionally registered builder subcontractor or a provisionally licensing building employee must report annually to the Victorian Building Authority (Authority) on the person's progress in undertaking the person's training plan. A requirement to undertake a training plan may be a condition of a person's provisional builder subcontractor registration or provisional building employee licence.

These clauses may limit the Charter right to privacy in that they will require a person to give information to the Authority each year about their participation and progress in their personal training program.

Any limit by the Bill is reasonable and justified

The condition requiring a person to undertake and complete a training plan before the expiry of their five-year provisional registration or five-year provisional licence is intended to help the person eventually apply successfully for a full registration or licence. This is intended to minimise the risk of there being a large number of provisionally registered builder subcontractors and provisionally licensed building employees who, at the end of their five year provisional period, may have their provisional authorisation to carry out building work expire without being able to obtain a registration or licence for ongoing work in the building industry.

The requirement in the Bill for a person to report annually to the Authority is intended to generate an incentive for the person to undertake and complete training as planned. It will also inform the Authority of whether this condition of a person's provisional registration or provisional licence is being complied with. Sections 171H(2) and 187H(2) of the Building Act provide it is an offence if a person does not comply with the conditions of their registration or licence (respectively) and the Authority is the enforcement agency for these offences. The requirement to provide the information is reasonable and justified as it must be given only to the Authority, which is the entity that requires this information to carry out its statutory functions.

Further, the granting of registrations and licences to carry out building work, and enforcement of conditions of a registration or licence, are also the functions of the Authority under Parts 11 and 11A of the Building Act. The Authority must assess each applicant's qualifications for a registration or licence, so the Authority will receive information about each person's qualifications and training as part of their application for a registration or licence.

The reporting requirement will arise only four times at most because a provisional registration and a provisional licence will exist for only five years and cannot be renewed. The persons will not need to report at the end of the fifth year because the provisional registration or licence expires at the end of the fifth year. Any information about the person's completion of their training plan will be a necessary part of a person's application for a registration or a licence. A person may qualify for a registration or a licence in fewer than five years, in which case the reporting requirements may be fewer in number.

In my view Part 2 of the Bill is compatible with the Charter because any limitation on the right to privacy is not arbitrary and is reasonable and justified.

Property Rights

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers that authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely. Property may include a person's rights under a retail lease.

Clause 302 in Part 3 of the Bill will amend section 251 of the Building Act. The Building Act requires an owner of a building or land to ensure the essential safety measures specified under the Building Act and *Building Regulations 2018* are in place and maintained to be fit for purpose. There may be times where the owner has failed to meet maintenance requirements imposed on them, in which case, section 251(1) of the Building Act provides that the occupier of a building or land may carry out the work themselves and, under s.251(2) of that Act, the occupier may recover the expenses they incur from the owner or deduct or offset their expenses from any rent due to the owner.

Under section 251(2A) of the Building Act the occupier cannot recover these expenses if the owner and occupier have agreed that the occupier will contribute to the costs of carrying out repairs or maintenance work, or an installation, in respect of essential safety measures for the leased premises as outgoings under the lease, where the lease is a "retail premises lease" under the *Retail Leases Act 2003*. **Clause 302** of the Bill amends the Building Act to extend this exemption to retail leases in a shopping centre.

These amendments affect only persons whose interests are not regulated or protect by the *Retail Leases Act 2003*. This class of persons are either bodies corporate (to which the Charter does not apply) or a person whose—

- occupancy costs (rent and outgoings) under the lease exceeds \$1 million;
- retail lease is for premises above the second floor of a multi-story building; or
- retail lease is for a period of 15 years or longer and the lease imposes substantial works or financial obligations on the tenant.

To the extent that Part 3 of the Bill affects the property rights of a natural person, the Bill does not limit these rights. This is because the Bill provides only for the terms of the person's lease to prevail over the obligation under the Act of the owner of the leased land or building to maintain, and cover the cost of, essential safety measures. The Bill is not limiting the person's property rights because the person has already agreed in their lease to be responsible for these costs.

For the above reasons, I am satisfied that Part 3 of the Bill does not limit any rights under the Charter.

For the above reasons, I am also satisfied that the Bill is compatible with the Charter.

The Hon. Richard Wynne, MP
Minister for Planning

Second reading

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:43): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

The Bill amends the *Building Act 1993* (Building Act) to continue reforms to implement a new registration and licensing scheme for tradespeople who perform building work in Victoria. It also provides clarity on the obligation to pay maintenance costs for essential safety measures in certain retail premises.

It is important to note the Bill precedes and is separate to the anticipated package of more comprehensive reforms anticipated to respond to the Building Reform Expert Panel's review of Victoria's building legislation.

The main purposes of the Bill are to:

- provide a new streamlined pathway to registration for subcontractors
- strengthen and improve the registration and licensing scheme for tradespeople generally, including the framework to transition a large number of unregulated trades into regulation
- expand the regulation making powers in the Act to enable the detail of the scheme to be prescribed in regulation
- provide further in relation to the payment of costs relating to the maintenance of essential safety measures in relation to certain retail premises; and
- make minor technical amendments

Registration and licensing changes

The *Building Amendment (Registration of Building Trades and Other Matters) Act 2018* introduced a framework to prescribe types of building work that can only be carried out by tradespeople with appropriate skills and experience, whether they be trade contractors or trade employees, subject to appropriate transitional arrangements.

In consultation with industry to develop the regulations needed to implement the scheme for carpentry trades, a number of improvements were identified to lower regulatory burden while continuing to achieve the objectives of the scheme.

The government has welcomed and accepted this industry feedback and is making changes to improve the new scheme ahead of its introduction. The changes will make the scheme more efficient and fair for industry while delivering the government's policy objectives, including reducing the incidence of non-compliant work, improving skills development in the building industry (including the completion of apprenticeships) and ensuring tradespeople are accountable for their work. These outcomes will boost the quality of the Victorian building system and benefit Victorian consumers.

Key improvements to the scheme include:

- introducing a new and proportionate pathway to registration for trade subcontractors; and
- clarifying the functions and responsibilities of trade subcontractors relative to other building practitioners

Additional improvements to the scheme include:

- Strengthening and clarifying the registration and licensing process generally, including the framework to facilitate the transition of unregulated tradespeople into regulation; and
- expanding the regulation making powers in the Act to ensure sufficient regulation can be made to implement the detail of the new scheme.

The Bill will introduce a new streamlined pathway to registration for subcontractors by:

- Not requiring subcontractors to register as head contractor builders.
- Instead, provision will be made for a new class of subcontractor to which less onerous but targeted registration requirements will attach, including financial probity requirements, personal probity requirements and business competence requirements. This is expected to ensure tradespeople are not overregulated while balancing the protection of consumers.
- Importantly, subcontractors who will not enter a major domestic building contract will not be required to demonstrate eligibility for domestic building insurance on application for registration.
- No probity requirements will apply to obtain a provisional registration, but these must be met on application for a full registration.

The Bill will clarify the role of a trade contractor by:

- limiting trade contractors to subcontracting to registered building practitioners (head contractors) or contracting directly with consumers only for low risk work;
- prohibiting trade contractors from entering a major domestic building contract; and
- limiting a trade contractor's responsibility to their own regulated scope of work. A registered builder will continue to be responsible for all work under a permit, even where performed by others.

The new scheme is expected to require the transition of a large number of unregulated tradespeople into regulation. The Bill will strengthen the provisional registration and licensing scheme to assist this transition by:

- providing for a training plan to support tradespeople to upskill to a full registration or licence in the qualifying period
- clearly specifying when the provisional scheme can be accessed and by who
- providing a clear pathway to a provisional registration or licence
- providing flexibility for the Victorian Building Authority to grant a provisional registration or licence where an applicant has applied for full registration and does not meet the requisite criteria
- providing flexibility to extend a provisional registration or licensing period beyond the qualifying 5 year period if this time is needed to assess a follow-on application for a full registration or licence

Clarifying essential safety measures requirements

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

Building owners, including landlords of retail premises are required to maintain essential safety measures under the Building Act. Essential safety measures include the fire and life safety systems installed or constructed in a building. These are set out in the Building Regulations 2018. Examples of essential safety measures include but are not limited to traditional building services such as sprinklers, fire detection, alarm systems, passive fire safety mechanisms such as fire doors, fire-rated structures and other building infrastructure items such as paths of travel to exits.

Compliance with essential safety measures is particularly vital in buildings used by large numbers of people for multiple purposes, such as retail premises within shopping centres. Essential safety measures in such locations can be of significant size and complexity, and may be expensive to install, repair and maintain. Premises within a shopping centre will generally be leased to a large number of different tenants, and a consistent approach to essential safety measures in these locations can support achieving compliance and better protect the safety of building occupants, visitors, passers-by, and the occupants of adjoining buildings.

Longstanding industry practice in Victoria, consistent with other jurisdictions, has been for landlords to recover expenses associated with meeting essential safety measures by charging tenants as outgoings. Outgoings are expenses directly attributable to the operation, maintenance or repair of the retail premises.

This practice was thrown into doubt by a VCAT Advisory Opinion in 2015 that found that in relation to Essential safety measures, the Building Act prevailed. It provided that the landlord must bear the cost of compliance with Essential safety measures obligations and cannot pass these costs on to the tenant as outgoings under the *Retail Leases Act 2003* (Retail Leases Act).

Following the issuing of the Advisory Opinion, landlords and tenants raised concerns about liability for the costs of essential safety measures, and the uncertainty about how essential safety measures costs can be recovered. In 2020, this uncertainty was addressed by amendments to section 251 of the Building Act that enabled a landlord to recover expenses relating to essential safety measures under a lease regulated under the Retail Leases Act.

The Retail Leases Act sets out landlords' obligations in respect of expenses they can recover from tenants as outgoings. However, the Retail Leases Act does not apply to leases of retail premises where the occupancy costs exceed \$1,000,000, where the tenant is a corporation, listed on the stock exchange or has been exempted by the Minister.

The previous amendments were guided by the principle that the obligation for building safety remains that of the building owner, but permitted landlords and retail tenants to negotiate to pass on the costs as part of the overall lease negotiations. The 2020 amendments focussed on retail leases regulated under the Retail Leases Act intended to provide certainty and fairness in relation to smaller retail leasing arrangements.

The government became aware during the passage of the 2020 Act that despite the positive impact on the industry, there were unresolved issues that required further consideration. Specifically, industry requested the government to consider broadening the ability of building owners to pass on costs of essential safety measures

for all lease arrangements within one shopping centre, to ensure a pragmatic approach to meeting these obligations could be achieved. This Bill is the result of that further consideration.

The Bill seeks to further amend section 251 of the Building Act to provide that an occupier cannot recover from a building owner expenses relating to the installation, repair or maintenance of essential safety measures that the occupier has agreed to bear under a lease in a retail shopping centre other than a residential leases. These amendments will ensure that the costs for essential safety measures within a retail shopping centre are treated the same way regardless of whether the lease is regulated under the Retail Leases Act or not.

An agreement relating to the costs of essential safety measures is not intended to displace the landlord's obligations as a building owner. The landlord as a building owner remains responsible to comply with their obligations under the Building Act and any associated regulations. The ability of a building owner to consistently manage the costs associated with essential safety measures will ensure these obligations can be discharged at a systemic level in relation to a single shopping centre. This will also contribute to one of the critical underlying goals of the Victorian building regulatory framework: public safety.

Transitional provisions in the Bill provide that the amendments to section 251 apply to retail leases that were entered into before the amendments commenced if the lease contains a provision to the effect that the tenant must pay the landlord, as a contribution to outgoings, the cost, or part of the cost, of installation, repairs or maintenance work in respect of an essential safety measure. However, it does not affect the rights of tenants under section 251 prior to the commencement of the legislation. In addition, these provisions do not affect retail premises leases entered into before the commencement of this Bill. They only affect the future operation of affected leases. This is necessary to give effect to the intention of the parties at the time the lease was entered into and clarify the validity and effect of provisions in existing retail premises leases relating to essential safety measures. Providing clarity on this issue will reduce barriers to compliance that can impact building safety, whilst ensuring the purpose and objectives of the Building Act are upheld.

The Bill will increase certainty in retail leasing arrangements about who pays for costs relating to the installation, repair and maintenance of essential safety measures within retail shopping centres, ensuring a consistent approach can be taken by building owners to these life saving mechanisms.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:43): I move:

That this debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 18 August.

SOCIAL SERVICES REGULATION BILL 2021

Statement of compatibility

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (10:45): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Social Services Regulation Bill 2021.

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 Social Services Regulation Reform Bill 2021 (the **Bill**).

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

Overview of the Bill

The Bill:

- establishes a Social Services Regulator (**Regulator**), and Social Services Standards (**Standards**);
- provides for the registration of social service providers and requires them to comply with the Standards;
- establishes a Worker and Carer Exclusion Scheme (**WCES**) to enable workers and carers to be excluded from performing certain high-risk roles for or on behalf of certain social service providers where a relevant worker's conduct shows they pose an unjustifiable risk of harm to service users, replacing the current scheme under the *Children, Youth and Families Act 2005* (**CYF Act**);

- empowers the Regulator to convene a Panel to make determinations as to whether a WCES worker or carer should be excluded from the WCES;
- provides that the Regulator must maintain a private database of information on WCES workers;
- provides authorised officers and independent investigators with powers to monitor compliance with the Bill, including by gathering information, entering and searching premises, and seizing documents or things;
- provides for the enforcement of, and information-sharing under, the Bill; and
- otherwise provides for supported residential services.

Human rights issues

The Bill engages a range of human rights under the Charter, discussed below. However, to the extent that the Bill limits any Charter rights, such limits are reasonable and justifiable in accordance with section 7(2) of the Charter. Relevantly, all measures in the Bill are directed at protecting the rights of children, families, persons with disabilities, persons at risk of family violence and other vulnerable persons who use social services (service users). To the extent that any clauses limit a Charter right, those limits are justified measures to achieve the overarching purpose of protecting the rights of service users.

Register of social services providers

The Bill establishes a registration scheme for ‘social service’ providers (clauses 21–37), and requires registered social service providers to comply with the Standards (clause 45). It is intended that ‘social services’ will include activities such as prevention and early intervention reporting; provision of information and advice; education and skills development; counselling services; ongoing support and crisis support; accommodation; and personal care services. Providing a prescribed social service without registration will be an offence (clause 119).

A person providing a social service, or a person on behalf of an unincorporated body providing a social service, may apply for registration to provide one or more types of social services as a registered social service provider (clause 21). The Regulator will consider and then must grant or refuse applications for registration depending on whether the applicant meets the prescribed requirements for registration. The Regulator can also impose or vary conditions on registration (clause 23–26) and can require a registered social service provider to give service users notice of such changes to their registration (clause 30). The Regulator may cancel a registration in certain circumstances, including in any circumstances that the Regulator considers it appropriate to do so (clause 34).

Clause 36 provides that the Regulator must keep a register of social service providers which is to contain information about each registered social service provider, including a name (and or a trading name), address, contact information, types of social services they provide and conditions of registration, details of enforceable undertakings provided under the Bill, details of convictions or findings of guilt in contravention of the Bill, and whether and when their registration is or has been suspended, cancelled or revoked (Register). The Register can also contain any rating given to the registered social service provider in accordance with any prescribed rating system. Information on the Register may be made public subject to prescribed requirements (if any) (clause 36), although the Regulator may decide not to publish certain information if they consider that publication is not appropriate having regard to the circumstances (clause 37).

Right to privacy

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

The right to privacy is very broad. Relevantly, it encompasses a person’s right to establish and develop meaningful social relations, and may also incorporate a right to work in some circumstances (to the extent that work is necessary to establish and develop social relations).

The collection of information about a person who provides social services (as a sole trader), or persons who register on behalf of unincorporated bodies for inclusion on the Register, and the publication of certain information on the Register, involves an interference with privacy. However, the collection of information in these circumstances is neither unlawful nor arbitrary, as the collection is authorised by legislation and necessary to enable the effective regulation of social service providers. Further, the Regulator’s power to exclude information from the register where appropriate in the circumstances offers protection against arbitrary or disproportionate interference with privacy that may otherwise occur.

If a person (as a sole trader) is refused registration as a social service provider or has that registration cancelled or revoked, they will be prevented from undertaking work as a registered social service provider. These

provisions, and various other clauses within the Bill, may interfere with the right to privacy to the extent that it includes a right to work. However, any interference will be lawful as it is authorised under legislation. Further, the interference is not arbitrary, as the Bill only enables a person's right to work to be restricted to ensure that vulnerable persons are protected in circumstances where workers may pose a risk of harm. I therefore consider that these provisions are compatible with the right to privacy.

Notification obligations

Clauses 47 and 48 provide that a registered social service provider must notify the Regulator of certain matters, including any prescribed criminal conviction of the service provider, the director, or key personnel, and of serious incidents that may pose a serious risk to service users or WCES service users (notifiable incidents).

Right to privacy

These clauses engage the right to privacy by requiring the disclosure of personal information, including sensitive information relating to a person's criminal convictions. However, any interference with privacy is neither unlawful nor arbitrary. It is authorised under the legislation and is for the clear purpose of enabling the Regulator to make informed decisions about a social service providers' registration and compliance with the Bill. The registration of social service providers is a core part of the scheme and is necessary to ensure providers comply with the Social Services Standards, which in turn protects the safety of service users. I therefore consider that these clauses are compatible with the right to privacy.

Identity cards

Independent investigators and authorised officers are required to be issued with an identity card by the Regulator stating that they are an authorised officer or independent investigator, with their name, signature and, photograph and produce it if asked when performing functions or exercising powers under the Bill (clauses 105–106).

This clause may interfere with independent investigators' and authorised officers' right to privacy, to the extent they are required to disclose their name, photograph and role in specified circumstances. However, the interference with privacy is neither unlawful nor arbitrary, as it is a proportionate and necessary measure to ensure that persons dealing with independent investigators and authorised officers are able to identify them, as well as providing some protection against people fraudulently claiming to be independent investigators or authorised officers and seeking to exercise their powers. I therefore consider that these clauses are compatible with the right to privacy.

Worker and Carer Exclusion Scheme (WCES)

The Bill establishes the WCES, which will operate as a negative licensing scheme to enable the Regulator to exclude workers who perform high risk activities if their past conduct shows they pose an unjustifiable risk of harm to a WCES service user. Persons may be excluded from providing a WCES service or class of WCES services (clause 79). 'WCES services' will be specific kinds of social services that are prescribed (clause 3). It is intended that services will include out of home care services and other community services currently regulated under the *Children, Youth and Families Act 2005*, disability services that are not covered by the National Disability Insurance Scheme, supported residential services, family violence services, sexual assault services, alcohol and other drugs treatment services and homelessness services.

The Regulator is to maintain and check a private database of excluded workers and carers each time a registered social service provider proposes to hire a worker or carer (clause 538). Conduct that may lead to exclusion (worker misconduct) includes conduct that causes or a reasonable person would consider likely to cause serious harm to a WCES service user or a person with the same characteristics (WCES service user), persistent or repeated conduct that results in harm to a WCES service user and prescribed conduct (clause 52). 'Serious harm' is defined as harm, whether a single instance of harm or repeated or persistent instances of harm, that results in one or more of death, loss of a foetus, permanent or long-term serious impairment or permanent or long-term disfigurement or severe psychological injury or developmental delay (clause 3). Each element of the WCES and relevant Charter rights are discussed in turn.

WCES preliminary assessments and investigations

The Bill provides that upon receipt or becoming aware of information relating to, worker misconduct, the Regulator may undertake a preliminary assessment of a current WCES worker or carer's conduct and determine whether to investigate or to refer the matter to the Panel (clause 55). Clause 57 provides for investigations into conduct by the Regulator, or on their behalf by authorised officers or independent investigators. Investigations may be carried out in a manner considered appropriate having regard to the Bill, the presumption of timely and efficient investigations are preferable, and the particular circumstances. The relevant WCES worker and WCES service providers who employ or have employed the worker must be notified if a determination or referral occurs (clause 56).

Right to privacy

These clauses interfere with the right to privacy to the extent that they allow information to be shared by persons to the Regulator, and if investigation powers are to be exercised, between the Regulator and authorised officers or independent investigators. However, the interference will be neither unlawful nor arbitrary. The provisions will be authorised under legislation and an investigation may only occur on the Regulator's assessment that it is appropriate. In making these decisions, the Regulator is also bound by their object and guiding principles, which include to act in a transparent way and make decisions using an intelligence-led and risk-based approach (clauses 7–8). Finally, the subject of an investigation determination and their employer are to be notified, so they will be aware that an investigation may follow, and independent investigators or authorised officers may attend relevant social service providers to interview employees or inspect documents or things. I therefore consider that these clauses are compatible with the right to privacy.

WCES database

The Regulator is required to maintain a private database containing information on all excluded workers and carers (clause 83), including their name, details of the why they are excluded, the period of exclusion, and any details of the exclusion decision (clause 83(2)). A registered social service provider must ask for a database check for each worker or carer they propose to employ (clause 84(1)). The Regulator may provide database information to WCES service providers for the purpose of responding to a request (clause 84(2)). The object is to ensure that excluded workers or carers are not and are not trying to work while excluded. Excluded WCES workers or carers must notify the Regulator of name and address changes (clause 86). The Regulator must remove information relating to a person's exclusion on expiry (clause 87) and persons can apply for the removal of information in prescribed circumstances and the Panel can require the Regulator to remove that information (clause 79).

Privacy and reputation

Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

Inclusion of a person's personal information on the database may interfere with a person's privacy and reputation, to the extent that it provides they have been excluded from the WCES and the details of excludable conduct. However, any interference will be authorised under legislation and is subject to appropriate safeguards, including that the database be kept private and information on it only shared with WCES service providers upon their application in relation to a particular person. Expired information must be removed and persons can apply for the removal of information. I therefore consider that these clauses are compatible with the right to privacy and reputation.

WCES information-sharing with parties including Victoria Police

The Bill provides that the Regulator may report to the Chief Commissioner of Police on becoming aware that a WCES worker or carer may be or have been involved in criminal conduct (clause 53), and can also request the Commissioner to provide certain information on the WCES worker or carer, including whether they are subject to, and or the results of, any investigation into them, if the Regulator reasonably believes they are engaging in excludable conduct (clause 54). The Regulator may also disclose information to a Panel, authorised officer or independent investigator to enable that party to perform any function or exercise any power (clause 102).

Right to privacy

The right to privacy is likely to be engaged by sharing of information in the circumstances outlined above. However, any interference will be authorised under legislation, and not arbitrary as the sharing of information in those circumstances is reasonable and necessary for the conduct of the scheme. Sharing information with Victoria Police ensures the Regulator can make an adequately informed decision about whether it is safe for a particular worker or carer to provide social services, and enables Victoria Police to conduct its own investigations as appropriate. Sharing information with a Panel, authorised officer or independent investigator ensures that those persons can effectively perform functions or powers as necessary to achieve the objectives of the Act. For these reasons, these clauses are compatible with the Charter right to privacy.

Panel hearings ("WCES hearings")

Part 5 of the Bill provides for the conduct of Panel hearings to determine whether a worker or carer should be excluded from providing WCES services. Panels are bound by the rules of natural justice (but not of evidence). The relevant WCES worker has the right to be present, make submissions and to be legally represented (clause 75). Panel hearings must be closed to the public, unless the Panel makes orders to open the hearing. When considering whether to make such an order, the Panel must take into account whether holding a closed hearing is necessary to protect the safety or privacy of any person, to promote the best

interests of a child, to avoid causing undue stress or embarrassment to a witness, or to protect the fairness of the hearing or if doing so is generally in the public interest (clause 75).

A Panel may also determine that certain things not be published or broadcast, including the identity of any person, or any information that is likely to lead to the identification of any person. If the Panel considers it in the interests of justice to do so, the Panel may determine that the identity of a WCES worker, service user or child also not be published or broadcast (clause 76).

Right to privacy and reputation

The right to privacy and reputation is significantly engaged by Panel hearings, which may concern the person's conduct in their personal life, including historical conduct. Hearings may also interfere with the right to privacy of persons who give evidence or persons who are referred to in evidence or documents the Panel considers, particularly as the Panel may order that hearings will be held in public. However, any interference with privacy will be authorised under legislation. Further, the Panel's power to order that a hearing be open to the public is not an arbitrary interference with privacy, as it is a reasonable measure designed to promote the principle of open justice. Various safeguards ensure that privacy is not arbitrarily limited, notably the presumption that hearings will be closed, the requirement that the Panel take into account the factors identified at clause 75 before making an order to open the hearing, and the Panel's power make non-publication orders as described above. For these reasons, I consider that the clauses concerning WCES hearings are compatible with the right to privacy and reputation (s 13).

Right to freedom of expression

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

The fact that Panel hearings are closed to the public unless ordered otherwise will engage the right to freedom of expression, as it limits the ability of people to attend hearings to seek and receive information, and the ability of people to report on hearings. However, as Panel hearings are likely to involve sensitive material that may include personal information about children or other vulnerable persons, I consider that the presumption that hearings be closed is a lawful restriction that is reasonably necessary to protect the rights and reputations of persons involved in hearings, including witnesses. Further, as discussed above, the Panel may order that a matter be open to the public if appropriate in the circumstances, ensuring that any restriction on freedom of expression does not go further than reasonably necessary. Therefore, the Bill is compatible with the right to freedom of expression.

WCES Panel determinations

Under clause 79, following a hearing, the Panel may decide to exclude a person from providing WCES services or a class of services (exclusion determination). An exclusion determination must be made if the Panel finds, on the balance of probabilities, that the person engaged in conduct that may lead to exclusion. The Panel must also be reasonably satisfied that the person poses an unjustifiable risk to a WCES service user. If it decides to exclude a person, the Panel must also notify any WCES service provider that is or has engaged or employed the worker or carer of the exclusion determination (clause 80), and the person's details must be entered on the Regulator's database (clause 83) (discussed above).

Right not to be punished more than once for the same offence and right against retrospective punishment

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However the principle only applies in respect of criminal offences. It will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Section 27(2) of the Charter provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty applied to the offence when it was committed.

These rights may appear to be engaged, as a person may be subject to an exclusion determination on the basis of conduct for which they have already received a criminal penalty, and a person may also be subject to exclusion determinations on the basis of criminal convictions that occurred prior to the introduction of the WCES. However, a determination to exclude a person is protective and not punitive in nature. Such a determination may only be made where a person presents unjustifiable risks of harm to service users. Exclusion determinations therefore do not constitute a 'punishment', and do not engage the rights in ss 26 and 27 of the Charter.

Information-gathering powers

The Bill provides for various information gathering powers in a range of circumstances. Clause 94 provides that a WCES Panel may require a person to produce a specified document or thing. A Panel may also require a person to attend before them to produce documents and things (clause 96) or to give evidence on oath or affirmation in certain circumstances (clause 98). A Panel may also examine or inspect a document or thing, retain, make copies of or do any other thing that is reasonably necessary for the purposes of exercising their functions or powers under the Bill (clause 99).

The Bill also provides separate information-gathering powers for the Regulator, authorised officers and independent investigators. Each may request information, although a person may refuse a request (clause 108). Each may also require information, documents or a person's appearance, where it would assist with monitoring a prescribed social service's compliance with the Bill or for the purposes of the WCES (clause 109).

Right to privacy

These clauses may interfere with the right to privacy to the extent they permit the Panel, Regulator and authorised officers to seek documents, things or evidence from persons. However, any interference will be authorised under legislation and will not be arbitrary. The clauses are subject to appropriate safeguards. For instance, parties may still claim legal professional privilege, client legal privilege or the protection against self-incrimination (clauses 123–124). Panel hearings are closed to the public unless the Panel orders otherwise, as discussed above. Information-gathering powers can only be exercised when necessary for functions or powers under the Bill, which goes to the overarching object of the Bill to protect service users. Information-gathering is required for efficient, effective investigations into excludable conduct, which may assist with identifying and preventing persons or behaviour that could pose an unjustifiable risk of serious harm to service users. For these reasons, these clauses are compatible with the Charter right to privacy.

Right to freedom of expression

The powers enabling the Regulator to compel persons to provide information or appear to give evidence may also interfere with the right to freedom of expression to the extent that the right extends to a right not to express. However, the relevant powers are required to ensure the effective regulation and investigation of persons providing services to vulnerable persons. As such, in my view such limits are reasonably necessary for the purposes of protecting the rights of others, in particular the rights of persons using services regulated under the Bill. I therefore consider that these provisions are compatible with the right to freedom of expression.

Powers of entry and seized documents or things

The Bill provides a range of powers which enable authorised officers to enter and inspect premises and seize documents and items. Authorised officers and independent investigators may enter:

- premises of unregistered providers and residential premises, with the consent of the occupier or resident (clauses 114 and 113);
- any premises, pursuant to a warrant issued by a magistrate (clause 115); or
- any premises, without a warrant for the purpose of monitoring compliance with the Bill or investigating a possible contravention of the Bill (premises other than residential premises) (clause 112(1)–(2)).

Depending on how entry was authorised, authorised officers and independent investigators will have different powers upon entry to a premises. Broadly, they include powers to search, inspect or examine documents, make enquiries, take photographs or make recordings, copy or take an extract from documents, use and operate materials at the premises or place, secure electronic equipment, request information from persons, and seize documents or things in certain circumstances (clauses 119–618).

Right to privacy

These powers significantly interfere with the right to privacy, as authorised officers and independent investigators may inspect both workplaces and, in limited circumstances, residences and accommodation. The provisions provide various safeguards to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. For example, authorised officers or independent investigator may only exercise powers of entry if the authorised officer or independent investigator believes on reasonable grounds that the entry is necessary to eliminate or reduce an imminent risk of harm to a service user (unless otherwise provided for under a warrant or by consent) (clauses 114, 112(2) and 115(4)(e)). Authorised officers and independent investigators may, with the occupier's consent, enter residential premises, and with prior notice to and the consent of an occupier or resident, enter bedrooms in residential premises (clauses 112–114).

Further, the power of authorised officers and independent investigators to require information will be limited by the purposes of the legislation and the specific purposes of their entry, search and seizure functions. Searches done pursuant to a warrant further limit the circumstances in which such a search will occur, as

warrants will only be given by the court where appropriate. Taking into account the above safeguards and the important purpose served by the provisions, I consider that to the extent that the powers authorise interference with privacy rights, that interference will be lawful and non-arbitrary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justifiable in accordance with s 7(2) of the Charter.

Right to property

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

As set out above, the Bill enables authorised officers to seize documents and things in certain circumstances. Under the provisions, items may only be seized with a warrant, with consent or for the purposes of monitoring compliance with, or investigating a possible contravention of, the Act. Where an item is seized, Clauses 127 and 129 provide a process by which the occupier is informed about the reason for the seizure, and provides that seized items must be returned if no longer required, and generally can only be retained for up to six months (with limited exceptions). An authorised officer or independent investigator may apply to a magistrate for an extension of that period for up to an additional six months at a time, for a total period of no more than 2 years (Clause 130). The magistrate can only grant such an extension if satisfied that it is in the interests of justice, the total period of retention does not exceed 2 years and retention is necessary for the purposes of an investigation into whether a contravention of the Act has occurred or to enable evidence of a contravention of the Act to be obtained for the purpose of a proceeding under the Act. Under Clause 131, seized items may be destroyed where an authorised officer decides it is necessary to prevent a risk of harm to any person or the commission of an offence against the Act, is not, despite making reasonable efforts, able to find the owner or return it to the owner.

The right to property is also engaged by the power granted to authorised officer or independent investigator to seize items under clause 125 when exercising a power of entry under clauses 119 and 122. The Bill sets out a process for notifying the owner of any seizure and providing copies of documents seized. Further, seized items may not be retained for longer than necessary and can generally only be retained for up to six months (unless relevant proceedings are on foot, or unless a magistrate grants an extension) (clause 129).

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

Requirements to provide or display notices or to publish information

Under clauses 142–143, the Regulator and authorised officers are required to issue various notices, for example prohibiting the accepting of new service users, or accepting enforcement undertakings in certain circumstances (Notices). In certain circumstances, persons regulated under the scheme are required to display or publish certain information. For example, a Magistrates' Court may also make an adverse publicity order (clauses 164–166) if satisfied that a person has been found guilty of an offence under the Act or regulations, requiring the person to publicise that finding.

Right to privacy and reputation

The information the subject of Notices may contain personal information, which, if displayed publicly, may interfere with the right to privacy. As would the making of an adverse publicity order. However, any interference with these rights will be lawful. Further, the interference will not be arbitrary, as the requirements to display or publish certain materials are necessary to ensure the effective regulation of social services and to promote the protective purposes of the Bill by enabling the public and affected persons to be notified of matters (including failures by providers to comply with the legislation). Further, safeguards are in place to ensure privacy is not unreasonably limited. I therefore consider that these clauses are compatible with the right to privacy and reputation.

Right to freedom of expression

The right to freedom of expression may in some circumstances encompass a freedom not to express (for example, to say nothing or not to say certain things). The requirement, in some instances, to display notices (clauses 138(2), 155(2)), or to publish an advertisement detailing a relevant offence (clause 164) may restrict the freedom not to express.

However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary for the protection of public order. The requirement is necessary to ensure that users or potential users of the service are aware of the concerns giving

rise to the issuing of the notices and can engage with the registered service providers in an informed way. Further, the restrictions are necessary to ensuring the regime can effectively assist in protecting children, their families and other vulnerable people from harm. Accordingly, I consider these provisions to be compatible with the right to freedom of expression under the Charter.

Information-sharing

Part 8 of the Bill establishes a scheme for information sharing between ‘relevant agencies’, enabling information to be shared for a range of purposes under the Bill. Clause 803 defines a relevant agency to include the Regulator and certain other Victorian government entities with relevant functions, including a Panel, independent investigator, authorised officer or employee of the Regulator. Clause 191 provides for the application of Part 8 to courts and tribunals. Relevant agencies are permitted to share information with other bodies in a range of circumstances, including, for example, for the purposes of seeking legal advice or seeking advice and support from a registered health practitioner. Clause 192 provides a number of principles that apply to relevant agencies when carrying out a function or exercising a power under the Bill, which include giving precedence to the wellbeing and safety of service users over the right to privacy.

Clauses 197 and 198 further authorises disclosures by and to the Regulator in certain circumstances.

Right to privacy

The provisions of the Bill enabling sharing of information between relevant agencies and allowing information to be shared with the Regulator by any person, interfere with the right to privacy. Notably, the information sharing scheme explicitly privileges the wellbeing and safety of service users over the right to privacy. However, any interference with privacy authorised by these provisions will be lawful. Further, in my view, the interference with privacy is not arbitrary, as it is for the important purposes of ensuring risks to service users of social services can be appropriately identified and addressed, and facilitating the regulation of social services. Further, protections are in place to ensure privacy is not interfered with more than necessary—for example, one of the principles set out in clause 192 is that a person’s confidential information must only be collected, used, or disclosed to the extent necessary to promote the wellbeing or safety of service users. I therefore consider that these provisions are compatible with the right to privacy.

The Regulator’s power to disclose information similarly may involve an interference with the right to privacy. Under clause 197 the Regulator may disclose protected information (being information including confidential information that is not in the public domain, that is obtained by a person under the Bill) in carrying out functions or exercising powers under the Bill or any other Act if the Regulator is satisfied that the disclosure may promote the objectives of the Bill or good public administration, or is in the interests of justice, or the Regulator reasonably considers it otherwise appropriate to do so. Persons who receive such information are limited to using it for the purposes for which it was disclosed or otherwise as permitted by the Act. These limits ensure that any interference with privacy will not be arbitrary, and that information disclosed under this provision cannot be used inappropriately by the person receiving that information.

Clause 198 provides that persons may disclose information relating to a social service provider’s compliance, or to the conduct of a WCES worker or carer. The Regulator may use that information for the limited regulatory purposes set out in subsection (2), including by disclosing the information to another person or body if the Regulator considers that the compliance or conduct is more appropriately dealt with by that person or body. The Regulator may also disclose any action taken in relation to the information to the person who disclosed it if the Regulator considers it appropriate. While clause 198 involves interferences with privacy, the clause is tailored to ensure that information is only shared in appropriate circumstances for limited regulatory purposes under the Bill. I therefore consider that this clause is compatible with the right to privacy.

Disclosure to the Regulator

Clauses 331 and 340 require the relevant Secretary to disclose to the Regulator any information held by the Secretary relating to various services, applications, decisions, records and or investigations under certain provisions of the *Children, Youth and Families Act 2005* and the *Supported Residential Services (Community Visitors) Act 2010*. Clause 332 requires the Secretary, within the meaning of the *Disability Act 2006* to disclose to the Regulator any information held by the Secretary immediately before the commencement day that relates to certain matters under that Act, including information about any person or body that is registered on the register of disability service providers under s 41.

Right to privacy

While these clauses may interfere with the right to privacy to the extent that they allow information to be shared, the interference will be neither unlawful nor arbitrary. It is necessary to enable the transfer to the Regulator of certain functions currently associated with the Secretary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justifiable in accordance with s 7(2) of the Charter.

Confidentiality provisions

Division 3 of Part 8 provides that the Regulator or a Panel may issue a confidentiality notice to a person in respect of a restricted matter (which is defined under clause 201 to include a limited range of information, such as the contents of a document seized by the Regulator, or information that would enable a person who has been required to provide a document or thing to the Regulator or Panel to be identified). The effect of such a notice is that the person to whom it is issued must not disclose the restricted matter, except in limited circumstances (for example to a person's spouse or domestic partner, except where otherwise ordered, or where assistance is required to comply with the notice because the person does not speak English, is a child, is illiterate, or has a mental, physical or other impairment). A confidentiality notice may only be issued where the Regulator or Panel considers disclosure of the restricted matter is likely to prejudice the Regulator's monitoring or enforcement of the Bill or Regulations made under the Bill, or the WCES, the safety and reputation of a person, or the fair trial of a person who has been or may be charged with an offence.

Right to freedom of expression

These provisions restrict the right to freedom of expression. However, in my view, any restriction is reasonably necessary for the protection of the rights and reputations of others, and for public order. The provisions ensure that the monitoring and enforcement functions of the Regulator or Panel, the WCES scheme, and the rights of other persons to personal safety, reputation, or a fair trial, are not compromised by inappropriate disclosures concerning the exercise of powers under the Bill. Confidentiality notices may only be issued in a limited range of circumstances and the provisions are appropriately tailored with a number of exceptions, which ensures that the limit on expression goes no further than reasonably necessary. I therefore consider that these clauses are compatible with the right to freedom of expression.

Freedom of Information

Clause 211 provides that the *Freedom of Information Act 1982* does not apply to documents possessed by the Regulator or the Panel, to the extent that those documents contain protected information (which is defined under clause 189).

Right to freedom of expression

This may engage the right to freedom of expression by limiting the kind of information that a person may seek. However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order.

Civil penalty proceedings

The Bill introduces a civil penalty regime (Part 10 Division 4), and under clause 298 the Regulator may apply to a court for a civil penalty order in relation to a contravention of a civil penalty provision. The Bill provides that civil proceedings must be stayed if criminal proceedings are (or have been) commenced against the person for an offence constituted by conduct that is substantially the same as that the subject of the contravention, unless the person is not convicted (in which case the civil proceedings can resume) (clause 301). However, criminal proceedings may be commenced against a person for conduct that is substantially the same as conduct constituting a contravention of a civil penalty provision regardless of whether a civil penalty order has been made against the person (clause 302).

Right not to be tried or punished more than once for the same offence

The right not to be tried or punished more than once for the same offence is engaged in circumstances where criminal proceedings are commenced after the imposition of a civil penalty under clause 302. However, in my view the parallel operation of civil and criminal penalties will not limit the right not to be punished more than once. This is because the right against double punishment does not extend to civil proceedings or penalties.

I note that penalties characterised as civil penalties under legislation may engage the criminal process rights under the Charter where the penalty is of such a magnitude that a court may consider that it involves penal consequences. While the maximum pecuniary sanctions under some clauses of the Bill are substantial, the purpose of the civil penalty regime in the Bill is to encourage regulatory compliance, and is necessary due to the serious risks of harm to vulnerable service users that may arise from a contravention of the Bill. The purpose of the civil pecuniary penalties is to encourage regulatory compliance, and is necessary due to the serious risks of harm to vulnerable service users that may arise from a contravention.

Relevantly, the civil penalty provisions apply to people engaging in activities covered by the regulatory scheme, or failing to comply with important obligations under the Bill, and will have limited application to the public more broadly. Further, a civil penalty order will be enforceable as a judgment debt and a person will not be liable to be imprisoned for a failure to discharge the debt. Finally, I note that clause 46, which enables either civil or criminal penalties to be imposed for an aggravated breach of the Social Service

Standards, and which provides for both pecuniary penalties and a term of imprisonment, is excluded from the operation of cl 302, meaning that a criminal prosecution could not be brought under the Act if civil proceeding for breach of that provision had previously been commenced for the same conduct. Accordingly, I consider that the civil penalties under the Bill to which clause 918 applies are truly civil in nature, and accordingly the right not to be tried or punished more than once under the Charter is not limited.

Right to test evidence

Clauses 315 and 316 provide for the preparation of an evidentiary report by an authorised officer or a person who assists an authorised officer take action in certain circumstances, and an evidentiary certificate by the Regulator or authorised officer regrading certain matters. The reports and certificates provided under Clauses 315 and 316 are taken to be evidence of certain matters provided for therein in proceedings for offences under the Act.

Right to a fair hearing (s 24)

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

These clauses engage the right to a fair hearing because a person who may be the subject of the report or certificate may be affected by the matters contained in the certificate or report and unable to challenge their contents. However, the provisions do not limit the right to a fair hearing, because they enable reports and certificates only in relation to technical matters, such as the methodology used to examine or analyse a thing or sample, and matters that are otherwise removed from the main facts at issue (for example, the fact that a stated document is a record of registration). Further, the provisions only state that the records and certificates provide evidence of the matters contained therein. They do not provide conclusive proof of those matters, and the accused may therefore be able to provide evidence in rebuttal. I therefore consider that these provisions are compatible with the right to a fair hearing.

Offences ‘without reasonable excuse’

Clauses 109, 122, and 149 provide that it is an offence to do certain things without ‘reasonable excuse’. This places a burden on the accused to raise evidence that there exists a reasonable excuse, for example, for their refusal or failure to comply with a request for information, documents or an appearance before the Regulator (clause 109(7)).

Rights in criminal proceedings

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

The right to presumption of innocence is relevant to this provision because of the requirement that a person raise evidence that they have a ‘reasonable excuse’ to avoid criminal responsibility. However, in my view, although these provisions require an accused to adduce certain evidence, they do not limit the right to be presumed innocent. The prosecution must still prove the essential elements of the relevance offences; an accused need not prove any matters in order to escape liability. Further, the matters constituting a ‘reasonable excuse’ will usually be matters that are particularly within the knowledge of the accused. Therefore, the right to be presumed innocent under section 25(1) of the Charter is not limited by these provisions.

Under Clause 111, it is a defence to the provision of false or misleading information if the person believed on reasonable grounds that the information, statement or document provided was true or not misleading. This imposes a burden on the accused to establish the defence, which may amount to a limit under the right to be presumed innocent (to the extent that the state of mind of the accused is an essential element of the offence). However, in my view, the limitation (if any) is reasonably justifiable under s 7(2). In particular, the prosecution is still required to prove all the other elements of the offence—this provision simply carves out a defence in circumstances where the person was not aware of the misleading or false nature of the information (unless the lack of awareness was unreasonable—for example due to the defendant’s failure to take proper care to ensure the information is correct). The existence of this defence is a matter that is in the particular knowledge of the accused, and so it is appropriate that the defence bear the onus of establishing the defence. Further, the defence must only be established on the balance of probabilities, not beyond reasonable doubt. In the circumstances, the risk of conviction of an innocent person as a consequence of this provision is very low. I therefore consider that to the extent, if any, that the right to presumption of innocence is limited by this provision, any limit is reasonable and justified in accordance with section 7(2).

Supported residential services

Part 9 of the Bill provides for supported residential services, which are premises where accommodation and personal support are privately provided or offered to residents for a fee (clause 215). Clauses 217 and 218 provide for the compulsory collection by a residential service provider (provider) of the names and contact details of a resident's nominated person, guardian and or administrator. Clauses 219–222 also provide a process for and limits on providers who manage or control the money of residents with their consent, including by requiring providers to keep a record of incoming money and any expenditure (clause 220) and providing itemised statements and records (clause 221).

Clauses 234 and 235 require a provider to notify the Regulator if they fail to secure the appropriate care or are unsuccessful in obtaining appropriate personal support for a person. If this occurs, the Secretary must make enquiries and assess how a resident's needs may be met, including by requesting reports from registered medical practitioners or other health or care professionals. Such persons will be authorised to disclose a resident's personal or medical information to the Secretary (clause 236).

Right to privacy

While these clauses may interfere with the right to privacy to the extent that they require information to be collected about a resident's nominated person, guardian or administrator by providers, and allow providers to access residents' financial information, the interference will be neither unlawful nor arbitrary. Such disclosures are for the important purpose of providing a resident with adequate residential services, or care or personal support. Such disclosures also ensure the transparency of the management and control of resident's money by providers. I therefore consider that these clauses are compatible with the right to privacy. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justifiable in accordance with s 7(2) of the Charter.

Notices to vacate from supported residential services

The Bill provides for various circumstances in which a provider may give a notice to vacate to a resident (clauses 261–269). These include on grounds that the resident is in need of more health care or more support than is available from the provider (clauses 266 and 267). Residents may apply to VCAT to challenge the grounds on which the notice to vacate was made (clause 243). However if they are unsuccessful, VCAT's powers include to make orders to vacate in certain circumstances (clause 277) and to issue a warrant to remove a resident (clause 281).

Right to privacy

These clauses may engage resident's right to privacy, which includes privacy of the home, by allowing for persons to be ordered to or subject to a warrant to leave a supported residential service. However, any interference will be neither unlawful nor arbitrary. Orders to vacate and warrants may only be ordered in limited circumstances and are subject to notice requirements, time limits and as mentioned, the opportunity for residents to apply to VCAT challenging the validity of an underlying notice to vacate. I therefore consider that these clauses are compatible with the right to privacy.

Right to equality

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

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute in section 6 of that Act. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable. Relevantly, section 6 of the EO Act contains the attributes of disability and physical features.

The clauses which permit providers to issue residents with notices to vacate on grounds that they require more health care or personal support than can be provided may disadvantage people with more severe impairments. This could be seen to constitute indirect discrimination within the meaning of the EO Act and an interference with the Charter right to equality. However, although the provisions may permit persons to be disadvantaged on the basis of protected attributes, the requirement that providers be able to issue notices to vacate to persons they cannot effectively care for or provide treatment to is a reasonable one. Although the effect may be felt inequitably by certain persons, the measure is based on ensuring providers have adequate resources and appropriate health care and personal support available for particular residents.

Further, the issuing of such a notice to vacate can only occur after the provider has notified the Regulator that they failed to secure the appropriate care or are unsuccessful in obtaining appropriate personal support for a person. As discussed above, if this occurs, the Secretary must make enquiries and assess how a resident's needs may be met (clauses 235–236). Notice of a notice to vacate must also be provided to the Secretary within a prescribed timeframe (clause 260). These measures provide safeguards to ensure that appropriate care is identified for affected residents and that such notices to vacate are only issued in limited circumstances. Therefore, the measure is not an unreasonable one, and will not be indirect discrimination under the EO Act. Accordingly, I consider that the right equality under the Charter is not limited by the clauses that provide for notices to vacate being given by providers of supported residential services.

Hon Luke Donnellan MP

Minister for Child Protection

Minister for Disability, Ageing and Carers

Second reading

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (10:45): 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:

Victorians access social services for support during the most difficult and challenging times in their lives. As a community, we expect that providers of these services deliver them in a safe manner that supports the human rights of those who use them.

Current regulation is fragmented and based on separate schemes that were developed in isolation from each other more than a decade ago. Some social services (including family violence and homelessness services) are not subject to a legislated regulatory framework at all, and rely on funding agreements to establish quality and safety benchmarks.

While each scheme seeks to protect people from abuse and harm, together, they fail to reflect the contemporary service delivery landscape. Stakeholders have repeatedly identified gaps, overlaps and duplication, and reported confusion about regulatory requirements. And recent reforms to social services delivery have revealed a growing problem of regulatory gaps and overlaps facing organisations that provide multiple services across different sectors.

The current regulatory arrangements are administered by the Human Services Regulator as a delegate of the Secretary. They are not supported by a comprehensive suite of regulatory tools enabling proportionate responses to the risk of non-compliance. The inadequacy of the underlying legislative framework has meant avoidable harms have continued with the regulator having little, if any, ability to intervene at an early preventative stage. In particular, the COVID-19 pandemic has exposed shortcomings in Victoria's social services regulatory regime. For example, the *Supported Residential Services (Private Proprietors) Act 2010* has insufficient powers to suspend the operation of facilities with unacceptable risks to residents and move them to a safer setting. We need to take steps now to address these known gaps.

Significant efforts to minimise these harms are warranted. There is a pressing need for reform of the regulation of social services to address these regulatory shortcomings. A high-quality regulatory framework for social services provides the foundation for improved responses to risks of harms to people who use social services.

The key identified issues contributing to these regulatory shortcomings include:

- *Gaps in regulatory coverage* as some social services are not subject to statutory regulation, for example family violence and homelessness services. Safety oversight of these funded services relies entirely on contractual arrangements.
- *Duplicative regulatory requirements* in an integrated service system where many providers of social services deliver multiple categories of services. These may be regulated under multiple different schemes, which creates complexity for organisations seeking to comply and ties up limited resources in compliance activities.
- *Lack of intelligence to inform regulatory action and identify risks early*. Early signs of a problem are not always able to be identified which creates the risk that service providers continue to provide unsafe services, until a significant catastrophic event occurs.

- *Conflict between regulating and funding services* as the Department of Families, Fairness and Housing regulates the service system and is also responsible for ensuring adequate numbers of service providers to meet community needs. In some instances, the department is also responsible for regulating services that it funds directly.

Our regulatory infrastructure must be improved to provide service users with better protection. The current framework has meant the regulator has little ability to intervene at an early prevention stage. To ensure greater protection of vulnerable service users, a comprehensive regulatory framework is required to ensure providers of social services are supported to comply with the Social Services Standards. In addition, there is a need to consciously and systematically create standards that prevent abuse and neglect, promote service user safety, and properly respond to allegations of abuse and neglect. It is also required to deal with providers that fail to provide a safe environment for vulnerable service users.

The new regulatory framework established by this Bill is significant. The reforms will establish a regulatory framework that is applicable across a range of social service types. Service types will be phased into the new framework through regulations. This phasing is necessary to:

- contain the breadth of the reforms and allow for a focus on those sectors where risks from service provision and weaknesses in current regulatory oversight are best known to government
- ensure the changes can be accommodated by the relevant sectors and successfully implemented, in a context of increasingly integrated sectors and the scale of recent and ongoing reforms
- avoid making changes that may be inconsistent with findings and recommendations from ongoing Royal Commissions and future reviews.

It is therefore proposed that the initial scope or phase focuses on service types already required to comply with standards through funding agreements. This scope includes:

- Services provided in the community to support children and families subject to registration under the *Children, Youth and Families Act 2005*, including out of home care, but excluding maternal and child health services, schooling and early childhood education.
- Regulatory functions that currently sit with the Disability Services Commissioner.
- Supported residential services registered under the *Supported Residential Services (Private Proprietors) Act 2010*, including privately operated businesses that provide Victorians with accommodation and support with everyday activities.
- Family violence services that are required to comply with the Human Services Standards, including case management, support and accommodation services provided to people experiencing family violence and services for perpetrators.
- Homelessness services that are required to comply with the Human Services Standards, including referral, support and accommodation services.

It is proposed that both non-government and government-delivered services will be covered. It is important that we ensure that government-delivered services are held to the same standards and accountability mechanisms by establishing a consistent regulatory framework across both non-government and government-delivered services.

The new regulatory framework will establish a new Social Services Regulator who will be a separate statutory body. The Regulator will require social service providers to be registered and comply with a new set of Social Services Standards that are outcomes-focussed and appropriately target risk. The Regulator will manage a public register of social service providers and have a comprehensive set of compliance and enforcement tools to monitor provider conduct against regulatory obligations and use enforcement tools to promote a contemporary approach to compliance and respond to non-compliance.

Specifically, the Bill will make social services safer for service users and prevent abuse and neglect by:

- Establishing a mandatory registration framework for providers of in-scope services. Registration will authorise organisations to deliver different types of social services, subject to their ability to provide safe services.
- Incorporating new foundational Standards that will form part of all registered providers' ongoing obligations. To ensure that regulatory requirements appropriately target risk, the framework will establish detailed outcomes and requirements that relate to particularly vulnerable clients (such as children), particular service environments (such as residential services), and/or particular service types (such as those that involve physical interventions). The Standards to be embedded in the Bill are:
 - o Safe service delivery—Services are safely delivered based on assessed needs.

- o Service user agency and dignity—Services are person-centred and respect and uphold client rights and agency.
- o Safe service environment—Services are provided in a safe, secure and fit-for-purpose environment.
- o Feedback and complaints—Service users are supported to provide feedback, complaints or concerns about service safety.
- o Accountable organisational governance—Effective governance and organisational systems support safe service delivery.
- o Safe workforce—Services are delivered by a workforce with the knowledge, capability and support to deliver safe services with care and skill.
- Improving the approach to regulation of individual social service workers and carers by establishing a contemporary exclusion scheme. The Worker and Carer Exclusion Scheme focusses on those carers and workers in high-risk sectors whose risks cannot be adequately mitigated through service provider regulation alone. The scheme will initially focus on carers but can be expanded to other high-risk workers through regulations as government deems appropriate.
- Providing the Regulator with a broad range of contemporary monitoring and enforcement powers to promote compliance with the Standards. This will include:
 - o enabling the Regulator to respond to less serious non-compliance with the Standards by issuing official warnings or infringement notices, while also being able to respond to more serious breaches by accepting enforceable undertakings, issuing compliance notices and seeking various remedies from a court, including criminal or civil penalties.
 - o powers to enter and inspect certain premises without an entities' consent in limited circumstances. To ensure these powers are proportionate and appropriately targeted, numerous safeguards are proposed including that inspections only take place in business hours unless permitted under a warrant, and where the Regulator reasonably believes the Act or Regulations have been contravened.
- Improving arrangements for gathering and sharing regulatory intelligence to inform action and minimise regulatory duplication.

These reforms are supported by a comprehensive consultation process undertaken by the department across government and with industry stakeholders while navigating the limitations of consulting during the COVID-19 pandemic. I want to take this opportunity to thank every person and organisation that took the time to contribute to this important work. Consultation activities included providing an information pack and sector updates sent directly to stakeholders and promoted and housed on the department's Funded Agency Channel website. A range of information sessions and forums were held across in-scope sectors and these provided the opportunity for the department to provide clarity about:

- the structure and phasing of the reforms, and
- key reform features specifically designed to address administrative burden.

The consultation phase has shown there is general support for the reforms. All stakeholders agree that keeping people experiencing vulnerability safe is a priority that we all share. This Bill supports that shared priority, and while the reforms will require support for organisations to adapt to the new approach, we can all agree that we cannot compromise when it comes to safety.

To support change management, a phased approach is proposed to enable in-scope service providers to transition to the new regulatory framework ahead of its commencement. The requirement to comply with the Standards is expected to commence from 1 July 2023. This will provide an appropriate lead time to support service providers to undertake any operational and procedural changes to prepare for the new arrangements. Extensive consultation with the sector is proposed in the lead-up to the Standards being gazetted, as well as during implementation to ensure appropriate compliance codes and regulator guidance is in place to support compliance with the Standards upon commencement of the scheme.

In conclusion, the reforms in this Bill are important. They will promote and enhance regulation of a wide range of Victorian social services and in doing so, will protect vulnerable service users from abuse and neglect.

I'm proud to be part of a Government that is continually working to improve the safety and wellbeing of our most vulnerable Victorians. This Bill will ensure that Victoria's regulatory framework for social services is as strong as possible to promote the safety of Victorians.

I commend the Bill to the house.

Mr T BULL (Gippsland East) (10:46): 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, 18 August.

COMMERCIAL TENANCY RELIEF SCHEME BILL 2021

Second reading

Debate resumed on motion of Mr PAKULA:

That this bill be now read a second time.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (10:47): I am pleased to rise to speak on the Commercial Tenancy Relief Scheme Bill 2021. I do so in my capacity as Shadow Minister for Small Business. When I became the Leader of the Liberal Party and the Leader of the Opposition in December 2018, I had my choice of portfolios, which is the custom and practice of the Liberal Party and I suspect most other parties in this place. I deliberately chose to be the Shadow Minister for Small Business because I know how important small business is to this state. It is the single largest employing sector of anything in this state. More people work in small business than in any other sector of our economy. It provides more jobs—that means more income, more opportunity and more security for Victorians—than any other part of our economy.

Other parties like to cuddle up to big business and big unions. My party, the Liberal Party, and our colleagues in The Nationals have always been the parties of small business, people who actually stand up, put something on the line and create opportunity for others—create opportunity that gives other people work and create opportunities to give other people access to services and goods in their communities. When we talk about backing Victorian small business, we are talking about backing the Victorians who run them, we are talking about backing the Victorians who work in them and we are talking about backing the Victorian community, who relies on them. That is why small business is so important in this state.

Prior to entering Parliament, I worked as a solicitor at different firms and had a lot of small- and medium-sized business clients, and I know how much they put their heart and soul into their businesses. They often put their houses on the line to try and create something, to generate a new enterprise that gives other people opportunity. And to see the pain of so many small business people in this state over the last 18 months has been heartbreaking. These are people who have done nothing wrong; they have done everything right. They have worked hard every day. They have taken a risk not for themselves but to create something. Through the circumstances of the pandemic and this government's response, these people have often seen their businesses fall, and we see that, sadly, in Victoria's unemployment and underemployment statistics. Victoria now has the highest combined unemployment and underemployment numbers of anywhere in the country—14.5 per cent. That is a lot of Victorians out of work. That is a lot of Victorians who cannot find the work that they need to sustain them and to sustain their families.

So we will always be strong, loud and proud advocates for the small business sector, because it is not about the petite bourgeoisie, which I am sure some people in the Labor Party think small business is about; this is about the heart and soul of our state. It is about the heart and soul of people in the communities. It is the small businesses who go out there and support the local football and netball clubs. They are the ones who are out there backing the school fetes. They are the ones who bind this community together. So to see what has happened to our small business sector over this last 18 months has been tragic—absolutely tragic.

You go down the high streets of any suburb, any town in this state, and you will see row upon row of empty shops and 'For lease' signs—too many of them. Every empty shop, every 'For lease' sign in

this state represents a broken dream. It represents something that was and is now no longer. Why? Because this pandemic and the government's response to it has caused this damage to small business. When we talk about small business we talk about the people behind it. They are the ones who have lost, and we need to step up as a state, as this government needs to step up and as a Parliament we need to step up and support these small businesses that are left, because when this pandemic ends—and one day it will end—we need those small businesses to be there on the other side. Who else is going to employ our young people? Who else is going to give them their first jobs? Who else is going to actually provide the services in our communities? Who else is going to prop up our country towns? If we do not have small business there, we can forget it. We need small business to be there on the other side of this pandemic, and that is why we have been advocating for more support—more support than this state government has given them.

Even New South Wales—they had lockdowns—introduced grants programs for microbusinesses, the businesses with turnovers between \$30 000 and \$75 000. The answer here from the Premier and the answer here from the Minister for Industry Support and Recovery was that they are not real businesses—they do not count. You go and tell that to the freelance make-up artist, Amelia, who I met, who was in tears because she had not been able to work because of the lockdowns. She runs a small business. Her income was what she could get from her work. But this government said, 'You're not real. You don't count. Oh, if you haven't registered for GST, then you're made up'. That is not the way these people live their lives—but this is symptomatic of a Labor government that just does not understand small business.

Mr Angus interjected.

Mr M O'BRIEN: They do not understand it, they do not get it and, as the member for Forest Hill said, they do not care about it. They just do not care about it. Well, we do and we always will, because small business is the glue that binds this community together. It is the biggest employing sector in this state, it is the heart of innovation and enterprise in this state and we will be backing it 100 per cent.

Looking at this bill, this bill seeks to reintroduce a version of the commercial tenancy relief scheme which operated through the first 12 months of the COVID pandemic and ended on 28 March this year. There is not a lot in this bill apart from enormous regulation-making powers. The government came out last Wednesday and said, 'We're reintroducing this scheme. We haven't decided all the eligibility criteria yet, we haven't decided many aspects of how it's going to operate yet, but it applies from today'. How on earth do you expect people, be they landlords or be they small business tenants, to apply from last Wednesday to a scheme where there is no detail? That is not the way the real world works. In the real world you need to know what you are doing before you do it. That is something this government seems to have missed.

Mr Angus: They are making it up as they go.

Mr M O'BRIEN: They do make it up as they go, member for Forest Hill. All small business ask for and all their landlords ask for is a little bit of certainty. It is not as though this is something that has dropped out of the clear blue sky. The government has said that this is something that is basically replicating what was in operation last year, but the government still has not got the detail. Now, I know we are in a pandemic and I know things move quickly, but people need detail if you want them to implement it. We are only asking for fairness to all sides in this.

How will this scheme work as far as we know? Well, according to what we have been told in the briefing—again, this is not necessarily reflected in the legislation before the Parliament; we are simply going on the basis of press releases, press conferences—

A member: Verbal assurances.

Mr M O'BRIEN: and verbal assurances. Last time I looked you cannot take that to the bank very much. Your bank manager will not extend your overdraft on the basis of a verbal assurance from a minister or a ministerial adviser at a briefing.

But let us just put on the record what the government has told us and has told industry about how this scheme will operate. 'A business that has an annual turnover of less than \$50 million' is the first criteria for eligibility. Now, let us just stop there. A business must have an annual turnover of less than \$50 million. How does that apply to franchisees who may have one store? Let us take McDonald's as an example. You could have one McDonald's store. Does it mean that one store has to have a turnover of less than \$50 million? What if the franchisee owns four McDonald's stores? Is it cumulative? Does that mean they are then over the limit or is it for each store? Again, nobody knows. Nobody knows. The government says, 'We haven't worked that out yet. We're thinking about it. We'll get back to you. Oh, but the obligations apply from last Wednesday'. They apply obligations from last Wednesday when they cannot even tell you if you are in this scheme or you are out of this scheme. How on earth is business supposed to respond in those circumstances? We have many unanswered questions about how that turnover requirement of less than \$50 million to be eligible will actually apply.

I will go into the second criteria. The business—that is, the tenant—must have suffered a decline in turnover of at least 30 per cent comparing turnover in the fourth quarter of 2018–19 to the fourth quarter of 2020–21. Well, that at least seems to be relatively straightforward. In the briefing the government advised us that a letter from the business's accountant would be sufficient to determine if that criteria was met, and again that seems to be actually a relatively sensible way of doing it, so no complaints about that.

Landlords will then be required to provide rent relief proportional to a business's reduction in turnover. So, for example, if the business had recorded a reduction in turnover of 50 per cent between the fourth quarter of 2018–19 and the fourth quarter of 2020–21, then the landlord would be required to provide a 50 per cent reduction in rent. That is one way of doing it, I suppose, and that is designed, I guess, to provide some proportionate level of support so that the more impacted the retail tenant is by the pandemic and lockdowns and ongoing restrictions the greater the level of support the landlord is required to provide. What I find interesting, and I find concerning, is that the government said in its press release from Tuesday, 3 August, this week that:

Eligibility for the scheme will be a one-time test. Businesses which are eligible at the beginning of the scheme will remain eligible throughout, with the proportion of rent relief adjusted in line with their turnover.

So if this scheme started last Wednesday, the government said that it will apply until 15 January next year—although the legislation is dated to apply until the end of April next year, but let us take the government at its word; let us say it is going to apply until 15 January next year—a business can be eligible, let us say, because it has had a 30 per cent reduction in its turnover. If that business then bounces back and gets back to 100 per cent of its turnover or let us say 200 per cent of its turnover, it is still eligible for rent relief right throughout the length of the scheme. So you can have a landlord—a self-funded retiree, a mum or dad—who might have one commercial tenancy in their super fund, and they are required to provide rent relief right throughout the scheme, even where the tenant does not require it anymore. I understand that the government must be saying, 'Oh, well, it's administratively simpler to say once you're in you're in and you're in for the entire time', but on the counter side, where is the fairness of that for the landlord, who might have been required to provide rent relief to a tenant that does not require it anymore? Again, it is easy to spend other people's money, which is what I think it comes down to. This government is very, very good at telling other people how to spend their money. When it comes to their own, they are not quite as good.

Now, it also says that:

A mandatory reassessment of turnover further into the new scheme will support fair treatment for all parties.

What does that mean? 'A mandatory reassessment of turnover further into the new scheme'? When? How? How are people supposed to budget between now and the middle of January next year, whether

they are a tenant or whether they are a landlord? How are you supposed to budget, not having any idea of how this mandatory reassessment is going to work? Is it going to happen in six months time? Is it going to be only prospective, or will we have retrospective application? Nobody knows, because the government will not tell us, because the government is making it up as they go along.

And again that is the trouble. This is the government that has been at the helm of this state for seven years. It has been at the helm right throughout this pandemic, and it is still making it up as it goes along. And it expects Victorians, Victorian small businesses—be they Victorian small business landlords, be they Victorian self-funded retirees, be they Victorian small business tenants—to just be ready, willing and able to change at a moment's notice because this government cannot get its facts right and cannot actually tell people what is going to be happening. That is the guts of it.

In relation to the relief that will be provided, I will give you the example of a 50 per cent reduction in turnover. That 50 per cent relief can be provided through a combination of waiver and deferral, with at least 50 per cent deferred. So let us say 50 per cent of the rent has to be paid; of the other 50 per cent, 50 per cent will be waived—that is, sacrificed by the landlord—and the remaining 25 per cent can be deferred. Now, we understand that the government is proposing that deferral would be through to the end of the scheme in January next year, but again that is not clear.

This is an important scheme because small business tenants do need help. They have been affected by the fact that we have been the most locked-down state in the country. We have had five lockdowns now—five. And even when we are not in lockdown, as arguably we are as of today, there are still massive restrictions on the ability of small businesses to trade. You go into hospitality venues and the density requirements there mean that for many of them it is really hard to even open the doors, and for those that can open the doors it is barely worth their while because the restrictions on the numbers that you can have in make it so hard to actually break even, let alone turn a dollar. So we do need support for small business, because this government's lockdowns and the restrictions have had an ongoing impact on small business and they need support. That is why my party and the National Party called for rent support to be made available. When we did it we said it has got to be fair, and fairness does not just mean making landlords subsidise rent for tenants. It means that the state government, which makes more money out of the property sector than anybody else, needs to pull its weight too.

How much extra money do you think this government is taking in land tax in this financial year? \$558 million extra in land tax in 2021–22—over half a billion dollars. How much money of that \$558 million extra—I am not talking about total land tax; I am just talking about the extra cream that the government is scooping up this year—is the government putting into land tax relief to try and help out landlords who are being asked to provide rent subsidies to their tenants? \$100 million—not even 20 per cent. What a pathetic contribution that is, pathetic.

I see the member for Bentleigh and I see the member for Oakleigh here in the chamber. A number of their constituents have contacted me, and I suspect they have contacted them as well. I suspect they have contacted the members for Bentleigh and Oakleigh. A lot of their constituents have worked very, very hard and been great contributors to this state, and part of the way they have worked hard and been great contributors to this state is by investing. They have worked hard, and they have invested so they can look after themselves in retirement, and that is a good thing and that is something that we should all be encouraging. Many of their constituents have invested in property, and that is a good thing too. We encourage that; that is a positive thing.

But they feel absolutely let down. They feel absolutely ripped off. They feel absolutely betrayed by this Labor government because they see this Labor government ripping land tax out of their bank accounts hand over fist every single year, including with another big increase in land tax this year in the budget. They see the Labor government ripping land tax out of them hand over fist and then turn around now and say, 'And we want you to give rent subsidies to your tenants, but we are not going to give you a fair go when it comes to land tax'.

The government is talking about, ‘You may get up to a 25 per cent reduction in your land tax if you’re required to provide subsidies to your small business tenants’. Twenty-five per cent of the land tax bill—that is not even going to touch the sides when it comes to the sort of rental subsidies these landlords are being required to pay. So the question is: why should hardworking mums and dads, who have often done it tough, who have built something up from nothing and who have invested in property and rely on those property rentals to pay their bills, be ripped off by a government that is taking land tax out of them hand over fist and then, through this scheme, failing to provide the support those landlords deserve?

I will just read some comments from an email that was sent to me by a lady, Grace. I will not put her surname on the record because I have not cleared that with her and it would not be fair to her, but I will just go through some extracts. This is just an example of the sort of correspondence I have had from people who are very concerned:

Dear Mr O’Brien

I write to complain and beg for your help.

Mum owns a commercial property ... My mother lives on a budget. She relies 100% on her rent income to support herself and pay her bills. When the tenant does not pay the rent, my mother cannot pay her bills.

...

In the past six months mum has had to pay her deferred 2020 land Tax, 2021 land tax, GST tax, Income tax, Health insurance, Ambulance cover, Home and contents, Water rates, council rates, utilities, phone bills in addition to food and other expenses totally over \$45,000. With the tenant owing her over \$20K it has been very difficult for her to pay her own bills.

...

At nearly 94 years old my mother does not need this added stress in her life.

Grace went on to say:

Please help self funded retirees like my mother ... Please allow provisions that take into consideration whether a person is in a self funded retiree or in financial position to offer the rent reduction.

This government could have done the right thing. It could have said, ‘We understand that we are in a pandemic and there is a burden to be shared fairly’. It could have said, ‘We will share it fairly between the tenants, who won’t get a full rent reduction but a significant rent reduction, and we can share it fairly with the landlords, who are required to provide some rental support’. But the government could have stepped up and done the right thing.

The government could have provided a far more generous—a decent—land tax reduction. To put in only less than 20 per cent of the increased land tax in the budget this year is a disgrace. It is weak. It is unfair. This government is being unfair to self-funded retirees—those mums and dads who have worked hard all their lives, who have invested in property and who rely on that rental income to put food on their tables in their senior years. It is unfair, and the government needs to explain itself. Why does it think that taking an extra \$558 million of land tax out of this sector justifies only putting in \$100 million in land tax relief?

Now, the government says, ‘Oh, we’re also setting up a \$20 million fund’. Goodness me, you are patting yourselves on the back for \$20 million? This is a government that spends that on pot plants. There is \$20 million for a landlord hardship relief fund. Now, the first thing we were told was if you are eligible for the landlord hardship relief fund, you are not eligible for the land tax reductions. So it is one or the other. The second thing we were told is the government does not know who is going to be eligible yet. The government does not know how much people are going to be able to get. The government does not know much. It only knows that landlords apparently are an endless supply of money to be taken and spent by the Labor government whenever it feels like it.

We are just calling for fairness. We think everyone should be treated fairly in this state—fairness for small business tenants, fairness for mum-and-dad self-funded retiree landlords. Fairness, that is all we

ask for, and this government is not fair. The structure of this scheme could be fair, but the government is too stingy to put the money in to be fair to both sides. This government likes to see landlords and tenants pitted against each other, but in fact I can tell you they are smarter than that, and they understand who is taking the biggest slice of money out of this sector—and it is not the landlord, it is not the tenant, it is the government. This government is the highest taxing state government in the country. That is a gold medal Victoria does not want to get, but it has got it. Under the Liberals and The Nationals we were not number one on taxes, but we are number one on taxes now, with 39 new or increased taxes under this Andrews Labor government—39 of them—and that is why we are the highest taxed state in the country. We are the highest taxed people in this country. And despite all those new taxes, despite all those increased taxes—and just in the last budget there were new stamp duty taxes, new land tax taxes, new payroll taxes—this government still short-changes tenants and landlords when it comes to a scheme like this, and that is to the shame of this government.

We have been having a lot of feedback and consulting with different groups about this. I have read some of the concerns that Grace had on behalf of her mother. The Property Council of Australia, I will note some of their comments from Danni Addison, their executive director:

It should not be the responsibility of landlords, who've felt the impact of lockdowns acutely, to keep supporting profitable businesses. That should be the responsibility of the Victorian Government which has taken the state into repeated lockdowns and should foot the bill.

In May the property sector was sluggish by the Victorian Government with big hikes in land tax and stamp duty as well as a new windfall gains tax on rezoned land. Now it's been whacked again by the reintroduction of an ill-conceived commercial tenancy relief scheme.

... Many landlords are smaller companies than the big businesses tenants in their buildings, or self-managed super funds looking after retirement savings for Victorians.

The Property Owners Association of Victoria Incorporated said:

The proposal takes absolutely no account of the property owners capacity to survive the foregone rent.

The State government has increased Land Tax, water and council charges, yet takes away the only means of paying those bills from mostly self-funded retirees who hold property for superannuation and are ineligible for government pensions.

We need to get this city, this state, back to life. Being here in Melbourne, you go down Bourke Street and you see that it is a ghost town. The *Herald Sun* today reported '8000 desert the city':

Greater Melbourne lost a net 8237 residents ...

last year, the biggest exodus of any capital city in the country.

Mr Dimopoulos interjected.

Mr M O'BRIEN: Well, that is actually not what it says here. It says:

By comparison, Sydney lost a net 8169 people ...

Member for Oakleigh, that is not what is in the *Herald Sun* today. So what you actually see are consequences of a government which does not have any plan to get us through lockdown, does not have a plan to rebuild, does not have a plan to grow the economy. Their only plan is for higher taxes. Their only plan is for more wasteful spending, more budget blowouts on botched transport projects and more plans to tax Victorian home owners, Victorian jobs and Victorian small businesses, because that is all this government is good at—taxing—taxing small businesses, taxing family homes and taxing jobs. That is what they do. That is all they do.

So we have a scheme here. As I said, we have been calling for rent relief for small businesses for some time, so we do not object to the structure of the scheme. What we do object to is the lack of detail in it, and what we really object to is the unfairness of a government that has been ripping money out of the property sector hand over fist through increased land taxes and is failing to do its bit to make sure that the burden is shared evenly, fairly. We all know we are in a pandemic. We all know it is hard. But government has got much broader shoulders than self-funded retiree mums and dads. Government has

got much broader shoulders to carry the weight than small businesses in high streets desperately trying to stay open while the shops on either side of them are closing down and putting up the 'For lease' sign. This is an opportunity for this government to step up and do the right thing—to provide more support. The \$100 million land tax relief? Pathetic. Just put back what you are taking out this year. Just put back the extra you are taking out this year. You would make a real difference. You would make a real difference to the lives of a lot of small business people, a lot of mums and dads. That is fair. You have got the opportunity, government, to be fair for once.

You are happy to spend billions of dollars on cost overruns on union-run construction projects. How many billion is the West Gate Tunnel over now? How many billion is Melbourne Metro over? They would not even know. We would not know how many billion the level crossing removal program is over, because the government refuse to provide the data. So you can spend billions of dollars in those areas, but you scrimp and you are mean when it comes to supporting small business and self-funded retirees and mum-and-dad investors. That is wrong.

We want to see a real plan from this government to get us through this pandemic, to get Victoria open and to keep us open. We have been putting ideas out there. We have already announced a local business action plan to support small business, to go from having the worst payroll tax in the country for small business to the best. We have been talking about introducing rapid testing to get this state open again and keep us open. Let us get our events back. Let us get our major events back. Let us get people back into the offices safely. We are up there with the ideas. All this government says is no—no to me, no to Professor Marylouise McLaws, no to Professor Sharon Lewin from the Doherty, no to Professor Tony Blakely, all advocates for rapid testing. This government does not listen.

I heard a criticism from the federal Leader of the Opposition, Anthony Albanese, yesterday. He said of the Prime Minister, 'If the Prime Minister didn't come up with the idea, he's not interested in it'. I thought that is not very fair when it comes to Prime Minister Morrison but it is a pretty good nail for this Premier. If this Premier does not come up with the idea, like rapid testing, he is dismissive. He says, 'No, I don't care'. Well, Premier and government, there are hundreds and thousands of Victorians out there who need you to care. There are millions of Victorians who rely on this government to actually come up with a plan to get our small businesses back, to get our jobs back, to get our events back, to get our offices back, to get our lives back. You are muddling along day to day; you do not have a plan. We need a plan. We need a vision for this state. We need to back small business. We need to back the jobs engine rooms of this state. We need to back the people who work in them. And that is why only the Liberals can be trusted.

Mr DIMOPOULOS (Oakleigh) (11:17): It is a real pleasure to speak on this bill for a range of reasons, and partly it is to inject a bit of reality and fact into the debate, particularly on the cusp of the Leader of the Opposition's really mendacious contribution. Nonetheless, the commercial tenancy relief scheme for me was probably the biggest thing that businesses told me they value—JobKeeper and the commercial tenancy relief scheme. They are amongst the biggest costs; rent and staff wages are amongst the biggest costs for many, many businesses. Beyond the actual financial costs are just the pressure and the strain of having to anticipate how to pay such a significant bill, your rent bill. It is not one you can dispense with. It is not a product line, a cost of goods, that you can just dispense with; it is actually the building that you operate your premises from, so it is a big, big deal for many businesses.

When you think about the costs those businesses have worn, they have shut or have not been able to have indoor activities—if they are a hospitality business, for example—to keep the rest of us safe. Sometimes people forget that—they shut to keep the rest of us safe. We know that there is COVID transmission in commercial premises. I had one in one of the best businesses in my electorate. So they had to shut to keep the rest of us safe. That is a monumental contribution, so it is absolutely appropriate and heartfelt that we support them, and we will do that through this commercial tenancy relief scheme.

The details are in the second-reading speech, but we adapted this scheme after we heard from tenants and landlords about the previous scheme. This scheme is available to those businesses with a turnover

of less than \$50 million. As the Minister for Small Business said at a press conference the other week, we expect that landlords will provide a rent reduction proportionate to the turnover loss of that business. For example, a business with a turnover of 40 per cent of prepandemic levels can only be charged 40 per cent of its rent. Of the balance of the rent, half of that must be a waiver and the other half can be a deferral. Of course more can be waived if the landlord decides.

We have also listened to the landlords. We do not want the fairly disgraceful conduct of some big, big tenants, national tenants who just spat the dummy and said, 'We're not going to pay the rent' and just walked away, because that is also not appropriate conduct. That is why this particular version of the commercial tenancies scheme is targeted for small and medium businesses and has additional resources to the mediator and regulator, so we are not having landlords—or tenants in fact—waiting for weeks or months to have their matters heard.

I read a statistic years ago that close to 50 per cent of small businesses in Victoria are run by people from culturally and linguistically diverse heritage. They could be first- or second-generation Australians. The success of business is a migrant success story. I heard the member for Northcote talk on a committee report about unconscious bias and discrimination and racism in employment. For those reasons and many more, and for aspiration and building bigger dreams, many migrant communities got into small business so they can fulfil their vision and their dreams, and it is that kind of story that we want to support through this bill today, the Commercial Tenancy Relief Scheme Bill.

But it is not just that, and this is where I take enormous exception to the Leader of the Opposition's contribution. Seven billion dollars of support to small businesses in Victoria, at least \$7 billion since this pandemic started, and the member for Malvern takes a reference point of \$120 million, which is the landlord relief provided here in this bill and says, 'Compared to what you are collecting in property taxes, that's a minuscule amount'. He did not talk about the \$7 billion over 18 months. This is what I mean about being mendacious, about choosing selective facts to paint an unfactual picture. We offer a lot of assistance to small business, and of course they need more.

Members interjecting.

Mr DIMOPOULOS: Acting Speaker, if you could just quieten the chamber, because this is a little bit distracting.

The ACTING SPEAKER (Ms Connolly): Members at the table, it is a little bit difficult to hear the member for Oakleigh.

Members interjecting.

The ACTING SPEAKER (Ms Connolly): A very important contribution.

Mr DIMOPOULOS: I put up with it for 6 minutes—calm down.

What also matters to small business, which again the Leader of the Opposition failed to talk about, is our COVID check-in system, our contact tracers, all that work our contact-tracing team does, public health does. It does not just support Victorian individuals, it supports businesses. It means we can open up more quickly. That is why we have defeated two outbreaks of the delta strain. Business support also comes in the form of contact tracing and exceptional public health and taking some leadership, as our Premier and our government has, not delaying lockdowns, not pretending it is going to go away. That is also business support. It creates an environment where we can reopen and business can have a normal trading environment. Customers go out in droves to support businesses after a lockdown. They feel compelled. They identify with their local businesses.

But I have got to say, being in business is not a risk-free environment. There is no chequebook big enough to underwrite every eventuality. If you are in business, you are going to expect that you will be hit with things out of the blue, from pandemics to natural disasters to just plain competition. I was in business. We absolutely are required to and we support small businesses as best we can, but it is not

a risk-free environment. If someone wants a risk-free environment, go and be an employee. In fact that is not even a risk-free environment—you could be restructured out of your job tomorrow. This is what, unfortunately, comes with being in business. It is hard, and that is why we have so much admiration for small business and medium-sized business, because they deal with all these things and they still make it work.

Just in response, in the last couple of minutes I have, to the Leader of the Opposition: we have adapted our business supports. He talked about microbusinesses. We have adapted for sole traders, non-employing sole traders, allied health providers like physiotherapists, supply chain businesses who were open by law but their business dried up because their business customers were not trading. You know, we have adapted the support of business in the grants over the last 18 months, because we have listened to the feedback and because of the excellent consultations undertaken by the Minister for Small Business, the Minister for Industry Support and Recovery and the Treasurer. And the reference point of the Leader of the Opposition—how out of touch is he?—was McDonald's, a global giant. Yes, of course there are franchisees, absolutely, but they were not shut. He could not even think of an example that was a bit more attuned to the losses that businesses have suffered. McDonald's is a business that survives on takeaway and drive-through generally.

And he talked about, 'Oh, the government is making it up as it goes along'. Oh, sorry! Sorry, no, no, we developed a policy 16 years ago for how to support business during a pandemic we did not know would happen! I mean, what a ridiculous proposition. We come out with this support immediately and we do more work over the coming days so we just do not keep businesses waiting for two weeks while we develop every single detail of it. We want to give businesses the support and the relief they need immediately, in terms of 'We are here with you; give us a few more days and we'll put the rest of the package together'. What would be the alternative—wait a month? This is not a normal policy development environment. And Mr Have-a-Bet-Each-Way said, 'Oh, the landlord relief is not enough'. The landlord relief is not enough? He talked about this poor family—and I understand—and the mother who relies on her commercial property, but he did not talk about the billions of dollars of investment this government has put in to make her asset worth more, from level crossing removals to hospital funding to new schools to new roads to new hospitals to new community facilities. This government's expenditure on infrastructure has made every property owner wealthier, at least on the books. No, he does not talk about that. I am sorry, but to give a true picture of Grace's mother—and I have all respect for her and her work over the years to acquire that commercial property—to give more respect to that, give us a global picture. What was it worth 10 years ago and what is it worth today? Our government has helped landowners because of that investment.

Mr WALSH (Murray Plains) (11:27): Could I just remind the member for Oakleigh that it is not the government that defeated the COVID outbreaks here in Victoria, it is the Victorians that actually made the sacrifices to achieve what we have achieved. For the government to pat itself on the back that it somehow defeated COVID without a huge cost to all Victorians—financially, their mental health, their family, their children's education; everyone has paid the cost to defeat the various outbreaks of COVID—and for the government to say, 'We beat it', I think is just showing absolute disrespect to everyone in Victoria who actually suffered through this.

Mr Dimopoulos interjected.

Mr WALSH: And the fact that you want to talk back means you just do not get it, do you. You just do not get the sacrifice that Victorians have made. You may not have had the people in your office crying for the things that they have lost because of the COVID pandemic—the motel operators I have had in Echuca who have had their life savings stripped away. They have been in my office absolutely bawling because of what your government has done with lockdowns. They have paid the price. You have not made it happen, and I think you should remember that. And to say, 'We have done this immediately'—this is lockdown 5. You would have known there were going to be further lockdowns. You could have been more organised in saying, 'This is what we've done really, really quickly to make it happen, because we've suddenly got another lockdown'. Everyone knew there were going to

be more lockdowns, and tragically there may be more lockdowns into the future. So how about having a longer term plan about how these things can happen into the future?

I rise to support the Leader of the Opposition in my contribution on the Commercial Tenancy Relief Scheme Bill 2021, and can I commend the Leader of the Opposition for his commitment to small business and what he has done as a shadow minister to actually put small business's case on the map here in Victoria, because those on the other side of the chamber, the government members in here, only relate to big businesses that employ union members. They do not really care about small businesses, and that is reflected in the way they talk about small businesses and the fact that they are expecting in this case small landlords, generally small landlords, to pay the price to help their tenants. Particularly in country towns, in the communities that the National Party represent, you will actually find that a lot of the main streets are owned by the mums and dads through their self-managed superannuation funds. They are relying on that rent, that money, to survive, and if they have to give rent relief, that will come out of their pockets. They may get some reduction in their land tax, but it will affect their personal ability to live into the future.

As I drive down the main streets of our country towns, and I think the same applies in Melbourne, the number of vacant shops now is frightening. It is absolutely frightening what is happening to the shopping strips in all our country towns. Those people that own those vacant shops are the mums and dads that have spent their life savings to get into those shops and that is part of their retirement. Let us not forget what the pandemic and the lockdowns have done to the small businesses and the landlords in our particular country communities.

The pandemic has now been going for something like 18 months. Where is the plan? Every time there is a lockdown we hear the government is acting quickly to do something about this. Where is the plan? We have had 18 months. We have had 18 months for a government, with all the resources of government, to actually do the modelling, to understand what may be needed in certain circumstances, but it is not out there for people to know, it is not out there for people to be able to plan into the future about what will happen in certain scenarios into the future.

Can I put a particular shout-out for small businesses, both landlords and tenants, along the cross-border communities, whether they be with Victoria and New South Wales or Victoria and South Australia, because they have suffered double lockdowns. When New South Wales has done a lockdown against Victoria, those communities suffer; when Victoria does a lockdown against New South Wales, those communities suffer. So they have suffered double the lockdowns of what the rest of Victoria has in reality. And particularly at the moment there have been no COVID cases along the borders except for the one case that went back to Mildura from the MCG a few weeks ago, and very fortunately that did not spread any further. But for the rest of those communities, they have not had a COVID case in over 12 months.

If you talk about the issues on the Victoria-New South Wales border at the moment, the New South Wales side is 700 kilometres from Sydney—700 kilometres from any outbreak in New South Wales. From a Victorian point of view, and we are seeing the numbers come down here in Melbourne now, they are anywhere between 250 and 500 kilometres from Melbourne and any outbreak here as well. So why are they being penalised so much at the moment? The simple answer in my view of the world is it is because we have a Premier who just wants to beat his chest and say, 'I am tougher than the Premier of New South Wales and I can do it better than the Premier of New South Wales'. It is a bit like the member for Oakleigh saying that the government defeated COVID. We have got a Premier making statements and making decisions without really understanding the impacts that they are having on the people that are bearing the brunt of those particular lockdowns.

I really give a shout-out to all those businesses on both sides of the river who are suffering terribly at the moment. They are at their wits' end. As I said before, we have got motel owners. If you bought the lease of a motel with your life savings, with your superannuation, you are locked into keeping going, because if you walk away from that lease, you have lost everything—you have nothing to sell

into the future. And for landlords that may be their life savings invested in the real estate. They are relying on the income from those motel operators to actually survive and to pay their bills and to live into the future. That equally applies to the restaurants. The restaurant trade has suffered huge losses right along the river, and I think that was very well articulated in an article in the *Herald Sun* today.

A couple of things with the specifics of the bill: this again is what is called ‘enabling legislation’ rather than ‘prescriptive legislation’. It is a pet hate of mine that we deal with legislation in this house where all the rules are done later by regulation. It is all based on: ‘These are the principles, this is the press release, this is the second-reading speech, this is the intent of what the bill will do’, but we are not actually debating the detail of the bill, so the regulations can be done later. A bill will go through this house and go through the other house, and then people come back to us and say ‘Why didn’t you raise this particular issue when you were debating the bill?’. Well, we cannot raise that particular issue because it is actually not in the bill. I am a great believer that as a principle in this Parliament, in government in Victoria, we should move back to more prescriptive legislation rather than enabling legislation, because we are doing Victorians a disservice by leaving it to the government of the day through Governor in Council to actually set the detail around this legislation. I think the Leader of the Opposition, the Shadow Minister for Small Business, touched on those issues in his contribution.

The last thing that I would like to touch on is out of the second-reading speech, where it talks about minimal paperwork in the application:

... a valid letter from a tenant’s accountant will be sufficient to demonstrate a decline in turnover, and it is the Government’s expectation that landlords will accept this in good faith and provide rent relief in proportion to that decline ...

That is sensible, but if you actually look at the applications for other business support for small business, they are extremely prescriptive. You have to be registered for GST, which means you have to have a certain turnover, you have to have a WorkCover number and you have to have the right ASIC number, otherwise you miss out. I have been dealing continually with businesses that do not meet the strict criteria for other small business support in this state because the government is so prescriptive about how the application should be. They are not actually just based on someone’s reduction in turnover as is the case to get the rent relief.

If the government expects private enterprises to actually work in good faith between themselves to do this, why can’t the government apply similar rules to the applications for all the other business support that has been out there? Again, it is a government with double standards. They are very prescriptive, very tight, so they do not spend as much money or do not spend all the money they have announced, but when it comes to someone else’s money, they are very happy to have it done effectively on trust. So on this particular bill, yes, we welcome the support for small business and landlords, but again the government is actually spending other people’s money and claiming credit for it rather than putting their hand in their own pocket to help these businesses.

Mr FREGON (Mount Waverley) (11:37): I will just point out quickly, if I am correct here, the member for Murray Plains just made mention of businesses under the \$75 000 cap who will not have an ABN. You can have an ABN if you are under the \$75 000 cap; you have to have one if you are above it. I mean, detail is sometimes important. I believe in the last round of business support from the government those businesses below the \$75 000 cap who did have an ABN still got the support, so if people are ringing your office, Leader of The Nationals, you should probably point that—or get your staff to point that—out to them.

I rise to speak very happily about the COVID-19 Commercial Tenancy Relief Scheme Bill 2021, and I do thank all the previous members for their contributions. I believe the Leader of the Liberal Party was a barrister—I could be wrong here—and barristers usually run their own practice. Obviously the member for Oakleigh was a small business person himself. I ran a business for 20 years. I am not sure of your history, member for Murray Plains—I am not commenting either way, obviously. But we all have an understanding of what it is like to be in small business, I think, at least from the four speakers

so far. It is a very important part of our economy, and small business and very small business, of which I was part, are obviously a very big part of the families that are involved in them. Throughout 18 months of serious interruption to our normal lives, the pandemic and the associated carnage that we have had has obviously affected families in small, family and micro business to a huge extent. And my office is no doubt no different from anyone else's in this room in having received many calls for assistance or to let them know the issues.

I have one particular business that comes to mind on just the extent of how this pandemic has affected people. There is a trophy guy in our area—I will not name them, but I think anyone in my area probably knows who they are, because they are the trophy guy. Obviously with COVID, with lockdowns, with restrictions community sport, school competitions—all of these normal aspects of life which we will hopefully get back to very soon—have been stopped, or at the very least severely restricted. The run-on for businesses like our trophy guy is that his business has dried up. Early on the make-up of the business was such that they were a partnership, and early on partnerships—because you think about the large partnerships and legal partnerships—did not fit into the standards, but we managed to make these changes for people, including the said business, over time. It shows that we as a government have listened to the small businesses who have made mention of the issues that they are dealing with day to day and we have addressed those concerns, and in the last two rounds of the support that has been given to businesses, the business that I am referring to received that assistance.

As the member for Oakleigh quite rightly said, 'Does that fix the problem in its entirety?'. Of course it does not. Government, whether it be federal or state—in this case both of us working together in the last rounds, which is really, really comforting for all of us that we can work together on this—cannot bankroll the industry and the economy of the country forever. We just cannot, and I think everybody knows that. So we assist. We have got to get over this. As the member for Oakleigh quite rightly said, 'The work that our health experts, that our doctors, our nurses, our testers, our contact tracers are doing gets us open quicker'. Today is a doughnut day. Who would have thought those two words would have been joined together two years ago? But we know what it means. Today is a day when, well, yes, we all take a sigh of relief. We have gotten over this one, we hope. Now, tomorrow might be different. We know that too, and that is stressful. I presume, Acting Speaker Connolly, in your house you hear the case number come up in the morning and everyone goes, 'Oh, we're here again'.

Members interjecting.

Mr FREGON: We all think about it: 'Okay, what does this mean? Are we in for four weeks more or are we in for two weeks more? Are we in for just one day?'. But when you hear the doughnut day one we all take a sigh of relief and go, 'Okay. All right. We can just pop our head a little bit further up'.

So a day like today when we introduce this bill is a day hopefully where our small businesses—and I have had conversations with a number of them—can pop their heads up a little bit and just go 'Okay. All right, the government is going to continue to assist'. Will it be everything for all people? No, of course it will not. And I know that. The member for Oakleigh quite rightly said, 'You go into business; you know there's little certainty in business'. I think of a business I worked with in the safety area and all of a sudden there was an earthquake in New Zealand. Remember the Christchurch earthquake? Their business had to act in a number of hours to assist their clients over in New Zealand. Business is used to doing that, but nobody can prepare for a pandemic, as the member for Oakleigh said. You were not going to sit there 10 years ago and say, 'Well, this is what we'll do if COVID comes'. But what we can do is act when it is in front of us, and we have done that and we continue to do that. The support that we offer—and I commend the minister for her work—evolves as our understanding of the effects of this pandemic evolves.

Now I want to go to landlords. There has been some talk about landlords. I want to thank our landlords, and I want to thank our tenants as well because I think in general our landlords and tenants have worked together. They have understood that we need to be together to get through this, and for the most part they have all done their bit. The member for Murray Plains made a comment that 'All

Victorians should be thanked', and they should. It is the community and our society that have got us to this point and it is the community and our society that will get us through, and we will get through.

But I want to point out a story, because I am a little bit miffed at the banks. I have a constituent who wrote to me. He is one of the landlords that last year worked very hard with his tenants to come to terms, to defer, to reduce payments, and who has done everything that you would expect a landlord to do. His tenant is a hairdresser, and the hairdresser was very worried about what this meant. Obviously they had shutdowns last year. They were worried about what that meant for their ongoing lease. The lease expired and it was to be renewed. The landlord said, 'That's fine. We're in the middle of a pandemic. We'll put a clause in the lease that caters for COVID with a reduced rent, so we all know where we stand'. This is good business, and these are good people working together. So they put that clause in the lease. The constituent of mine is managing this investment in a trust that his father set up for his father's grandchildren. They put this in the lease. Then he goes to the bank and he wants to renegotiate. He has to refinance the loan. He goes to the bank and says, 'I just want to refinance the loan'. Usually this would be a no-brainer, but the bank looks at the new lease and sees this COVID-19 clause and says, 'Oh, not sure about that. You're actually going to get less money if this happens'. All he wanted out of the refinancing was a \$5000 overdraft. That was it. That was the change. And the bank said, 'No, we're not happy'.

You have got landlords and tenants working together, you have got government trying to give every bit of assistance they want. And I am not saying all the banks are always bad—they are not. I am sure they have given a lot of help, and they have. But in this case—come on, surely we can do better than that. On their website—and I will not say who it is—the first thing that comes up is 'We're here to help'. Well, I would encourage our big four to have a look at some of these agreements. Businesses will go into these sorts of arrangements because it makes sense, and the banks need to be a little more agile. So I hope that gets through. I commend this bill to the house. It is fantastic legislation, and I hope it gets a speedy passage.

Ms STALEY (Ripon) (11:47): I rise to speak on the Commercial Tenancy Relief Scheme Bill 2021, and in doing so I want to set the scene for where small business finds itself at this point, about 18 months into the pandemic. There seems to be a continuing amount of data that comes out from various sources on small business. Over the past fortnight we have had a survey from Vistaprint and the NAB small business and medium enterprise survey, the ABS has brought out some data and NAB has also done a monthly business survey. What we are seeing here is that Victorian small businesses are doing particularly badly compared to those in other states. So, for example, Victorian small business owners are twice as likely to have remortgaged their family home—that is, 10 per cent of small business owners versus the national average of 5 per cent; 60 per cent of small business owners have been forced to dip into their savings; and about the same number have cut back on household expenditure. One out of three small business owners in Victoria is not optimistic about the future. This is not a picture of a sector that is rosy. It is a picture of a sector that is suffering, that is in hardship.

The NAB survey shows that Victoria has the weakest small- and medium-sized business conditions in the nation and the weakest business confidence in the nation. It then perhaps is not surprising that Victorian consumers have the highest consumer stress in one metric, and that is government policy. There are other metrics where they do not have the highest stress. Victorians are far more pessimistic about how long it will take for life to get back to normal relative to other Australians, and this has also increased in the last month compared to the last collection in November. The monthly business survey from NAB said that there was an 18 percentage point fall in June in business conditions—that is a very large fall in one month—and business confidence has also plummeted 14 points. That means Victoria has recorded the worst business conditions of any mainland state and the sharpest fall in business conditions of any state in Australia, and unfortunately we are now seeing increasing business insolvencies every month.

It was against this background that on 27 July the Leader of the Opposition, in Melbourne, and I, in Ballarat, called for new commercial tenancy relief and for support for landlords. And to the extent that

this bill brings that, we welcome it. It is absolutely clear that Victorian small business has done it really hard and continues to do it really hard as we go through this pandemic. But as the Leader of The Nationals said in his contribution, we are now 18 months into this pandemic. Why is it that when the Leader of the Opposition and I called for tenancy support and landlord support on 27 July we needed to make that call? Why hadn't the government got its act together and had a plan before then? This is public data that I have just talked about. It comes from the NAB, and it comes from the ABS. It is well established that business tenants and their landlords in Victoria are hurting incredibly badly and increasingly so.

It is a bit rich for speakers from the government to say, 'Well, who could plan for a pandemic?'. That is not what we are saying. We are saying the pandemic has been now going for 18 months, and we now get enabling legislation for a new landlord-tenant package. This legislation, as has been pointed out by both the lead speakers for the opposition, is enabling legislation; almost all of this will come in regulations. There is no reason that the government could not have brought in enabling legislation, if they were going to do stuff by regulation, at any time before now—if they cared about small business, if they thought about the situation for small business. But they had not, because they just do not have a plan. They do not have a plan when it comes to Victorian businesses. It is all very much seat-of-the-pants stuff.

As a result, we have ended up in a situation where we have some additional support being brought in today. Clearly on the tenancy side we do think that this is a reasonable way to go, but on the landlord side once again the government has failed to take into account the diversity of landlords in Victoria. Yes, there are some very big landlords that are very big businesses, but there are tens of thousands of very small commercial landlords—people who own one property. And those landlords are limited to a proportionate cut—but it would not be the same dollars in any way—on their land tax bill and a \$100 million fund.

Now, I trust that speakers on the government side will not be too bombastic and too glowing when talking about their \$100 million fund, because when you put into context just how much additional land tax this government is taking out of landlords just this year, they are taking out \$558 million in additional land tax and they are giving back \$100 million in this program. So they are not even touching the sides of the general land tax bill. But just on their increase this year, they could have made that, I think, a benchmark for giving back to landlords, who are doing it very tough here as well. That would be why the Property Council of Australia has noted that:

Commercial landlords are overwhelmingly doing the right thing and supporting their struggling small business tenants on a case-by-case basis and have continued to do so right throughout the recent fifth lockdown.

They go on to say:

It should not be the responsibility of landlords, who've felt the impact of lockdowns acutely, to keep supporting profitable businesses. That should be the responsibility of the Victorian Government which has taken the state into repeated lockdowns and should foot the bill.

Similarly, the Property Owners Association of Victoria has said:

The proposal takes absolutely no account of the property owners capacity to survive the foregone rent.

The State government has increased Land Tax, water and council charges, yet takes away the only means of paying those bills from mostly self funded retirees who hold property for superannuation and are ineligible for government pensions.

The balance is not right here when it comes to those landlords who use this as their only source of income. The government has failed to recognise the diversity here. In their welcome attempts to help tenants, they just have not got it right for landlords. We need them to do two things I think—firstly, to go back and have another look, a serious look, at how they can really support the struggling landlords. A \$20 million hardship fund does not touch the sides. Nobody should be even spruiking that as a solution to anything. Twenty million dollars for severe hardship is just not going to cut it here when

you have got tens of thousands of landlords for whom this is their income. So I do think they have got to go back and have another go at the landlord side of the equation. But before they do that, could they please sit down and think about how we have been living with this for 18 months and we are likely to have it a fair while longer. Where are the plans? Where are the plans that can tell Victorian landlords and tenants what support there is and in what circumstances they will get it over the future journey? This is once again another stopgap measure. They have no plan. They need one.

Mr HAMER (Box Hill) (11:57): I too rise to speak on the Commercial Tenancy Relief Scheme Bill 2021, a bill which is being introduced to provide relief and support for businesses that continue to be impacted by the ongoing effects of the COVID-19 pandemic. I do want to, I guess, emphasise the words ‘continuation of the pandemic’. I think that we were all 18 months ago hoping we had seen the first wave and it would be over. Then obviously we had a second wave here in Victoria. Again, legislative measures were put in place at that time. We were hoping that 2021 would bring about a change, but we just have to look at what is happening internationally even this week. It does not really make the news broadcast, particularly during these two weeks when the Olympics are on our screens, but just over the last week there was an average of 600 000 cases a day and 9000 deaths a day internationally, for a total of more than 200 million cases and more than 4 million deaths.

This is not a pandemic that is going away anytime soon. We continue to see what is happening in other states. We know that at any time there is a chance that there will be further incursions in the state, and that is why we have to continue to have restrictions that follow the health advice and have these restrictions in place. That inevitably means, as national cabinet has agreed, particularly until we get a much larger vaccination rate, that lockdowns do remain a tool in the toolkit of governments. The challenges that these restrictions have placed on local business, particularly on our retail business, throughout the last 18 months cannot be overstated, particularly over the last six months when we have seen the JobKeeper and JobSeeker supports of last year no longer in place to help mitigate the effects of the pandemic, particularly on the operations and turnover of small business.

I was speaking to one of our local businesses, a local cafe, during the May–June shutdown, and this was before any federal government support had come through. They told me that obviously revenue was taking a massive hit for them, and they had to make a decision. Along with casual staff, who they were not able to provide that employment for, they did have some permanent staff, some salaried staff whose wages they needed to pay as well as other cost overheads, rent being a key one. They said to me, ‘Look, we don’t have the revenue coming in for this week. I have to make a decision: do I pay my staff or do I pay the rent? And I’m not going to pay the rent this month’. That was a reality, particularly at that time when the federal government was blaming lockdowns as a state government driven initiative and not accepting that we are still in a global pandemic. Being able to then give those businesses the flexibility and the surety that the workers could continue to have an income would then enable the small businesses to use the business support that the state government had provided to them for those overheads and keep that money flowing in that way.

Look, full credit to that business. As many retail businesses, particularly food businesses, have done, they pivoted quickly, as they did back in August last year. The food that they had pre-ordered and was ready for the weekend patronage, they spent the first couple of days of the lockdown cooking it all up, freezing those meals and putting other meals in the fridge and basically pivoting from an onsite, eat-in option to providing take-home, ready-to-eat meals. A lot of small businesses across my electorate and across everyone’s electorates in this house as well have made those choices and have pivoted to make sure that there is some income stream coming in.

It just goes to illustrate how important these supports have been and what a difference that income support has made and what it meant when that income support was not provided, taking two weeks to even provide it and putting in a seven-day limit before that initial payment could be made—people were just waiting and waiting. For many people, particularly if you are a casual worker, you do not have that capacity or flexibility to say, ‘Don’t worry. I won’t get paid this week, but you can pay me back two weeks later once I’ve gone through that time’.

In terms of talking about the specifics of the bill, it does temporarily empower the making of regulations in relation to certain commercial leases and licences for the purpose of responding to the pandemic. In particular it will enable the regulations to be made that will reintroduce a commercial tenancy relief scheme. The original scheme was introduced to help to protect the viability of the small business operators, to weather the public health response measures and to obviously reopen and rebuild once the health advice allows. Obviously, as the member for Mount Waverley commented, we all take a huge sigh of relief when we see days like today, when there are zero cases in the community. We look forward to better days, particularly in the business community, and look forward to those days when it is more open and they can have more customers in place.

Similar to the previous scheme, the proposed scheme to be introduced through regulations will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover. Without the JobKeeper program to provide the level of evidentiary support that was required in the previous program, tenants will be able to demonstrate their eligibility by providing a standard letter from their accountant. As it stands at the moment this legislation is due to be repealed on 30 April 2022, with the scheme operating through to 15 January 2022, with payments that perhaps have already been deferred being able to be deferred again and repayment requirements frozen until that date.

Just in the small amount of time that I do have remaining I would also like to acknowledge the efforts of landlords. This is probably an area where I do agree with the member for Ripon. I do recognise, and I think everyone in the government recognises, that there are many landlords—I know there are many in my electorate of Box Hill—that you would classify as mum-and-dad investors. They might have one or two commercial properties which really do help to supplement their income, particularly if they are older members of the community, and that might be among their key sources of their income. Their contribution and their willingness to negotiate with a lot of commercial tenants have been greatly appreciated. I commend the bill to the house.

Mr ANGUS (Forest Hill) (12:07): I am pleased to rise this afternoon to make a brief contribution in relation to the Commercial Tenancy Relief Scheme Bill 2021. Can I say at the outset that I have been contacted by just an incredibly wide range of small businesses throughout my electorate and indeed beyond and also by a very large number of landlords located within my electorate and beyond. In relation to this particular issue, of course, there are two sides to the equation: one is the tenant and one is the landlord.

I want to start my comments in relation to looking at the tenant's side of things. Many, many small businesses that have been in touch with me have been struggling enormously, obviously, from having to close their doors, and within the cohort that have contacted me there has been a range. The range goes from tenants that have had a very understanding, gracious and good landlord to tenants that have had a rather hard-nosed, if you like, landlord, and perhaps that has been for justifiable reasons. So there is a wide range of players in the field, but I have had so many people speaking to me just about the pressure that has put them under. Obviously the fundamental issue of not being able to trade is the core issue here.

I want to start my comments by just saying that the fact that the government has not had a clear plan to navigate the state out of the crisis that we are in is of most concern to me. It is not like this happened yesterday; we have been in this mess for coming up to 18 months. We have got a situation that was evidenced as recently as yesterday, with the government issuing a press release on 3 August—yesterday—about the rent relief on the way for commercial tenants. We had the bill rushed into this place yesterday. We have got the debate on it now with a view to getting it through this week. That just epitomises to me a government that is in chaos. It is chaotic behaviour when we have got bill briefings on the morning of a sitting day. They are not thinking ahead. This is not news, this is 18 months in, and they are just not foreseeing where we are going in relation to these sorts of matters. That is probably the most concerning thing to me, that we just have not got that understanding. I guess in many ways that is the heart of the issue, that the government does not understand small business

and does not understand that you cannot just turn it off and on like a light switch. There are going to be lead times, and there are going to be considerations that have to be made and thought that needs to be given to the particular circumstances of individual businesses. It is very, very disturbing that we find ourselves here at this stage of the crisis and at this stage of the sitting week debating this, when the matter should have been foreseen and dealt with some time ago.

In terms of my own background, I ran my own small business and I acted for many, many, many small and medium and indeed large businesses, but I will concentrate on the small and medium. In my experience, next to the wages and salaries bill very often the rent expense would be the most significant expense for those small businesses, because for many of them, whether it was a retail situation where they had a shopfront or some sort of an outlet, whether they had extra square feet in terms of a factory or other particular manufacturing or warehousing they needed, the rent is one of the most significant overheads. That is why it is of such concern to people that are in small business that this has been left to languish.

I have been contacted by hairdressers, dentists, florists, myotherapy providers, beauticians, play centres, restaurants, hotels, physiotherapists and a range of other small businesses which would qualify for this particular relief, given that it applies to businesses with a turnover of less than \$50 million and that have had a 30 per cent decrease in their turnover—and I note that that particular calculation goes from quarter 4 of the 2018–19 financial year against quarter 4 of the 2020–21 year. Those people have been struggling. They have been struggling for the last 18 months during of course the times of lockdown, of which we have had five here in Victoria. They have been completely shut down and unable to trade at all, and so the fact that they have still got fixed overheads such as rent coming every month is an incredible stress and an incredible strain upon them. So we will see what happens with this particular piece of legislation.

I thank the government for organising the—albeit hastily organised and brief—bill briefing yesterday, but I want to flag also the area of concern that arose from there, inasmuch as we had a number of questions and some of the answers from the bureaucrats that were there were that they did not have the answers and that particular answers to some of the questions we had were still being developed. Again, that is what I find very disturbing—the fact that the government says, ‘Here’s the bill. Trust us. Put the bill through. Most of it’s going to be in the regulations. That’ll be the complex part. We’ll make it up as we go. We’ll work it out. Just trust us, and let’s put it through’. So that is a concern because that to me reflects the attitude of the government to the Parliament and more broadly to the people of Victoria. With all of the thousands and thousands of bureaucrats and people they have got working for them they should have been able to nail this down a long time ago and they should have been able to present to the Parliament a finished product, not a work-in-progress product. So I think there is some significant concern in relation to that.

Also in relation to the quantum of the whole scheme, if you like, the fact that it is going to be \$100 million of land tax relief, when you put that in light of the increase in the current budget to land tax of \$558 million it hardly touches the sides. That is quite extraordinary, because what we see in that \$558 million is a further impost upon the people of Victoria, whether they be businesspeople or investors, whatever they might be. That is just further increased taxation by this government, which has an insatiable appetite to tax and to take other people’s money. That is obviously evidenced as well by the 39 new and increased taxes that we have seen from this government in the last two terms.

In considering this we have got to also, as I mentioned before, look at the other side of the equation—the investors. I had some people contact me very early in the piece. They were self-funded retirees. They had one asset that they lived off the revenue from, and that was a factory, a commercial property. The tenant there was in a position where they were able to trade because of the nature of their business, but they basically went on a rent strike. They refused to pay, and as a result of that the person that contacted me was without any income, that being their sole income. They were not dependent on the government. They had provided for themselves, had bought this property and were reliant on that for their income.

We have a range of situations like that as well where we need to see how this particular bill and these regulations are going to treat a person that finds themselves in that situation when the particular business has not had that downturn. We will see what sort of relief there is. We know that there is a hardship fund of \$20 million incorporated in this, but is that enough? Who knows? The government, I am sure, would not have done the numbers—they probably just made that up on the back of an envelope in the frantic rush to get this bill before the Parliament. It is disappointing that we find ourselves in this situation and that we have here a bill where the government says, ‘Trust us. We will work it out’.

Ms BLANDTHORN (Pascoe Vale) (12:17): I am very pleased to have the opportunity to contribute on this very important bill we have before the house today, the Commercial Tenancy Relief Scheme Bill 2021. This bill is a key part of what we know must be an ongoing and indeed evolving and flexible response to the impacts of the COVID-19 pandemic and the many challenges, both predictable and unpredictable challenges, that our community and our economy face now and into the future.

Today we stand just over 18 months on from the first incursion of the coronavirus into our community in January 2020, our nation’s beginning of a one-in-100-year pandemic, an event that none of us could have fully predicted nor imagined the full effect of. With life-changing vaccines now going into arms right across the globe, we all have the opportunity to experience some level of optimism as we continue to grapple with this ongoing crisis. But we all know that the pandemic is by no means over, and the events of the last few weeks have definitely shown us that. Our community should be so proud of the resilience, the adaption and the compassion we have continued to demonstrate together. This has indeed been a community effort, spending time apart, adhering to health advice and finding new and transformative ways of looking out for one another when each of us has needed it most. And of course our thoughts have been with the many industries that have faced periods of time unable to operate in complying with expert health advice. They have sacrificed so much and have always put the health of their customers and indeed the wider community at the forefront.

No-one denies that it has been hard. It has been very hard, and we all have had constituents come through our doors with stories of hardship. But we also all acknowledge that lockdowns have been a necessary, although extremely difficult, part of suppressing this virus. Going hard and fast has been vital in avoiding longer periods of restrictions and stopping chains of transmission out in the community. As we have learned more about this virus and the new delta variant of concern, our experience as a state tells us just how crucial a strategy of getting ahead of transmission is for the health and wellbeing of the community in the longer term. Indeed the constituents that have come through my door, even with their stories of hardship, have broadly acknowledged this and have been broadly supportive of this strategy. But as we all know, where there has probably been the most concern in representations that have been put to us has been from our business community. As the Governor of the Reserve Bank of Australia, Philip Lowe, stated in his 8 July speech, ‘The Labour Market and Monetary Policy’:

One source of uncertainty for the near term is the recent outbreaks of the virus and the lockdowns. We are watching developments carefully, but it is important to remember that Australia’s experience has been that, once an outbreak is contained and restrictions are lifted, the economy and jobs bounce back quickly.

However, while we can recognise that this strategy works and while we have experienced that to be true, we cannot dismiss the very real struggle of our valued small businesses who indeed continue to do it tough. These businesses represent livelihoods. They represent jobs. They are the drivers of our thriving economy and a vibrant part of Victoria’s distinct cultural history.

Victorian small businesses have shown so much resilience through the past year and a half, many of whom have had to completely transform their modes of delivery in order to stay afloat. Just in and around my electorate, as we all do, I have had so many examples of that. Lankan Tucker cafe on Albion Street has transformed from just being a cafe to offering take-home meals. The Studio 3 Pilates studio, just outside my electorate but frequented by many a constituent, had not long before the pandemic hit opened their second studio over in Yarraville—the risks that they have carried through

this period. The O’Heas bakery in Coburg switched to a delivery model, as did West Street Fruits in Hadfield. Or there is the Pascoe Vale Hotel, which has, like all other businesses and hospitality venues in particular, experienced the ebbs and flows of being able to offer hospitality through the restrictions. While they may not be operating at times, this does not cease the onset of their bills, their rent and other overheads for businesses. Small businesses continue to need our support to pull through this extremely difficult time, for them to recover and for them to rebuild for our future. This bill will play such an important role in this, and I am sure the community is eager to see its passage through the Parliament today.

In continuing our government’s work to back small businesses as they emerge from this lockdown, this bill will reintroduce the commercial tenancy relief scheme. The bill will enable regulations that allow for the reintroduction of the scheme. It is intended that the scheme will be as consistent as possible with the original scheme; however, it will include some changes that are necessary due to the absence of the JobKeeper program. The commercial tenancy relief scheme will run until 15 January 2022 and the act will cease on 30 April 2022. The scheme will apply retrospectively from 28 July 2021 as the date of the announcement. This reintroduced scheme will, like the previous scheme, provide small businesses with a turnover below \$50 million with support should they suffer a decline of at least 30 per cent in their turnover. It is important to note that this bill has not been constructed as a way of enabling big business to improve their bottom line, and it does not allow tenants to walk away from their contractual obligations either.

What this bill is aimed at is providing much-needed help to businesses to survive throughout what is a time of great sacrifice and what has been a time of great compromise. We are one community, and we must share this burden together. We must act now to help restore livelihoods and ensure that our economy can bounce back for the future prosperity of our state.

It is expected that most commercial tenants and landlords will continue to work together in reaching agreements targeted at best assisting the ongoing survival of businesses. In the circumstances where the landlord or tenant cannot reach agreement, the matter can be referred by either party to free mediation by the Victorian Small Business Commission. There will also be an additional \$3 million in funding directed to the small business commission to meet increased mediation costs incurred from the reintroduction of the scheme.

As has been highlighted, while the scheme is intended to be as consistent as possible with the previous one, there are some required changes. These changes relate to eligibility criteria of the scheme, now impacted by the absence of the federal government’s JobKeeper program as a criterion, and to improvements to the scheme’s practical operation. The key eligibility criteria will include small commercial tenants with a turnover under \$50 million and evidence that a business has suffered a decline in turnover of at least 30 per cent in comparison to the previous relevant period. Special arrangements will be in place to enable eligibility for businesses that have been newly created. Evidence would generally be provided through the means of a standard letter from a practising accountant.

There will be landlords with concerns relating to this decision to reintroduce this important scheme, and I want to acknowledge those landlords. In particular the member for Murray Plains made note of landlords being not just big businesses but mums and dads in main streets in country towns. There are also mums and dads in Sydney Road in Coburg, in West Street in Hadfield and on Pascoe Vale Road in Glenroy—indeed right across our state. I think every member of this Parliament has sympathy for those landlords who are mums and dads who have invested their life savings in properties and businesses, which then provide tenancies for others to run businesses in.

Indeed in my community many of these people are migrant workers—people who have worked extremely hard to develop the assets that they have and to earn income from those assets. There is certainly no disregard for that commitment that those people have shown—in fact the opposite. This bill is about delivering fairness to both the commercial tenant and to the landlord, and the concerns that they have expressed have not been disregarded by our government. We know that there will

always be two parties impacted by these negotiations—indeed two parties impacted by the effects of this global pandemic.

In addressing some of these concerns we are taking into account the feedback from landlords in the design of the regulations, which are aimed at improving the practical operation of the scheme—for example, timely responses between parties. We will also outline behaviours that the Victorian Civil and Administrative Tribunal will be able to take into consideration as showing evidence of good-faith negotiations by both the landlords and the tenants. There will be additional resourcing and improvements to service delivery, all aimed at the delivery of timely mediation through the Victorian Small Business Commission. Our government has also announced a \$120 million support package that will be directed towards commercial landlords facing hardship from the provision of rent relief to their tenants under this scheme.

This bill is important because we know that the impacts of this pandemic have produced significant increases in experiences and feelings of uncertainty for many industries—uncertainty for their future, the future of their employees and their ability to continue to operate, to find and secure new markets and to provide their unique products and services to the community. There has been uncertainty about their ability to pay the next week of rent, of wages, of overheads, at times not only for their businesses but also for their homes and for their families. Our government has right from the beginning of this pandemic always sought to ensure businesses are supported so that we will see them bounce back on the other side of this one-in-100-year pandemic, and it has done so recognising the significant role business plays in achieving our public health objectives and keeping our communities safe. I am pleased to recommend the bill to the house.

Mr HIBBINS (Pahran) (12:27): I rise to speak on the Commercial Tenancy Relief Scheme Bill 2021. This bill puts in place essentially the same scheme we had last year, with much of the detail not in the bill but actually left to regulations to support commercial tenants. It will run until January 2022. We will have the rent relief scheme back, and so if commercial tenants have lost more than 30 per cent of turnover, then they will be eligible for a rent reduction, with the landlord eligible for a land tax discount of up to 25 per cent should they give rent relief, with the Victorian Small Business Commission managing the mediation system for landlords and businesses who cannot agree.

Certainly we welcome this bill, though I do acknowledge the criticisms of the timeliness and the fact that so much of it is being left to regulation rather than being put in the bill. But we do need this, because our commercial tenants, our traders and our small businesses—I would like to particularly focus on those in our local shopping strips—have been doing it tough. One of the first things that the Greens and I as a local MP pushed for was support for our local traders when we first had the lockdown in 2020 and making sure that they also had a moratorium on their evictions. Small businesses and traders in my electorate certainly have done their utmost to adapt and to adapt their offerings to fit in with the rules and have been doing their best to follow the rules as well and do the right thing by everyone. But it has been tough for them, and sadly there have been, obviously, many that have struggled. Some of them have simply not been able to stay open, which of course is incredibly regrettable. Our shopping strips are the economic and social hearts of our communities, whether you are talking about an iconic shopping strip like Chapel Street in the Prahran electorate or the smaller ones, the neighbourhood shopping strips right across suburban Melbourne and right across Victoria as well—and the CBD as well, which relies so much on people coming in to work.

There are some significant challenges now, long-term challenges, for the CBD as well. But they are still doing it tough, so we welcome immediate relief for them. But it is going to have to now be a focus of government in the long term to adjust to these structural changes in place, and an opportunity as well for focused support for our shopping strips. Even before the pandemic, a place like Chapel Street had, I guess, its ups and downs and was cyclical in terms of vacancy rates. Certainly when vacancies rose people would often come to me, and it was one of the significant things that people would come to me about. When there is a downturn it affects the whole community. The empty shops obviously impact the vibrancy, but it is also about work, the critical local employment, those people that work in

retail, in hospitality and in the service sectors. Many of them are young people, women—who of course have been hardest hit by the pandemic—people in casual work, people without penalty rates. So it is significantly important to employment and to local employment.

In addition to this bill and to the immediate relief provided for the remainder of the year and in the short term we really think that all levels of government have got now to play a really proactive role in supporting our shopping strips and doing what can be done to transform our shopping strips. I think one example that has worked really well has been the pop-up outdoor dining that has rolled out across our shopping strips. That was a welcome investment and support from the state government, which was then taken up by local governments and many traders, and that has had a really positive impact on our shopping strips in these really, really difficult times. Yes, they helped with the various social distancing requirements that were put in place, but now people are realising that this is actually a positive change for our local communities and very, very good for the urban realm. Certainly I would like to see many of those made permanent and in fact become a permanent feature of our shopping strips.

What the Greens would really like to see, though, is the creative industries being given a lead role in revitalising shopping strips. I think in particular this is relevant to the CBD as well, which, as I said, is facing those long-term structural changes where they are no longer able to rely on that steady stream of nine-to-five workers coming in, whether that is public servants, financial industries or what have you. They are no longer able to rely on that to support the various hospitality and other services and other businesses. Now they are going to need to make sure there is that steady stream of people coming into the CBD at all hours of the day to have an experience, and the creative industries certainly play a very strong role in that. We would like to see some government support for artist studios to be set up in vacant shopfronts. That would really go a long way to invigorating areas that are depressed. There are examples of where this has occurred around the world—indeed where the creative industries can actually lead an economic revival in local areas.

I think there is also an argument for supporting pop-up shops and supporting traders to get a start. One of the biggest barriers to actually people becoming a trader or setting up a business is just the proof of concept, the barriers to entry. If that can be supported and a person can test their business or test what they are selling, and then if it becomes profitable and if it works, then they can stay on long term. But certainly giving those sorts of pop-ups and startups and new ideas support to actually fill those vacant shopfronts would, again, go a very, very long way. Again this is something that has been put in place in various local governments where they support with sourcing properties, negotiating rent, administrative, marketing—those sorts of things.

As I said, the pop-up dining has gone a long way, I think, to making our high streets really great public spaces. And that is something that certainly I know, even pre COVID, was a focus in my area—in Chapel Street with the Chapel Street master plan—making our shopping streets really just great places to be. And there are so many opportunities just to bring people in with great streetscapes and more greenery and really nice street furniture and what have you, expanding footpaths and really making them good places for people to come, because there is a changing nature of our shopping strips. They are not necessarily just come in, drive your car, park, buy what you want and nick off. These are places where people go for an experience. They are places for people to spend time. They will go to various shops. You know, it could range from shopping to services, to eating out. So there is a range of things that people will do, and the more time that people can spend in a certain shopping strip, the more money that they are going to spend. We would like to see some significant investment there.

One of the challenges prior to lockdown, when it was certainly exacerbated, was the fact that much of the vacancy rate was caused by the simple fact that rents were too high for the commercial tenants. Landlords were leaving them vacant because to offer a discounted or lower rent would actually then devalue their property, so you had these ridiculous circumstances where it was actually better for a landlord to leave their shopfront vacant. I am glad to have been informed that many landlords are now, because of the pandemic, coming to the party and offering reduced rents and much more flexible arrangements for their tenancy arrangements, but certainly this is something that we need to keep an

eye on. We need to make sure that that is realised across all our vacant commercial properties, and so there is certainly much more that can be done at a government level to make sure that rents remain low. That could be through subsidies or making sure that landlords do not unreasonably leave their property untenanted. You could be offering subsidies, again for the creative industries or for other preferred industries that you might want to move into your shopping strip. I think that would go a really long way, again, to reinvigorating our shopping strips—you know, the heart and soul of many of our communities.

Events and festivals, I think, again are going to be really important to generate income for traders. As I said before, the CBD in particular is going to need many more events and festivals to bring people back at all parts of the day. I know the member for Melbourne has done some significant work with her local community in re-envisioning just what the CBD is going to look like in this pandemic world and post-pandemic world, when the reality is that even when we get back to so-called normal there are going to be significant changes for a place like the CBD. Inner-city Melbourne relied so much on people coming into work from 9 to 5, when the reality now is that necessarily is not going to be to the same levels as it was before. What is actually going to be put in place to bring people back? And I think that is going to be, again, the creative industries. It has got to be events. It has got to be festivals. It has got to be experiences that bring people back to communities.

I know the St Kilda Festival obviously is very successful for that particular area. For some traders the trade that they do on that particular day might be their profit margin for the entire year. I know there have been a push and moves by local traders in my area to bring back the Chapel Street Festival, and certainly that is something that I would support, a festival back at Chapel Street, so we can encourage more people to come there and really show off what Chapel Street has to the wider community.

They are just some of our ideas that we think need to happen to really bring back what has been lost and in fact, as the saying goes, build back better. I think there is now a massive opportunity. We are now seeing the transformative nature of what can be put in place to support our shopping strips to make sure that they are reinvigorated, to make sure that they are resilient—and, you know, a lot of them have shown a lot of resilience over the past year and a half. Just around my area you have got Toorak Road, South Yarra; you have got Hawksburn and Toorak villages and a lot of other smaller places; and you have got Prahran East, Domain and St Kilda Road. A lot of them have shown a lot of resilience, and traders have shown a lot of resilience to get through. There are many new businesses opening up, but so much more needs to be done to support them and to support our local communities.

I reiterate my call for a dedicated unit to be set up within the Department of Jobs, Precincts and Regions to support our shopping strips—one that is dedicated. When I speak to my local councils and they tell me about the works that they are looking at doing in their local shopping strips, it is with various departments; it is not a one-stop shop. If there was a unit embedded within government, it could coordinate a lot of the works for some of these unique ideas that might not necessarily sit within one particular area of government or another. If there was one unit that had dedicated oversight, had funding streams, had strategic oversight and was dedicated and focused on revitalising our shopping strips, that would probably be the best area where some of these unique, innovative ideas could probably actually then be put in place, where you have got accountability and responsibility there. So we would like to see that set up within government to really lead that and to work across all levels of government and traders as well to implement those initiatives and any other great initiatives. There are plenty of examples around the world of revitalised local areas and neighbourhoods and shopping strips.

I will leave it there. The Greens support this bill, but as I said, I think there is a lot more that needs to be done for the long term.

Mr TAK (Clarinda) (12:42): I am delighted to be speaking on this COVID-19 Commercial Tenancy Relief Scheme Bill 2021. I would like to say thank you to the Minister for Small Business for bringing this important bill to Parliament and for her ongoing commitment to supporting small business through the COVID-19 recovery. I understand that the last year has been extremely difficult

for so many of our small businesses in Clarinda and across our state, and these challenges are continuing as we speak. I have had many calls from constituents with small businesses requesting information on the tenancy relief scheme. The pandemic has obviously hit a lot of Clarinda businesses and families hard, and this government will do everything in its power to support those businesses and families to the other side of this pandemic.

Throughout the pandemic I have been really heartened by the way that landlords and tenants in our electorate have worked together in partnership during this crisis. We have heard many stories and helped in many cases to facilitate good-faith negotiations, and it is a testament to the character of our community that landlords and tenants have been able to come together to find a solution. We have an extremely motivated and determined small business community in the Clarinda district, and we are lucky to have some fantastic associations and traders groups helping to coordinate these businesses. Like the member for Oakleigh rightly pointed out, many of these small business operators are from our multicultural community. The Springvale Asian Business Association is one; the Clayton Traders Association in Clayton is another. I have tried to keep in regular contact with our associations and with our local business owners throughout the pandemic, and I will continue to do so throughout this recovery.

I was really happy to see Monday's announcement that applications are now open for the business cost assistance program round 2 July extension and the Licensed Hospitality Venue Fund 2021 July extension, which is fantastic. This is really welcome news for many businesses in my electorate. The extended program gives eligible businesses that did not apply in June or have since become eligible the opportunity to apply for the equivalent of July top-up payments. We have been working with several businesses in Clarinda and beyond that missed the support, and I know they are really appreciative of this extension and that the support is sorely needed and will be put to really good use. It is significant support, namely, the grants of \$4800 to eligible businesses, including employing and non-employing businesses, depending on their industry sectors. For any business in Clarinda that did not apply in June or has since become eligible, please take a look at the Business Victoria website, check the program guidelines and make an application if you are eligible.

Thank you also to Business Victoria and the coronavirus hotline staff for their hard work during the pandemic as well as to the Minister for Industry Support and Recovery and his staff for all their assistance during this pandemic in a timely manner. It must be a very difficult task. Each business has its own unique set of circumstances and needs workplace-specific advice. So thank you for helping us all to navigate the supports and the guidelines for operation.

Again, I am really glad to see this bill here today. It is an important bill, with its overall objective to introduce a new legislated commercial tenancy relief scheme to provide rent relief and protection to small commercial tenants, as announced last Wednesday. The scheme is similar to the original commercial tenancy relief scheme—I remember that scheme well—operating as part of the COVID-19 commercial and residential tenancy amendment legislation. As the name suggests, that was a host of support measures for both residential and commercial tenants which included a ban on rent increases and blacklisting of tenants as well as the establishment of the Consumer Affairs Victoria front-door service and a separate dispute resolution service. I was proud to support that bill, and I am proud to support this bill here today and the important assistance it will provide to our small businesses and tenants.

As the minister has explained, the eligibility criteria have been updated to take into account the fact that there is no longer a JobKeeper scheme at the commonwealth level, which was a key determining factor previously. This scheme—the 2021 scheme—will provide support for small businesses that have turnover under \$50 million and can demonstrate a decline in turnover of at least 30 per cent. From my discussions with many of the small businesses about the business cost assistance program extension I understand that there are still many businesses in the Clarinda district that are experiencing a decline in excess of 30 per cent. These businesses need and deserve our support, and I hope this bill will help to provide some much-needed relief.

In terms of what support the scheme will provide, again it will provide similar benefits and protections to the previous scheme. This includes proportionate rent relief—as an example, a business with a turnover of 40 per cent of prepandemic levels can only be charged 40 per cent of its rent, and of the remaining rent at least half must be waived, with the remainder to be deferred; a ban on rental increases; and free mediation for commercial tenants and landlords to support fair tenancy negotiations. In addition, the government has also announced \$80 million in funding to support commercial landlords to provide rental relief to eligible tenants, and I understand the details around that support are being developed as we speak and will be announced shortly. So just in terms of the operation, as announced, the regulations will be in place until 15 January 2022 and the legislation will be enacted retrospectively to commence on 28 July 2021 and remain in place until 13 April 2022. I should also mention that tenants and landlords can access free mediation, which is important, from the Victorian Small Business Commission to help reach agreement on lease changes. That service is available by contacting the hotline number—13 87 22—or through the VSBC website. I should also say thank you to the VSBC staff for their hard work during the pandemic and for having been a really important resource for tenants and landlords alike.

In terms of consultation, just to conclude, the bill has been prepared by the Department of Jobs, Precincts and Regions, which has engaged in consultation with the VSBC as well as other key stakeholders such as the Shopping Centre Council of Australia, the Property Council of Australia, the Law Institute of Victoria, the Franchise Council of Australia and the Australian Retailers Association. So this is an extensive consultation process, and these are extensive support measures that are surely needed by many of our hardworking small businesses. These businesses need and deserve our support, and I really am looking forward to working with the Clarinda small business community to provide whatever assistance and support they may need and that we can help with in this recovery process. I commend the bill to the house.

Ms GREEN (Yan Yean) (12:52): I take great pleasure in joining the debate on the Commercial Tenancy Relief Scheme Bill 2021, but we would all regret the circumstances that meant this bill was necessary due to the impacts of the world pandemic and its particular impacts in the state of Victoria. I do want to thank the Minister for Small Business for her tremendous frenetic activity in support of small business. Minister Pulford in the other place is a well-known champion of regional Victoria but also of small business, and I just wanted to thank her and the department, who have worked so hard around this.

I take pleasure in joining my colleagues who have spoken on this bill, and I note the Greens have spoken on this bill and the debate on the other side was led off by the Leader of the Opposition. With such an important bill to small business, which is the engine room of the economy in Victoria, it is indeed disappointing that from the party on the other side of this house that would present itself as the champion of small business, their speaking list seems to have already run out. I think it was three speakers from the Liberal Party and one speaker from the National Party, and I just think if anyone were giving them a mark, it would be 'Could do better'. Given the current Leader of the Opposition, the member for Malvern, is the Shadow Minister for Small Business, I think it just shows that there is not a very united team behind him if they cannot get up here and speak on this bill and its importance to the community. And I note that the—

Ms Thomas: And no support for their current leader.

Ms GREEN: And their support for their current leader. And I note that the Minister for Regional Development is the minister at the table at the moment, and she and I both work very hard on cross-border issues. It is something that she and I both understand, having lived and spent many of our formative years in border communities, and it was something that the Leader of the National Party raised in the issues around what it has meant for small business and for communities on the border. I would say to the Leader of the National Party: could do better.

Where has his voice been with the Deputy Prime Minister, Barnaby Joyce, now back in that role and with what we see happening in New South Wales? I should say that we absolutely want New South Wales to be successful in getting on top of this outbreak. It is just tragic what is happening with the delta variant running riot in New South Wales. Anything that we have had to do with our border closures has been with extreme reluctance and certainly has been done with respect to our border communities from a very early stage. But I would say in particular, ‘Where has the National Party been and the Leader of the National Party?’, given we have now seen that one of the biggest threats to the recovery of regional economies and border communities on both sides of the New South Wales and Victorian border is the lack of product, the lack of vaccine, the lack of supply across our nation but particularly to regional areas.

I do want to commend Geelong and Bendigo for being the top areas in Victoria that have stumped up and got themselves vaccinated. People in those communities have voted with their feet and have gotten themselves vaccinated. But something that struck fear into my heart last week—and I do not envy at all the Premier of New South Wales, Gladys Berejiklian—is what they have done due to the low level of supply to that state and every state, whether it is Pfizer or whether it is AstraZeneca. I understand, yes, you would want to vaccinate your years 11 and 12 students, but they have taken that from regional areas. The member for Murray Plains mentioned that there had been that one case in Mildura, but when you look at the number of Indigenous communities and vulnerable communities living in our border regions and our regions, where has the National Party been in saying how outrageous it is to remove the vaccine stocks from regional communities? Not only will that harm regional communities in New South Wales, it will harm our border communities.

The Victorian government has a very strong interest in the health of border communities, because it operates the Albury Wodonga Health service. The Premier, when health minister, having grown up in Wangaratta, knew full well the importance of having a very effective health service in that border region. As a volunteer disability guide in the ski areas, I volunteer with a surgeon from that health service, and he in fact lives in Albury. I know that it will be very difficult for people like him that have to traverse that border now to undertake their work each day, but any health provider and anyone in the health workforce would be deeply, deeply concerned at the fact that regional vaccine supplies have been relocated from New South Wales regional communities. I absolutely urge all of the conservatives in this Parliament but in particular the Leader of the National Party to advocate in the strongest possible terms for the federal government to get their act together, because the best way that we are going to have our small businesses thriving and get rid of lockdown is to get those vaccines out and into people’s arms.

Every day we are hearing, whether it is on television or radio, there is still abject confusion—in New South Wales in particular, where this disease is running rampant—about how people are going to get themselves vaccinated. I did note that in one of the multicultural communities Lakemba mosque had a vaccine session where people turned out in droves, but I know that the GPs in my community are saying they are just not getting enough product to be able to get out there and undertake mass vaccinations. The key to getting our small businesses back—yes, we are going to provide this support for landlords and tenants through this scheme—and the best way to come out of COVID and have our small businesses thriving is to get more people vaccinated, and particularly in our regions.

Sitting suspended 1.00 pm until 2.00 pm.

Business interrupted under resolution of house of 3 August.

Questions without notice and ministers statements

GOVERNMENT PROCUREMENT POLICY

Mr WALSH (Murray Plains) (14:01): My question is to the Minister for Health. When masks were in short supply, Shepparton-based manufacturer Med-Con dramatically scaled up their production from 2 million to 6 million masks with the encouragement of the Andrews Labor government. Why

has the government abandoned purchasing masks from Med-Con, costing 125 of 150 local jobs in Shepparton, in favour of cheap imports from China?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:01): Can I thank the Leader of The Nationals for his question. Can I say what an outstanding job that Shepparton provider, Med-Con, does and can I also thank the member for Shepparton for taking that company's efforts up on behalf of that company and its workforce. On the basis of representations made by the member for Shepparton I have asked my department and the health agencies—including those engaged with the commonwealth—as to how this important local manufacturing capacity can be both supported and extended by Victorian government and indeed national government purchasing when it comes to PPE and other arrangements, and I look forward to that matter being resolved in the very near future.

Members interjecting.

Mr WALSH (Murray Plains) (14:02): Easy, easy! Documents from Health Purchasing Victoria reveal that the government has no plan to prioritise local manufacturing, stating 'This is not within the scope of the aims of this activity. We are solely seeking pricing based on supply chain efficiencies'. Why is the government sourcing masks from China, making Victoria reliant on overseas supplies of PPE?

Ms Allan interjected.

Mr WALSH: Well, let us wait and see what the facts are as to whether it really happens.

The SPEAKER: Order! Through the Chair. The Leader of The Nationals and the Leader of the House!

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:03): Can I thank the Leader of The Nationals for his supplementary question. In regard to what the honourable Leader of The Nationals asserts about the Victorian government purchasing policy, particularly when it comes to PPE and other equipment dealing with our health services, yes, efficiency is a part of the equation, and yes, access to local support is also part of the equation. I am confident that the processes that I have asked my department to put in place will balance all of those necessary factors in their decision-making and in their purchasing policy, as is in fact part of Victorian government purchasing policy more broadly to support local innovation, particularly when it comes to PPE and related equipment, in the way that the honourable member has foreshadowed.

MINISTERS STATEMENTS: HEALTH INFRASTRUCTURE

Mr ANDREWS (Mulgrave—Premier) (14:04): I am pleased to be able to update the house on the progress of our government's \$8.35 billion pipeline of health, mental health and ambulance infrastructure projects. This is far and away the biggest program of investment our state has ever seen. It is creating jobs and making sure that we have got the capacity and the capability to treat patients close to home as soon as they need that care. There are two projects in particular: the Frankston Hospital stage 4 redevelopment—stage 4; that is to say, the latest investment in a long-term program of investment at the Frankston Hospital—and of course the brand new Melton hospital. You see, it is a combination of upgrades, refurbishments and expansions as well as brand new greenfield opportunities or entire replacement hospitals. That is the breadth of our investment program—certainly preferable to closing hospitals and certainly preferable to cutting services.

This is a massive investment program and in this instance the member for Frankston and the member for Melton can be rightly proud of their representations and their hard work on behalf of their communities. The redevelopment at Frankston, for instance, \$562 million, is on track for completion in 2024—120 additional beds, two new operating theatres, dedicated spaces for mental health and oncology services, 1700 jobs during construction and many jobs beyond. There is Melton, with a \$77.4 million investment that will allow land purchase, the delivery of the business case and the

detailed planning. All of this speaks to a government that has consistently and in record terms invested in a better health system. There is a long way to go. We know that, and we are up for that challenge and that task, and you will see continued investment every chance that this Labor government gets.

AMBULANCE SERVICES

Mr M O'BRIEN (Malvern—Leader of the Opposition) (14:06): My question is to the Minister for Health. Earlier this year Judith activated her personal alarm, fearing she was having a stroke. After first being told that an ambulance would be called, Judith was then told to take a taxi because of the long wait for an ambulance. The taxidriver did not know where the hospital was, let alone where the emergency department was. Minister, how is it fair that a seriously ill elderly woman is told by your government to take a taxi to hospital?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:07): Can I thank the Leader of the Opposition for his question. As has been my practice in answering questions when they relate to specific cases, it is not my practice to trample on people's privacy and rights when it comes to their particular circumstances, and I would, particularly given the track record of the Leader of the Opposition in some of these matters, respectfully suggest that there is sometimes a world of difference between what the honourable Leader of the Opposition asserts and what subsequent evidence supports.

Having said that, in regard to the broader issue that the honourable member points to, we know that our ambulance services provide amongst the best possible support in the world, let alone in the country, and have particularly been doing that during the processes of the global pandemic. It is also true that as part of the clinical assessments that our health professionals make in the Emergency Services Telecommunications Authority 000 ambulance triaging processes they make those clinical judgements based on the circumstances and the evidence that is presented to them. Occasionally that involves taking the decision that non-emergency transport options are provided to people. They are always based on the clinical assessments and are subject to changing assessments as things go through the system. That is a long-established practice—it has been a long-established practice for many, many years. If the honourable member does have specific circumstances that suggest to the contrary beyond that, I would ask, perhaps with the agreement of the patient—who was by the sound of it actually triaged in what would appear to be an appropriate manner—that that material be provided to my office, and I undertake to investigate the circumstances.

But I do not resile from the general principle that it is our ambulance professionals who triage these decisions based on clinical and medical advice as it comes to them, so as to make sure that they are dealt with. And that is why this government's investment included in the most recent budget some \$756 million, the largest slice of which, over \$400 million, is to go precisely into these services of more ambulances, more triaging processes and more responses to the global pandemic arrangements that have seen us through this.

Mr M O'Brien: On a point of order, Speaker, the minister is debating the question. Judith wants to know why she was sent to hospital in a taxi, not an ambulance—not to hear the minister's boasting.

The SPEAKER: Order! The Leader of the Opposition knows that is not a point of order. The minister has concluded his answer.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (14:10): I have a question for the minister for health, ambulance and apparently taxi services. What training in patient care has the health department provided to taxi companies and taxidrivers who are forced to transport ill Victorians to hospital as a result of this government's ambulance crisis?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:10): I thank the Leader of the Opposition for his supplementary question, and really I think it belittles the office of Leader of the Opposition to ask such a foolish question with tongue in

cheek, knowing full well that our ambulance paramedics are amongst the best in the world. I would refer—

The SPEAKER: Order! The minister will resume his seat.

Mr FOLEY: the honourable member to my earlier answer.

Mr M O'Brien: On a point of order first of all, Speaker, for the minister to continue talking when you have called him to order is a disrespect to you and to the house. He constantly does it, and I ask you to bring him back to order. On a further point of order, Speaker, the minister is debating the question. It is a serious question about if the government is going to be sending ill Victorians to hospital in taxis, what training the health department has provided to taxi companies and taxidriviers. The minister is not here to debate the question, he is here to answer it, and I ask you to bring him back to answering it.

Members interjecting.

The SPEAKER: Order! I will not have members shouting over me when I am trying to provide an answer to the points of order that have been raised. Firstly, a number of members ignore from time to time my rulings in this place, and I will ask those members to leave the chamber without notice if they continue to ignore those rulings. Secondly, the minister had only just begun to provide his answer. I would ask him to come to answering the question that has been asked.

Mr FOLEY: Thank you, Speaker. I would refer the Leader of the Opposition to my answer to his substantive question in regard to the fact that our paramedics, our triaging services, our clinical basis of decision-making of those issues are amongst the best in the world, if not the best in this country.

MINISTERS STATEMENTS: HOME HEATING AND COOLING UPGRADES

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:12): I am absolutely delighted to rise and update the house on our home heating and cooling upgrade program. This is going to help thousands of low-income Victorians right across the state to replace their old and inefficient heating systems with new cost- and energy-efficient split systems. We know that this is a popular program, and I was delighted to have been able to announce the next phase in May. With the member for Northcote I was able to announce this program was open for community housing organisations, providing \$1000 in rebates to their tenants to replace their old gas or wood-fire heaters. And just on Sunday I was delighted to be in the member for Clarinda's electorate, of course together with the member for Clarinda, to announce the next phase of the program to open it up to even more low-income and vulnerable Victorians who can now apply for a \$1000 rebate to upgrade their systems.

We know this program will deliver real change for vulnerable Victorians. By replacing their old and outdated systems we are making homes safer. We are also of course improving our state's climate resilience and we are driving down the cost of living—one, two, three. All three are absolutely on the side of benefiting Victorians. An energy-efficient split system can save vulnerable households hundreds of dollars off their energy bills each and every year, keeping them not just warm in the winter but cool in the summer. It is absolutely a double benefit.

I note that the member for Pascoe Vale has already had members of her own community that want to apply for this program, as has the member for South Barwon and the member for Oakleigh, and I know many others that I do not have time to name. In fact since we opened applications over the weekend, 838 people have already applied. We know many more will come. This is a benefit to all Victorians who need it most.

COVID-19

Mr M O'BRIEN (Malvern—Leader of the Opposition) (14:14): My question is to the Minister for Sport and Major Events. Yesterday the minister told the house that rapid testing could not be rolled

out quickly to large sporting events. Well, the dates for the Spring Racing Carnival are known well in advance. Will the minister now commit to implementing rapid testing at the Spring Racing Carnival in order to allow more Victorians to attend?

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:15): I thank the Leader of the Opposition for the question, which I assume he meant to direct to me in my capacity as Minister for Racing.

A member interjected.

Mr PAKULA: It is. In my view, it is. The fact is whether we are talking about masks, whether we are talking about capacity limits, whether we are talking about PCR testing, rapid antigen testing, potentially one day vaccination passports, saliva testing, all of these things may be part of the suite of measures that event organisers can put forward to the chief health officer and the public health team to try and get their COVID-safe plans approved. That might well be the case at a point where the public health advice tells us that any particular technology, whether it is a vaccination passport or indeed rapid antigen testing, is safe and reliable and useful and efficacious in those circumstances. If we get at any particular point in time, whether it is before the spring carnival, for next year's AFL season or for the Spring Racing Carnival in 2022, the advice that says that it is reliable, it can be deployed to tens of thousands of people at a short point in time, and if we can be confident—

Mr Walsh interjected.

Mr PAKULA: If we can be confident, I say to the Leader of The Nationals, that it is not going to render false negatives, particularly amongst people who are asymptomatic, and bear in mind it is the asymptomatic people that create the greatest risk because they are the ones who are most likely to be out. If you get that level of comfort, if you get that level of assurance from public health experts, then of course it might well be something that can be deployed. But I would say to the Leader of the Opposition: have a look at some of the experience overseas, in places like Germany, where you have got this rapid testing that has been deployed, where it has been reasonably reliable for very symptomatic people who should not be out, where it has been shown to be very unreliable for asymptomatic people—up to 50 per cent false negatives, where it has created a false sense of security and led to a surge in cases. You would want to be absolutely sure of the efficacy and the reliability of that technology before you rolled it out to tens of thousands of people at a major event and potentially made things worse. So the short answer to the question is: when it is reliable and when the advice is it can be deployed safely and effectively, of course it will be looked at.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (14:17): Minister, rapid testing has already been used this year to enable large crowds at Wimbledon, to enable large crowds at Euro 2020—

Members interjecting.

The SPEAKER: Order! The Minister for Government Services! The Leader of the Opposition has the call.

Mr M O'BRIEN: I will repeat the question. Rapid testing has already been used—already been rolled out—to enable large crowds at Wimbledon this year and at Euro 2020. Now, it has been reported that the AFL has proposed a plan for rapid testing to allow significant crowds at this year's finals series. Will the government adopt rapid COVID testing for this year's AFL finals series to allow more Victorians to enjoy this event?

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:18): The Leader of the Opposition talks about jurisdictions where COVID is rampant. Now, how he believes that that is analogous to the situation we find ourselves in here in Victoria frankly beggars belief. In regard to the AFL finals series—

Members interjecting.

The SPEAKER: Order!

Mr PAKULA: In relation to his question in regard to the AFL finals series, my answer is no different to what it was in answer to his question about the spring carnival. When we have public health advice from experts that says that level of testing can make things better, not worse, when we have advice that it is reliable, that it does not render false negatives and it can be deployed in large numbers quickly at an event of that nature, then of course it will be considered as one of the suite of options to reduce risk and to increase our capacity to have good crowds.

MINISTERS STATEMENTS: KIDS UNDER COVER

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:19): I rise to update the house on how this government is providing additional safe homes for vulnerable young Victorians thanks to 45 new portable studios being delivered through Kids Under Cover for vulnerable kids. This will bring our total investment over the last two years to \$6.5 million and a total of 95 units. Young people are sadly overrepresented in Victoria's homelessness statistics. My colleague the member for Richmond knows too well that 15 per cent of young people accessing homelessness services were aged between 15 and 24 in the year 2019–20. We know that homelessness can profoundly affect a person's mental and physical health and their education and employment opportunities, and clearly a safe and secure home is critical to helping at-risk young people keep their lives on track.

Through Kids Under Cover we are providing one- and two-bedroom studios at the home of the young person's family or their legal guardian's place. The studios can give young people a secure and stable place to live while remaining in contact and in touch with their families. So far young people in Sebastopol, Robinvale, Craigieburn, Cobram, Mill Park and Yarrowonga have received a relocatable studio, with more to be provided in Mildura, Heidelberg Heights, Corio, Bulleen, Sale, Churchill and many more places across the state. These investments come with the backing of scholarship funding for textbooks, school activities and travel costs to support these kids staying connected to either education or training. This government is absolutely committed to providing wraparound services to vulnerable kids. It is our best shot at keeping these kids out of the criminal justice system. A safe, secure home is really vital for that task, and I look forward to working with Kids Under Cover to address this critical issue.

NATIVE FOREST LOGGING

Ms SANDELL (Melbourne) (14:21): My question today is to the Minister for Energy, Environment and Climate Change. It relates to logging at the Alberton West State Forest in Gippsland. The government and the community have actually spent years and millions of taxpayer dollars revegetating and restoring this forest, only to see it now being logged. Scientists have also recently said this logging is likely illegal because VicForests failed to identify and protect threatened species in the area, including the powerful owl and greater glider. Given all of this, will the minister call for an immediate halt to logging in this forest to enable comprehensive threatened species surveying to happen?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:22): I thank the member for Melbourne for the question. There are a number of matters that have been raised by the member which I have to disagree with because they are not based on facts, and I think it is important for us to do that. We take absolutely very seriously the protection of all of the very important values in our environment, and this is a case that is no less so.

In terms of the Alberton coupe that the member refers to, I can be really clear that the conservation regulator did undertake preharvest surveys and they did find a number of species that needed protection. And so what they did is make it very clear that a number of measures needed to be put in place to protect not just animal species, vulnerable and threatened, but also vegetation classes. Those

protections are in place now, which means that in some of the measures that have been put in place there are protections for harvesting not to be able to occur within some of those areas.

I can assure the member, too, that with any complaints or any alleged breaches that community members may find or anybody might find or indeed VicForests, if they want to present those to the conservation regulator—and a number of them have come forward—the Office of the Conservation Regulator, indeed established by this government, will apply all due diligence in the thorough investigation of all of those matters, because we take very seriously the biodiversity values within our communities and we will continue to do so.

Ms SANDELL (Melbourne) (14:24): Minister, logging in several areas across the state has been found to be illegal through challenges in the courts, but instead of stopping logging and protecting the forests in response, the Labor government's response was to weaken the environment laws and rush through changes to make logging the forests easier, with very little time for the environment and community groups to look at the changes.

Members interjecting.

The SPEAKER: Order! I just ask the member for Melbourne, when we have silence—

Mr Blackwood interjected.

The SPEAKER: Without the assistance of the member for Narracan. The member for Melbourne, can you repeat the question so I can hear the question?

Ms SANDELL: Logging in several areas across the state has been found to be illegal through challenges in the courts, but instead of protecting the forests the government's response has been to weaken environment laws and rush through changes that make logging the forests easier, and environment and community groups have been given very, very little time to look at these changes. Why has the Labor government decided to change the rules to make it easier for logging to happen, particularly when we know how much it affects our threatened species?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:25): Thank you to the member for the supplementary question. I will have to differ again from the member on a number of points, and in particular I think it is really critical for people to understand that a previous government—not this government, but certainly those opposite—made a mess of the code, which meant that there were a lot of discrepancies and a lack of clarity within the code which were a hindrance not just to harvesting practices but also to conservation practices. We need to make sure that we are clear about this: our government is not about weakening protections. We have very strong legislation in place. In fact we undertook some significant reviews and changed legislation to actually protect our biodiversity.

A member interjected.

Ms D'AMBROSIO: Absolutely. The one major flaw for any potential court challenges is a lack of clarity in codes and legislation and regulations, and that is what we are cleaning up. Many of those have already been out for consultation in the last three years, and we will continue to deliver on this.

MINISTERS STATEMENTS: EXTREME HARDSHIP SUPPORT PROGRAM

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (14:26): I rise to update the house on the government's support for the most vulnerable in our community as we continue to fight against COVID. I can report that more than 46 000 temporary migrants doing it tough have been provided financial support through our extreme hardship support program. It is money that helps put food on the table and keep the lights on. The extreme hardship program was launched last year in partnership with the Red Cross. It supports temporary and provisional visa holders and undocumented migrants who have lost work or have no income due to the pandemic and have no community support networks. These Victorians—and they

are Victorians, because they are living here and calling our state their home—are not eligible for federal government payments, but the Andrews government knows that the virus does not discriminate. We can only overcome outbreaks by working together and caring for each other and every Victorian.

In recognition of this we extended the extreme hardship support payment this year because we know the pandemic is not over and the challenge remains. Since we started this support in July last year more than \$38 million through 37 540 payments has gone to help these groups get by and, most importantly, to help them stay at home when required. In addition, the program has also provided more than 52 000 people with referrals to other state supports, whether that be health care or even just the opportunity to meet new people through the local neighbourhood house. The program is accessed through the Red Cross website or 1800 855 240, and translation services and interpreters are available. It comes on top of many other supports to our vulnerable communities, including the work to ensure that no-one goes hungry. Through our food relief task force we can now quickly identify where and when extra help is needed. We saw during the recent outbreak in Mildura we were able to step in and give further funding to the local FoodShare. At the end of the day, we only get through this pandemic by working together and by lending a hand to those who most need our help.

HOSPITAL AMALGAMATION

Ms KEALY (Lowan) (14:28): My question is to the Premier. A spokesperson for the government said in April:

The Andrews Labor Government is not amalgamating local hospitals and any suggestion of this is simply scaremongering.

Does the Premier stand by this statement?

Mr ANDREWS (Mulgrave—Premier) (14:29): The short answer to the question is yes.

Ms KEALY (Lowan) (14:29): Despite overwhelming public opposition, in July the Ballarat Health Services, Wimmera Health Care Group, Stawell Regional Health and Edenhope & District Memorial Hospital announced that they will be amalgamating. Will the Premier rule out any further local hospital amalgamations?

Mr ANDREWS (Mulgrave—Premier) (14:29): Just so I am clear: the member is opposed to hospitals which are run by boards from local communities making decisions about health service provision in those local communities? I will tell you what: we will give to local hospital boards and their communities more say than the communities of Koroit, Macarthur, Clunes, Beeac, Birregurra—and there are more—all of whom are regional communities who lost their hospitals under those opposite. I do not think you were doing too many community forums. There was none of your so-called consultation when you shut those hospitals down. Fancy lecturing; of all people—

Members interjecting.

The SPEAKER: Order! When the house comes to order, the member for Lowan on a point of order.

Ms Allan interjected.

The SPEAKER: Without the Leader of the House's assistance.

Ms Kealy: On a point of order, Speaker, question time is not an opportunity to attack the opposition. This question is specific about amalgamations that the government said they would not do and which are now occurring in my electorate. Will the Premier rule out further amalgamations across the state?

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

Mr ANDREWS: Unlike some, I have had the great honour and privilege of visiting just about every health service in this state, and I usually come along with additional funding, additional support. I never went to a hospital and said, 'By the way, if it's okay with you, but frankly I don't really care what you think, I'm shutting you down'. We will not be lectured to by the National Party on any matter, and certainly not by the likes of you.

MINISTERS STATEMENTS: BIG HOUSING BUILD

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (14:31): I rise to update the house on the most significant investment in social housing in the history of the federation. Right now, work is underway across six fast-start sites, which together will deliver more than a thousand social and affordable homes across Melbourne. The developments include architecturally designed, 7-star energy-efficient homes in Bills Street for the member for Hawthorn, Ascot Vale and Flemington for the member for Essendon, West Heidelberg for the member for Ivanhoe, Markham for the member for Burwood and indeed in my own electorate at North Richmond.

I can also report that right now we are acquiring more than nearly 1000 properties as part of our \$948 million program to spot purchase ready-to-occupy and under-construction homes. More than 240 homes are ready to be tenanted, and some residents have already moved in after the first six months of our landmark program.

Recently I went to Ballarat and next week I am going to Bendigo and soon Geelong with significant announcements to make as part of our \$1.25 billion regional investment guarantee. Our Big Housing Build will be coming to a town near you in regional Victoria. Our Big Housing Build is not just about building homes, it is a unique opportunity to change attitudes while changing lives. As we build these homes, we need to build awareness. We need to build understanding and we need to build compassion. Most of all, we need to build a realisation that homelessness could happen to any of us at any time and none of us are immune. Everyone deserves the dignity of a roof over their head, and I am proud to be a part of the Andrews Labor government that is working so hard every single day to make that a reality for Victorians, particularly this week, Homelessness Week.

Ms Britnell: On a point of order, Speaker, I have a number of outstanding matters that I am still awaiting answers to. They are question on notice 5865 to the Minister for Roads and Road Safety, due on 3 June; question on notice 5867 to the Minister for Roads and Road Safety, due on 26 June; adjournment 5891 to the Minister for Health, due on 8 July; constituency question 5891 to the Minister for Health, due on 9 July; and questions on notice 6016, 6017, 6018 and 6019, all to the Minister for Roads and Road Safety—no surprises there—and all due on 9 July. I ask that the minister follow those up for my constituents, please.

The SPEAKER: I will follow those matters up for the member.

Mr D O'Brien: On a point of order, Speaker, I also am waiting on an outstanding question, number 5864, also to the Minister for Roads and Road Safety. If you could please follow that up, that would be good.

The SPEAKER: I will follow that up.

Constituency questions

EILDON ELECTORATE

Ms McLEISH (Eildon) (14:34): (5951) My question is to the Minister for Water. The Yarra Junction trail network community information session planned for tomorrow night was postponed due to COVID-19 restrictions. The session in May was also postponed. Many community members are still eager to meet with Melbourne Water representatives to discuss information and any issues that they have about the Yarra Junction trail network. They want to do it face to face rather than individually as has been suggested by Melbourne Water. They do want this community session to go

ahead. Will the minister organise a large venue, perhaps at the Yarra Junction Primary School, where a session can safely take place or consider an indoor-outdoor community meeting with Melbourne Water to discuss this important community project?

PASCOE VALE ELECTORATE

Ms BLANDTHORN (Pascoe Vale) (14:35): (5952) My question is also for the acting Minister for Water, and the question I ask is: what is the latest update on the Andrews Labor government's Reimagining Your Moonee Ponds Creek project? Our waterways and open spaces are vital to the health of our communities, to our ecosystems' native flora and fauna and to the preservation of natural environments for the future. With the ongoing impacts of the COVID-19 pandemic we have all grown to appreciate our local open spaces, trails and waterways more than ever as safe places to relax, reflect and connect with nature and our local community. The Moonee Ponds Creek and its adjacent trails are cherished by my local community, who care deeply about its health and wellbeing for the future, particularly Oak Park and Glenroy residents close by.

I was very pleased when our government last year announced \$48.4 million in water projects throughout Victoria, of which \$5 million will be contributed towards the Moonee Ponds Creek Reimagining Your Creek project. This project will see Melbourne Water aim to transform the creekside environment to make it more appealing, restore waterway health and enhance the open space for recreational opportunities.

GIPPSLAND SOUTH ELECTORATE

Mr D O'BRIEN (Gippsland South) (14:36): (5953) My question is to the Minister for Ports and Freight, also in her role as Minister for Fishing and Boating, and the question is: will the minister agree to provide funding to Gippsland Ports for the replacement of the McLoughlins Beach jetty? This issue has been dragging on for years, much to the frustration of the residents of McLoughlins Beach. The jetty is a significant tourism asset and is used by boaties and fishermen accessing Nooramunga and Corner inlets and of course Bass Strait. Gippsland Ports has indicated it will continue to provide maintenance only on the jetty, but its deteriorating state suggests that the point is coming where that will not be enough. The government is spending boating and fishing licence fees on new and upgraded facilities around Port Phillip Bay and Western Port Bay but very little in Gippsland South. McLoughlins Beach residents are already angry that the government, through Parks Victoria, has closed a public toilet at the jetty and refuses to reopen it. When will Gippsland and specifically McLoughlins Beach get their fair share?

SUNBURY ELECTORATE

Mr J BULL (Sunbury) (14:37): (5954) My question is to the Minister for Education. Minister, what is the latest information on planning and design for the \$10 million investment in Goonawarra Primary School in my electorate? This government, the Andrews Labor government, invests in education in record amounts, and I am absolutely delighted that since it came to office this government has made massive and significant investments in local schools within my electorate. The Andrews Labor government is of course delivering on its commitment to make Victoria the Education State, and over the past years it has indeed made those huge investments at local schools. I was absolutely delighted earlier on this year, after the budget, to join staff, students and friends of the school to make the significant announcement of \$10 million for this terrific local primary school. Once again I ask the minister for the latest information on planning and design for this much-needed upgrade.

FERNTREE GULLY ELECTORATE

Mr WAKELING (Ferntree Gully) (14:38): (5955) My question is for the Minister for Industry Support and Recovery. The use of Australian and New Zealand standard industrial classification codes in the eligibility criteria for state business support has hampered the timely provision of financial assistance to many small and medium-sized businesses throughout my electorate. Unfortunately, historic and incorrect ANZSIC classifications on the Australian Business Register have delayed the

provision of vital assistance, with some, such as Miss Molly Floral Design in Wantirna South, still waiting for support from the fourth lockdown well into the fifth lockdown. Others in my electorate, such as Lisa Foden and Knox City Boost Juice, have been excluded from support altogether, including for the recently announced Business Continuity Fund, on the basis of their ANZSIC classification, notwithstanding the fact that they have been directly or indirectly impacted by the lockdowns. Minister, I recognise the difficulties associated with the rollout of this money, but can you please explain to my constituents why the use of ANZSIC codes is justified in these circumstances?

NORTHCOTE ELECTORATE

Ms THEOPHANOUS (Northcote) (14:39): (5956) My question is to the Minister for Housing. What is the latest information on the progress of the Homes Victoria projects at Walker Street in Northcote and at Stokes and Penola streets in Preston? Minister, as you know, it is Homelessness Week, a time to raise awareness about the experience of homelessness and recommit ourselves to achieving long-term tangible change. I am proud to be part of a government taking this seriously, including through our Big Housing Build, an unprecedented \$5.3 billion investment to deliver over 12 000 new homes, including in the local Darebin area. Notably this comes on top of two local projects currently underway in Northcote and Preston. Delivered through Homes Victoria, these projects are providing more and improved social housing in our suburbs. As chair of their consultative committees I have been working closely with locals and stakeholders and have been pleased to see the vast majority embrace more social and affordable housing opportunities. These are important projects for our community and our work to address homelessness. My community would love to hear more about their progress and what they will deliver for residents and those experiencing or at risk of homelessness.

EVELYN ELECTORATE

Ms VALLENCE (Evelyn) (14:40): (5957) My question is for the Minister for Education on behalf of the Coldstream Primary School community. Coldstream Primary School students, their families and the teachers want to know: will you provide the much-needed funding via a minor capital works grant to replace the outdated and inefficient boiler system and install seven individual split-system air-conditioning units? This would significantly improve the efficiency and efficacy of heating and cooling at the school, be better for the environment and provide energy cost savings.

I support the Coldstream Primary School's application for a minor capital works grant for this important project, which would also remove asbestos from the walls, increase natural lighting and vastly improve the educational environment for the students and teachers. I love visiting the Coldstream Primary School and have seen firsthand how important this project would be for the school, because the boiler heater is well past its useful life, is inefficient and is an impost on the school's budget.

BROADMEADOWS ELECTORATE

Mr McGUIRE (Broadmeadows) (14:41): (5958) My constituency question is to the Minister for Industrial Relations and Treasurer. What action is the Andrews government taking to protect the rights of gig economy workers? This is critical in Broadmeadows, where we have unemployment and the prevalence of insecure work, and the Broadmeadows Revitalisation Board 4.0 is addressing this with a coordinated strategy between the three tiers of government, business and civil society.

Recently the Treasurer released the Labor government's response to an inquiry into the Victorian on-demand workforce, including \$5 million in support funding delivered as part of the Victorian budget 2021–22. Funding will help work begin immediately on implementing the government's response to recommendations, including setting principle-based standards to provide fairer conditions for on-demand workers to ensure platforms operate transparently. Too often gig economy workers have found themselves in a situation that looks and feels like they are in an employment relationship, but

the mechanisms to determine their status, such as courts and tribunals, are often slow, costly and inaccessible.

SHEPPARTON ELECTORATE

Ms SHEED (Shepparton) (14:42): (5959) My question is for the Minister for Health. Members of our growing Sikh community in Shepparton, a wonderful multicultural community, met with me recently for the purpose of discussing the establishment of a crematorium in Shepparton. Shepparton does not have a crematorium at all, and members of many communities who wish to use a crematorium facility have to travel either to Bendigo or to Melbourne, which is a long distance away. The number of people in our community seeking to use the facility of a crematorium is growing. We have a number of religious groups, and certainly our Sikh community is growing, and they are very keen for me to advocate on this issue, and I do so. I do support the need for such a facility because the travel times and distances when people are in a time of grief are really quite difficult, and I think cremation is becoming more popular. I seek that the minister consider this.

SOUTH BARWON ELECTORATE

Mr CHEESEMAN (South Barwon) (14:43): (5960) My question is to the Treasurer. My electorate of South Barwon is growing rapidly, and through successive state budgets the Andrews Labor government has invested millions to keep pace with this growth by investing in our schools; community facilities, services and infrastructure; and health care. In particular the massive growth in the Armstrong Creek urban growth area has seen areas that were once paddocks transformed into a vibrant community and space over the past decade. My question is this: what is the number of residential property land titles issued by the titles office since 2014 and since 2018 in the suburbs of Armstrong Creek, Charlemont, Mount Duneed, Waurin Ponds, Grovedale and Highton?

Bills

COMMERCIAL TENANCY RELIEF SCHEME BILL 2021

Second reading

Debate resumed.

Ms GREEN (Yan Yean) (14:44): Before I was interrupted by the lunch break and question time I was pleased to be participating in the debate on the commercial tenancy relief scheme. This acknowledges that while we have made much progress, there will continue to be challenges for businesses in coming months. While I am on my feet I would like to particularly pay tribute to all small businesses in my electorate and their landlords that have worked cooperatively with them. I particularly want to acknowledge the township business associations. In Diamond Creek Anna Henderson does a great job in working with Diamond Creek businesses and Eltham businesses. The Hurstbridge Traders Association is a fantastic collaborative group. Also, there is the Whittlesea township business association and a similar organisation in Wallan. Businesses in Mernda and Doreen do not have an organised network like that, but I know that they have really played an important part in keeping community spirit up, as have all businesses across my electorate.

I want to particularly single out cafes and restaurants in how they have pivoted successfully to online delivery but also to takeaway in particular, especially those that have cooperated with other businesses for delivery. I single out the Diamond Creek butchers and also the fruit and veg shop, Vito's Local Fine Foods, in Diamond Creek, and Bakers Delight. They have cooperated and delivered door to door and really connected with a lot of people at their most vulnerable. Similarly, a number of the restaurants in Hurstbridge, because a lot of the delivery platforms actually do not go out that far. Not only has it been when families want a night off cooking; sometimes people have been in self-quarantine or they have been feeling quite vulnerable and do not want to go out to shop and they have been away from their families. It has been really important to have these local businesses delivering and supporting them. I commend this bill to the house.

Mr SOUTHWICK (Caulfield) (14:47): I rise to speak on the Commercial Tenancy Relief Scheme Bill 2021. Can I say at the outset that this is very, very important in terms of supporting many of the small businesses that have been absolutely smashed during COVID—five lockdowns, a whole lot of uncertainty and a whole lot of businesses having to bear the brunt of those lockdowns with nothing more than padlocks on their front doors. Rent has been one of the biggest costs for any small business outside of the wages, and it is a really important impost on those small businesses. This particular piece of legislation before the Parliament today is something that many of my colleagues from this side and I have been advocating for for quite some time—since relief was first stopped after the earlier scheme. I think, as important as this is, it is a pity that it has taken so long to finally get a scheme up and running. We have had subsequent lockdowns, we have had the uncertainty and we have had the inability for many tenants to actually negotiate with their landlords to get some kind of subsidy during the lockdowns.

I particularly want to pay my respects to Genesis Health and Fitness, who raised this with me some weeks ago. Sean Whitaker, a franchise owner at the local Genesis Health and Fitness club in Caulfield, said that a lot of small businesses were having a lot of pain. He runs two Genesis Fitness franchise gyms. He has business rentals of just over \$8000 a week and has had long lockdowns. The landlords were obligated to provide rental relief during some times, and he got some support, but unfortunately the rental code of conduct ended on my birthday, on 31 March. It was no present for many of those businesses that did not get the support that continued on from the rent relief code. Those businesses were left in the dark, and Genesis was one of those. The support that Genesis and other businesses were able to negotiate with their landlords was not able to be continued. These businesses have been impacted hugely. Businesses right across the board—restaurants, gift stores—if you just look across any electorate, you will see those businesses that have been absolutely smashed.

The reason why I refer to gymnasiums in particular is that during lockdowns they have not been able to open, but even beyond lockdowns they have not been able to operate as well. And in fact at one point in time one of the gyms said to me that for about a third of the year they have had some kind of non-ability to open their doors, and that is huge. That is absolutely huge. No revenue coming in, a padlock on the front door, no ability to ultimately be able to pay the rent—that is why this is so important. And I wanted to thank Sean Whitaker for actually raising that with me.

In fact, prior to this announcement that the government has made, the opposition—through the Leader of the Opposition, the member for Malvern, and me—actually announced a similar type of scheme in my electorate, just over a week back, certainly a number of days before the government announcement. So the government has certainly followed our request to do this. We were going to do it with Genesis and with Sean, but Sean, living a number of kilometres away from the actual gym in which he operates, was outside the 5-kilometre bubble so could not come down. We followed the rules, and we did not use Sean's Genesis gym. But instead we used Kirsty Robbie's studio, which is on Hawthorn Road, Caulfield North, StudioForty6. Kirsty Robbie, the managing director of that gym, is a fantastic operator—a great local facility again. She does mainly personal training. She shared the pain with us when we announced our policy to support those businesses with some kind of rent relief offset against land tax. We spoke to Kirsty about that, and she was really struggling—really, really struggling—with the uncertainty.

What is common to many of these businesses is not so much that they want any government handouts or support, they just want certainty and they just want to be able to open. As I have said on many occasions, particularly with the fitness industry, with dance schools and with a number in the events industry, they are used to running systems, they are used to things like QR codes and check-ins—managing people—because that is what they do. So it seemed a real slap in the face, particularly for the health and fitness industry, that they were not able to operate during these times, and that was something that again was shared.

We certainly are supportive of the intent of this commercial tenancy relief scheme being proposed. We think it is very important. Again, because of the last-minute rush by the government to kind of

cobble something together, there have been a lot of gaps here, a lot of uncertainty. There has been money that has been put on a table, but how far will that money go in terms of offsetting the rent relief? We believe that certainly there are many landlords, mum-and-dad landlords, where effectively this is their super scheme—a little shop which they rely on the rent from, and that shop unfortunately will not be able to receive any rent at all because of the offset, and we believe that the government should be putting their hand in their pocket. The huge land tax grab that the government have got—the huge amount of land tax—should be plugged into this so it could be effectively not the mum-and-dad landowner that has to wear the pain, but the government should be supporting it. We have had the highest amount of land tax that we have seen by this government—a huge tax grab—and I think it is incumbent that the \$120 million will not be enough. The government has got an additional \$558 million—\$558 million!—worth of land tax that they have grabbed. Well, the government should be putting that back into those mum-and-dad operators to offset those renters that are really struggling at this time. Quite simple: the money that they have clawed during COVID, let us put it back and give it to those that really need it the most.

I wanted to also thank David Mond, who is a CPA in my electorate. He represents a lot of landowners and he represents a lot of renters as well. They were kicking and screaming, coming to him and saying, ‘As a CPA, what advice can you give?’. What he said to me was many of these businesses are struggling to actually remain in the game. For a lot of the businesses the only reason why they had not locked the door and given their keys back to the landlord is in fact that they have a huge rental guarantee—they have put their homes up—so if they hand the keys back, they also lose the house. So that is a huge impost on a lot of small businesses that have given personal guarantees to effectively keep their businesses going. That is what David told me, and I know that is true of many, many businesses that have no other choice but to put a personal guarantee up, when they are taking and renting a premises, to kickstart in many instances their first business, their first property, the first shop they are going to rent, and they are only in it because they do not want to lose their home. So I think it is really important to be able to support them.

What David Mond said to me is that when this was introduced he called the Minister for Small Business, Jaala Pulford in the other place, and he asked her: ‘What’s happening with this? How soon can we get this going?’. No reply. ‘Not sure’, her office said. They were uncertain of the details—when this legislation was going to come through and when it was going to be delivered. That is not good enough. Those small businesses need certainty and they need answers, and it is not good enough just to be able to announce something here and bring a bill before the Parliament when each and every day those businesses are struggling. Each and every day is the difference between there being a business that is open or a business that has a ‘For lease’ sign on its front door, and that is what we have got to be standing up for.

We are the party that supports small business. We are very proud of it. We are the party that supports anyone that has a go, and we are also a party that supports jobs. Many of those small businesses employ those that actually work in those businesses, and without those small businesses there would be a lot of jobs that would be lost. So it is very, very important that we get this right. As I say, the government should be putting their hand in their pocket. This is a huge land tax grab that the government has had, a \$558 million increase this year. Let us take some of that and give it back to those landowners so they can pass that on to the renters, so they do not have to struggle day by day with lockdowns and uncertainty.

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (14:56): I move:

That debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 2, line 2, after "sections" insert "22A,".

NEW CLAUSE

2. Insert the following New Clause to follow clause 22—

'22A Price determinations

- (1) After section 110E(g) of the **Commercial Passenger Vehicle Industry Act 2017** insert—

“(ga) the Fair Work Commission’s annual wage review under section 285 of the Fair Work Act 2009 of the Commonwealth;

(gb) the commercial viability of operating a taxi service;”.

- (2) At the end of section 110E of the **Commercial Passenger Vehicle Industry Act 2017** insert—

“(2) In this section—

fare calculation device means a mechanical, electrical or electronic device that calculates, records or displays information about fares and charges for the provision of unbooked commercial passenger vehicle services;

taxi service means an unbooked commercial passenger vehicle service where the fare is calculated based on time and distance travelled as measured by a fare calculation device.”.

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (14:57): I move:

That these amendments be agreed to.

Mr Barton in the other place has put forward an amendment concerning the Essential Services Commission, essentially asking that an amendment be made that would allow the Essential Services Commission to set maximum fares by reference to the annual wage review. The government is supportive of this amendment, and we thank Mr Barton for his support and work on this.

Motion agreed to.

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

COMMERCIAL TENANCY RELIEF SCHEME BILL 2021

Second reading

Debate resumed on motion of Mr PAKULA:

That this bill be now read a second time.

Mr EDBROOKE (Frankston) (14:58): It has been very interesting hearing members from either side speak on this bill today, the Commercial Tenancy Relief Scheme Bill 2021, which is of course a scheme re-established to acknowledge that while we have made some progress, there will continue to be challenges for businesses in coming months—and we know that. Anyone who has a sense of reality, anyone who has their finger on the pulse as far as indeed what is going on in New South Wales and how quickly one case can turn into so many in other states and has their finger on the pulse of the vaccine rollout, must continue to realise that we have got to carry on this vital work to support small business in our community until this COVID crisis is well behind us. And even then we have to ensure that we are running a program and delivering a system that can ensure that we are not surprised by these kinds of circumstances again and ensure future growth and opportunities in our beautiful state of Victoria.

From the outset there have been a couple of things I have heard today from those opposite. One would be that the Liberal-Nationals are the party of small business. Another one would be that Labor do not know small business. I had a look through some of the lists, and certainly I would almost put out there that there would be more people who have run small businesses and are now democratically elected to represent their communities on this side of the house. That would include me. I come from a family of small business as well. There are a ton of people on this side, so we really need to stick to the facts a little bit around that. There are plenty of people on this side of the house that actually know the struggles of running a small business and who have a deep empathy with the trauma and the hardships that COVID-19 has put onto our community.

Indeed on the party that ‘stands for small business’, I believe, I guess if we followed what they were saying and what their policy was around COVID, which was to open up, we might indeed find ourselves in a similar situation to New South Wales now, where the not locking down hard enough situation has led to an extended lockdown. Economically it is going to cost New South Wales more than it would have originally. I guess the health advice might be different between New South Wales and Victoria, but we certainly followed our health advice on that.

Now, this past year has obviously presented a huge amount of challenges—indeed the last 20 months—and I would like to go on the record as just stating that I appreciate every small business owner in my community, whether it be people running carpet-cleaning businesses or cafes or people mowing lawns, any business in fact that has done it tough or has had to think outside the box and recreate ways of doing things. I mean, it was not that long ago that I had never heard of a make-your-own pizza that comes in a box with the dough and the ingredients. It was not that long ago that I had never even used something like Uber Eats for some of the businesses in Frankston and on the peninsula that never really provided that service. It was not long ago that we did not have all these other options where people have been innovative and have changed very, very quickly to cater for these fairly dramatic circumstances that we had never been able to even imagine happening before.

Ms Ward: They have done amazing things.

Mr EDBROOKE: They have done amazing things, member for Eltham. So I want to put on record my thanks to them. I know through speaking to businesses and families every single day that especially now they do understand why these lockdowns were necessary. Sometimes it is very easy to be drawn in by the popular media, who will obviously be critical, as they should be, of government decisions and examine them and ask questions about them, but certainly with what is happening interstate right now there have been quite a few people I have spoken to who have said, ‘Yes, we get it’. It would not really matter the colour of your government; it is how your government reacts.

Indeed, I spoke to a gentleman with a small business recently who has always been a lifelong Liberal voter, and we get along really well. I have known him for a very long time, and he said, ‘I’m going to move to New South Wales’. He said that about two months ago. Our last conversation was last week, and I said, ‘How’s that move going, mate?’. He said, ‘No, I totally understand what’s going on now. I won’t be moving to New South Wales. I think we did it relatively well down here. It’s a very hard situation, and I’ve got my head around it now. I understand why we had to close down. I understand that if we didn’t close down and we had these superspreading events—if we didn’t contain the virus—we would be killing our customers and we would lose more money’.

Ms Ward: We are listening to the health advice.

Mr EDBROOKE: Yes, that is right—listening to the health advice. So it has been very challenging, but I do thank those people. Despite the impact of this pandemic, I am really amazed at the resilience and the innovative way that people managed to operate their small businesses. Many in Frankston have actually managed to grow a different arm of their business or move their business in a way that they probably had not foreseen before they were almost forced to by COVID. In fact in the year to June 2020, over 19 000 net new small businesses were created in Victoria—the highest number

of any state or territory—and there have been so many stories of growth often over the past year built out of this adversity, which is quite amazing.

But unfortunately, despite this resilience, many of Victoria's small businesses are not yet out of the woods. Victoria and the world continue to grapple with the challenges of the pandemic, and the government understands the profound effect that successive but necessary lockdowns have had on small businesses. Victoria's small businesses deserve our support, of course. They are the lifeblood of our state, and over the past year I have stood in this chamber many times speaking about small businesses and in support of the Victorian government's program of initiatives to provide small businesses assistance through those successive waves of COVID. We have provided over \$7 billion of direct economic support to businesses over the course of the pandemic, including more than \$1 billion in the past few months. Our commercial tenancy relief scheme has played a significant part in helping many small businesses survive to this point, providing a strong framework for small commercial tenants and their landlords to negotiate rent relief.

This was, as you know, a huge issue with the inception of COVID, with some landlords I think doing the right thing, realising you do not throw the baby out with the bathwater, but other landlords unfortunately not really seeing the forest for the trees with that one. Many are still trying to balance the lockout restrictions with having to pay deferred rent, and they will in the future, while in many cases landlords and tenants are negotiating in good faith. As I have said, we are also aware that this is not happening on every occasion and in every instance that it should. This bill enables regulations to be made to reintroduce a commercial tenancy relief scheme. The scheme will apply retrospectively from the date of the announcement, and this temporary legislation will be repealed on 30 April 2022. As announced, the commercial tenancy relief scheme will operate from 28 July 2021 to 15 January 2022. Similar to the previous scheme, the 2021 commercial tenancy relief scheme will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover. With the commonwealth government's JobKeeper program no longer in place, tenants will be able to demonstrate their eligibility by providing a standard letter from their accountant, which should be a fairly simple and quick process to ensure that people get the relief they need immediately.

The scheme will provide protections for many small businesses, with landlords not able to evict a tenant for non-payment of rent unless the parties have attempted mediation. Whilst it is the government's expectation that tenants will continue to meet their rental obligations where possible, as common sense would tell us, a commercial tenant may not be evicted for non-payment of rent without first attempting mediation through the Victorian Small Business Commission. Rent increases will also remain suspended during that extension. It is common sense, and it is of course legislation that is welcomed by small businesses in my own community of Frankston. It is our expectation that most commercial tenants and landlords will continue to work together, as I think most have been, and they will reach agreements that best assist the ongoing survival of businesses—to have that tenant in there and not lose tenants, because that would be counterproductive as well.

Overall, this is a commonsense bill. It is a commitment that was made by this government to assist small businesses. We are a party that supports small businesses. We are a party of some small business owners; there is no doubt about that. It means nothing to stand up in this house and just run the same old mantras and the same old taglines. What actually helps our community is legislation like this that is introduced. Will it help everybody? No, but there are also federal government responsibilities and other schemes that can help people as well, which have been well aired in our community. I certainly support this bill, and I commend this bill to the house.

Ms CONNOLLY (Tarneit) (15:08): It gives me great pleasure to rise to speak this afternoon on the Commercial Tenancy Relief Scheme Bill 2021. I have this big sigh because, like the member for Caulfield, I feel like I have been having this conversation with my local businesses—and local landlords, mind you—around the need to provide small business with certainty going forward. It is a conversation I have been having for the past two weeks. So when I got the call and found out that we

were going to go ahead with this bill to enact the legislation and provide the scheme that will give relief and certainty to our local small businesses when it comes to paying their commercial rent, I was really happy and relieved, to say the least. This bill is about providing relief to some of our hardest hit businesses right across Victoria, and there are a lot of them at the moment, and helping them cope with the uncertainties caused by COVID as we race—yes, it is a race; it is a big race—to get vaccinated.

I do want to take this opportunity to again—I know many, many members of this house on both sides have stood up here in this place again and again to do this—thank small businesses for doing the hard yards. As the Acting Speaker, the member for Oakleigh, said earlier today, the businesses that closed helped protect our community. They have done an outstanding job. It has not been without sacrifice, and their hardship and their sacrifice are something that every single one of us here and right across Victoria acknowledges. We say to them again today, and I say to them: thank you for keeping our community safe.

Victoria has been able to show the world again how to stop an outbreak of this virus, and the very dangerous and fast-moving delta variant at that. I would like to encourage my community to go ahead and offer again their unwavering support to our local businesses in Wyndham. Having spoken to many of them, they are doing it tough. And whether you are going out and having a coffee or getting a bacon and egg brekkie burger—which I am quite partial to out in my community, with my morning coffee—I say to my community, ‘Every cent counts at the moment’. If you can, go out and spend money in our local community.

Just last week I went ahead and met with former Northern Territory senator Trish Crossin, who I have the pleasure of looking after as her local member—she lives in my electorate. Trish is doing incredible work with Council of Small Business Organisations Australia, championing the Go Local First campaign, and I would encourage all members in this house to go ahead and support that campaign and download the material that COSBOA is providing. It is free, but most importantly it is needed desperately by our local business community in getting behind them and encouraging locals to shop local.

Since last year we have known—it is obvious, you do not even need to open a newspaper; it is just common sense—that we need to get people vaccinated, and we need to do it quickly. There will never be any normal—only a COVID normal—until we are all vaccinated. Those vaccines are here, but unfortunately it has been a fight, particularly for Victoria, to get enough to get them into people’s arms, because quite frankly we do not have enough at the moment. That is the reality. It is the reality people in New South Wales are facing. They know that until enough people can get the jab, restrictions and lockdowns—indeed restrictions and lockdowns here in Victoria—will remain our only defence against this virus.

Looking to Sydney we can see what can happen with a fully fledged delta outbreak. Despite listening earlier to the Leader of the Opposition talk about this machoistic chest beating—only really a man can refer to another man doing that—of our Premier versus the New South Wales Premier, I think it is indeed ridiculous. It is very, very sad for all of us here in Victoria to look to New South Wales and see what is happening to them, because we know how it feels. We know what it is like to look down the depths of a very dark winter.

I have family members in New South Wales. All of my family in northern New South Wales have restrictions and certainly all of my husband’s family—most of them in western Sydney—are under very strict lockdown there. The one thing that we speak about on a regular basis on Zoom is that they wish they had locked down earlier. They wish that they had a Premier that had looked to Victoria, had learned from Victoria. I think the New South Wales Premier talks about not having a handbook for this virus. Well, we were talking about that last year, and in many respects it feels like we have written the handbook. You can see that by us going ahead most recently, locking down early, locking down hard, and we got alongside and got on top of the latest outbreak here in Victoria.

One of the things that the member for Oakleigh pointed out over there earlier today to the Leader of the Opposition is that our government has invested a hell of a lot of money into small businesses here in Victoria—\$7 billion. Seven billion dollars is a lot of money. It has gone a long way to supporting Victorian businesses right across the state cope with the impacts of lockdowns, and when I talk to my local businesses, I talk about surviving COVID as getting to the other side and just staying afloat. It is the same thing when I talk to my dad, who, surprise, surprise, until very recently—he is now retired—was a small business owner, a milkman. I said to him the same thing that I say to businesses in my community, ‘You just need to stay afloat. You need to get to the other side, and the government will be able to inject a significant amount of funding into the economy to kickstart you and kickstart you quickly again’. It is the same advice I am giving my brother-in-law in New South Wales right now with his construction business about to go under—that you need to stay afloat. And the government will give you grants here and there as we go along. It is not something you are going to make a big profit off, but it will keep you afloat so you are left standing on the other side once we are all vaccinated and we are out of this thing.

I have spoken to so many local businesses in my community, like many members have in this place, and most of them understand. They understand, and they accept. They do not like it, but they understand and accept, especially now they can look to New South Wales and see what is happening there. They understand the need for these measures, these lockdowns. What they have been asking me and they are asking our government for is a sense of certainty—to give them certainty that when these restrictions need to be put in place and when we need to lock down again they are not at risk of falling through the cracks, and that is what this bill does. This bill helps to prevent that by providing much-needed rental protection so that small businesses are not going to fold. They are not going to go bankrupt and have to close their doors, because whilst a lot of businesses might not incur non-recoverable costs during lockdown, they still lose out because they still have to pay their rent.

There is a local business that comes to mind—a booming coffee shop, I will say—in Pacific Werribee in Hoppers Crossing. I do not need to tell anyone here that if you are renting in what is quite a large, popular shopping mall, you are probably paying an arm and a leg in rent. You need to sell a lot of coffees and a lot of meals to cover those overhead costs, and with everyone at home during lockdown recently and avoiding large spaces like Pacific Werribee it goes without saying that this local business—and yes, it is run by a husband and wife, a local family—and cafe took a really large drop in sales. They reached out to me, and they said, ‘Thanks for the grants that are coming through from your government, but what we need is some kind of certainty around rent, and the rent is killing us’. So when I got the call that we were going to go ahead with this bill I immediately made a phone call to that couple, who were absolutely delighted and relieved to hear that we were going to go ahead and enact this legislation, with some amendments to what we had previously. But I say to that couple—they know who they are—your advocacy, your voice, has mattered in this conversation. We listened as a government and I listened as your local member, and the minister heard you and has gone ahead and enacted this legislation. So it is for those reasons and for those thousands of families in my local community that I wholeheartedly commend the bill to the house.

Mr SCOTT (Preston) (15:18): I rise to support the Commercial Tenancy Relief Scheme Bill 2021. I will make a few comments more generally about the COVID pandemic and then come to the provisions of the bill. I think it is important to understand the bill is reintroducing, in effect—though with some modifications relating principally, as I understand it, to the changes in federal provisions with an absence of JobKeeper in the current circumstances—the pre-existing commercial tenancy relief scheme arrangements. This has been undertaken obviously in the present circumstances whereby the pandemic is in many ways accelerating around the world with the delta variant, and I know there is some degree of apprehension about the lambda variant, which has arisen in South America, and the continuing evolution of the virus. There has been a significant amount of death. In fact it is likely that there will be a greater amount of death subsequent to the discovery of the vaccines which are now being rolled out across the world than in the previous period.

If you look to places like India, there are not yet completely reliable estimates on the number of persons who died in the recent significant delta outbreak, but the likelihood, based on some information—I note the paper was published in the *New England Journal of Medicine*—is probably something like 2 million-plus people died within a period of about two months. That gives some insight into the sort of level of death, which really in many ways has not occurred prior, except in the period of the Second World War, and certainly not in my lifetime—and it is accelerating. If you look to Indonesia and a number of other countries around the world, the pandemic is in an accelerating phase. That is not surprising when you consider that the reproduction number, unmodified, the so-called R_0 of the delta variant, is estimated between 5 and 8, and 6 is often used as an estimate of that. That is more than twice that of the original Wuhan strain. So there is a period now which obviously has created significant risk to Australia and made the capacity to suppress viral outbreaks more difficult. Hence in those circumstances there is a greater need to respond in order to protect the interests of businesses, particularly small businesses, which have borne a significant weight of the burden of the actions that have been taken to protect human life during this period.

The scheme that is being introduced is to support commercial tenants and to provide subsidies for landlords who are in these circumstances. The scheme includes proportionate rent relief. The example given is where there is a decline in turnover of a certain percentage, they can only be charged a proportion of the rent comparable to the amount of turnover lost. There is also a ban on rent increases, a moratorium on evictions for eligible tenants without first undertaking mediation through the Victorian Small Business Commission, and a mediation service for commercial tenants and landlords to support fair tenancy negotiations.

There was an announcement made with the federal government. As has been noted previously, this built on around \$7 billion in total now of support for business relating to the pandemic. The scheme will operate until early 2022, and it was introduced retrospectively, commencing with its announcement on 28 July 2021. It is to remain in place until 30 April 2022 to be precise. It is to support small and medium enterprises with an annual turnover below a threshold of \$50 million who are able to demonstrate a decline of at least 30 per cent of that turnover due to the impact of COVID-19. Such specifics are to be implemented through regulatory instrument. That was critiqued, I think, by the Leader of the National Party, but of course it is quite normal in such circumstances to use regulatory instruments sitting above subordinate instruments to legislation.

There is a significant issue, obviously, for small and medium businesses. I, like many others, have spoken to small businesses within my own constituency that I am lucky enough to represent. There is no doubt that COVID has been a particularly trying time for many small businesses. While there are some businesses whose business models have been particularly suited to the period of COVID, that is not true for the vast majority of small businesses. As has been noted by previous speakers, many such businesses have invested, in fact risked, their principal asset—often their home—in order to obtain a loan to start a small business. So it is important that support be provided, and the rent for commercial premises is one of those costs which many small businesses cannot avoid. The scheme will provide support for businesses which have a reduction of turnover due to COVID and reduce that rent burden, and it will allow many small businesses to survive this period of the COVID pandemic.

It is important to note, I think, a supposition that I have—and it is yet to be seen exactly how the world will be in 2022 or 2023—about elements of the changes wrought by the COVID pandemic, particularly in relation to infection control. As a former minister responsible for WorkCover I know there are a range of legislative obligations on all businesses and indeed employees as well relating to infection control and avoiding workplace injury, and if COVID remains within society and is an illness which can injure individuals, and there is a reasonable risk, reasonable steps must be taken to protect individuals.

I think it is also important to note that COVID is not the flu, and people who make such a false equivalence demonstrate their lack of understanding of the significant issues related to the disease. To give a couple of examples, there is the recently released study in the United Kingdom on cognitive

impairment, where people undertook a prior cognitive test—tens of thousands of persons participated in the study—and those who had had COVID exhibited declines in their cognitive capacity. If you had been admitted to hospital, from memory, that was equivalent to 7 IQ points, and it may have been 12 if you had been ventilated. Now, that is a very significant cognitive impairment. And perhaps even more concerning, even those who were mildly symptomatic, even some who had very minor symptoms, had measurable average cognitive impairments. The evidence is starting to accumulate that even mild cases of COVID can result in cognitive impairment, and the initial evidence suggests that this may be permanent.

So the idea that COVID is simply the flu and that the flu paradigm applies and somehow you either die from COVID, you go to hospital or you get better is in fact ignoring the potential long-term consequences. There are also studies about heart damage and there are also studies about other organ damage, lung damage, that indicate that COVID is not a disease that can be simply characterised as being somehow analogous with the flu or other seasonal viruses that we may face. This is a significant issue into the future, and businesses may have to deal with these issues for a significant period of time. It may be necessary for people to take action over a period of time to ensure that businesses are safe from the risk of transmission of COVID for workers, the business and customers of those businesses.

Returning to the aspects of the bill, there are transitional arrangements where tenants and landlords have arrangements in place to negotiate under the previous commercial tenancy relief scheme. Tenants must continue to make genuine efforts to pay the rent that they agreed to under their original commercial tenancy relief scheme. It is also important to note that new applications for rent relief must be submitted and eligibility criteria met with relation to this iteration of the scheme and that eligibility for the previous scheme does not create an automatic right. So there are steps that must be taken by businesses, and it is important to note that as a part of this scheme.

There are limitations, obviously, on the eviction for non-payment of rent that are involved in this scheme. However, landlords can still evict tenants in breach of their lease for other reasons, so there is not an unfettered right for tenants to remain in a lease regardless of their behaviour. There is an \$80 million hardship fund established for landlords who provide rent relief to their eligible commercial tenants, and I think this is an important step. I note that was part of the joint announcement made with the federal government—something the federal government was happy to be associated with despite some of the comments made by the members opposite.

I commend this bill to the house. It is an important step to provide support to small businesses who have dealt significantly with and borne much of the burden in the community that I represent and across Victoria, and it is part of an ongoing commitment totalling approximately \$7 million of support for business from this government.

Mr FOWLES (Burwood) (15:28): It is my pleasure to join the member for Preston in making a contribution on the Commercial Tenancy Relief Scheme Bill 2021. It is an important bill, as many speakers before me have canvassed, and it is a bill that is urgent too, because it is a bill that addresses the very real struggle facing so many in the economy right now. And whether you are in lockdown in Brisbane or in lockdown in Sydney or have recently been locked down in Melbourne, what we do know is that this pandemic is national and global and that the only way to get numbers effectively under control is to lock down, to allow contact tracers to get on top of it and to make sure that the health of the population is protected in order to protect the economy.

That of course has very serious ramifications, particularly for a couple of sectors which I have personal experience in, and they are the hospitality and events sectors. These are sectors that I think Melbourne justifiably has a well-earned, important international reputation in. We do hospitality really, really well in this city. We do events really, really well in this city. It has been an extraordinarily difficult period for so many operators in these sectors as they have had to come to terms not just with interruptions to trade but also with changes in work patterns.

Even during those periods of sunshine in the last 18 months where we have had people returning to a COVID-normal way of life, we have seen that there are now systemic changes to the economy. There are systemic changes to the way people work, to where they work from and to when and where they commute, and all of those things are going to continue to create pressure on sectors that typically operate with highly variable income and pretty heavy fixed costs. The variability of that income is something of course that the government can do some things about, but the things that really ultimately risk crippling a business are those costs and in particular the fixed costs—and rent for most small businesses is first and foremost on that list. Whether you are in hospitality or the events sector, those rental fees are pretty chunky.

Now, in the events sector arguably a lot of the rent is a variable cost—you only pay the higher fees or whatever if you conduct the event. The same is not true for pubs, clubs, restaurants and the like, Acting Speaker Dimopoulos, and whilst it might be the case that, say, a particular menswear store could close and open down the street and retain all or most of their clientele, the same is categorically not the case for pubs. The identity, the business and the attachment people have to a pub is in very large part, at least at a conscious level, derived from the space it is in. You could not move the Imperial Hotel, across the road here, to another part of Melbourne and expect that the same users would simply go to it. In fact most of the Imperial's—if you like, the old Imperial's—clientele would not follow the pub, they would simply go to whichever hospitality business was operating in that building at that time. So there is a power imbalance that is a bit different in the hospitality space than is the case in other parts of the economy, because if I am a landlord and I am pressuring you, Steve Dimopoulos Menswear, to pay up or get out, then you might well find that you can find a shop six doors down or even three streets away, reopen your business and hang onto all of your clientele. That is absolutely not the case for, say, a Garden State Hotel. You cannot uplift a building like that, a premises like that, and simply move it anywhere else. The identity of the business is intrinsically linked to the building in which it is. So the power imbalance is acute.

And I know: I have had many stories relayed to me of lessees, tenant publicans who have a lease on a hotel—it might be quite a long-term lease; it might be 30 or 40 years—and have invested significant amounts of capital into the renovation of that hotel, and they find themselves in a position where they cannot meet the rent. And then you are in a position where there is a perverse incentive. There is a perverse incentive, because the goodwill of the business in effect is captured by that fit-out and by that building. So the landlord has an incentive to actually move the tenant on, because they get to keep the goodwill of the business for free, they get to keep the fit-out for free and they get to keep the customers for free. So particularly—and this is a circumstance replicated right across the city—in the case where landlords of pubs are in fact publicans themselves or former publicans, they potentially have the expertise and the ability to run these businesses. They have got a huge incentive to have tenants who might have just invested many millions of dollars in renovating a space—they have got a huge incentive in those tenants defaulting and being evicted, because they get to keep the totality of their business. This is a set of circumstances that I am very pleased the government addressed quite specifically in the first lockdown and continues to address through this very important commercial tenancy relief scheme and indeed through this bill.

One of the other issues of course that has sprung up in recent times is the many matters that were negotiated earlier in the pandemic that allowed, for example, for rent deferrals. Well, some of those rent deferral arrangements are falling due, and we are now finding tenants in a position where they owe arrears or that part of the arrears that was not waived. They owe that in addition to their current rent and then find themselves again in a position where their trading is being compromised. So they might owe rent at 1½ times the normal rate but still find themselves with income at 30 or 40 or 50 per cent or even nothing compared to their prepandemic levels of income. That is clearly not a position that is sustainable. Businesses that have made it this far have done very well to make it this far. They are not the sort of fly-by-night businesses that may tip over if their business is interrupted by a day or two days or a week. These are businesses that have encountered serious disruption and have managed to see it through, and they are exactly the sort of businesses we ought to be supporting.

And when I talk about power imbalance, that can actually run both ways of course. I have had people contact my office, landlords, who have said, 'I've got a tenant who is just refusing to pay their rent. They don't have a valid reason to do it; they are just refusing to pay their rent'. In those circumstances the job of government is first and foremost to get people to the table—to make sure that if there is a sensible discussion to be had about the commercial terms in the new world within which we live, that in fact that discussion happens. And whether you are a tenant or whether you are a landlord, I would say to you that doing nothing and saying nothing and paying nothing or offering nothing is not an acceptable way through this very difficult last phase of the pandemic. It is just not. You have to turn up, you have to engage with the mediation, you have to respond to the letters from the business commissioner, you have to respond to the requests from your tenant or your landlord to have a discussion about these things, because if you do not, you are ultimately going to find yourself on the wrong side of a decision that will obviously tend to mediate against you in circumstances where you have not engaged with the other party. It is more important than ever, as we at least now have something of an end in sight, that we facilitate the striking of commercially sensible arrangements between landlords and tenants right across the breadth of the economy. I am pleased that this bill facilitates that as well.

The Minister for Industry Support and Recovery in bringing this bill to the house noted the ongoing challenges to small business that we have had but also made note of the fact that there have been 19 000 net new small businesses created in the year to June 2020. So what we know is that once trading conditions improve we will see the growth in the sector, we will see the people return, we will see those businesses with highly variable revenue once again enjoying trading circumstances that they might have enjoyed prior to the pandemic. And all of that underpins the good sense in the government stepping in to assist both tenants and landlords of commercial tenancies to get through this last, acutely difficult bit.

None of us can have any confidence about what the next twist or turn will be in this extraordinary pandemic journey we have been on. None of us can have any confidence about that. What we do know though is that if you follow the science, if you respect the science, if you do the right thing by the health of the population, then the economy too will be protected. That has been the Australian experience throughout the course of this pandemic, and it has been the experience of most governments in Australia that if you do respect the science, ultimately the economy will look after itself in time. I commend the bill to the house.

Mr MAAS (Narre Warren South) (15:38): It too gives me great pleasure to rise to speak to the COVID-19 Commercial Tenancy Relief Scheme Bill 2021. It is always terrific as well to be following the member for Burwood, who had me—I must confess—reminiscing about my time as a one-time suburban lawyer, who used to have to negotiate many commercial leases, sometimes on behalf of the tenant and sometimes on behalf of the landlord, and some of those very difficult and tricky risk profiles that both of those parties have to carry.

As you, Acting Speaker Dimopoulos, noted before in your speech, small business is difficult, right? It is really hard, and with that you do carry risk. And if you are the government of the day, you have not just got to have a plan, you have actually got to have some fundamental philosophical underpinnings that go with the plan that you are trying to put out there. So the plan comes through good public policy; it is not just a one-off thing. This particular bill that we are pushing through of course is good for small business, but we have got to have a look at this as a part of a much broader Labor plan.

I am very proud to say as a member of this Labor government that it is something that has in fact been afoot since 2014. I was really confused by the contribution that the Leader of the Opposition made. I mean, it was somewhat muddled; it was a bit shaky. I was really at a loss as to how he was going to convince more than half of the electorate, let alone more than half of his own party. There were many things that he raised in terms of his support in speaking up, his party's support for small business, which just did not ring true, like the example that he raised around Macca's. The examples he gave are franchises that might pull in over a million bucks a week. It is just ridiculous to be thinking that.

And then he went on to talk about maybe owning three or four McDonald's franchises. These are not the sorts of people that this bill is looking to support. It is actually about your local cafe owner. It is about your local retail outlet. It might be the small drycleaner. These are the sorts of tenants that we are trying to support.

When I talk about a broader plan and I talk about broader good public policy I am talking about not only the sorts of things that all Victorians expect but of course the sorts of things that will help small business. As I referred to previously, when I was working as a small-firm suburban lawyer how great was it to have a local train station near you where your clients and in fact your customer base could come in and see you. I only wish that when I was doing that we had a level crossing removal program so that traffic could move around faster and my clients would actually rock up on time and I would not be late for my own appointments.

Let us talk about putting money into education as well, because we know that the better the quality of employees that come through your door, the better off your small business is going to be. We want to have good money going towards schools; of course we want to do that. Do not get me started on skills. You do not rip down TAFE.

Mr Brayne interjected.

Mr MAAS: No, you do not. You do not rip up TAFE. You put money in it because you want your workforce to be skilled, because with a good, skilled workforce your business is going to have great outcomes.

When it comes to hospitals, in a health pandemic is it a really good idea to rip down your infectious diseases hospital? It is not a good idea at all, is it? You have got to be putting money into health. So do not talk to us, do not lecture us and say to us, 'There's no plan'. In fact the plan is being enacted through a very comprehensive legislative program and, as I say, it is with great pride that we support the public policy initiative that this government is taking.

What also intrigues me about the opposition leader's contribution and the few speakers that we had from the other side is that in fact they are not saying whether they support the bill or they do not support the bill. I would have thought that if you are the party for small business and you support small business you would actually come out and say that you support the bill. But from the three or four speakers that we have had we have had no-one saying that. So if you are the party for small business, please come out and say that you will emphatically support this bill, instead of just having these wish-washy, nuanced arguments around what the bill does not do or what you might want to do if in fact you had the privilege—the very great privilege—of being in government.

I might move on and talk to some specifics of the bill and indeed some of the concerns that landlords may well have. This is a reiteration of a previous act that has been in place, but I would like to commend the many landlords and tenants that have already participated in negotiations and have reached agreements to ensure that as many businesses as possible are able to survive the impact that COVID-19 has laid bare before us. In terms of those landlord concerns, this government has taken into account their feedback in the design of regulations to come to improve the actual, practical operation of the commercial tenancy relief scheme—for example, the timely responses between parties. It will be outlining behaviours that will be able to be taken into consideration by VCAT as evidence of good-faith negotiations by both tenants and landlords as well as providing additional resourcing and service delivery improvements to deliver timely mediation through the Victorian Small Business Commission. The Victorian government has also announced a \$120 million support package for commercial landlords that do face hardship and are providing rent relief to tenants under the proposed commercial tenancy relief scheme.

Eligible businesses under this bill will be able to benefit from rent relief through this scheme, with tenants and landlords encouraged to enter negotiations again as soon as is practicable. The trigger is that rent relief for eligible tenants will be calculated by comparing their turnover for the final quarter

of the 2020–21 financial year with their turnover from the final quarter of 2018–19. In terms of criteria, tenants will be eligible for the scheme if the drop in turnover is greater than 30 per cent. The percentage drop will also determine the amount of initial rent relief which will be available to the tenant.

There are some changes that that will be put in place that will make it different to the original scheme. As I have taken you through, these changes include the eligibility criteria given the absence of JobKeeper and also improvements in the practical operation of the scheme. The re-establishment of this relief scheme acknowledges that while we have made much progress, there will continue to be challenges for businesses in coming months. We must continue to carry on with this great work until the global pandemic crisis is behind us. It is there to ensure future growth and opportunities for businesses around Victoria. I commend this bill as a response to the pandemic, I commend it as good public policy and I of course commend it to the house.

Ms SULEYMAN (St Albans) (15:48): I too rise to make a contribution on the Commercial Tenancy Relief Scheme Bill 2021. It is an absolute pleasure to follow the contribution made by the member for Narre Warren South, and I echo the sentiments that he made in contributing on this bill. One word that comes to my mind when we talk about this particular bill is ‘relief’—relief for local small businesses that are run by mums and dads, in particular in my electorate of St Albans. There is no doubt that the global pandemic has had a profound impact on small businesses not only across Victoria but across the globe. St Albans has also had a really difficult and challenging period when it comes to small businesses. With the lockdowns, the restrictions and the impacts on normal trading and operation, there is no doubt that every business owner and every community member has really felt the side effects of the global pandemic. But it is important, and I do want to note, that the community of St Albans and small businesses and traders have really united during this very difficult time and supported one another. We have supported our local small businesses and made sure, where we can, to assist the mums and dads who do run these businesses and, more importantly, the casual staff who are local residents as well, keeping them afloat during this period.

This bill really does provide relief for small businesses and landlords. It assists them to get back on their feet. It provides rent relief for commercial tenants who have experienced, as previous speakers have said, a loss of turnover of over 30 per cent during the pandemic and encourages tenants and landlords to enter good faith negotiations as soon as possible, protecting their livelihoods but most importantly protecting families and the Victorian economy.

We know that the commercial tenancy relief scheme is absolutely integral. It has played a big role in helping small businesses, through our support packages, to survive, providing a strong framework for small businesses to be able to really stay on their feet and continue their business operations during this period. This scheme will run until 15 January next year. More importantly the bill will be retrospective from the date of announcement, which was 28 July 2021. As with the previous scheme, the 2021 commercial tenancy relief scheme will provide support for small businesses with a turnover under \$50 million who have suffered a decline, as I said previously, of at least 30 per cent in turnover.

That really takes in a lot of my small businesses in St Albans, places like Hampshire Road in Sunshine, the shopping strip there, and of course the Alfrieda Street shopping precinct and the great eateries in Albion, on Perth Avenue. I really do want to take this opportunity, because recently St Albans was actually featured in a *Postcodes* episode—

A member interjected.

Ms SULEYMAN: Yes, absolutely. It was Channel 9’s *Postcodes*. None other than Shane Delia—and many of my constituents will be familiar with Shane—identified St Albans as a place of good food, good people and great experiences. That is what St Albans is really about—Pho Kim Long and restaurants like Phi Phi that really are family run, that provide great enjoyment but also great cuisine, that multiculturalism coming together, whether it is on Hampshire Road or Alfrieda Street.

I was talking to my traders last week in St Albans, and they said to me they have done it tough, absolutely, but their spirits were very high because they knew that they had a government that they could count on and they knew that there was support available so that they could recover during this period and more importantly be able to get that support when needed most—and this rent relief will do that. I do want to note that just this week in the local paper our local journo Tara Murray from the *Brimbank Star Weekly* quoted Sunshine Business Association's Tracey Cammock. She said really clearly that this rent relief would be vital for small businesses and that:

Rental relief has been a big thing we've been talking about ... Some Sunshine businesses have had some trouble paying the rent and the rental relief is welcome.

It's the biggest help for local businesses. We just hope ...

that this is passed on, as a lot of people have been missing out.

Those are the words from one of my local traders associations, the Sunshine Business Association. I want to shout out to our traders groups, which have been really assisting. Whether it is the St Albans Business Group Association or the Sunshine Business Association, they really have stepped in and gone beyond and become a real bridge when it really has mattered in providing information, support and at times just advice for these small businesses. Let me say the small businesses in my electorate are also, as I said, mums and dads, and their first language is not English. They require that extra support to make sure that government programs and support packages are actually able to be accessed by multicultural communities. I am extremely happy, in the circumstances, that we have been able to provide this support to small businesses and, importantly, landlords. When you say the word 'landlords', I know so many landlords who have worked very hard to be able to save up and invest, plenty who have come through from the factory floors, quite frankly. To do the right thing in this period of really, really difficult times, whether it is the small business sector, whether it is hospitality, whether it is our health and wellbeing—these are very tough times that require tough decisions. So it is absolutely welcome to see this bill, a bill that will provide some relief to our local traders. My business community have already made it very clear that this is something they have been talking about, something they have really, really wanted, and they have welcomed this business relief for the local community.

This is an important and valuable bill that will go a long way for all our local businesses. Again, I want to stress to my St Albans community that we continue where possible to support our local small businesses. Whether it is down at Big Sam supermarket, whether it is down at Alfrieda Street, Hampshire Road, Perth Avenue in Albion or many, many other businesses, we as locals should continue where possible to support our local businesses. They are the heart and soul of our community. They are our locals. Most of them are our neighbours. We continue in this very difficult time to be shoulder to shoulder with our small business community and, most importantly, with one another. As I keep saying, and we have heard it before, these are very difficult and very challenging circumstances, but the Victorian spirit, and in particular the western spirit, is one that unites and does the tough yards when required. We look after one another and support one another to get through, and the only way forward is, if you can—and my message is very clear—to get your jab. If you are eligible, make sure you get your jab. If you have symptoms, get tested and do the right thing. We have done it so far in St Albans, and I know we will continue to do it. We have got to make sure that we continue to support and secure the future growth of our local economy, making sure we secure the jobs. The local jobs are really reliant on our small businesses. I commend this bill to the house. Again, this is a bill that provides relief for all.

Ms ADDISON (Wendouree) (15:58): I am very pleased to rise to speak in support of the Commercial Tenancy Relief Scheme Bill 2021, which provides both commercial tenants and commercial landlords with protection and support in navigating the continued impact of COVID-19. It is always a pleasure to follow in the footsteps of the member for St Albans. I often stop in Sunshine for some great Vietnamese but I am yet to venture into St Albans on my way home, but now if it is good enough for *Postcards*, I will very much forward to it. When you think that St Albans has been

described as having good people, good food and good experiences, of course they would have a very good MP. What a great contribution you have made.

I would like to start my contribution by really thanking the Minister for Small Business. She is a member of my electorate. I am happy to represent her in this house, as she does such great work in the other place. I would also like to thank the Minister for Industry Support and Recovery, as well as their very hardworking ministerial officers and the Department of Jobs, Precincts and Regions for the work they have done to bring this bill to the house and for the stakeholder consultation that has occurred. I am looking forward to talking about what this bill means to my community in terms of the many, many local businesses that have reached out to my office to talk about the issues they are facing during COVID and the welcome and the relief they felt when this announcement was made. Ballarat has many fantastic household names, big businesses like McCain—

Business interrupted under resolution of house of 3 August.

Matters of public importance

BAIL LAWS

The SPEAKER (16:01): I have accepted a statement from the member for Brunswick proposing the following matter of public importance for discussion:

That this house condemns the tough-on-crime politics of the Andrews Labor government and its predecessors, which have produced bail laws that systematically imprison women, children and First Nations people for low-level offending, noting:

- (1) from 2010 to 2020, imprisonment of women rose 174 per cent;
- (2) more than half the women now in prison have not been sentenced;
- (3) from 2015 to 2020 the number of Aboriginal people put behind bars rose by 70 per cent; and
- (4) the growing calls from the community to raise the age of criminal responsibility from 10 to 14 years.

Dr READ (Brunswick) (16:01): Can anyone remember a story that goes something like this? A man commits a particularly awful and violent crime which is widely reported, followed by calls for longer or harsher sentences. MPs are then quoted sternly vowing to outdo one another to be tougher on crime. Some time later laws are toughened and sentences are lengthened or they are made mandatory. We can all remember episodes like this. At election time it has even been called the law and order auction, where parties try to outbid each other's promises of ever harsher retribution—and the notorious, awful crimes just keep appearing in the news. And when there is a lull our media outlets can be counted upon to find some past horror to resurrect.

However, attracting a lot less attention is the rising number of Victorians going into prison. About 25 years ago, when our prison population was around 2500, it started to grow rapidly, and in 2012, when we had almost 5000 people behind bars, the growth accelerated. But in 2014 something else happened. While the prison population kept growing, the increase was seen to almost all be in unsentenced prisoners—people on remand. Our prison population kept on rising until it peaked at just over 8000 before the pandemic-induced lull. And it is creeping up again now.

Back in 2014, 19 per cent of our prisoners were unsentenced—fewer than one in five. A month ago it was 44 per cent—approaching half. And for women and children it is over half. A couple of months ago the Commission for Children and Young People published a report on the inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system, and I quote:

From 2010 to 2019, remand orders accounted for 98% of all custodial orders made in respect of children aged 10 to 13 years ... raising serious questions as to why such young children needed to be incarcerated in the first place.

In 2019, 100 per cent of those orders were for remand, and one in three of those orders was for the detention of an Aboriginal child. To say First Nations children are over-represented in these figures is an understatement. Back in 1989, when the Royal Commission into Aboriginal Deaths in Custody

was doing its work, Victoria was jailing 870 Aboriginal people per 100 000. Thirty years later it is more than 2½ times that, at 2220 per 100 000, and the biggest acceleration has occurred under this Labor government. That is the thing about this growth in unsentenced prisoners: the more vulnerable in our community are the most affected. The awful crimes that drive our tough-on-crime policies are committed by men, but it is women, children and our First Nations people who are most affected. And the scars last more than a lifetime; they can be handed down across generations. Many of these members of our community are already suffering homelessness, mental illness, intellectual disability, addiction and often some combination of these. Many have experienced trauma, and we traumatise them again in prison. So what are we doing here? Do we really mean to punish these people in this way for minor, often repeated, offences, or are we really punishing them for the ghastly offence committed by a man who dominated the media cycle for too long? Of course remand should not, strictly speaking, be punishment, but it is still jail time, and I am sure it feels like punishment.

Clearly more than one factor is driving this growth in unsentenced prisoners—our public housing waiting list is over 100 000, we are desperately short of addiction treatment beds and our mental health system has been underfunded for years—but ask any criminal lawyer, and they will point you to one driver that stands out: our recently tightened bail law. So what happened to our bail law?

Let us briefly return, then, to one of those stories. After the awful Bourke Street massacre our bail law was amended by this Andrews Labor government in 2017 and again in 2018 to the point where it is trapping ever-growing numbers of minor offenders, like quicksand, in prison. People charged with any one of a long list of offences are now no longer entitled to bail, and the onus is now on them to prove that it is okay for them to remain out of prison until their day in court. This is easier for a wealthy white male with a great lawyer, but an Aboriginal woman, for example, relying on under-resourced legal aid, will almost certainly be remanded. Many will simply plead guilty, regardless of whether they have even committed the offence, because it is the fastest way out of jail. It is not justice, is it?

Bail conditions themselves often require a person to be organised, so they can regularly phone a police station or nominate a residence to stay in, but a breach means jail, regardless of whether you are dealing with poverty, homelessness, mental illness or family violence. Another common trap, particularly for those battling addiction, is offending while on bail. That gets you inside in short order. Is it any surprise that the first person falsely imprisoned for weeks on remand for a COVID infringement for not being in his house was a homeless Aboriginal man with an acquired brain injury?

About three years ago when asked in this place by the member for Bulleen why one violent offender was given bail, Premier Andrews proudly responded that Victoria had ‘the toughest bail laws in our nation’ and that there were more people on remand on that day than there had been at any point in the state’s history. At that time, just before the last state election, I doubt the Premier was thinking of the women, children and Aboriginal people caught up in the quicksand of Victoria’s bail laws. I think he was happy to be seen as being just as tough on crime as the opposition, but if he had thought more about it, I doubt that he would really have wanted to brag that, following his bail reforms, we have had more Aboriginal Victorians in prison than at any time in history. Now, two months ago the Victorian Aboriginal Legal Service and 50 other legal, human rights and advocacy organisations wrote an open letter that actually quoted the Victorian government solemnly declaring that:

... too many Aboriginal Victorians are still dying in custody. Too many Aboriginal Victorians are in custody in the first place.

True. The letter’s authors observed:

And yet the Government is hardly a helpless bystander to an unexpected tragedy—this Government actively and willingly contributes to this ongoing crisis.

The letter’s authors went on to say:

Your bail laws inappropriately restrict the granting of bail to Aboriginal people.

And they demanded that:

the Victorian Government immediately begin the process of implementing the necessary legislative reforms to undo the failed policy of its punitive bail laws, which disproportionately impact on Aboriginal people, especially women, many of whom are victim-survivors of domestic and family violence.

This is not something Victoria can be proud of, and it is not something which makes Victorians any safer. Imprisoning people charged with minor offences brutalises them. Young people are introduced to criminal peer groups. Many are retraumatised. Mental health can deteriorate. You do not get rehabilitation or programs on remand. Many do not get drug treatment or opioid replacement. You lose your Centrelink payments. Basically you exit worse than you leave, normally within three months. So it should come as no surprise that reoffending rates are rising and that of prisoners released in the financial year 2017–18, 44 per cent were back in prison within two years. Add to that 10 per cent who were back on community orders and that is 54 per cent—more than half our prisoners are sentenced for reoffending within two years, and the trend is getting worse. If prison is our best cure for offending, it is not working very well. The victims of these notorious crimes that have such an impact on our justice system probably would not be too impressed if we told them that by denying bail to so many who commit minor offences we are increasing their rate of reoffending. We are making the community less safe. And we are doing it on a grand scale, because the total number of unsentenced prisoners—over 3000 today—is just a snapshot representing part of a much larger number when you add up all the people who go in and out of jail in a single year. That is because many spend just a few weeks in prison before release, either because the court decided that they did not require a prison sentence or because they had served enough time already. Forty per cent will be released either on time served or with no eventual custodial sentence; 60 per cent will be released in under three months.

And this is costing us a fortune. We spend around \$130 000 to house a prisoner for a year, over half a million dollars for a child in youth detention. \$1.6 billion every year—a rate of investment that is rising faster than spending on health care under this government. That would pay a lot of rent. It would pay for addiction beds or mental health care, but we are spending it on running a very expensive system. This of course does not include the billions spent building and expanding new prisons, such as the planned expansion of the Dame Phyllis Frost Centre to fit more women into the system. I do not believe the government really wants to put ever-growing numbers of vulnerable people into pretrial detention, but it may be that the government feels it has backed itself into a corner by making bail so hard to get and by making a virtue out of this.

So how do we solve this? Well, one group cries out for particular attention. Children aged under 14 would not be going to court at all, let alone prison, in the great many countries in the world with a higher age of criminal responsibility than Australia. Children's brains are still developing at this age. Locking children up during these crucial years increases their risk of subsequent depression and self-harm. It results in school failure and it fractures family relationships. Reoffending rates are over 80 per cent in children remanded under the age of 14. This group needs more than bail reform: Victoria must raise the age of criminal responsibility without delay. The AMA is calling for it, the paediatricians, Amnesty and the Law Council of Australia. Victoria has a good story to tell about this, as we are jailing smaller numbers of children in this age group every year. Diversion programs are working. We know what we need to do to keep these kids out of prison. The Greens have second read a bill in the other place to raise the age of criminal responsibility, and I urge the government to support it or to introduce their own.

What else should we do? Let us come back to that letter from the Victorian Aboriginal Legal Service and numerous others, and I only have time to acknowledge a few of these co-authors for their work campaigning for law reform: Liberty Victoria, Westjustice, Flat Out, Change the Record, the Fitzroy Legal Service, Youthlaw, Jesuit Social Services and the Human Rights Law Centre. This letter from the Victorian Aboriginal Legal Service and others hands this government the opportunity it needs. It is an opportunity to listen, and to demonstrate that the government has listened, and to respond, and there is only one way to respond: the government must reform our bail law so that the default position is for an accused person to be entitled to bail unless the court finds that they pose an unacceptable risk of endangering the public, of failing to attend court or of interfering with a witness. We should abolish the reverse onus tests recently added to our bail law.

The government may prefer to tinker with reform but the Greens bill, soon to be debated in the other place, replaces the existing bail provisions with a single test of unacceptable risk, which will provide a real solution. If the government takes this approach, it will show that they have listened to the voices advocating for Aboriginal people and for women and for the many other vulnerable people who have hitherto been collateral damage in a battle that just got way out of hand. That would be a fitting response to the letter from the Victorian Aboriginal Legal Service and their many supporters.

Mr J BULL (Sunbury) (16:15): I am pleased to have the opportunity on this Wednesday afternoon to contribute to debate on this matter of public importance (MPI). This is, of course, a matter of great public importance which does indeed raise a number of significant and important matters that I am sure are very important to all members of this house. These are indeed important matters, and they are matters that the government has wholeheartedly committed to addressing, committed to tackling and indeed over many years has made significant large-scale investments in. We on this side of the house will continue to invest as we have always done in those long-term significant projects, significant strategies and initiatives that make Victoria a fairer and better place.

This MPI was brought forward by the member for Brunswick, who we have just heard from—a member of the Greens political party. And what I would like to do in the 14 minutes that I have remaining is address a number of the points that are raised within the MPI, not through feel-good statements or feel-good sentiments but indeed by talking about those significant investments, those key projects and initiatives, that this government has been committed to since we had the great opportunity to come into office. I want to talk about a number of those projects this afternoon. This is work that I believe—and I am sure all members of this government believe—works towards addressing some of those significant underlying issues of crime and addresses those root determinants that mean people have experience with our justice system. These investments, these key pieces of work, are those that make a difference—those that support people that need the support the most at the time when they most need it. These are investments that work right across government, right across many different departments and right across many different ages as people experience their journey through life. The best way to reduce contact with the justice system and criminal offending is to prevent it happening in the first place. It is our government's view that a whole-of-government approach right across those portfolios is exactly what is needed in this space and it is why budget after budget that we have brought to this house has made those record investments in health, in education, in social and affordable housing, in crime prevention, in police numbers and of course in mental health and the prevention of family violence.

There have been two royal commissions that are significant in relation to the MPI that is before the house this afternoon, both of which I am sure all members will be incredibly familiar with. The royal commission this government held in our first term was the Royal Commission into Family Violence, and the second royal commission, in this term, was the Royal Commission into Victoria's Mental Health System. Now, there are some in the community who may doubt, may question, the work of a royal commission, but I am not one of these people. And I am sure—I should say I hope—that all members of this house realise that if you want to have a very detailed, very thorough look at a particular issue, something as significant as the prevention of family violence or something as significant as mental health within our community, a royal commission is exactly what is needed.

Whether it be the Royal Commission into Family Violence or the Royal Commission into Victoria's Mental Health System, we know that these were significant pieces of work. It was not the Greens political party, but it was this government, members on this side of the house led by the Premier, that called for both of those royal commissions. And most importantly, rather than cheap political pointscoring, what is critical to the work of the royal commission is not just to have the thorough process of the commission itself; it is what comes after that. That is why I think what has been critically important is the commitment to all 227 recommendations from the Royal Commission into Family Violence, 25 days of public hearings, community conversations with over 800 Victorians and nearly 1000 written submissions. Areas that were investigated included criminal law, corrections, courts, the

role of support services, the health system and alcohol and drug treatment services as well as all of those underlying issues that we know contribute to this significant issue in our community: housing, education, tools available to police. The government, as I just mentioned, committed to all of those 227 recommendations and made significant large-scale investments in making sure that we were tackling one of the most significant issues in our community.

We know that family violence related trauma is a significant contributor to criminal offending, and almost all women in our prison system have had some history of sexual, physical or emotional abuse occurring in childhood or as an adult. We know that much of the Corrections Victoria data suggests that approximately 40 per cent of women entering custody on remand are recorded as victims of family violence in the two years immediately prior to entering prison. I think what is incredibly important when we are talking about these most significant issues within our community is doing so in the context, in the frame, of much of the work that has already been done. These are huge investments. They are critically important to addressing many of those causes that in the first instance lead people down these pathways.

I do want to also just touch on the Royal Commission into Family Violence, which included the 100 recommendations led by the justice system. Five years on, 88 of the 100 justice-led recommendations have been implemented, with the focus now shifting to strengthening, embedding and integrating the justice system's response to family violence. Of course we have got a whole range of different services, whether it is investing in specialist family violence policing, education and training or whether it is investing in specialist family violence courts. We know and we have heard a lot in this house about the Orange Door network. There is a whole range of work that is done on the back of those 227 recommendations.

We then look at the Royal Commission into Victoria's Mental Health System: 3195 pages, 12 500 contributions and 65 additional recommendations on top of the interim report. That is work that is not just groundbreaking; it rewrites and rebuilds the mental health system from the ground up. We know as local members the significant challenge within each of our communities that mental health challenges bring. It is very difficult, I believe, meeting with constituents when they are raising mental health issues within the community. I think this royal commission, with that local care, with the record investment in the last budget, will lead to some incredibly important steps and work that is going to underpin stronger, better collective mental health within our community. It is work that is a sustained investment, something that we are focused on of course—not just stunts, not grandstanding, but real investment that makes a difference. As I mentioned, it is \$3.8 billion decade-long reform, delivering more community-based services, more help for those with acute needs, more early intervention and a new dedicated system to support our kids.

The royal commission told us that when it comes to accessing care—and particularly for communities like mine in the growing outer suburbs, we know—having that localised service makes all the difference, particularly when it comes to young people who face a whole range of transport challenges as well. There is an incredibly detailed and long package contained within this investment—a generational investment, a significant investment—that is going to, as I have said, improve the collective mental health of our community. Whether it is the \$954 million to establish the 22 reformed area-based mental health and wellbeing services, the \$300 million in acute care, there is a whole range of services within this package, and certainly the debate on the take-note motion on the budget, which I believe I made my contribution to in another sitting week, details many of those investments. I do reference this work—the work of both royal commissions—in the context of this MPI because we know that it is the holistic work, the large-scale work that is holistic in scope and monumental in impact, that addresses many of the drivers that relate to contact with the justice system.

Another area that is critical in addressing the needs and the causes of contact with the justice system is investing in our young people, and I am really pleased to be the Parliamentary Secretary for Youth, working alongside the Minister for Youth, who I see is at the table, making sure that we are engaging with young people in our community at each and every opportunity. We know that young people have

experienced a very, very difficult time through the pandemic. What we know and understand is that we need to work with our young people in this state as we work towards developing our youth strategy, as we work towards understanding many of the conditions that our young people face. Whether you live in the city, whether you live in the suburbs or whether you live out in South Barwon, out in a region or in the country, we need to make sure that we do as much as we possibly can.

Mr Cheeseman interjected.

Mr J BULL: I know that the member for South Barwon spends quite a lot of time on a surfboard, and I am sure that he engages with the young people within his community each and every time that he has those opportunities. This is very significant work. It is something that I know the government takes incredibly seriously. It is something that the minister and I speak about often—making sure that we are investing in and supporting our young people, particularly those that have had contact with the youth justice system. It is fundamentally important.

I do want to talk, I should say briefly, in the crime prevention space. This government is of course helping upturn those young people that I have just mentioned, making sure that we are doing as much as we possibly can, and we need to continue to invest, as I mentioned earlier. We know that there is \$4.4 million in the last budget for more of the programs that help to support some of Victoria's most vulnerable kids. This is on top of more than \$16 million that has been invested in youth crime prevention grants from 2016. We know that many of the causes of crime come from that disconnection and trauma, many of the issues that I have spoken about, but the projects aim to address offending and recidivism among young people aged 10 to 24 that have either had contact with or demonstrated a risk of being involved with the criminal justice system.

The projects engage with young people through coaching, through mentoring and through employment and education opportunities, making sure that we are doing everything we can to support our local young people and provide opportunities for support to them to be provided with wraparound services. There are a whole range of different projects and initiatives within this space, but if I can just run through a couple that were contained in the 2021–22 allocation: Anglicare Victoria, Latrobe, \$350 000; Banksia Gardens Community Services in Hume, \$350 000; Berry Street Victoria, Ballarat, \$350 000; Barwon Child, Youth & Family, Geelong, \$350 000 as well; the Centre for Multicultural Youth in Wyndham, \$350 000; the Youth Support and Advocacy Service in Casey, Dandenong and Frankston, all \$350 000—the member for Frankston is pleased about that, as he should be; the Centre for Participation in Horsham, \$100 000; CVGT Australia, Bendigo, \$100 000; Melton City Council, \$100 000; Save the Children, Shepparton, \$260 000; Sunraysia Community Health Services, Mildura, \$100 000; the Youth Junction Incorporated in Brimbank, \$100 000—our member for St Albans is happy about that as well, and the member for St Albans also is actually a very strong advocate for these services within her community; and Workways Australia in East Gippsland, \$100 000.

I have got pages and pages of notes that refer to—I want to finish where I started—those projects, those large-scale investments and initiatives of this government since day one, from the very first time we had the opportunity and the great privilege to be elected to the Treasury benches in this house. We have been led of course exceptionally well by the Premier, but all members of this government have at each and every opportunity worked to create a fairer, a stronger, a better Victoria—whether it be things as big as a royal commission into mental health or a royal commission into the prevention of family violence; whether it be the \$100 000 to Sunraysia Community Health Services in Mildura, as part of our large-scale investments, systemic reform, medium pathways and projects and initiatives in education and in health; or whether it be some of those smaller grants that on the ground make such a significant difference to the people that we are here each and every day to stand up for, to represent and to come in and make sure that we are supporting each and every Victorian, to make Victoria a better, fairer place.

Mr SOUTHWICK (Caulfield) (16:30): I rise to speak on the Greens matter of public importance:

That this house condemns the tough-on-crime politics of the Andrews Labor government and its predecessors, which have produced bail laws that systematically imprison women, children and First Nations people for low-level offending ...

and it goes on.

Can I just say, particularly with that, it talks about predecessors, including the Andrews government. For 18 of 22 years this government has been in power. Labor has been in power for 18 of 22 years, and the justice system is completely bugged; it is stuffed. We have a complete shambolic mess of a justice system. We have the highest cost and the highest amount of reoffending. It is a revolving door of crime. We have people going in, and we are spending \$323 a day per prisoner in our adult jail system. We are spending \$2500 a day in our youth justice system—\$2500 a day. 119 kids—it costs \$165 million to keep 119 kids in the youth justice system, only to find that 60 per cent of them are back within 12 months for reoffending. That is an absolute failure. That is a failure, the fact that we are spending so much money—this government—on an absolute mess and getting no kind of rehabilitation whatsoever. Forty-four per cent of those in the adult system are back within two years. It costs \$300 a day, more than you would spend on a top hotel, and yet they are back reoffending within two years. Why?

There are very rare occasions that we would agree with elements of what the Greens have got to say, but there are a number of issues here where the Greens are actually spot on—a number of issues. We have a whole lot of people waiting on remand—higher than we have ever seen before. COVID has seen no ability of the government to look at ways for people to have their hearings held. You have people waiting to be sentenced, people waiting on remand, people not getting programs—situations where you have got somebody that might wait 12 months to have their court hearing heard, only to find that they are literally back on the streets and told, ‘Right, your sentence has been effectively time served. No programs because you’re on remand—no programs’. So somebody that is experiencing a drug problem—no programs; they are back on the street. And no wonder they are back in the system within two years with no investment. The government stands up here: ‘Oh, we’re spending \$100 000 on this and \$300 000 on that’. Well, the government is spending \$1.63 billion on prisons—\$1.63 billion. And do you know what: 7 per cent of—one in 14—young offenders are receiving a referral or support program for a diversion program. One in 14—so you have got 119 kids and one in 14 is getting any kind of support. Twenty per cent of youth offenders have participated in a community reintegration program in 2021—20 per cent. Eighty per cent are receiving nothing. No wonder the system is completely broken—no wonder.

We have got breaches, we have got cover-ups and we have got the system in review. IBAC is reviewing our prison system at the moment because you have got assaults, you have got criminal records being shared amongst people, being disclosed amongst people, and you have got fight clubs that are being run. You have got kids in our youth justice system being babysat by giving them Nintendos, saying, ‘There you go. Here’s a Nintendo. Go and knock yourself out. Forget about an education program. Forget about a training program. Forget about a job. Forget about a pathway’. What is broken is that this government is certainly tough on the elements of crime but does not care about being tough on the causes of crime, and that is where we are focused. We are focused on ensuring in the early years that these kids do not end up in a life of crime.

Women—again, we have the highest number of women that we have ever seen participating, unfortunately, in our criminal justice system. The government themselves just said that nearly half of those women have experienced family violence and have ended up in our criminal justice system. Well, the government have recognised it, but what are they doing about it? They have had 18 of 22 years to tackle the escalation of women ending up in our justice system and young people ending up in our justice system, with no response and no investment. All they are doing is building more prisons, not providing the systems, not providing a pathway, not providing any options.

A member interjected.

Mr SOUTHWICK: There are no programs. One of the big issues is around child protection. We know that somebody that is in child protection, a young person placed in out-of-home care, is 16 times more likely than the equivalent in the general population to be under youth justice supervision in the same year, according to an Australian Law Reform Commission family violence report. We also know that when you go and visit any of the youth justice centres a huge proportion of those people have come from the child protection system. A huge proportion of those were under the care of the government. Now, rather than the government trying to support these kids in child protection, they are exploiting them. They are exploiting them with the way that they are managing them like you would not believe. We saw a report of a situation where kids were being groomed in out-of-home care and this government was covering that up. A former youth worker used personal information about vulnerable children that he should not have had access to to track down, groom and rape a 13-year-old boy. If this is the kind of stuff that is happening in child protection, take the word 'protection' out of the whole system because there is no protection there for those kids. No wonder they are ending up in the youth justice system when they are being exploited. Where are the programs for them?

I talked to Victoria Police, and they have had instances where one child has literally had to be tracked down 70 times in a year and brought back into the home because there is no support, there is nothing. The youth worker turns around and says, 'Oh, he's gone missing again. Johnny's gone missing. Can you go and pick him up?'. So police drive around, find Johnny, pick him up and take him back to the home, and Johnny is back on the street the next day. Johnny has got knives; Johnny is experimenting with drugs. Where is the support for Johnny? What is the government doing about that? The government is just waiting. It is effectively a university of crime for these young kids. It is not about breaking the cycle but about just accepting it. It is almost a white flag being raised by this government, who turn around and say 'We're not going to invest'.

Women and Mentoring, which is a fantastic program that tries to support women in prison and tries to get them out of prison and give them a career and support, went cap in hand to the government and said 'We need just a few hundred thousand dollars'—it is volunteer based—to run it'. They had to beg, borrow and steal from the government to eventually get some support. They were running a fundraising program just to keep their doors open. Why aren't we using more of those volunteer support organisations? Why aren't we looking to the community to try and get a community response? Why aren't we looking at a different way, like other areas in other jurisdictions, in terms of looking at being tough on the causes of crime, such as kids being caught up in drugs? Where are the beds to actually ensure that they can get some rehabilitation? There should be a bed made available for every kid, for every family that is experiencing a kid that has suffered from a drug overdose or is suffering from ice. We had an ice inquiry with a whole lot of recommendations. I hear of kids all the time; parents ring us up in arms to say, 'My kid wants a bed, and they cannot get one'. They are told the next available one is in three months. Three months is too late. The government is not providing support when it is needed.

The Greens talk about raising the age. I think no-one wants to see a young person locked up. It is absolutely a fair debate or discussion to be looking at what we need to do to be able to support those young people before they end up in a life of crime. We have got serious offenders, and we need to look at that. We saw Solomone, who was killed only last year at one of the shopping centres, and there are 11 young offenders as young as 12 in terms of who was responsible for some of that, so we need to look at that.

I know the New South Wales Attorney is looking at carving off some of what would be considered serious—murder, rape, terrorism—as opposed to everything else to ensure that we do not have young people being incarcerated when they should not be. I think they are discussions we need to have. I do not want to see young people locked up unnecessarily, but at the same time we need to ensure that the community is kept safe.

Ms CONNOLLY (Tarneit) (16:40): Well, I always feel very humbled to follow the member for Caulfield, and I quite often feel that in this place I follow him all too often in many of these debates

where we disagree entirely—and I must speak to someone about that. The reason why I am smiling is that for that whole 10 minutes my eyes were glued to that clock. I was waiting for the member for Caulfield to say one thing, one thing, that they did when they were in government that was good for crime and reducing crime here in Victoria, and—

A member interjected.

Ms CONNOLLY: Wait! I did not hear you say one thing your party would do if you were in government. Do you know what that says to me? Despite all of the criticism—and it is very easy to criticise, let us be honest, very easy to sit and criticise in this house—you do not have one thing that you would do differently. What would it be? Well, your 10 minutes is up and now it is mine, so I am going to talk about what we are doing.

Now, I have got to say I was really keen to get up and speak on this, not only because many moons ago—as I approach 40 this year—in my early 20s I started off in the criminal justice system. I wanted to be a criminal law barrister. So when this matter of public importance came across my desk and I was asked to speak I thought, ‘Oh yes, I love speaking on crime’, because we need more serious people talking about crime, talking about crime prevention and the issues and the challenges and the opportunities to go ahead and turn things around. We need more people up here having a stable, rational debate about crime.

It is a very, very complex issue, and I would say to the member for Brunswick: I am sure you are a very, very intelligent man as a doctor. We hold our doctors—I think you are a GP—to really high standards, so when I saw this matter of public importance that you had raised I was really disappointed. Do you know why? Because the community knows that the issues around crime are complex, but we get stuck in this place time and time again on this side of the house having to have such a complex, important issue in our community—and let me tell you, it is a really important issue in Tarneit. It is an important issue that affects many, many families. I have lots of conversations about crime, community safety and crime prevention, and when I see it reduced to a simplistic three-word slogan in this house time and time again by those opposite I feel disappointed—disappointed because our community deserves better. Whether they are a victim of crime, whether they are fearful of criminal activity in their own local streets, whether suddenly they think crime is running rampant in Victoria, the community deserve better. They deserve a higher standard of debate. They deserve at least an alternative view from an alternative government, which has failed to land in this place in the last 10 minutes from the member for Caulfield. Maybe he has gone away to think about it.

But to see us having a conversation again, it now comes down to this: it comes down to those opposite saying you are either too tough on crime or you are not tough enough. It is one or the other. Well, I have worked in the criminal justice system and out and about in a community that has a lot of social issues—a hell of a lot of disadvantage of working-class families through no fault of their own. Some of it is generational, systemic, low socio-economic disadvantage. You only have to drive around the local neighbourhoods to see that. I do not have to read it in reports to know about it, but to see this kind of debate reduced to being too tough on crime or too soft on crime is an absolute insult to our community, and they deserve better. So shame on you, member for Brunswick.

I am really well placed to make these statements, and I say that because I was targeted in the 2018 campaign. Tarneit was targeted as one of those places in Melbourne’s outer burbs that had a problem with crime—and, really sadly, African gang crime. And we had irresponsible journalism and reporting coming in and shining a light on a local community that caused hysteria that really damaged my community, disturbingly damaged them. It was irresponsible but, you know, I will stand here and say that in areas like Hoppers Crossing, for example, we are working really hard to deliver crime prevention programs. We do not call them crime prevention programs because, let us face it, young people do not want to be tagged with some kind of stigma that there is something wrong with them because they come from working-class families or that suddenly their future opportunities in life are

defined by their postcode. We do not call them crime prevention programs; we call them youth engagement programs.

I talk to a lot of people who are running those youth engagement programs—sometimes funded by us as a state government, sometimes not. Sometimes they are run off the back of the community themselves by community leaders who see that there is a need. I think of the incredible work in Wyndham that our Maori Wardens do. They are just seniors, elders in their community, and they do great work. They ride our trains and our buses reminding any youths that start to get rowdy along the way to do the right thing and they look at engaging them in different activities in our local communities.

One of those activities in my local community that has been very successful at giving young people something to do but also diverting them away from ending up in our criminal justice system is through sport. We have got the Minister for Youth here at the table, and she would very well know about the great program that her office and our government are rolling out around the Get Active vouchers for youth from disadvantaged families who need a bit of hand. I think it is \$250 they get in a voucher to help get their kids into some of the local sporting clubs and activities happening in the community. This is not just good for kids' mental health and physical health; it is also a way in which we can help divert youth who are most at risk and vulnerable. That is not all youth, but there are particular cohorts that are most at risk. It is helping to get those youths into pathways and onto the footy pitch or the sporting oval out there and doing something that contributes to them spending time in a way in which they are not going to come up against the criminal justice system.

Now, I do want to put on record from the outset that, whilst those opposite will always seek to go ahead and manipulate the data in as many ways as they can, the simple facts are these: there has been a decline in the number of young people offending in Victoria over the past decade; there has been a decline in the number of young people under youth justice supervision across both community and custody over the past five years; and, importantly, Victoria has the lowest rate of young people under supervision in Australia. That is down to our diversion programs, and there are many of them. You know, the member for Caulfield talked about it as if we do nothing in this space and I thought, 'Mate, where are you coming from?'. He is certainly not listening to contribution after contribution on this this side of the house. It means our diversion programs are working, our wraparound services are working and we are tackling the root causes of crime.

Does this mean that there is no crime? Does this mean that there are no challenges in our youth justice system that we as a government, we as a society and our local communities need to focus on and strive to do better? Of course we need to do better. We will always strive to do better. This side of the house has a plan. It has a plan to engage youth. It has a plan to try and reduce the number of women, yes, that are sitting there in our prisons and on remand. Yes, of course we do. And it is very important to have a plan. Perhaps the member for Brunswick is going to look at his party's plan, which he might be looking for for some time. But this is a very complex issue. It has got many parts to it. For the people that engage with the criminal justice system it is not black and white. That is why it is so complex. People have serious problems, and if you want to address the criminal justice system in this state, you need to look at crime prevention.

Ms VALLENCE (Evelyn) (16:50): I rise today to contribute to today's matter of public importance debate put by the Greens member for Brunswick in relation to Labor's broken criminal justice system and Labor's woeful record when it comes to incarceration rates for women, children and Indigenous people. The facts are clear. Under the Premier and Labor, crime is up, youth crime is up, prisoner numbers are up, reoffending is up and Indigenous Victorians are being locked up in record numbers. Labor has failed, and Labor has no plan. Despite the fact that Labor will try to pull the wool over our eyes in this debate and say that they do, Labor has no plan.

Under the Andrews Labor government crime rates are unacceptably high. Many of the most vulnerable in our community have been allowed by Labor to fall through the cracks, and they have turned to crime. This is a tragic situation. Labor has failed and still is failing these people. Labor is failing these

Victorians, failing to provide them hope and equality of opportunity, by being in government and being responsible for systems and structures that are failing, that are broken.

We know educational standards, nationally and internationally, are down. Unemployment and underemployment rates are the highest in Australia. Rehabilitation programs are inadequate. Housing waiting lists are getting longer and longer. It is Homelessness Week, and we know that the homelessness rate in Victoria is absolutely woeful.

Labor is failing. They love their headlines, but when you pull back the curtain the Labor government has dysfunctional systems that are failing. Labor loves boasting, but when you see incarceration rates as high as they are today in Victoria it is not something that Labor really wants to boast about. They are the most vulnerable people in our society, and the Labor government is failing them.

Under the Labor government the number of women incarcerated has skyrocketed, and I think that this is a really, really problematic issue. The number of women incarcerated under the watch of this Labor government has skyrocketed. Under Labor the number of Indigenous people incarcerated has skyrocketed, and it is alarming and completely unacceptable. I think that any government, any state, in this situation should find that a shameful record to have under the watch of their government. And when it comes to Indigenous Victorians and this significantly high incarceration rate, let us not forget that this Andrews Labor government is locking up more Indigenous Victorians than any other previous Victorian government. It is an absolute indictment on Labor's record, and it is a really tragic situation for our community and our society.

Now, let us look at the facts. Under the Premier and Labor at 30 June 2021 there were 411 women in prison, and of these women, 190, or 54 per cent, were unsentenced. The Labor government needs to come clean and tell Victorians why the rate of women in prison who are unsentenced is so high. And they must not hide under the cover of COVID as an excuse, because that would be lame. The court system is under pressure and the backlogs, as we know, are immense. We heard that all too well through the recent Public Accounts and Estimates Committee process, and Labor conceded that fact. That is part of the problem. Their systems are dysfunctional, and they are failing these women who are incarcerated.

Now, the situation for Indigenous women is sadly much worse. Whilst the Premier and Labor have been in government the number of Aboriginal and Torres Strait Islander women entering prison each year has risen by over 300 per cent. It is not something I think Labor should be gloating about. One of the key flaws is that the Andrews Labor government is failing to close the gap, and Indigenous Victorians continue to be significantly over-represented in the Victorian prison system. Labor will try to pull the wool over our eyes and say that they are putting Indigenous Victorians first, but the statistics in our prisons demonstrate a very different story.

When it comes to young Victorians the rates of imprisonment are worrying. Given the extraordinary challenges of the COVID-19 pandemic and the repeated lockdowns imposed by the Andrews Labor government, young Victorians have been disproportionately impacted during the pandemic, and I do not think there is any dispute about that fact. Disrupted education, disrupted job opportunities—job opportunities that young people typically take up in the events, tourism and hospitality sectors have been stripped away because these businesses and these industries have been forced to close. Now, this puts pressure on people; this puts pressure on young people and in some cases amplifies the propensity for them to get involved in crime.

Let us look at the stats. While Labor has been in government the imprisonment rate of males under 20 has grown by nearly 115 per cent, and for males aged 20 to 24 it has grown by 315 per cent. Now, incarcerating young people should be a last resort, and in looking at ways to tackle problems of youth crime as legislators and as parliamentarians we need to be very careful in relation to considering the age of criminal responsibility. This is not—and I think it has been said in the chamber prior to my contribution—a simple matter. This issue of youth criminal offending is complex, and it requires

careful consideration. And a national framework would be a sensible response to this extremely important issue. For young Victorians who offend, it is vital that we have a real focus on rehabilitation and addressing the causes of any offending behaviour.

Also there unequivocally must be a focus on the victims. Victims of crime unfortunately are not even a feature of the Greens party's matter of public importance today, and it is shameful. Their focus is on those that have committed crimes, but our systems and frameworks necessarily must consider the victims as central to any consideration and the protection of those victims who are made vulnerable when crime is committed against them. Addressing offending behaviours is crucially important, but so too is the protection of the community and the interests of victims of crime. It is complex, and a national approach would be sensible.

In fact the age of criminal responsibility is under consideration by Attorneys-General across Australia. All commonwealth, state and territory Attorneys-General collectively have agreed that further work in this area is required. Indeed the then Council of Attorneys-General in their July 2020 communiqué stated that there is a need for further work to occur regarding the need for adequate processes and services for children who exhibit offending behaviour. This really demonstrates how serious this issue is and how serious it needs to be in terms of any potential reform—and any potential reform really does deserve a national framework.

It is interesting also to consider the experiences and views of those on the front line, those tasked with keeping our community safe, and that includes vulnerable people who commit crimes. Both the chief commissioner of Victoria Police and the secretary of the Police Association Victoria have publicly outlined their serious concerns about raising the age of criminal responsibility, so it is important in debate to think about that also. The chief commissioner of Victoria Police, Shane Patton, in May this year in relation to the age of criminality said:

We need to be able to arrest young people between 10 to 14 who ... commit significant, serious crimes. I think we've charged a couple of kids with murder in the past. We have numerous robberies and armed robberies committed by them. I'm all for diverting children from the justice system through cautions, diversions—a range of other therapeutic and restorative programs—but we need to be able to ... take action and stop ... serious offending.

And I think that thing about stopping serious offending is crucial in that statement by the chief commissioner. Also in May the secretary of the Police Association, Wayne Gatt, indicated he was in favour of a uniform national approach and not letting the state go it alone, because as he said—as Wayne Gatt said—there really are not any 10-year-olds going to jail at the moment, and the Children's Court act de-emphasises punishment and supports rehabilitation as the highest priority.

Now, we all want to see fewer young people, fewer women and fewer Indigenous Victorians incarcerated, and if Labor and the Greens join up to introduce legislation on this serious and important issue, they must be very transparent with the Victorian public on what systems and programs would be put in place as an alternative and be open and transparent about budgeting and resourcing that would be required. And I think the member for Caulfield talked about the challenges and inadequacies in the last state budget when it comes to justice—criminal justice and youth justice particularly. Labor has failed Victorians, and Victorians deserve better. Victims of crime too deserve better.

Mr FREGON (Mount Waverley) (17:00): I too rise to talk about this very important topic. As much as in my previous career you would try and bring problems down to the simplest set of choices—keep it simple, stupid—this is certainly not a topic that any of us, as the previous member quite rightly said, can treat in a simple way. This is one of the most complex issues that many of the green books in front of us deal with—our criminal justice system. If I skip the part about how it is all our fault and go to one point the previous member talked about, the victims, I am very happy to hear that we are as a house considering not just the people who, unfortunately, find themselves on the wrong side of our criminal justice system but also victims of crime and the community as a whole.

The member for Brunswick, who raised this matter of public importance, spoke about an incident that we would all recall, Bourke Street, and I will not mention the man's name, because frankly we should forget him and that he exists. Obviously that is one of those pivotal moments that, as Victorian society, we will reflect upon. The fact that the perpetrator was on bail at the time is obviously something that as a state we have had many, many conversations about. Bail was not a new thing to discuss just at that time. I recall, and I am sure other members of the house will recall, that the questions about bail have always been discussed, regardless of who has been on the government benches. It is a very difficult problem. I go back to my start. You cannot simplify this too much. It is so complicated. The causes of people committing offences are complicated. Nobody will be surprised when I say we will not fix this—this government, the next government or the next government after that. We will not remove crime from our society, no matter how hard we try—and we will try. Whoever is here in 100 years, there will still be crime. I wish it was not the case. I am sure we all wish it was not the case, but we have to accept that it is a fait accompli.

So how do we deal with it? How do we minimise it? These are the questions that we are here for. And it is good to have discussions today, because the number of people in our penal system, in our corrections system, is something that we should be aware of. It is something that we should discuss. But we should also discuss community safety, and we should discuss the importance of that. I go back to former Justice Coghlan's review that was implemented post 2017, I guess. We as a government have implemented 23 of the 37 recommendations. Here is another example of where we have gone to experts to advise independently, to come back and say, 'This is what we need to do'. Twenty three of the 37 recommendations which were contained across two sets of advice have been followed. Now, you may say that 23 out of 37 is 66 per cent or something like that, but some of the first recommendations were superseded by the second ones. The changes that needed to be made urgently to make the community safer have been made. Yes, we have very tough bail laws in this state, and as the member for Mount Waverley I do not apologise for that. For the people I speak to, the people in my community when I was campaigning in 2018, that never came up as a problem. Well, that is not true—there was one person who raised it who was a barrister, who raised it at a train station and we had a discussion about it.

Now, of the 14 remaining recommendations, six have been partially implemented, five are in the process and three are under consideration. These things can take time. Sometimes we wish they would be done faster, but it is not the sort of thing that you want to necessarily hurry. What are the effects of these laws? Obviously if you strengthen bail laws, you will have more people who are incarcerated for periods of time. Nobody wants to see anyone incarcerated, but offenders of crime must be treated the same under law.

Now, what others have spoken about is in regard to what we can do to prevent offences happening. What can we do in this house, what can we do as a government, to contribute to society to prevent crime? We fundamentally believe that the best way to reduce criminal offending is to prevent it from occurring in the first place, and we know, as has been raised, that women in prison are often there as a result of a complex array of social, health and economic issues which lead to criminal offending. That is why we are working to address the issues that lead to this behaviour. The member for Sunbury quite aptly talked about the royal commissions that we have held into both family violence and the mental health system—entwined in what results in our criminal justice system and for people who fall on the wrong side of that.

I recall Minister Neville opening the family violence centre at the police academy in my very own district in 2019. We have specialist police who are trained, and this all leads to crime prevention. Now, our government also understands that female prisoners present with a unique profile and set of needs. A clear understanding of the extent of trauma and instability in their lives is critical for a corrections system to provide appropriate and effective services. To address these multiple and complex needs, Corrections Victoria has developed *Strengthening Connections*, its new women's policy.

I notice the member for Caulfield, amongst his contribution, was discussing that we are not doing anything, which is ludicrous—but fine, he has got his 10 minutes. On 21 June 2021 Minister Hutchins launched the *Crime Prevention Strategy* I just mentioned, backed by more than \$30 million in the budget. The strategy recognises that each community has the expertise, knowledge and ideas to design solutions that are right for them. Now, this strategy builds on the government's investment of \$48 million for more than 820 successful community crime prevention projects since 2015. So again, there was talk about how there is nothing happening in the community. Obviously that is not correct.

The number of women in prison is growing worldwide. Nobody wants to see that. Between 2000 and 2016 the number of women in prison increased by 53 per cent, growing at twice the rate of the total prison population and more than twice the rate of the general population. None of us wants to see that. That is not a surprise.

Ms Sandell interjected.

Mr FREGON: And we are doing something about it, member for Melbourne. We acknowledge it, and we came to government with a clear agenda to put gender equality and the health and wellbeing of women and children at the centre of government business. It is why our government is addressing inequality, sexism and violence against women through our gender equality strategy, *Safe and Strong*, implementing the Gender Equality Act 2020 and *Free from Violence*, our strategy to prevent violence against women. All these things contribute to resolving social problems. It is why the 2021–22 Victorian budget includes \$521.6 million to progress gender equality and end family violence. We are supporting the participation of women in the workforce with a commitment to closing the employment gap and improving the economic security of women, recognising the disproportionate impacts of caring responsibilities on women. We understand, and we are acting, and you know this. You can see it. You can have your argument— (*Time expired*)

Ms SANDELL (Melbourne) (17:10): I want to start today by telling the Parliament a story about a woman named Rachael, although obviously that is not her real name. Rachael was charged with stealing cars and credit card crimes—crimes, yes, but not violent ones, so she was allowed to be out in the community while waiting for her date in court. But while on bail Rachael made a bad decision: she stole an ice cream. In her words, 'I was having a bad day. It was my favourite ice cream. It was a stupid thing to do'. But because she was already on bail for another crime, this new crime—stealing an ice cream—was enough to send her to prison.

Last year another woman faced a similar fate to Rachael. Last year Ava's adult son moved back in with her during COVID, like what happened to a lot of families. Ava had an argument with her son. She felt unsafe so she called the police. They came, they spoke to her son, then came inside, handcuffed her and forced her into the back of a police van. Ava learned hours later that her son had taken out an intervention order against her, banning her from her own home and all contact with him. At 2.00 am when she was released Ava sent an angry message to her son—she had just been banned from her own home. Yet this message was enough to send Ava to jail, because according to Victoria's laws, breaching an intervention order and her lack of a home to go to prohibited her from getting bail. We might think these stories are so outrageous that they must come from America or another country with a terrible justice system. But they happened right here in Victoria.

Today the Greens had the opportunity to bring a debate to Parliament about any topic. We chose today to talk about the ways in which Victoria's criminal justice system is harming women, children and First Nations people and to look at ways we can hopefully start to turn this around. I would like to read out some statistics to highlight the issue we are talking about here. In the past 10 years the number of women in prison in Victoria has almost tripled. The number of Aboriginal women in prison in Victoria has more than quadrupled. And more than half the women now in prison in Victoria have not even been to court yet; they are on remand. Most have not been found guilty of a crime, they are simply waiting for their court date, yet our system sends them to prison while they wait.

In the years that this Andrews government has been in power, jailing children—kids between 10 and 13—has increased by two and a half times. Jailing Aboriginal children has doubled. As a government which has prided itself on its progressive credentials, I imagine this sits pretty uncomfortably for many in the Andrews government. Ninety-eight per cent of the children in prison have not even been sentenced. I will say it again because it is so shocking: 98 per cent of children in prison have not even been sentenced for any crime, but we put them in a jail cell. Just 2 per cent are in prison because they were actually found guilty of a crime and sentenced to time in jail. These numbers are not just statistics. Behind every single one is a story like Ava's, like Rachael's.

Why is this happening in a wealthy, supposedly fair society like Victoria? It is not because crime has increased. In fact it has decreased. Labor will have you believe it is all too complex, but in fact the number of women and kids in jail is skyrocketing because strict bail laws have reversed some of the key principles of criminal justice: that someone is innocent until proven guilty and that someone should be given bail unless there is a compelling reason not to, like a risk to community safety. But in Victoria people are being denied bail and put in prison for reasons like they stole a bottle of whiskey, they shoplifted a dress, they had cannabis in their car, they were on drugs in public, they missed a court date because of a mental health crisis or their abusive partner took out a domestic violence order against them as a form of control, or they were simply denied bail because they do not have a home to go to. Locking these people up is setting them on a path of criminalisation, not recovery.

How did we get to this point? In Victoria in recent years we have seen several high-profile, horrendous acts of violence, including the Bourke Street massacre and the violent murders of Jill Meagher and Eurydice Dixon, committed by men in public places. These were horrific crimes. They sent shockwaves through our communities. Trading on this community fear, some elements of the media and some political parties, including the Liberal Party, saw a political opportunity and called for tougher bail laws. And the Andrews Labor government, well, they gave in to this right-wing pressure. They tightened the law and made it much harder to get bail.

What has happened here is because of a number of high-profile murders and crimes committed by men the government—a Labor government—has reacted by putting in place policies that overwhelmingly actually punish women and children as well as First Nations people, homeless people and the most vulnerable. Putting women in prison has huge effects on their kids, separated from their mums, and in turn on society. We know women are imprisoned most often for non-violent, less serious crimes like low-level drug offences or things like credit card fraud. We know nearly 90 per cent of them are victim-survivors of violent crime themselves. They need support, not prison. Labor MPs will get up in this place and talk about all the programs that they supposedly offer, but if you are in prison or on remand you lose your Centrelink and you cannot get access to drug and alcohol rehab. How is this helping?

While many people might think sending people to prison will fix them or keep us safe, the evidence shows it is just not the case. Reoffending rates have increased in three of the last four years under this government, so putting all these extra women in jail is not making Victorians safer. A first trip to prison can be that sliding doors moment, leading to long-term housing and family problems, mental health issues, drug use, further crime and further time in prison.

So what can we do instead of Victoria's 'Go directly to jail' approach? There is a growing body of evidence from around the world that looks at what works and what does not, and today I am offering some solutions. I would love to see MPs from all sides of politics work together across party lines to seriously look at these solutions, because vulnerable people should not continue to be collateral damage in an effort to make politicians look tough or in control. The solutions are not simple but they are much less complex than Labor MPs here will have us believe.

First and foremost we need to reverse the onus when it comes to our bail laws. Going to prison, especially when waiting for your court date, should be a last resort, not the default. My colleague the member for Brunswick has spoken at length about this, so I will not cover the same ground. We need

more diversion programs, secure and low-cost housing, drug and mental health support, culturally appropriate programs for First Nations people, and a women-centred strategy that acknowledges many in women are mothers too. The good news is not only are these programs far cheaper than imprisoning people, they actually reduce rates of reoffending, so they keep us safer. The Labor government is spending nearly \$2 billion to build and expand Victoria's prisons. We could fund so many public housing homes and rehab programs and so much mental health support with that amount of money, especially when we know most of these beds are being built for people who have not even been sentenced for any crime.

The one thing we can do right now to keep children out of prison is to raise the age of criminal responsibility. In Victoria the age at which kids can go to prison is 10. The UN, as well as countless other organisations, are calling on Australia to raise the age to 14. Most other countries already have a higher minimum age. Victoria says any change should be done as a national approach, but we have waited and waited for years and collectively our attorneys-general have not acted. So it is time for Victoria to act. The ACT has already done it, with a Greens-Labor government, and we can too.

Today in question time I was dismayed to see our own Attorney-General say that there had been 44 kids in jail over the last year in Victoria and we cannot release them to the community because we do not have the services to support them. Wow! Surely in a wealthy place like Victoria we can support the 44 most vulnerable kids in our society. Surely it is our moral obligation and responsibility to keep kids out of jail and show other states the way it can be done.

The good news for Victoria is we actually already have some of the solutions working well to keep kids out of prison. We already have good diversion programs and community justice programs that teach kids right from wrong without criminalising them. We know they are working because we actually already use these diversion programs to keep kids out of jail after sentencing. But because of our strict bail laws that put kids in jail before they are sentenced, a lot of the damage has already been done.

In the last few years the Victorian government have taken some positive steps to make our criminal justice system better. They have removed the crime of public drunkenness, a long-overdue reform affecting First Nations people overwhelmingly. And I have huge admiration for the strength of Tanya Day's family in calling for this following the death of their mum. The government are also showing positive signs on the path to decriminalise prostitution. But these good changes are being totally overshadowed by tough bail laws and an age of criminal responsibility that is just far too low. The only people benefiting from this are politicians that are trying to look tough and the corporations that profit from running our prisons. Victorians do not benefit. It does not make us safe. We can do better in Victoria. We can, and I really, really hope that we do.

Ms ADDISON (Wendouree) (17:20): I rise to contribute to today's matter of public importance discussion and talk about issues pertaining to women and Aboriginal Victorians in our justice system and corrections system. I am very pleased to see that we have a former Minister for Corrections, the member for Niddrie, sitting at the table, who did very, very good work in terms of the first year and a bit of this government. I really want to thank the minister for the great work and the leadership he showed in this sector in terms of crime prevention, in terms of corrections and in terms of all that he did. You were a very, very good minister, so thank you very much for that.

It is also great to be able to stand with my Labor parliamentary colleagues and friends the member for Sunbury, the member for Tarneit and the member for Mount Waverley to talk about this issue and to really explain what the Andrews Labor government is doing in these important areas of public safety and crime prevention and in our justice system. The member for Tarneit gave a cracking analysis of the member for Caulfield's contribution, and I would like to say that her analysis was that they are not defending what they did and not actually talking about what they would do seems to be the playbook, because the member for Evelyn did the exact same thing. She got up and she talked about a whole lot of things, and I would just really like to clarify—she talked about 'skyrocketing crime rates'. To skyrocket, just in case we are unclear—and I hope the member for Evelyn is tuning in in her office—

is to 'shoot up abruptly'. She talked about the figure of 411 women being incarcerated in the two Victorian prisons, and she said that rates had skyrocketed. Well, actually it is down 4 per cent, so I do not think being down 4 per cent really indicates anything shooting up abruptly. So when I start to think about that stat, which I know off the top of my head, I really start to question a whole lot of her stats and her credibility. Certainly in my former role as a schoolteacher when people decided to just throw around points that were not actually based in fact, they certainly did not get marked very well. So I am very concerned that something is 'skyrocketing', yet it is down 4 per cent.

But look, I want to talk about what we do because we are a great government. We are a great government across the board, and we are doing a lot of things to boost community safety, to prevent crime, to invest in diversion programs and to improve the welfare of those who find themselves in custody. I would like to acknowledge the hard work of the Minister for Corrections, Minister for Crime Prevention, Minister for Youth Justice and Minister for Victim Support and the important work that she is doing in the portfolio. Recently we had planned a fantastic crime prevention event in Ballarat, and the minister was going to come up. We had a whole lot of people lined up to be involved—young people, people from the LGBTIQ+ community, members of our multicultural communities—and we were all going to meet together and talk about it. Sadly COVID prevented us from doing that face to face, but we had a great online day really talking about the issues that matter—where we feel safe in Ballarat, where we do not feel safe in Ballarat—and the minister wanted to really get to the bottom of it. It was a really important exercise of allowing community members to speak and to be heard, and we have got some really great graphics that I have got up on my Facebook summarising the key issues about what we need to do to give youth other options, to give them entertainment of an evening and to be able to light up places and put CCTV in. So we have got some really good suggestions, and I really thank the minister for her commitment to my community, the electorate of Wendouree and the broader Ballarat community.

This issue is really important to me. I am interested in crime prevention and community safety and also corrections. I am honoured to chair the Victorian government's Women's Correctional Services Advisory Committee. I thank the Minister for Corrections for appointing me, and I would like to acknowledge the Deputy Speaker, who is a former WCSAC chair, and thank her for the work that she did in the role. It is a very, very important committee that does good work and has the opportunity to work with stakeholders, and I will talk a bit more about those. Feedback to the minister is another example of how we listen, how we really talk to experts, that we look at the data, that we look at the research. It is an area that I am very interested in—I did study sociology when I was at Monash—because there are issues of vulnerability, there are issues of disadvantage, there are issues of homelessness and there are issues of family violence, disability, mental health, abuse, alcohol and drug dependency and racism. They are often interconnecting factors that lead to women's incarceration. These are issues that our government is working hard to address across our state to make things better and fairer for all Victorians, and by doing so we are making our communities safer and preventing crime. I am proud that we are focusing on health and education and housing and mental health and racism and the prevention of family violence and alcohol and drug services and the disability sector, because all of these factors contribute to disadvantage, and for some this leads them into the criminal justice system.

The WCSAC advisory committee was actually established under the Bracks Labor government in 2003. The advisory committee provides independent advice to the Minister for Corrections to inform gender-responsive approaches to policies, programs and services for women in the corrections system. Interestingly, the committee replaced the Victorian Women's Prisons Council, which was established in 1953 by Dame Phyllis Frost, who chaired the committee. Our women-only maximum-security prison in Ravenhall, the Dame Phyllis Frost Centre, is named after her in recognition of her great works helping women prisoners. It has been said that Dame Phyllis was passionate about the causes she believed in and that they were not popular causes. She would try to put wrongs right by speaking up for people who had no voice and was a champion for the underdog. As I was reading about that, I was actually thinking about the great work that our minister is doing in this space. They are very much

values that the Minister for Corrections lives every day herself in terms of speaking up for the underdog, being a champion for those who do not have a voice. I thought there was a really lovely synergy between Dame Phyllis Frost and our minister.

WCSAC comprises key stakeholders with diverse backgrounds who have considerable working knowledge and experience of the complexities and challenges faced by women offenders. Due to COVID the committee has been meeting online, and I was very disappointed that our July meeting, which was scheduled to happen at the Dame Phyllis Frost Centre, could not proceed due to COVID restrictions. I would really like to quickly acknowledge the members of WCSAC who bring such a depth of understanding to the committee. They are Dr Kathryn Daley, senior lecturer and program manager, youth work and youth studies at RMIT; Nerita Waight, CEO, Victorian Aboriginal Legal Service; Michal Morris, CEO, inTouch Multicultural Centre against Family Violence; Julie Kun, CEO of the Women's Information and Referral Exchange, WIRE; Melissa Hardham, director of policy and community at Westjustice; Serina McDuff, CEO, Federation of Community Legal Centres, Victoria; Deb Tsorbaris, CEO of the Centre for Excellence in Child and Family Welfare; Jill Prior, principal legal officer, Law and Advocacy Centre for Women; Rita Butera, CEO of Safe Steps; Claire Seppings, project coordinator, Deakin University; and Dianne Hill, CEO of Women's Health Victoria. It is an extraordinary line-up of people coming around a table—women who understand the sector who are providing advice and feedback in terms of women in prisons and in the justice system. I would also like to mention and thank Tracy Jones, who is the general manager of the Dame Phyllis Frost Centre, as well as Scott Hootor-Turner, the general manager of Tarrengower prison in Maldon—in your electorate, I believe, Deputy Speaker, of Bendigo West.

It has been a particularly challenging time over the last 18 months for our justice system and our prisons. COVID-safe restrictions have been strongly enforced to keep our prisons COVID free, and our corrections department has done an excellent job. I thank the staff for their efforts and the work that they do. This has particularly impacted on the movement in and out of our prisons, and it has restricted visitor access for family and friends. However, I was pleased to hear that by pivoting to new ways of online communication, the women in custody have been able to remain connected with their loved ones during the pandemic. In June this year 411 women were in Victorian prisons—4 per cent less, as I mentioned earlier, than the previous years. Women make up 22 per cent of offenders in Victoria, and women who enter the criminal justice system are more often victims of crime themselves, with their time in prison following years of trauma, including family violence— (*Time expired*)

Mr ROWSWELL (Sandringham) (17:30): I also rise today to address the matter of public importance submitted by the member for Brunswick. I would like to say from the outset that I disagree with elements of what is proposed by the member for Brunswick and agree with other elements of it—perhaps the sentiment of some of the clauses contained within the member's matter of public importance. To open, it is the responsibility of every government, the first responsibility of every government, to ensure the safety and security of its citizens. That is arguably the first responsibility of every government. That does not just mean personal safety or personal security. It could mean economic security. It could mean the security that people get from having a job and from holding a job, in many senses, but in the sense that is conveyed by the member for Brunswick I would like to limit my comments to the safety and security that every Victorian should be afforded through the principles and the context of our legal and our judicial systems.

The sentiments that I agree with in this matter of public importance submitted by the member for Brunswick are the quite shocking statistics that the member for Brunswick has identified here. The member for Brunswick asserts that the imprisonment of women has risen by 174 per cent, that more than half of the women now in prison have not been sentenced and that there is a higher percentage of Indigenous Australians who have been put behind bars. This is deeply troubling and deeply concerning to me, and it should be deeply troubling and deeply concerning to every Victorian—to every member of this place and to every Victorian as well—because what we should aspire to for every Victorian is

for every one of our fellow Victorians to be contributing members of our community. Every Victorian who ends up arrested, who ends up before a court of law and who ends up in our prison system is a failure—every single one of them—because our aspiration for every Victorian is that they contribute to our community, that they contribute to our economy and that they help build this social enterprise that we as a society rely upon and rest upon in our state.

I think there are many things that could be done better. I think there is an obligation on the government to make our courts more efficient. There is a huge proportion of Victorians at the moment who are on remand, who are in fact being denied justice because they are on remand. Now, it may be the case that those people who are on remand are not afforded the rehabilitation services or opportunities that those who are imprisoned are extended by virtue of the fact that they are on remand and they are not within the prison system. That is a missed opportunity, and it is a missed opportunity through the prism of recidivism. As I understand it, our recidivism rate in this state is quite troubling, at around 40 per cent at the moment. Recidivism leads to a cycle of dependency, an intergenerational cycle of dependency, that every one of us in this place and in the other place should be concerned by. This cycle of dependency takes a great toll, not only on the economy of our state but on the opportunity for our state to grow and to flourish and on the opportunity for members of our community to contribute in a meaningful way to our community. I am quite concerned by that, not to mention the fact that those people who are within our remand system at the moment cost the taxpayers about \$100 000 per year.

Now, the Greens' response to this is to lower the threshold for those people who are considered on remand, and I think that the Greens should perhaps be guided by some of the recent examples of where that just has not worked. Keeping tough bail laws is important. It is critical to community safety. We have seen what happens when people who are on bail are not appropriately accounted for. They commit more crimes. They commit serious crimes. That is not good for our community. That is not good for the victims who are on the receiving end of those crimes, nor their families. That is not good for our community as a whole.

What we could be doing instead of lowering the threshold for keeping people on remand as the Greens propose to do is making our system more efficient. There should be a greater emphasis on dealing with those people within the remand system at a more rapid rate. Justice delayed, after all, is justice denied. These people are on remand for a reason, and after the Bourke Street incident, for example, there were many eminent legal experts who proposed that serious changes should be made. I note that earlier this year when the Greens first proposed to try and wind back some bail laws that was met with very strong opposition, not only from the police union and Mr Gatt of the Police Association Victoria but also by our Shadow Attorney-General, Mr O'Donohue of the other place, and the member for Caulfield in this place as well. The police association secretary at that point said:

... keeping our community safe does come at a price.

If laws are wound back to once again let violent criminals like sex offenders and drug traffickers act with impunity, the cost to community safety will be far greater ...

I note the comments of Mr O'Donohue of the other place, who said that any changes to bail or parole laws:

... must be informed by clear, objective, expert advice that does not diminish community safety. Failing to get changes to parole and bail laws right puts innocent Victorian lives at risk.

The member for Caulfield and opposition corrections spokesman at the time said that spending more money on prisons does not equate to a safer community. He said:

Victoria needs new approaches of how to better divert at-risk individuals away from a life of crime ...

And that is absolutely right. Sometimes I think in government and in politics generally there is a false inclination that throwing more money at something will actually render a better outcome, and I suspect that in this case that is not true, because if that was true we would be seeing better outcomes. We would not see a recidivism rate of 40 per cent.

I will end where I commenced and say that our aspiration for every Victorian should be that they are thriving, that they are contributing back to our community and that they are fully participating in our community, and any Victorian who enters the legal system, who enters the justice system, who is arrested, who is before a court and who ends up in jail should be considered a tragedy—should be considered a failure of the system.

We all have a collective responsibility to do better in this space. I am sure that in the course of the next 16 months, between now and the November 2022 Victorian state election, the Liberal-Nationals will do our very best to contribute in a constructive way to that conversation, once again with the aspiration that every Victorian who ends up in our prison system is a failure of our state, a failure of our system and a failure of our community. We must do better, and that is exactly what we intend to do.

Mr EDBROOKE (Frankston) (17:40): Can I begin by acknowledging the traditional owners of the land on which we meet and paying my deepest respects to elders past, present and emerging and to those with us here today—and I want to thank my local community for educating me so much about their culture. I acknowledge too that before Europeans arrived at this very site that we are standing on today a gum and wattle forest existed, and it was a traditional Kulin meeting place for interclan gatherings, ceremonies and corroborees as well.

Now, these are critically important issues we are talking about today for this matter of public importance. We have heard about bail reform and age of criminality; we have heard about Indigenous incarceration rates, sadly, and Aboriginal deaths in custody—and it would be remiss of me not to acknowledge the two most recent tragic Aboriginal deaths in custody. I do not think anyone disputes the figures. There is so much, just so much, to be done in this space. That is why it is a focus across several portfolios, and we have heard many government members talking about the funding and the many initiatives.

But this is also part of a larger piece of work, and that is the nation's first treaty and truth-telling process, which is happening right here in Victoria. It is this government that established the nation's first treaty process. We are the first government to welcome traditional owners into our Parliament, we introduced the first-ever bill with a dual-language title and we are the first government to include an Indigenous language preamble—and what a humble day that was. It was just electric. It was a day I will forever be proud of. It was capped off, might I say though, by the former Greens member for Northcote screaming at the elders as they walked out of the chamber, which as we will see, was not an isolated incident. Nevertheless I am proud of that day, and I know that there is so much more we need to do in this space.

Treaty is the greatest hope we will see in our generation to right the wrongs of the past and change the systems and structures that have got us where we are today and have delivered these horrific statistics that we have heard about today. Treaty is the tide that raises all ships. I mean, people need to consider that we are the only nation in the commonwealth without a treaty with our First Peoples, and it is to our detriment and to our shame. Treaty has the ability to address the issues raised in this matter of public importance, because all these issues grow from a greater issue—that is, that the Victorian justice system was not made for First Nations people—and we have to fundamentally change that.

So it is with a huge feeling of disbelief that I stand here today as we are being lectured to by a party—the Greens political party—with such an average record of listening and acting on these issues and being lectured to by a party that does not support the treaty path chosen by the actual traditional owners in Victoria. We will discuss that directly. It is quite audacious to bring up this matter of public importance when you consider that the most recent media around the Andrews Labor government and Indigenous affairs would have been the Andrews government announcing a truth-telling commission, but the most recent Greens media would have to be regarding a member abusing and bullying Aboriginal elders and refusing to say sorry. I am going to quote this article from the *Age* of 29 June 2021. I will go through it quite quickly:

An Aboriginal elder says a blast of verbal abuse from Greens senator Lidia Thorpe during a meeting at Parliament House left her physically ill, shaken and requiring medical attention. First Peoples' Assembly of Victoria co-chair Aunty Geraldine Atkinson is seeking a formal apology from Senator Thorpe—an Indigenous senator in her first term—for her conduct during a meeting to discuss Victoria's treaty process at Parliament House in Canberra last Tuesday.

...

Jill Gallagher, chief executive of the Victorian Aboriginal Community Controlled Health Organisation and a former Victorian treaty commissioner, said she saw Ms Atkinson after the meeting in a lobby of Parliament House.

I quote:

'She couldn't even talk, she was that distressed,' she said.

This is just abhorrent behaviour. This is not on and it should not be on anywhere, and I wonder if anyone contacted Aunty Gerry to see if she was okay. But I see that this matter of public importance is of that much importance to the Greens party that no-one is here. They have got their sound bites for Facebook and they are off. Furthermore, in that *Age* article it says:

Senator Thorpe walked out of talks for the Uluru Statement in 2017 and has been critical of Victoria's treaty and process.

Some—

... argue her opposition to some Indigenous advancement processes works to stymie realistic reforms that have widespread support.

Further to that, you would have to suggest that it is all great to have sound bites, but when you actually need to take action and listen to First Nations people, they are just not there. The treaty and Yoo-rook Justice Commission, or truth telling, as it is known, represents a once-in-a-lifetime or once-in-a-generation opportunity for systemic and structural reform to address the underlying causes of Aboriginal over-representation in our justice system—they being racism, the ongoing impacts of colonisation and social and economic disadvantage. It appears to me that the Greens are seeking to undermine the treaty process by asserting that the democratically elected First Peoples' Assembly is not reflective of the 38 nations and that only 11 of the 38 are represented in the assembly.

The Federation of Victorian Traditional Owner Corporations released a statement today on this issue, and we have it here. I am happy to table it for any Greens members if they would like. It might be useful to quote the CEO, a Gunnai and Monaro man, Paul Paton, directly. The statement reads:

Some voices, including elected representatives—

that is, Greens Senator Lidia Thorpe—

have called for the breakup of RAPs into what they call the 38 nations model. The assertion of 38 nations is not based in Aboriginal tradition, but in a misunderstanding of traditional Aboriginal Languages and adaption of coloniser histories.

...

'All groups in society have some divisions, and colonisation has done its best to divide us. However, we must build on the work of the past, strengthen our traditional bonds, and not be split by minor differences,' CEO Paul Paton said.

The Greens are a party that apparently speak for Aboriginal people while effectively trying to hijack the treaty process—a process led by a democratically elected group of strong Victorian traditional owners from recognised groups who can speak for themselves and their community. When Aboriginal people are able to make decisions about the factors that determine their lives, better outcomes are achieved, and some might say they actually do not need Greens representing them or talking for them.

I am well aware I stand here as a privileged white bloke. I do not pretend to speak for Aboriginal people. I do not pretend to offer my opinion on the First Peoples' vision. Nothing qualifies me to make

these decisions, but I do note again in a *Crikey* article titled ‘The Uluru statement is not Lego. The Greens can’t rearrange it to suit their ideals’, and I quote:

The Greens have jettisoned an election promise in favour of a new position developed without any serious engagement with Aboriginal and Torres Strait Islander people.

... Greens leader Adam Bandt ... declared the party was walking away from the ground-breaking consensus reached by Aboriginal and Torres Strait Islander people through the Uluru Statement from the Heart.

The Greens’ new position that has been developed without any serious engagement from Aboriginal or Torres Strait Islander people is certainly nothing like the scale we saw in the process that led to the Uluru statement. Indeed we are hearing that Aboriginal and Torres Strait Islander leaders, who worked tirelessly for years to build that multipartisan consensus on constitutional reform, did not even warrant a courtesy call from the Greens party about this policy shift. They learned about it in the news.

So let us get this straight: 1200 Aboriginal representatives, who were consulted and came to agree on and support the *Uluru Statement from the Heart*, are left behind and ignored; 250 traditional owners actually met at the foot of Uluru to largely agree to the statement; and I guess the Greens politicians know better. They disagree. They have changed their policy without any consultation. You would think the Greens politicians know better than the actual traditional owners about their own future. It is amazing. Listening to our Aboriginal community and our traditional owners is not about bullying elders. Listening is not about making policy without consulting the people it affects. Listening is not throwing spanners into the works of a treaty process because you do not have the political power you want over it. Our justice system was just not made for First Nations people or by First Nations people, and whilst action is being taken, in the long term we have to fundamentally rebuild it, and all political parties need to get on board and invest in that traditional owner self-determined process and, if not, educate themselves about the crossroads we are at and the opportunity we have got to get things right.

Can I conclude with just one of the most beautiful passages in the *Uluru Statement from the Heart*, the document the Greens have turned their back on—and those people have the audacity to lecture us about it. It says:

When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

It is a beautiful statement. Treaty is the greatest hope we will see in our generation to right the wrongs of the past and change the systems and structures that have led to these horrific statistics in our justice system. I thank the minister, the First Peoples’ Assembly and everyone involved in ensuring we acknowledge the wrongs of the past and build a future that is not whitewashed and one we can all be proud of.

Mr MORRIS (Morningside) (17:50): It is some time since I rose to speak on a matter of public importance. In fact if the truth is known, it is probably some years since I rose to speak on a matter of public importance, but I could not help wanting to contribute to this one because, when you look at a couple of points just in the text of the MPI itself, it has:

... the tough-on-crime politics of the Andrews Labor government ...

Tough on crime? The Andrews government tough on crime? The reality is the Andrews government is not tough on crime, has never been tough on crime and will never be tough on crime. So there is certainly an issue with that assertion.

The second assertion that I take issue with is on the second and third lines of that paragraph:

... produced bail laws that systematically imprison women, children and First Nations people for low-level offending ...

You may as well say ‘for stealing a loaf of bread’. The suggestion that any law passed by this Parliament is going to systematically imprison a particular class of people is just plain ridiculous. The law does not say bail should not be granted to females. The law does not say bail must not be granted to children. The law does not say bail must not be granted to any Aboriginal person. A law like that

would not only not pass this Parliament, I would be very surprised—and we are the 59th Victorian Parliament—if a law like that had passed the first Victorian Parliament. It is just a completely ridiculous assertion. Such a law would not only be absolutely unacceptable; it would be reprehensible. It simply would not be passed. It is an unsubstantiated and totally false claim, and it is complete and absolute nonsense.

On the second point I wanted to make, again speaking of unsubstantiated claims, let us have a look at some of the figures in this matter of public importance:

(1) from 2010 to 2020, imprisonment of women rose 174 per cent ...

Well, the latest figures that I have access to are the published Corrections Victoria figures up to 30 June 2020, and they seem to be the numbers that the author of this motion was referring to. According to those figures, on 30 June 2010 there were 313 female prisoners; on 30 June 2020 there were 404 female prisoners. That is an increase of 29 per cent, yet this alleged matter of public importance—I do not dismiss the issue; it is an issue that is worthy of discussion, but for goodness sake let us get the facts right: 29 per cent is not 174 per cent.

The second point is:

more than half the women now in prison have not been sentenced ...

On 30 June 2010: unsentenced female prisoners, 22 per cent of the total number; 30 June 2020, 43.1 per cent. Now, it is a big increase—it is almost double—but it is not more than 50 per cent, not more than half. It is not as bad an error as the first one, but it is still totally wrong.

When we move to the stats on Aboriginal and Torres Strait Islander prisoners the assertion is that from 2015 to 2020—and I do not know why the author of this matter did not go back to 2010:

... the number of Aboriginal people put behind bars—

and I love the emotional language in this, ‘put behind bars’—

rose by 70 per cent ...

In 2015 there were 480 Aboriginal and Torres Strait Islander prisoners, according to Corrections Victoria, and on 30 June last year there were 718, a 49.6 per cent increase. Again, it is not 70 per cent, it is 49 per cent. Is it an awful figure? Yes, it is, I do not argue that for a second. But if we are going to have these debates, and these are important issues—and from what I have heard of the debate this afternoon, people have generally taken the issue pretty seriously—let us, for goodness sake, get the facts right to start with. We have seen enough people working on alternate facts, alternate truths. We have published figures. Let us just at least confine the discussion to that.

The central assertion of this matter essentially seems to be that bail laws are the problem. And if you take that sentiment to its logical conclusion, if you bailed everyone, then prison numbers would be lower—and yes, they would. According to those figures, again, they would be lower by almost 2500 prisoners—2418. Of course it is a balancing act. You need to keep the community safe, and you need to be sensible in the approach to bail. But you do not solve the problem by pretending it does not exist. You do not solve the problem by pretending it will go away if everyone gets bail. After all, let us not forget what prompted the latest round of changes—Bourke Street. Five people dead, 30 people injured, God knows how much trauma and how many people are still trying to get over those events caused by someone who should not have been on bail? So let us not forget why the changes were made. You do not solve a problem, as I said, by pretending the problem does not exist.

Now, if the number of Aboriginal people in prison, the imprisonment rate, is rising, and it is, and it is rising steeply, as I said, and if you look at the numbers per hundred thousand, which are probably more comparable—1540.8 in June 2015, 1837.7 in June 2020—if that is what is happening, then you need to do something about the underlying issue. You need to find out why it is happening. We need to be tough on the causes of crime. We need to get to the root of the problem and fix it, and if we have got an increase in the imprisonment rate of that level, we need to find out why.

With regard to female prisoners, the unsentenced number has almost doubled, as I mentioned a few minutes ago. It has almost doubled. Clearly the courts are not keeping up with the pressure of business. We need to find out why that is happening and get the problem solved. We should not have almost 44 per cent of female prisoners in prison and unsentenced. It just should not happen. But the fact is that it is. We need to find out why we have such a huge backlog, and we need to do something about it. But pretending this is not a problem and pretending that simply granting bail to everyone is going to solve the problem is not going to do a thing. It is simply going to place members of the community who should not be in danger potentially in danger, and that is not acceptable, I am sure, to anyone in this Parliament.

I just want to briefly comment in the time remaining on the final, fourth, point, the calls from the community to raise the age of criminal responsibility from 10 to 14 years. We know the attorneys-general have a national working group looking at this issue. It is an issue that must be taken seriously. The Chief Commissioner of Police put his points fairly forcefully on 3AW a couple of months ago about the police view. I personally have great sympathy for that view, but let us not try to solve the problem here. Let us leave it to the experts, the attorneys-general, and see what they come up with when they put their heads together.

Mr CHEESEMAN (South Barwon) (18:00): It is with some pleasure that I rise very, very briefly to today make a small contribution on the matter of public importance proposed by the member for Brunswick. I must say I have had the privilege this afternoon to sit both here in the chamber and in my office and hear many wonderful contributions by Labor members—the member for Sunbury, the member for Mount Waverley, the member for Wendouree, the member for Tarnet and the member for Frankston—who in their contributions have highlighted in very passionate terms what it is that a reforming Labor government does. And I must say, when you contrast that to what the others who seek to be government in this place, the Liberal Party, do when they are given that great gift of government, they always, at every opportunity, go to making cuts to our justice system, making cuts to our courts and indeed not taking up that opportunity to engage with more police officers, to have police out in the community and to make our justice system as fair as possible for everyone to participate in it. Labor makes those investments, and that is why we are proud to be here. *(Time expired)*

Bills

COMMERCIAL TENANCY RELIEF SCHEME BILL 2021

Second reading

Debate resumed.

Ms ADDISON (Wendouree) (18:02): Stakeholder consultation has been so important in the development and delivery of this significant relief scheme. We have listened firsthand to the business operators about their concerns, their financial challenges and the enormous stress they are under. We have heard what is keeping them awake in the middle of the night. We know that times are very tough in these local businesses, and that is why we are introducing the Commercial Tenancy Relief Scheme Bill 2021.

I, like so many members in this house, particularly Labor members, have great relationships with my local small business operators and with their chambers of commerce, and I am in constant contact with businesses across my electorate—and even more so with the challenges of the past 18 months. I am speaking to members of the hospitality industry and the beauty industry. I speak weekly with retailers, manufacturers and service providers, and most importantly I listen to what is going on in their businesses and to their highs, their lows and everything in between. With regard to this bill and to making sure that those voices have been heard, I am very pleased to see high levels of stakeholder engagement with the Shopping Centre Council of Australia, the Property Council of Australia, the

Law Institute of Victoria, the Franchise Council of Australia and the Australian Retailers Association, amongst many other stakeholders, in the course of developing this legislation.

I wish to especially recognise the efforts of so many commercial tenants and landlords who have already negotiated fair rent relief through this pandemic. They have been assisted in many instances by the good work of the Victorian Small Business Commission, who to mid-July had received almost 18 000 COVID-related inquiries and finalised over 3000 disputes under previous iterations of this scheme. I am heartened to see the support provided in different ways by so many individuals and organisations in backing our Victorian businesses.

I would like to just give a bill overview now, and in line with the previous commercial tenancies relief scheme, this bill will work in a number of ways to provide commercial tenants and landlords with a framework for reaching good-faith agreement on rent relief. The eligibility criteria of previous schemes has had to be updated now that the commonwealth government has withdrawn the JobKeeper support that many businesses relied upon to weather the early pandemic. This bill will provide for proportionate rent relief, with a business's rent reduction in proportion to that business's reduction in turnover, and of the amount reduced, at least half must be waived and the remainder thereafter deferred. Eligible businesses who have already accrued deferred rent may also pause repayments if they still require relief. Therefore, to be clear, under these provisions an eligible business with turnover at 60 per cent of their prepandemic levels can only be charged 60 per cent of their rent, and their landlord can only defer as opposed to waive a further 20 per cent. This bill will also legislate a ban on rental increases for eligible commercial tenants as well as implement a moratorium on evictions occurring prior to mediation with the Victorian Small Business Commission. To that end, free mediation will also be funded for eligible commercial tenants and landlords.

What is the funding behind this important scheme? The Andrews Labor government are backing up these measures with solid financial support. One hundred million dollars in funding will be provided for reductions of up to 25 per cent in land tax to commercial landlords doing right by eligible tenants. This is in addition to the \$20 million funding for payments to small landlords who can demonstrate acute eligible hardship as well as the \$3 million for the Victorian Small Business Commission to fund the anticipated increase in demand for their mediation skills and services.

So on the applicability of this, businesses eligible for this scheme will be those small and medium commercial tenants with yearly turnovers under \$50 million who experience at least a 30 per cent reduction in turnover due to the impact of the COVID pandemic. In terms of dates of operation, importantly this legislation will be backdated to 28 July this year, with regulations to operate until 15 January next year, giving businesses clarity and consistency as we move towards a post-pandemic world. It should be noted that eligibility is not limited to businesses whose operations have been directly restricted under these lockdowns. If a business could still open but has seen turnover decrease due to the indirect impact of lockdown, such as fewer customers coming through or lower customer demand, then that business is just as in need of support. One example that I heard was a fruit juice bar operating in a food court in a shopping centre but with no other retail shops open. So their business has been severely impacted by the lack of other businesses being open in that food court, whether it be at Ballarat Central Square or whether it be at Chaddy or Fountain Gate. There will be special arrangements for recently established businesses so that entrepreneurial Victorians who have embraced innovation and opportunities during these difficult times can still access the support that they may need.

All of this is on top of the Victorian Small Business Commission, which will continue to make its dispute resolution processes available to businesses needing assistance navigating rental disputes, with further avenues available via VCAT and the courts. This bill before the house builds upon the existing avenues to provide additional support commensurate with the unprecedented impact of the pandemic. The Commercial Tenancy Relief Scheme Bill 2021 joins a host of other support measures provided by this government over the past 18 months. As the minister mentioned, this includes over \$7 billion

in direct economic support to businesses during the pandemic, with more than \$1 billion of that over the past few months.

I know there has been an enthusiastic uptake of these measures in my electorate of Wendouree. Looking at the statistics back to November last year, I know that the first two rounds of the business support package approved applications from over 2500 businesses in my community, on top of tax relief provided to 382 Ballarat businesses. Our support has continued in the months since, and we will continue to back local businesses across Victoria. To that end, I encourage any businesses operating in Wendouree to investigate the state government programs available to them and approach my office for any information or assistance, and we will continue to support Ballarat as we move forward.

The most recent lockdown has been critical in preventing the devastating spread of COVID in Victoria. By going early, short and sharp, we have been able to open up much sooner, and while some restrictions remain in place to protect our health, they are only those which are strictly necessary, and customers have been able to return to Victorian shops and restaurants. I must admit that I went out to a restaurant in Ballarat on Saturday night, and it was terrific.

Mr Staikos: Which one?

Ms ADDISON: Moon & Mountain. While this period has been tough on all Victorians, it has been particularly tough on businesses and those in our communities who own and run them. This is why I urge everyone in our state to shop locally, to buy Victorian and to give back to those local businesses that have helped maintain our collective good health. This is a very important bill and not only for my community. In my community, out of interest, over 97 per cent of the more than 9000 businesses in Ballarat are small businesses. When we talk about small businesses we are talking about less than 19 workers. Thank you to everyone for doing this. I commend the bill to the house.

Mr STAIKOS (Bentleigh) (18:10): It is a pleasure to rise this evening in the house to make a contribution on the Commercial Tenancy Relief Scheme Bill 2021. Like many members of this house, throughout this most significant public health crisis, this emergency, I have often—in fact every day—thought about those people who have been disproportionately impacted by the pandemic. We are all impacted in some way, but some more than others. There are people who have been fighting for their livelihoods, fighting to keep their heads above water, and they are of course casual workers, but they are also our small businesses. I would hazard a guess that every member of this place is engaged with the small businesses in their electorates, as am I, and they would have heard over the last 18 months some very distressing detail of the plights of people who are just trying to keep their businesses alive—trying to keep their livelihoods alive. They have had the support of this government and, to be fair—via JobKeeper, which we had up until March—of the federal government as well.

As the previous speaker pointed out, this government has provided more than \$7 billion in relief by way of grants to businesses since the pandemic began, with the aim of supporting jobs—because at the end of the day, other than your health, what is more important than the ability to provide for yourself and your family? I know that many of our dedicated small business people have been doing it very tough, not just financially; their mental health has suffered as well. They have had the support of this government to survive through this pandemic.

On this particular scheme, I think it is timely that it is being brought back because I have had some feedback from small businesses in my electorate that the last couple of lockdowns have been particularly tough. The stop-start nature of the last couple of lockdowns has been particularly tough, and certainly with the absence of JobKeeper the pain has been compounded. This is a scheme that we are well aware of and very familiar with because it was around last year. It will benefit small businesses significantly by providing a framework for tenants and commercial landlords to come to agreements on rent relief. At the end of the day I think it is in the interests of landlords to make sure that their tenants remain viable during these challenging times. I do not know that there would be too many commercial landlords out there right now who would be very keen on having an empty shopfront

during this very uncertain time. This is about landlords and tenants coming to agreements on rent relief. The scheme will run until 15 January 2022 and will be retrospective from the date of announcement, which was 28 July. Like the previous scheme, this will provide support to small businesses with a turnover of under \$50 million that have suffered a decline of at least 30 per cent in their turnover.

In the spirit that I spoke of earlier, we expect that most commercial tenants and landlords will continue to work together to reach agreements that will best assist the ongoing survival of businesses, as I have seen throughout my electorate—tenants and landlords working together—and no doubt you have as well, Acting Speaker. But where the landlord and the tenant cannot reach agreement either party will be able to refer the matter for free mediation to the Victorian Small Business Commission, who will be resourced by this government to conduct that mediation and support tenants and landlords.

There will be changes to the eligibility criteria from last year given the absence of JobKeeper as a criterion and also improvements to the practical operation of this scheme. And in return for rent relief to tenants, landlords who experience hardship will be supported by a \$120 million support package, which will include some land tax relief. This is an important scheme because it will assist our small businesses to get through that next challenging period, because the pandemic is far from over. It is far from over.

We have got to be maintaining the current relatively good environment we have in Victoria by being ever vigilant but also by making sure that we as a community are supporting our local small businesses. And that is certainly what people have been doing in my electorate. Even during lockdown people have been going out and buying an extra takeaway from the local cafe or doing a click and collect or an online order at a local retailer. It has really been very gratifying to see.

I particularly want to give a big shout-out to the Bentleigh Traders Association and indeed to all traders associations and local chambers of commerce across Victoria—I met with a number of them last year in my role as Parliamentary Secretary to the Treasurer—because the support that those traders associations have been providing has been invaluable. And I speak specifically of the Bentleigh Traders Association, who run a very, very big shopping strip. It is a huge shopping strip, Centre Road, Bentleigh. It is a busy shopping strip, and obviously local traders are very busy people, especially in times like this. What they have not had to worry about during the last 18 months is having to find out where to go and apply for grants or what the grants are, because as soon as the grants are announced the traders association sends links to the grant applications and various information to their inboxes. It is that sort of support that they get from the traders association, but also advocacy. My traders association is very good at advocating to local and state government on behalf of their members, and indeed Leonie Beckett from the Bentleigh Traders Association has my mobile phone number and does not hesitate to give me a call when she needs to talk to me on behalf of her members. Long may that continue.

There is a lot of positivity down in my electorate when it comes to small business. Centre Road, Bentleigh, has at least six or seven new businesses coming on board soon, businesses like Hunky Dory, Station Nutrition and The Pita Man. As I said, there is a lot of positivity, a lot of activity, down in Bentleigh with our small businesses. But obviously over the last 18 months, and recently in particular, I have spoken to many who are still struggling, even outside of lockdown. Many are small microbusinesses—those who are connected to the wedding industry, for instance, and a number of others—and there have been a number of support measures announced recently, including the other day when this commercial tenancy relief scheme was announced, to support those businesses, which I think is very, very important.

As I have said in this house on many occasions, if we want a strong economy, we do have to prioritise public health because we have seen many jurisdictions, including in Australia, where they have not prioritised public health and they have prioritised the economy. In the end they have achieved neither of those objectives, so it is important that we have a strong health focus in navigating our way through this pandemic while also supporting business and supporting jobs. I think when you consider that this

state is predicted to have 6.5 per cent economic growth since September last year and we have created the better part of a quarter of a million new jobs, we have got the balance right, and we need to continue working to preserve public health and our economy.

Ms THEOPHANOUS (Northcote) (18:20): I am pleased to speak in support of the Commercial Tenancy Relief Scheme Bill 2021, which will deliver much-needed support across the state as well as to local businesses in the Northcote electorate. Over the past 18 months I have spoken with countless businesses in my community across Zoom meetings and round tables and phone calls and chats in the street. I have made it a priority to actively reach out and share information and advocate for our business owners, and I continue to be in awe of our local business community, who have not only shown immense resilience but have also continued to support their communities—our community—with immense compassion and care. We have seen businesses that are themselves struggling donate towards food relief programs and provide free meals to residents in need. We have seen creative industries and social enterprises—among some of the hardest hit during the pandemic—continue to care and provide for the health and wellbeing of the communities they serve.

We have always known that our small business community is essential to our economy. They create jobs, support families in the Northcote electorate and in particular they are the backbone of our thriving High Street, Station Street, Gilbert Road, Miller Street and all the other precincts across our suburbs. Over the past year and a half it has become even more clear that they are also a big part of what gives our suburbs strength and vibrancy and creates that sense of shared experience and identity that we are so proud of in Northcote. They have supported us and they have supported our community, and they deserve our support too. I have been really pleased to see so many of my local businesses accessing financial support through our numerous Victorian government programs. I know that for many it has made the difference between being able to keep the lights on and closing the doors for good.

For me it has also been important to hear from business owners about the key pressure points that they are facing. Every sector and every business is unique. From the many creative microbusinesses in Northcote to our vibrant hospitality and live music scene, our quirky retailers, our gyms, our breweries, travel agents, pet groomers and community support organisations, each has their own pressure points and challenges, and I have been working closely across sectors to communicate their needs, to clarify and expand the eligibility requirements in some cases and to look for creative solutions to the ongoing, complex challenges that we are all facing.

One of the key challenges raised with me regularly by businesses is the financial burden and stress of meeting commercial rental payments. From businesses with huge spaces, like the amazing Twisters Gymnastics or Moon Dog World, to those with small spaces and workshops, this has been a pressure point that is very real and a source of significant stress. The previous commercial tenancy relief scheme played a big role in helping many local Northcote electorate businesses survive to this point. It provided a strong framework for tenants and landlords to work together and reach fair outcomes, supporting jobs and allowing businesses and landlords to get through successive lockdowns. Fortunately we are now in a position to reduce restrictions, and businesses can start to reopen, but the impacts of the pandemic have been profound and they are ongoing, and we do not know what the future holds. Many businesses are still trying to recover and to balance tighter margins with looming deferred rent. Frankly it is stressful out there and it is volatile out there. Our small businesses deserve our protection, and that is exactly what we are delivering in this bill.

Fundamentally the bill enables us to reintroduce the scheme that made such a difference last year. It is intended to be as close as possible to the original scheme, with some necessary changes made now that the commonwealth government has ended JobKeeper. The scheme will run until 15 January 2022 and the act will cease on 30 April 2022, so it is giving ongoing certainty to our business community and landlords as we fight this wicked virus. Like last year, the scheme will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover. Over the past year we have seen many tenants and landlords work together proactively and with compassion to reach fair agreements around rents. The reintroduction of the scheme sends a

strong message to both landlords and tenants to continue in that spirit, and we expect that many will continue to work directly with one another to achieve fair outcomes. Where difficulties do arise—and they do—and an agreement cannot be reached, this bill makes sure that supports are in place to help businesses negotiate a fair agreement. Either party will be able to refer the matter for free mediation by the Victorian Small Business Commission if they need to, and we are providing an additional \$3 million in funding to the commission to make sure they have the resources they need to meet the extra demand.

As I mentioned, there will be some changes to the scheme to account for the premature end of JobKeeper and to strengthen its operation. A key change comes in regard to eligibility—unlike last year, JobKeeper is not a criterion for eligibility. Instead businesses will need to show evidence that they have experienced the required drop in turnover. This will generally be acquitted just through a standard letter from a practising accountant. Importantly, the scheme will provide protections for many small businesses, with landlords not able to evict a tenant for non-payment of rent unless the parties have attempted mediation, and rent increases will also remain suspended during the extension.

We are building on the learnings from last year to help ensure this is as simple a process as possible for our small business community, who we know are already under the pump, so we are working to reduce the administrative burden and provide clarity on the process for both tenants and landlords. Rent relief will be calculated by comparing the turnover for the final financial quarter in 2020–21 with turnover from the final quarter of 2018–19. This will also be used to calculate the amount of rent relief available to the tenant. Special arrangements will also be in place for businesses that were not operating then. Incredibly, in the Northcote electorate we have seen a number of amazing businesses open over the past year, like the wonderful PavQueen down in Alphington or Zsa's bistro in Northcote. They have opened up during the midst of a pandemic, which is quite remarkable. Some have pivoted their businesses in response to the pandemic and others have steamed ahead to create new local enterprises we are already coming to know and love, and they are creating new local jobs in the process. It is critical that these businesses do not miss out, so I am immensely pleased to see that they will be provided for under this scheme.

We know that many tenants accrued significant deferred rent last year. The new regulations will include an ability for a tenant to pause their payments on previously deferred rent until 15 January 2022 if they require further rent relief to enable their business to survive through this very difficult period. This will also help ensure our businesses can survive and grow and support local employment in the process. Just a note on our local landlords—I also just want to say thank you. I know many of you have been doing the right thing, working closely with your tenants to support fair outcomes, and I know that in doing so you are making your own sacrifices. You too are taking on the burden of keeping us all safe. Recognising this, we are working to ensure your feedback is addressed in the reintroduced scheme, and we are delivering an \$80 million hardship fund for commercial landlords that face hardship from providing that rent relief to tenants that they so desperately need. We are also providing land tax relief of up to 25 per cent to help ease the cost burden for those doing the right thing.

Of course the support delivered through this bill is not a standalone measure. It builds on the unprecedented support provided by the Victorian government to businesses across the state over the course of this pandemic. From day one we have been committed to supporting our small business community. More than \$7 billion in financial support has gone out to businesses, with \$940 million delivered over the May–June lockdown alone. This is not to mention the recently announced \$400 million jointly with the commonwealth. Specific supports have assisted our creative, licensed hospitality, live music and other industries facing unique challenges, and we have a lot of those within the Northcote electorate, so for that I am very grateful. We know that no amount of support can take the place of being fully open for business, no amount of support can change the fact that we have been living through a pandemic and no amount of support can wholly make up for the inherent challenges and risks and ups and downs of running a small business, but our small business community have done a remarkable job so far, and as a government we must continue to put in place the parameters

that allow them to set up arrangements that are fair and will get them to the other side of this. I will keep working closely with our small and micro businesses as well as our local creatives and other businesses to make sure their needs are understood and that they are getting the support they need. In closing, I just want to thank every local supporting our small business community as well.

Ms KILKENNY (Carrum) (18:30): Thanks for the opportunity to contribute to the debate on the Commercial Tenancy Relief Scheme Bill 2021. This bill is but another in our government's continuing response to the COVID pandemic. It is focused on supporting small business and obviously their workers that have been significantly impacted by COVID-19 over these past 15 months, and that is this government's focus. That is this government's commitment.

We have heard that this bill will enable regulations to be brought in to reintroduce the tenancy relief scheme, and I want to acknowledge the good work of the Minister for Small Business, the Honourable Jaala Pulford in the other place, for working so hard to be able to bring this bill before us this week.

We know how incredibly tough the pandemic has been on small business owners. They have been under significant economic stress and financial distress. Lockdowns and restrictions are hard on everyone, but I think for small business in particular lockdowns and restrictions can be especially difficult. They impact such immediate things, like cash flow, certainty and business confidence, and yet, as we have heard today in a number of the contributions made here, despite these overwhelming challenges we have also seen small businesses show such resilience and such compassion. Indeed many of the small businesses in my electorate who I have spoken to during the pandemic have indicated that whilst obviously they do not like restrictions and they are not happy with the lockdowns, they have committed to them and they have done the right thing and they have followed the rules. And we know they are hurting, which makes their compassion, their resilience and their concern for fellow Victorians and for the public health of Victoria even more compelling and inspiring. And I do really want to commend their work and their commitment to public health here.

I want to acknowledge also their understanding that the lockdowns, while incredibly difficult, are nevertheless necessary. We know this is fact. We have seen now public modelling that goes to show this. In fact our own Prime Minister has acknowledged that our lockdowns are necessary. And we know that it is our lockdowns that have kept Victoria safe. It is our lockdowns that have kept Australia safe. And to their credit Victorian small businesses have played such an incredible and such a vital role in all of this. Ultimately, we know that the only way our economy and our small businesses in particular are going to recover and rebuild and return to growth is with the suppression of the virus in our community. It is with getting our vaccination rates way up and by collectively, all of us, agreeing to do the right thing and complying with restrictions and with lockdowns when they are imposed from time to time.

We have heard the Leader of the Opposition and other opposition speakers today speak about the need for a plan, and I must say I find this quite extraordinary in the current context, where we have a Prime Minister in Scott Morrison who has shown such a lack of planning and such disregard for a national approach to ending the coronavirus. It has really been a case study in what not to do in handling a pandemic of this nature. Indeed I think we have been really lucky with the states and territories and with Victoria leading, I must say, in developing what is now looking to be like a national plan—a plan that everyone recognises will for the time being include short, sharp lockdowns as probably the most fiscally responsible, indeed the cheapest, way to deal with outbreaks until our national vaccination coverage is much, much higher.

We know that whatever we do here in Victoria there will still be an enormous amount of people across the world, not to mention across this country, who have been neither infected nor vaccinated, and the virus is going to keep ticking away. There are going to be variants to the virus. There will be different strains to this virus, and that is why I think something we really do need to showcase as well is the Andrews Labor government pledge of \$50 million to develop an mRNA vaccine industry, as well as hundreds of millions of dollars to set up the Australian Institute of Infectious Disease next to the

Doherty Institute, Melbourne University and the Royal Melbourne Hospital. So when we are talking about a plan, that is a pretty good plan—developing an mRNA vaccine industry to develop COVID-19 vaccines and boosters, doing it right here in Victoria. It is a game changer. Not only will we be protecting our community, protecting our economy and protecting the viability of our small business but we will be supporting an industry and also generating an export capacity in vaccines the likes of which we have never seen before.

As for a plan, it was this government, the Andrews Labor government, that put forward the plan for a dedicated quarantine facility. That did not come from the commonwealth. That was initiated here in Victoria, and that is because we know that our hotels were never built to contain a virus as infectious as the coronavirus. And this government will not divide our communities. We are not going to pit people against each other. We are not going to pit small business owners against each other. We will not pit commercial tenants against landlords. This government is about backing our small businesses, because we know that no-one wins if we do not beat this virus. The public health has to underlie our entire response to our economy recovering and to the rebound and growth in our small business. Indeed we know that our small businesses need to survive this pandemic. They need to come out the other side.

So if you ask about a plan, it is ensuring that we run to ground, as quickly as possible, coronavirus outbreaks in Victoria, because we know how much damage a protracted outbreak can do to small business. It is something that we are seeing in New South Wales right now. It is something that New South Wales needs to acknowledge. Our plan is about ensuring that our border communities are protected from the imminent threat that is posed by the continuing and, so far, unrestrained outbreak in New South Wales. And we heard today, tragically, of a man just in his 20s with no underlying health conditions who has died in New South Wales.

Our plan is about providing support of more than \$7 billion in funding for Victorian small businesses. This is unprecedented support. It includes a new Victorian business support package, delivering an additional \$400 million in support to thousands of businesses across Victoria—\$85 million of this will deliver the Small Business COVID Hardship Fund, \$156 million will deliver the Business Continuity Fund and \$70 million will deliver more support as part of the Licensed Hospitality Venue Fund. And of course it will also include support for commercial tenants and landlords—the subject of this bill.

So this bill is about listening to our small businesses. It is about continuing to do what is necessary to support small business here in Victoria. It also recognises that this is an evolving situation. The pandemic is evolving; it is continuing to evolve. And that is why it is important to respond to that evolution of the virus, which is why, as part of the package that we are providing to small business, we are now introducing this tenancy relief scheme. It will apply retrospectively from the date it was announced, which was on 28 July. But this is important in the scheme of our economic recovery. It recognises that our public health is critical and crucial to the economic recovery of this state. It also recognises that we are never alone here, that we are part of a nation and that if we are to rebound and to grow our economy, it must be done with a national plan in place. I commend the bill to the house.

Mr McGHIE (Melton) (18:40): I rise today to contribute to the COVID-19 Commercial Tenancy Relief Scheme Bill 2021. It comes as no surprise to anyone that these last 16 to 18 months have seen struggles for Victorian businesses unprecedented in our state's modern history. The resilience of all of our community and our small businesses in facing and responding to this pandemic is truly remarkable. We have seen many businesses show extraordinary resilience and adapt and in some cases even create new business opportunities.

The tenacity of Victorians is profound, but of course the necessary lockdowns to keep Victorians safe have obviously had an impact on Victoria's small business community. The impact on businesses and the health of Victorians of our not locking down in a health crisis would have created a far greater economic pain—we are seeing this in other states currently and overseas. The economic impacts of the COVID-19 pandemic will be felt for much longer as the environment that many businesses operated in has changed. In particular, the way many Victorians live and work has been inextricably

altered. Many Victorians are still working from home. COVID has accelerated that experience. We have seen many families and individuals move to regional areas of Victoria. The demographics of our communities have changed as international visitor, student and immigrant numbers have declined. Previous business conditions will not automatically return because of COVID vaccination efforts being successful. Even with a worldwide decline in COVID infections, many overseas communities have had their own economies changed, and this economic situation will potentially impact Victoria's economy as well. Hesitancy for families to be separated from each other will be a consideration for many international students, businesspeople, migrants and of course our visitors.

As we emerge from the pandemic we will see a very different economic reality. We have seen demographic changes where families have moved away from close to central business areas to regional areas and further out. Some families have looked to have larger spaces closer to more recreational facilities, parks and nature. This means that as they move, the businesses that they used to frequent see a reduction in patronage and ultimately new businesses in their area have new customers. Some of these people create businesses themselves or relocate to operate their business differently. The resilience of the small business community in Victoria has been absolutely amazing, and many of these businesses may need to adapt to this new change, not just because of lockdowns but because of the change in our economy.

Now more than ever Victorian small businesses need our support. Many of the business operators I have spoken to used to be able to rely on the support from the federal government, but now in the absence of JobKeeper many of these businesses are still facing uncertain economic conditions. During the pandemic my office made a conscious effort to further support the Melton electorate small business community. We advertised in the local *Moorabool News*, who continue to publish continually and support the Moorabool community. In our adverts we often encouraged readers to buy local and support local, especially when cafes and restaurants were restricted to takeaway only. Our adverts encouraged locals to support these businesses.

Recently my electorate office was being renovated, and during those many months of being away from that office we made sure to use the many wonderful local cafes for meeting constituents and for staff meetings when we were able to do so. I would like to shout out to the following cafes and restaurants: Lola's Cafe in Bacchus Marsh, Baby Black Espresso Bar, Little Lucky Cafe, Matilda Bakery Cafe and the Jolly Miller cafes in both Melton and Bacchus Marsh. All these local businesses have amazing staff, fantastic food and of course fabulous coffee. Thank you for opening up your businesses to my office during my office renovations. I encourage everyone to still get out and enjoy the hospitality of these and the many other local businesses in the Melton electorate. Advance Stationers in Melton have also supplied my electorate office over many years, but I was delighted to restock my office once we moved in with supplies from this fantastic local business—and I encourage others to look in their own backyard. You can be surprised at what you find. Often the prices are far better or still competitive, and I can almost guarantee the service from your local business will be miles ahead of many big retailers. Many businesses have adapted and sought new models to trade. One such business is Interior Motive in Bacchus Marsh, which during the lockdown moved to online auctions and contactless delivery to the doors of their customers, and it has been a very successful move by that business operator. This resilience and creativity has been seen right across many small businesses in the Melton electorate and right across Victoria.

I would also like to commend the BP service station and their staff in Maddingley in Bacchus Marsh. They provide a valued service for the community, including small groceries and takeaway food, not just fuel. They have done brilliantly in the wake of the delta variant outbreak at the local grammar school. They sought assistance from our office and I know from the office of the member for Buninyong, who is currently in the chair, to assist them in returning to operations as soon as they possibly could. They wanted to continue to serve their customers and also provide continuing employment for their staff.

Previously the commercial tenancy relief scheme played a very important role in helping many of these small businesses to survive and importantly provided a strong framework for small commercial tenants to negotiate for rent relief. It is important that this government acts decisively once again to back our small businesses and to reintroduce a commercial tenancy relief scheme. The Commercial Tenancy Relief Scheme Bill 2021 will enable the regulations to be reintroduced. It will ensure that the scheme will be as consistent as possible with the original scheme. This is even more important now that the JobKeeper program is so notably absent. The scheme will run until 15 January 2022, and the act will cease on 30 April 2022.

This bill, like the previous scheme, the 2021 commercial tenancy relief scheme, will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover. It is expected that most commercial tenants and landlords will continue to work together to reach agreements that will best assist the ongoing survival of businesses. Where the landlord or tenant cannot reach agreement, either party may refer the matter for free mediation by the Victorian Small Business Commission. The VSBC will receive an additional \$3 million in funding to meet the increased mediation costs from introducing this commercial tenancy relief scheme. I commend the many landlords and tenants that have already participated in negotiations in good faith and have reached agreements to ensure that as many businesses as possible survive the impact of COVID-19.

I also understand that many landlords will be unhappy with the decision to reintroduce the commercial tenancy relief scheme. We are seeking to address some of their concerns, including through taking into account their feedback on the design of regulations to improve the practical operation of the commercial tenancy relief scheme—for example, timely responses between parties, outlining behaviours that will be able to be taken into consideration by the Victorian Civil and Administrative Tribunal as evidence of good-faith negotiations by both tenants and landlords and of course additional resourcing and service delivery improvements to deliver timely mediation through the VSBC. The Victorian government has also announced a \$120 million support package for commercial landlords that face hardship from providing rent relief to tenants under the proposed scheme.

This government has taken decisive approaches to protect the health of Victorians during this pandemic. It is now clear that prioritising health is the clear pathway to economic recovery. Today we saw a zero-case doughnut day in Victoria as the dangerous delta variant spreads throughout other parts of the Australian commonwealth. I would like to congratulate Victorians and Victorian business operators. No-one enjoys lockdowns, but businesses in Victoria are operating, albeit in difficult circumstances, when businesses in other jurisdictions remain closed. Providing a health response in a pandemic is a clear path to economic recovery. Businesses, and in particular small businesses, have assisted with the health response by complying with the health orders, and I thank them for their efforts in helping to drive this virus to the ground. Supporting small businesses to recover and thrive is essential as we look to rebuild from the challenges of the last 18 months.

I congratulate the ministers responsible for their hard work on this scheme and the Treasurer and the Premier for their great leadership to ensure that Victorians are safe and we can rebuild the economy in this challenging time. I commend this bill to the house.

Mr CHEESEMAM (South Barwon) (18:50): It is with some pleasure that I rise this afternoon to speak on the Commercial Tenancy Relief Scheme Bill 2021. I must say in reflecting on this bill and indeed reflecting on the nature of my electorate, I think it is worth just really understanding that in terms of Geelong we are very, very dependent in so many ways on so many Victorians, so many Australians and so many international people making their way to our region to enjoy the fantastic tourism offerings that are the Great Ocean Road, the Surf Coast and the broader Geelong and Bellarine communities. And of course what very much underpins that fantastic tourist offering that comes from our region is not just the very, very beautiful landscapes that we do indeed have but those very, very important small businesses that operate the length and breadth of the Great Ocean Road, right throughout the Surf Coast, around the Bellarine Peninsula and throughout Geelong, offering a fantastic service to those that make their way to our community. And those small businesses make a meaningful

and significant contribution to not only those families that run those businesses but also the many, many thousands of Geelong people and people from my broader community who take up the opportunity of employment within those small businesses. I know that many of my colleagues throughout the Parliament have taken every opportunity, as I have, where they can over the last 12 or 18 months to highlight those fantastic offerings that we have had within our own community. As the member for South Barwon I have had some great pleasure in visiting my small businesses and highlighting their offering to our region and indeed to all Victorians and to those from further afield.

But also when I reflect on my community and Geelong, of course Geelong is a community that is moving. We see many, many thousands of people that are taking up the opportunity of building their first home in areas like Armstrong Creek. And again, that is not only providing a fantastic place for people to live but also providing many, many, many jobs. And indeed we do know that over the last 12 or 18 months many small businesses not just in my region but throughout the whole of the state, the nation and the global community have done it particularly difficult because of the global pandemic, the COVID-19 pandemic that we have collectively, as a society, gone through.

I think it is very, very important to reflect on our journey here in Victoria, to reflect on the nation's journey and to remember those very, very salient lessons from 100 years ago from the Spanish flu. And what we know—what our experts very much inform us and have been continuously informing us through these troubling times—is the importance of the lessons learned from back then. Back then the best way for those communities, globally, to deal with the Spanish flu was the social-distancing measures that those communities put in place. And those communities globally that refused to accept the advice of medicos back then paid a much, much higher price than other societies who were more enlightened and listened to the experts that were providing those very clear medical directions about what people and communities ought to do to keep themselves safe.

Very unfortunately, as a government we have had to make those very, very tough decisions to curtail our movements, making it harder for us to go about our livelihoods and earn a living. We have always said that our response as a government to this pandemic would be in the first instance responding to this challenge as a health challenge and that once we had responded in that way, then we would put in place the appropriate economic settings to help support the recovery of our economy. Of course we have been, I think, very deliberate in the decisions that we have made to help make those investments in our economy, to keep jobs going and, importantly, to help support small business.

I know when I look at the various ABS statistics how important small business is to my economy and to my community. I know how important it is throughout Victoria and indeed throughout the nation. That is why we thought it was absolutely appropriate on a number of occasions throughout the last 18 months or so to put in place those mechanisms to ensure that we can keep our small businesses vital and get them through the other side of this pandemic, because we know if we do that, they have every opportunity to spring back and create economic prosperity for those families directly involved in those small businesses and also of course the many tens of thousands of workers throughout the Victorian economy whose employment is underpinned by the viability and the success of those small businesses.

I must say, in listening to the course of this debate I have heard some fantastic contributions by members of the Andrews Labor government in recognising the important contribution that small business makes. I must say, I have been very proud to be a member of the Andrews Labor government and our team as we have gone about putting in place these mechanisms and these arrangements to help underpin the viability of small business. It is in no-one's interest to see a viable and functioning small business which had done well for the owners and for those that they employ go under as a consequence of a pandemic. It is in no-one's interest, let alone the landlord's, for that small business to go under. That is why we have sought to intervene in the way that we have and help support those small businesses, to make sure that as a government we can broker arrangements, where appropriate, between landlords and tenants. Hopefully they can reach those conclusions themselves so that we get

our small businesses through the next 12 or 18 months as we get through the global pandemic and as we help support our economy going forward.

Now, as I said, I am very proud to represent a very strong tourism sector. I am very proud to say that the Great Ocean Road and the Surf Coast and the Geelong hinterland are in my electorate and within my community. I am very proud to say that the tourism sector employs many tens of thousands of South Barwon constituents, and of course many, many thousands in my community own small businesses that are important to my region. As an Andrews Labor government, we will take every step we can wherever possible to help support small business. These particular arrangements I think are critical for getting our small businesses through the next 12 or 18 months, getting them through the pandemic so that they can grow, so that they can prosper and so that they can again be the engine room of our economy.

Following speeches incorporated in accordance with resolution of house of 3 August:

Ms COUZENS (Geelong)

I am pleased to contribute to the COVID-19 Commercial Tenancy Relief Bill 2021.

I begin by thanking and acknowledging the great work of the Minister for Small Business and her team. It is important that we listen to the feedback from small business representatives to ensure we put support where it is needed.

I know very well small businesses are one of the biggest employers in the Geelong region and contribute significantly to our local economy. I want to acknowledge the work of the Geelong Chamber of Commerce who have continued to support small businesses and have kept me abreast of the challenges and supports across Greater Geelong.

The past year has presented ongoing challenges to Victoria's small businesses due to COVID-19.

Despite the impact of the pandemic, we have seen great resilience and strength of Victorian small business operators, many of whom have managed to create and grow new business opportunities during this time.

Despite this resilience, Victoria's small businesses continue to grapple with the profound effect of successive lockdowns.

Victoria's small businesses deserve our support.

The previous commercial tenancy relief scheme played a significant role in helping many small businesses survive to this point, providing a strong framework for small commercial tenants to negotiate rent relief.

In my electorate of Geelong the feedback showed strong support for the scheme previously and of course now for the announced \$80 million in funding to support commercial landlords who provide rent relief to eligible commercial tenants.

It is critical that the Victorian government acts decisively again to back our small businesses as they emerge from lockdown by reintroducing the commercial tenancy relief scheme.

The Commercial Tenancy Relief Bill 2021 will enable regulations to reintroduce the scheme, intended to be as consistent as possible with the original scheme, with some necessary changes particularly in the absence of JobKeeper.

The scheme will run until 15 January 2022 and the act will cease on 30 April 2022.

The scheme will apply retrospectively from the date of announcement, which was 28 July 2021.

Like the previous scheme, the 2021 commercial tenancy relief scheme will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover.

This is not an opportunity for the big end of town to improve their bottom line. Nor is it a scheme that allows tenants to walk away from their contractual obligations. This initiative is about helping businesses survive through a process of compromise and burden-sharing. It's about protecting livelihoods and the Victorian economy including the regional economy such as Geelong.

In that spirit, it is expected that most commercial tenants and landlords will continue to work together to reach agreements that will best assist the ongoing survival of businesses.

Where the landlord or tenant cannot reach agreement, either party may refer the matter for free mediation to the Victorian Small Business Commission (VSBC).

The VSBC will receive an additional \$3 million in funding to meet increased mediation costs from reintroducing the commercial tenancy relief scheme.

While it is intended that the 2021 commercial tenancy relief scheme be as consistent as possible with the original scheme, some changes are required.

These changes include the eligibility criteria, given the absence of JobKeeper as a criterion, and also improvements to the practical operation of the scheme.

Key eligibility criteria include small commercial tenants with a turnover under \$50 million, evidence that a business has suffered a decline in turnover of at least 30 per cent compared to a relevant period as prescribed in the regulations, and special arrangements would be in place to enable eligibility for newly created businesses.

Evidence would generally be provided through a standard letter from a practising accountant.

I commend the many landlords and tenants that have already participated in negotiations in good faith and have reached agreements to ensure that as many businesses as possible survive the impact of COVID-19.

I also understand that many landlords will be unhappy with the decision to reintroduce the commercial tenancy relief scheme.

We are seeking to address some of their concerns, including through taking into account their feedback in the design of regulations to improve the practical operation of the commercial tenancy relief scheme, for example, timely responses between parties, outlining behaviours that will be able to be taken into consideration by the Victorian Civil and Administrative Tribunal as evidence of good faith negotiations by both tenants and landlords, and additional resourcing and service delivery improvements to deliver timely mediation through the VSBC.

The Victorian government has also announced a \$120 million support package for commercial landlords that face hardship from providing rent relief to tenants under the proposed commercial tenancy relief scheme.

The re-establishment of the commercial tenancy relief scheme acknowledges that while we have made much progress, there will continue to be challenges for businesses in coming months.

We must continue to carry on with this vital work until the COVID-19 crisis is behind us to ensure future growth and opportunities for businesses around Victoria.

I commend the bill to the house.

Mr EREN (Lara)

I rise to make a contribution in relation to the Commercial Tenancy Relief Bill 2021.

These changes will temporarily empower the making of regulations by the Governor in Council to modify the application of the law of Victoria in relation to certain commercial leases and licences for the purpose of responding to the COVID-19 pandemic, as well as making of provision for transitional matters.

We all know that the past year has presented ongoing challenges to Victoria's small businesses due to COVID-19.

These challenges are something most of us have never encountered before in our lives.

And as the child of a small business owner myself, I understand the impacts this has had, particularly on our small business owners.

Despite this, there has been an amazing resilience and strength of Victorian small business operators.

We have seen many small businesses who have managed to create and grow new business opportunities during this time.

We have also seen remarkable support by our local communities to rally behind their local small businesses and support them in a tremendous way.

Despite this support and resilience, Victoria's small businesses continue to struggle with the strain that lockdowns have caused.

I am proud to be a member of a government who understand this and who really appreciate that Victoria's small businesses deserve our support.

I am also proud to be a member of a government who instigated such targeted assistance as the previous commercial tenancy relief scheme.

We recognise the significant role this scheme had in assisting many small businesses to survive to this point.

It provided a strong framework for small commercial tenants to negotiate rent relief.

And it is critical that we as a government act decisively again to back our small businesses as they emerge from lockdown by reintroducing the commercial tenancy relief scheme.

The Commercial Tenancy Relief Bill 2021 will enable regulations to reintroduce the scheme, intended to be as consistent as possible with the original scheme, with some necessary changes particularly in the absence of JobKeeper.

The scheme will run until 15 January 2022, and the act will cease on 30 April 2022.

It is also important to note that the scheme will apply retrospectively from 28 July 2021, which was the date it was announced.

Similar to the previous scheme, this scheme will provide support to small businesses with a turnover under \$50 million that have suffered a decline of at least 30 per cent in their turnover.

It is not an opportunity for large, high-earning businesses to improve their bottom line.

Nor will it allow tenants to walk away from their contractual obligations.

It is purely an opportunity to help small businesses survive through a process of compromise and burden sharing.

It's about protecting livelihoods and the Victorian economy.

In that spirit, it is expected that most commercial tenants and landlords will continue to work together to reach agreements that will best assist the ongoing survival of businesses.

Where the landlord or tenant cannot reach agreement, either party may refer the matter for free mediation by the Victorian Small Business Commission (VSBC).

The VSBC will receive an additional \$3 million in funding to meet increased mediation costs from reintroducing the commercial tenancy relief scheme.

As I mentioned previously, there will be some changes to the scheme.

These are required due to the absence of JobKeeper.

They will also allow for some improvements to the practical operation of the scheme.

But as a whole it is as consistent as possible with the original scheme.

Key eligibility criteria include:

- small commercial tenants with a turnover under \$50 million
- evidence that a business has suffered a decline in turnover of at least 30 per cent compared to a relevant period as prescribed in the regulations
- special arrangements would be in place to enable eligibility for newly created businesses.

Evidence would generally be provided through a standard letter from a practising accountant.

I commend the many landlords and tenants that have already participated in negotiations in good faith and have reached agreements to ensure that as many businesses as possible survive the impact of COVID-19.

Understandably, there may be some landlords unhappy with the decision to reintroduce the commercial tenancy relief scheme.

As a government, we are trying to address some of their concerns.

Feedback has been taken into account in the design of regulations to improve the practical operation of the commercial tenancy relief scheme—for example, timely responses between parties.

We have also outlined behaviours that will be able to be taken into consideration by the Victorian Civil and Administrative Tribunal as evidence of good-faith negotiations by both tenants and landlords.

We have provided additional resourcing and service delivery improvements to deliver timely mediation through the VSBC.

In addition to these, we have also announced a \$120 million support package for commercial landlords that face hardship from providing rent relief to tenants under the proposed commercial tenancy relief scheme.

In an ideal world, a scheme such as this would not be needed.

But in the face of a worldwide pandemic, it is what is needed.

The re-establishment of the commercial tenancy relief scheme acknowledges that while we have made much progress there will continue to be challenges for businesses in coming months.

We must continue to carry on with this vital work until the COVID-19 crisis is behind us to ensure future growth and opportunities for businesses around Victoria.

ADJOURNMENT

Wednesday, 4 August 2021

Legislative Assembly

2747

This bill is an important piece of legislation to deliver assistance for our small businesses and, as such, I support this bill.

I commend this bill to the house, and I wish it a speedy passage.

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

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

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

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

SMALL BUSINESS SUPPORT

Ms RYAN (Euroa) (19:00): (5961) My adjournment this evening is for the Minister for Industry Support and Recovery, and the action I seek is that he revise the guidelines for the government's business support to reimburse businesses impacted by lockdowns. There is no more in the piggy bank. There is no more tucked away for a rainy day. Even the strongest businesses have now spent their reserves. People are now facing financial ruin because this government does not have a plan to get us out of lockdowns. We have urged the government to adopt rapid testing. They will not have a bar of it. We have urged them to limit lockdowns to affected areas. Again, they will not listen, nor will they release the health advice that they say underpins these decisions.

It is all very well and good for us in here. I continue to get paid. Every member in this house continues to get paid. Small business owners, the ones who generate the employment and the wealth in this state, do not continue to get paid. If you do not have a plan to get us out of lockdowns, then start reimbursing businesses for the full cost of their losses. The minister has previously bragged that the Andrews government has helped 120 000 businesses, but Victoria has about 600 000 businesses—or at least it did. So is the minister telling us that only one in five businesses has been impacted, or is he actually admitting that the majority of businesses in this state have not received a cracker from the government? Certainly the majority of those that have received money have not received anything like what they have lost.

Let me put it into context. Peter and Colleen from Palling brewery in Heathcote employ 15 people. They tried to do the right thing by keeping them working through the last lockdown. They received \$3500 in business support from the government for the last lockdown, but their wage bill alone, even without their overheads, was \$9000. They had a house in Melbourne but their tenant stopped paying rent. Because they could no longer pay their mortgage, they have had to sell their house just to keep their business afloat and to pay their bills. Graham Parker and his family have retail shops in Benalla, Shepparton and Wangaratta. Despite huge losses they have borne across their stores from five lockdowns, they have only been able to access support for one store because the government considers them to be one single business. Peter Harris is an egg farmer at Thoona. He supplies product—eggcellent product—to local pubs and restaurants. During the last lockdown he had no-one to sell his eggs to, leaving him with product and no income. He is not eligible for support under Labor's criteria,

despite losing significant income. Last week I met with Kim Ottrey, who runs a small business in Seymour fitting doors and windows. He has never asked for money from the government in his life. His message was simple: 'I do not want handouts from the government, but if they're going to lock us down in areas where there is no COVID, they must fully compensate us'.

MOUNT ROWAN SECONDARY COLLEGE

Ms ADDISON (Wendouree) (19:04): (5962) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to visit my electorate of Wendouree to celebrate the practical completion of works at Mount Rowan Secondary College. The minister is no stranger to Mount Rowan Secondary College, having visited the school on several occasions to see progress of our record investment into the school's redevelopment. The Andrews Labor government most recently provided over \$3.5 million in the 2019 state budget to upgrade and modernise the school facilities. This included the refurbishment of the old administration areas, completing landscape work and resurfacing the existing courts. This funding was in addition to \$12 million already delivered for Mount Rowan's facilities by our government. I thank the Premier and the Minister for Education for their strong support for Mount Rowan Secondary College.

I have had the pleasure of visiting Mount Rowan on many occasions. It is an excellent school led by the inspirational principal, Seona Murnane, with dedicated teachers and support staff as well as terrific students. I was able to attend both the school musical *Fried* and the end-of-year awards back in 2019 in the new auditorium, and staff, students and parents were very pleased with the investments being made at the school.

The recent work is good news for not only teachers and students but also local jobs. I thank Ballarat construction firm AW Nicholson and their contractors for the great work they have done. The school is looking fantastic. With the values of pride, respect and excellence, Mount Rowan Secondary College is going from strength to strength, and the community is paying attention. The student population has more than doubled in size in the last nine years. These are the facilities that a growing school community deserves, and I am incredibly proud that our government, the Andrews Labor government, has supported this fantastic school. I look forward to welcoming the Minister for Education to Mount Rowan Secondary College for this important event very soon.

BALLARAT CAR PARKING

Ms STALEY (Ripon) (19:06): (5963) My adjournment is to the Premier. The action I seek is that he explain why he has broken his promise to the Ballarat community by not delivering the 900 car parks he promised prior to the last election. On 14 November 2018 the Premier put out a media release which said 'only Labor will build 1,000 extra free car parks across Ballarat CBD'. This was a clear election promise by the government made just before the 2018 election, and what we found last week was in fact we are not getting 1000 new car parks in this term, we are getting 100 free car park spaces, and then there is going to be a study for the rest; it is clear that they will not be constructed before the 2023 election. So despite the very release that the Premier put out saying that only Labor would deliver 1000 car parks for Ballarat, they are now admitting it is only 100. It is only 100, and the other 900 are for the next term—if they ever make the next term. It is all in the never-never.

It is like the Maryborough hospital—not getting it this term, getting it next term. Really clever—put out a press release two weeks before an election but do not deliver, and then through the term you sneak out another press release and send out the hapless member for Wendouree to say, 'We're only doing 100. We're not doing 1000, we're only doing 100, and we've got to consult. We've got to talk to the community for the rest, because it was a thought bubble. We never had sites for the 1000. We never knew where they were going'. In fact I quote the member for Wendouree, who said finding 1000 free car park locations in central Ballarat was 'challenging'. They did not know where they were. It was just a media release prior to the last election. They were out there trying to pull the wool over the eyes of the Ballarat community. They were never, ever going to deliver those car parks in this term.

It was never for this term. It was yet another election stunt by this Premier, who misleads and takes on the Ballarat community and then does not deliver.

Members interjecting.

Ms STALEY: I mean, let us talk about the hospital promise—big money there. I do not see that being delivered either. And I notice that the other side is in full voice—full voice. They do not like hearing the truth about their broken promises, their constant broken promises. This is not a government that is delivering for Ballarat, and this is further evidence that they will say one thing before an election and then do something completely different afterwards.

The DEPUTY SPEAKER: Order! In seeking clarification from the Clerk, the member for Ripon's adjournment matter does not constitute an action, and therefore it will be—

Ms STALEY: I asked for an explanation.

The DEPUTY SPEAKER: That is not an action. It does not constitute an action, so the member for Ripon's adjournment is not allowable.

Mr Wynne: On a point of order, Deputy Speaker—I promised I would be disciplined tonight—do we want to give the member for Ripon another go at it? What do you reckon? Dear oh dear. Really? You are going to talk about car parks—are you serious? Car parks, with your federal colleagues, with all of this rorting going on. What is going on here, member for Ripon?

The DEPUTY SPEAKER: Order! Member for Ripon, you may do so by leave if you wish.

Ms STALEY: Yes. Okay.

The DEPUTY SPEAKER: You need to ask for leave. Minister, is leave granted?

Mr Wynne: Oh, look, Deputy Speaker, I mean, on indulgence—

The DEPUTY SPEAKER: Just a yes or no will suffice, Minister.

Mr Wynne: Well, I need to understand what the question is, Deputy Speaker.

The DEPUTY SPEAKER: That is why the member for Ripon is asking for leave.

Mr Wynne: To do what though, Deputy Speaker?

The DEPUTY SPEAKER: To reword her adjournment request.

Mr Wynne: In relation to this outrageous behaviour?

The DEPUTY SPEAKER: Is leave granted, Minister?

Mr Wynne: Well, reluctantly, I will say, Deputy Speaker, she can have a second go at it. We will see how she goes second time around.

The DEPUTY SPEAKER: Member for Ripon, just repeat the action you are seeking, please.

Ms STALEY: Right. Thank you. My adjournment is to the Premier. The action I seek is that he come to Ballarat to explain why he has broken his promise to the Ballarat community and is not delivering the car parks that he promised prior to the election and is in fact only delivering one-tenth of the number.

RENEWABLE ENERGY

Mr BRAYNE (Nepean) (19:11): (5964) That was exciting. The action I seek is for the Minister for Energy, Environment and Climate Change to provide information to my community on how the Victorian government's climate change strategy will help local state government operations to run on renewable energy. My electorate of Nepean is home to a passionate, environmentally focused

community that cares deeply about climate change, as was evident in its fervent opposition to the recently rejected AGL Crib Point gas import terminal. Nepean has so many important public services, including of course the great local schools, Rosebud Hospital and a number of police stations, and I look forward to updating my community on how the government will be transitioning these operations to 100 per cent renewable energy by 2025.

PARKS VICTORIA

Ms BRITNELL (South-West Coast) (19:12): (5965) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to provide an update about actions taken within Parks Victoria following a serious incident in the Narrawong Flora Reserve which resulted in the injury of two motorcyclists. In November 2018 two motorbike riders were seriously injured when they struck a cable suspended across a track in the reserve while travelling at around 70 kilometres per hour. One required surgery for vertebra and pelvis fractures as well as internal injuries, while his companion suffered a broken collarbone and arm, a fractured wrist and a torn rib cage. In April this year a court found Parks Victoria had mistakenly left the barriers in place. An investigation found the barriers were erected as part of seasonal closures but were not removed in line with reopening dates published by Parks Victoria, because of staff shortages and because there was no inspection process for these types of closures. Parks Victoria was fined \$100 000 and ordered to pay nearly \$4000 in costs after pleading guilty to failing to ensure persons other than employees were not exposed to health or safety risks.

This incident poses several questions that need to be answered to ensure Parks has the right policies and procedures in place to make sure this does not happen again. Given one of the reasons for these barriers being left in place was staff shortages, is Parks Victoria, particularly in the south-west region, now appropriately resourced to ensure people are safe while using our parks and reserves? Has this incident led to a review of the policy around road closures and reopenings? Do Parks Victoria have a policy in place that prioritises road closures, or was this a decision taken without reference to a policy or risk-based framework? What was the basis for the decision? Who authorised the closure? Has the person responsible for placing the barrier across the track been disciplined or counselled? Has an inspection regime—

Mr Wynne: What's your action?

Ms BRITNELL: I did. The action I seek is for the minister to provide an update about actions taken within Parks Victoria following a serious incident. Are you happy with that, Minister? Thank you. Has an inspection regime—

The DEPUTY SPEAKER: Through the Chair.

Ms BRITNELL: been implemented to ensure a road has been cleared of barriers when it has been advertised or will reopen? Was there any community consultation? Were public notices or warning signs placed around the barrier in this incident to warn users of imminent danger? Minister, these are questions that need to be answered and issues that need to be addressed so people using our parks and reserves can be assured of their safety and to protect taxpayers from having to pay large fines because of the lack of staff and poor management and procedures from a government department.

HAMPTON PARK TENNIS CLUB

Mr MAAS (Narre Warren South) (19:15): (5966) The matter I wish to raise is for the attention of the Minister for Community Sport and concerns the recent funding for the Hampton Park Tennis Club. The action that I seek is that the minister provide further information on the lighting upgrade at the club and how this will benefit my constituents in Narre Warren South. I was very pleased to hear that the latest round of the Local Sports Infrastructure Fund will help deliver upgraded lighting on four of the club's tennis courts. Hampton Park Tennis Club has been working tirelessly on improving their

facilities for the local community and future sports stars, and I hope that this is the start of a new chapter for the club.

Funding for this project also came from the City of Casey, and I would like to thank them for their commitment to ensuring that our growing community has spaces for the community to come together and be active. Local grassroots sport is so important for engagement, socialising and community participation and has great benefits for physical and mental health. This lighting upgrade at Robert Booth Reserve is a welcome addition to this sporting site, and I look forward to any possible further support for the club's facilities which would complement the continued work on the upgrade of the Robert Booth Reserve pavilion and site master plan.

I thank the minister for her support of community sport in Narre Warren South. I would appreciate any further information on how this funding will benefit my electorate, and of course I look forward to sharing the minister's response with my community.

FLOOD PLAIN HARVESTING

Ms CUPPER (Mildura) (19:17): (5967) My adjournment matter is for the acting Minister for Water. The action I seek supports the request made by the member for Shepparton, and that is for the acting water minister to make a submission to the New South Wales Legislative Council's inquiry into flood plain harvesting. Flood plain harvesting is not a new issue, but it takes on renewed significance given the increasing share foreign owners have in areas of the northern basin. Canada, for instance, now holds 841 000 megalitres of water entitlements in Australia. It is more than four times the amount of water they owned in Australia compared to just three years ago. To put that into perspective, 841 ggalitres is significantly larger than the water allocation given to the entire Victorian irrigation community. What is of concern to my electorate is the fact that major foreign players like Canada are being given too much control over the fate of our river system. Close to half of the water Canadian investors own in Australia is in the northern basin on an unregulated river system. They hold more than 400 ggalitres of water entitlements in a region where unconscionable water practices run rife.

The entire southern basin, including the Mildura electorate, is at the mercy of decisions made further north. We pay the consequences for overextraction upstream, and we need to be able to hold flood plain harvesters to account. It is already bad enough that Australian entities have the ability to flood plain harvest in Queensland and New South Wales, but where foreign multinationals have the same opportunity it is worse and even more dangerous. They have no vested interest in the health of our river system. To them the Murray-Darling Basin is a cash cow half a world away from their home. The gulping up of water by overseas investment firms is not the problem. The problem is what they are allowed to do by virtue of holding significant water licences north of our borders.

Flood plain harvesting rigs the system in favour of deep-pocketed farming entities with expensive excavation equipment. It is effectively stealing from an otherwise regulated system, reducing what is left for farmers who are doing the right thing. Victoria has long led the way in terms of sacrifices made for the Murray-Darling Basin plan, and it is about time New South Wales did its fair share. We cannot risk a repeat of recent years, when the Goulburn and Murray rivers were pushing out unsustainably high flows just to make ends meet. We also cannot risk a repeat of the disastrous fish kills in the lower Darling. Regulation is desperately needed to prevent greedy actions in the northern basin. Submissions to the New South Wales parliamentary inquiry close on 13 August, and I would urge the Victorian government to continue its efforts to fight for better transparency and compliance across the entire basin.

COVID-19

Mr RIORDAN (Polwarth) (19:20): (5968) My adjournment tonight is for the Minister for Health, and the action I seek is for the minister to immediately increase support for rural hospitals and health services by enabling them to provide daily COVID testing. It is absolutely outrageous that in this current time in Victoria, where we are constantly wanting the community to go out and get tested for

COVID and to keep that safety barrier alive and well in Victoria, there are whole swathes of rural and regional Victoria that have health services that are not funded to provide daily COVID testing.

Now, in the grand seat of Polwarth the transport industry is one of the largest industries. It is the third-largest industry in the seat of Polwarth, and yet truck drivers based in Colac, based in Camperdown, based in Terang and based along the Hamilton Highway and other areas are forced to go to Warrnambool, Ballarat and Geelong for COVID tests, particularly now when the requirement is for testing every three days. This is not only completely unfair, it is unsatisfactory. But most importantly this leads to a huge extra risk for drivers, because interstate truck drivers, as we know, spend a lot of time on the road. When they come home to family and friends for a bit of rest, a bit of R and R and important recharging of their batteries, we are now forcing them to get back into a vehicle to drive a 2- to 3-hour round trip to get a COVID test to be compliant with new government regulations. This is completely unsatisfactory and most unfair because transport drivers in Melbourne and transport drivers in our larger cities all have access to regular daily COVID testing.

But this brings us of course to a larger dilemma that this government has failed to take account of, and that is the requirement of our country and rural communities to have free and fair and easy access across the borders. As we move into harvest season in coming months, we are going to see a huge regular daily or weekly migration of the workforce from country Victoria through into New South Wales. This system needs to be improved for the safety of agricultural workers and for the safety of the transport industry so that these people can have reasonable expectations of fair and ready access to important COVID testing so that they can in fact go about their work and continue. The economic hardship we have seen inflicted on our cross-border communities—where businesses have been split in half, where families have been split in half, where businesses have lost huge turnover due to the lack of people being able to engage across border communities—cannot be allowed to extend right throughout our region, affecting the transport and agricultural sectors.

GENDER EQUALITY

Mr FOWLES (Burwood) (19:23): (5969) My adjournment matter is directed to the Minister for Women, and the action I seek is for the minister to meet with women in my electorate to discuss the barriers women face in the workplace. We know that women experience discrimination and disadvantage more often than men. We know that prior to the COVID-19 pandemic 57 per cent of women were already in insecure work, largely in retail, hospitality, education and health. We know that in Australia women have experienced a greater reduction in hours worked than men as a result of the pandemic.

In Victoria employment among women fell by a total of 33 000 jobs from March to December 2020. We know that Victorian women make up the overwhelming majority of those working in the lowest paid occupations and retire with around half of the superannuation of Victorian men. We know that one in two mothers—one in two—report experiencing workplace discrimination as a result of their pregnancy or parental leave or on return to work, and three in 10 employers still do not have a flexible working policy.

The Andrews Labor government is committed to addressing the drivers of gender inequality, because we know that bad attitudes toward women lead to bad outcomes for women. We have established an independent inquiry into economic equity for Victorian women to address longstanding systemic inequality and to find solutions for problems such as unequal pay and barriers to success for women at work. We have also committed to gender equality and diversity in our governments, with the 2020 local government area elections seeing Victoria officially having the highest number of female councillors in Australian history. In all, 272 women were elected—43.8 per cent of all councillors.

The Jobs Victoria Fund program subsidises wages to help create more work for Victorians and is targeted at increasing women in the workforce, with at least 60 per cent of all jobs supported by the fund being for women. The government also has a range of women's leadership programs to help women of all ages and backgrounds to build their leadership skills. We want more women to be promoted into leadership

and decision-making roles. The Andrews government is committed to achieving gender equality in the workplace. That means cracking open male-dominated industries like construction. More women are active in the Victorian labour market now than ever before, but they still only make up 2 per cent of workers in Australian construction. We are undertaking the biggest infrastructure agenda this state has ever seen, creating thousands of jobs, and we are making sure that these jobs are for all Victorians, with initiatives to ensure women can become fully qualified, well-paid tradespeople.

Finally, I want to add that the nation's biggest ever investment in social housing, led by my friend the Minister for Planning to my left, will deliver for women. Older women are the fastest growing cohort of homeless Australians, which is why the Big Housing Build is expressly catering for that demand as well as including 1000 units for victim-survivors of family violence. The Andrews Labor government is delivering for women each and every day.

NORTHCOTE ELECTORATE ROAD INFRASTRUCTURE

Ms THEOPHANOUS (Northcote) (19:26): (5970) My adjournment is to the Minister for Roads and Road Safety. I ask the minister to join me in the Northcote electorate to see and discuss firsthand some of the key road infrastructure issues impacting my community. Northcote is on the move. Our inner-northern suburbs are densely populated and home to major arterial roads supporting movement in and across the electorate. We have High Street and Separation Street, St Georges Road and Bell Street, Normanby Road, Heidelberg Road and Station Street. Many of these arterials are impacted by complex surrounds. There are interactions with level crossings, our tram network, buses, cycling infrastructure, destination shopping strips, sports precincts and pedestrian routes for schoolchildren.

Improving safety for cyclists, motorists and pedestrians is a priority for me, and there are some pretty significant pressure points that I would like the minister to better understand. For example, the Station Street and Wingrove Street intersection in Fairfield has long been an area of concern for residents. Located immediately next to Fairfield Village, Fairfield railway station and a major level crossing, it is also a thoroughfare for key bus routes, shoppers, residents and students from two nearby schools. Since becoming the member for Northcote I have worked closely with the community to raise awareness of the risks here across all levels of government, securing some interim safety improvements from Darebin council in 2019. However, further road safety treatments here remain a priority for us.

Another notable issue of interest to my community is the pop-up bike lanes, part of our \$15 million investment to deliver over 100 kilometres of new and improved cycling routes. Cycling plays an important role in Northcote, with almost one in 10 employed people cycling to work, not to mention all the kids, adults and seniors who cycle for health, to get around or just for fun. Pop-up bike lanes have been in place along Heidelberg Road for more than half a year now, and further improvements are rolling out along the Darebin and Yarra connectors as well as the St Georges Road off-road routes. Seeing how these are working for everyone and taking on board community feedback is incredibly important.

These are just a couple of examples of our road-related priorities. I know that residents and I will be able to cite quite a few more, which is why it would be of great benefit for the minister to visit the electorate and see firsthand some of the challenges we face. The minister will be aware that our suburbs have also benefited from exciting transport infrastructure projects, including the expanded Chandler Highway bridge and our ongoing work on linking Alphington to the Darebin-Yarra trail, as well as removing four level crossings on the Mernda line.

Each piece of the puzzle, each improvement, big and small, makes a difference to how our community moves around, how we live, how our suburbs connect with one another and how residents can travel safely and efficiently. I know my community would love to welcome the minister to the area, and I look forward to discussing some of our key road and transport issues with him in detail.

RESPONSES

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (19:29): I thank the member for Mildura for her adjournment tonight. As I know, she has been a very strong advocate on these issues since coming into the Parliament. The government has raised concerns obviously about flood plain harvesting in the northern Murray-Darling Basin consistently over recent years. I know so many of my colleagues would be well aware of the national leadership role that has been played by my colleague the Minister for Water—I am simply acting in her—

Ms Britnell: You don't like going home, do you?

The DEPUTY SPEAKER: Order! We will all get home faster if we do not have interjections.

Mr WYNNE: I assure you I love going home to my beautiful wife. She has completely thrown me now, Deputy Speaker. A funny old night here tonight, I have got to tell you.

We do not support unregulated, unmonitored and unmetered flood plain harvesting, and indeed as I have indicated, my colleague the member for Bellarine has raised this issue publicly with the basin ministerial council process, which of course is the Murray-Darling Basin group of both state and federal counterparts. She has also raised concerns, as the member for Mildura has, about foreign ownership of water entitlements and the transparency about that through the ACCC's water markets inquiry. I have obviously heard the concerns of our stakeholders firsthand as the acting minister, and I have written to the New South Wales minister, Minister Pavey, with these concerns. Frankly, and the member for Mildura knows this, our farmers have done the heavy lifting to return water for the environment. We also have high levels of compliance and metering here in Victoria. We are without doubt the stand-out. We think there needs to be similar regulation, monitoring and compliance in New South Wales, and this obviously includes flood plain harvesting.

Can I indicate to the member for Mildura, as I indicated to the member for Shepparton yesterday, that we absolutely know that the New South Wales government has tried to legislate to regulate flood plain harvesting, but that failed in May this year. Following this, an upper house committee was established to inquire into flood plain harvesting in the state. I am cognisant that we have until 13 August to put our submission in, and I can inform the member for Mildura that our government will be making a submission consistent with our concerns—our long-held concerns—to the inquiry, and as I understand it the committee is due to report in November. I thank the member for her continued advocacy in relation to these really critical water issues that affect not only her particular electorate but of course right up and down the Murray and also up into New South Wales as well. So I thank her for her advocacy tonight, albeit remotely.

The member for Euroa raised a matter for the Minister for—

A member: She is not actually in the chamber, so—

Ms Britnell interjected.

Mr WYNNE: Oh, no, that is enough. The member indicated to me that she was not going to be available.

The member for Euroa raised a matter for the Minister for Industry Support and Recovery seeking further business support for small businesses in her electorate, and I will make sure the minister is aware of that.

The member for Wendouree raised a matter for the Minister for Education seeking that the minister visit Mount Rowan Secondary College, where a commitment of \$3.5 million—

Ms Addison: On top of the \$12 million.

Mr WYNNE: I am coming to that—on top of the \$12 million, a wonderful commitment by the government to her electorate, and I am sure the minister would be delighted to visit Mount Rowan Secondary College.

The member for Ripon raised a matter in relation to—

Mr Fowles interjected.

Mr WYNNE: Will—

The DEPUTY SPEAKER: Order! Minister, through the Chair.

Mr WYNNE: The member for Ripon raised a matter for the Premier in relation to provision of car parking spaces in Ballarat. I would advise the member for Ripon—

A member interjected.

Mr WYNNE: Oh, come on. That is enough. Come on. Let us get through this so we can all get home.

The member for Ripon raised a matter for the Premier in relation to the provision of car parking spaces in the Ballarat CBD. I do note that this is a Regional Development Victoria project and one that will be delivered by Regional Development Victoria, but nonetheless I will make sure the Premier is aware of the keen interest that the member for Ripon has in car parks—most extraordinary.

The member for Nepean raised a matter for the Minister for Energy, Environment and Climate Change seeking further support from the minister in relation to the aspirations of his electorate to essentially have 100 per cent renewables within the electorate. It is a magnificent target and one that I know will be strongly supported by the minister. No doubt she will be keen to come and talk to his community about that.

The member for South-West Coast raised a matter for the Minister for Energy, Environment and Climate Change in relation to Parks Victoria seeking an update in relation to a very tragic circumstance, which I understand to be a motorcyclist who has passed. That incident related to barriers, as I understand it. I will make sure that that tragic matter is brought to the attention of the minister for environment.

The member for Narre Warren South raised a matter for the Minister for Community Sport seeking the minister to visit the electorate, particularly to look at the upgrade work that has been done at the Hampton Park Tennis Club—new lighting facilities and so forth—which was a fantastic commitment. I will make sure that the minister is aware of that request.

We have dealt with the member for Mildura, and we thank her for coming on tonight.

The member for Polwarth raised a matter for the Minister for Health seeking further support for rural hospitals to be better equipped for COVID testing, particularly as it relates to people who are involved in critical transport interchange with interstate freight—a very important issue.

The member for Burwood raised a matter for the Minister for Women seeking that the minister meet with constituents in his electorate to discuss barriers to workplace participation for women. I will make sure that matter is brought to the attention of the minister.

And the member for Northcote, finally, raised a matter for the Minister for Roads and Road Safety seeking that the minister come and visit her electorate, to the north of mine, to really understand some of the critical traffic management issues on some of the major arterial roads through her electorate, which are difficult and complex. No doubt the minister will make time to visit. That is the adjournment. Thank you very much, Deputy Speaker. That is it.

The DEPUTY SPEAKER: Thank you, Minister. The house now stands adjourned.

House adjourned 7.38 pm.