

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**TUESDAY, 22 FEBRUARY 2022**

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The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

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Minister for Workplace Safety and Minister for Early Childhood .....	The Hon. I Stitt MLC
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Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs .....	The Hon. G Williams MP
Minister for Planning and Minister for Housing .....	The Hon. RW Wynne MP
Cabinet Secretary .....	Ms S Kilkenny MP

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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**Deputy Speaker**

Ms JM EDWARDS

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The Hon. DM ANDREWS

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

The Hon. JA MERLINO

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

The Hon. 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: Ms T Burrows

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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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:* Mrs McArthur and Ms Taylor.

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

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

*Council:* Ms Patten and Ms Watt.

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**Tuesday, 22 February 2022**

**The SPEAKER (Hon. Colin Brooks) took the chair at 12.03 pm and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (12:03):** We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

**Bills**

**CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022**

*Introduction and first reading*

**Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (12:04):** I move:

That I introduce a bill for an act to amend the Conservation, Forests and Lands Act 1987 in relation to codes of practice and for other purposes.

**Motion agreed to.**

**Ms McLEISH (Eildon) (12:04):** I seek a brief explanation from the minister.

**Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (12:04):** The bill expands the head of power to make a code of practice under the Conservation, Forests and Lands Act 1987. Its main objective is to support improved timber harvesting regulation in Victoria by enabling greater flexibility for the code of practice for timber production to clarify its operation, providing greater certainty for the actions required to maintain environmental standards.

**Read first time.**

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

**JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022**

*Introduction and first reading*

**Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:05):** I move:

That I introduce a bill for an act to amend the Criminal Procedure Act 2009 to provide temporary arrangements for trial by judge alone on an order made or applied for while a pandemic declaration is in force and to amend the Children, Youth and Families Act 2005, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Evidence (Miscellaneous Provisions) Act 1958, the Justice Legislation Amendment (Criminal Appeals) Act 2019 and the Occupational Health and Safety Act 2004 and for other purposes.

**Motion agreed to.**

**Mr R SMITH (Warrandyte) (12:06):** I ask the minister for a brief explanation of the bill.

**Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:06):** The bill supports the government's response to COVID-19 by ensuring the justice system continues to function safely and effectively during the ongoing pandemic. The details of the bill go to reintroducing judge-alone criminal trials and special hearings on a temporary basis, which will remove more criminal trials and special hearings so that they can proceed, but also the bill will be deferring the commencement date for the de novo summary

appeals reform, which will allow courts and other justice stakeholders the time to implement these reforms and ensure they achieve their intended benefits. This also extends provisions under the Children, Youth and Families Act 2005 to continue allowing attendance at a youth justice unit or reporting by audiovisual links or audiolink.

**Read first time.**

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

### **Business of the house**

### **ORDERS OF THE DAY**

**The SPEAKER (12:07):** I wish to advise the house that general business, orders of the day 8 and 9, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 5.00 pm today.

### **Petitions**

**Following petitions presented to house by Clerk:**

#### **EAST WERRIBEE SATELLITE CITY**

The petition of residents of Victoria draws to the attention of the Legislative Assembly a request that the State Government implement the recommendations from The West of Melbourne Economic Development Alliance report to establish a new satellite city of the West at the East Werribee site. Wyndham is a city that has major challenges as the current population of 283,000 is growing at a rate of 4.7% which is the third fastest growth rate in Australia. However, despite substantive funding contributions by the State Government, infrastructure, services and employment have failed to keep up with this growth. At the present time unemployment is up to 12.1% and most residents are travelling to the Melbourne CBD which is taking 45–60 minutes or even more. The PCAG is concerned that if an employment generation project like the East Werribee Satellite city is not planned in Wyndham, this will adversely impact on the socio-economic indicators in the city in the longer term. The Point Cook Action Group strongly supports the case for a new satellite city of the West which would support much needed local employment opportunities, reduced travel times to work and a better work/life balance.

The petitioners therefore request that the Legislative Assembly develop and implement, as a matter of urgency, a proposal to establish a new city in the west at the East Werribee site. Benefits from the establishment a new East Werribee city include employment of up to 50,000 people in a major shopping and retail centre, educational and health facilities, professional services, research institutions, Innovative technology centres, accommodation, tourism and food services. The development of a new City of the West would build on some current world-renowned institutions currently located in the precinct including Melbourne University's U-Vet Werribee Equine Centre and the Food Technology at CSIRO, the Mercy and St Vincent Hospital, the Dairy Innovation centre and Victoria University.

**By Ms HENNESSY (Altona) (296 signatures).**

#### **BRUNSWICK HOUSING ESTATE SECURITY**

This petition of the residents and neighbours of the public housing estate at 351 Barkly Street in Brunswick draws to the attention of the House that this estate is in need of security guards 24 hours per day.

There are ongoing reports of unauthorised visitors entering and even living in the building. This has undermined the safety and security of the residents—particularly during the pandemic, when the presence of additional people increases the risk of an outbreak in a senior population. The presence of these unauthorised visitors has also led to an increase in illegal activity in and around the housing estate, which has endangered residents as well as their neighbours.

Residents are pleased that the housing estate has recently been provided with some level of security. However, the security guards are only present for a short time each night. This means that the presence of unauthorised visitors and illegal activity has not been prevented, but only temporarily delayed each night until the security guards have left.

The petitioners therefore request that the Legislative Assembly of Victoria **authorise 24-hour security guards at 351 Barkly Street, Brunswick**, to ensure the ongoing safety and wellbeing of the housing residents and their neighbours.

**By Dr READ (Brunswick) (76 signatures).**

**Tabled.**

**Ordered that petition lodged by member for Brunswick be considered next day on motion of Dr READ (Brunswick).**

### Committees

#### SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

*Alert Digest No. 2*

**Ms THEOPHANOUS** (Northcote) (12:09): I have the honour to present to the house a report from the Scrutiny of Acts and Regulations Committee, being *Alert Digest* No. 2 of 2022 on the following acts and bills:

Alpine Resorts Legislation Amendment Bill 2022

Public Health and Wellbeing Amendment Bill 2022

Public Health and Wellbeing Amendment (Pandemic Management) Act 2021

together with appendices.

**Ordered to be published.**

### Documents

#### DOCUMENTS

**Incorporated list as follows:**

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

*Financial Management Act 1994*—Report from the Minister for Energy, Environment and Climate Change that she had received the Report 2020–21 of the Caulfield Racecourse Reserve Trust

*Planning and Environment Act 1987*—Notices of approval of amendments to the following Planning Schemes:

Ballarat—C232

Benalla—C42

Frankston—C141

Greater Dandenong—C235

Greater Geelong—C399

Hepburn—C80

Loddon—C45

Maribyrnong—C163

Monash—C163 Part 1

Moonee Valley—C194

Nillumbik—C137

Northern Grampians—C60

Victoria Planning Provisions—VC200

Wodonga—C135

Wyndham—C258

Yarra—C191

*Public Health and Wellbeing Act 2008*—Documents under s 165AQ on the making of pandemic orders implemented on 4 February 2022

Statutory Rules under the following Acts:

*Births, Deaths and Marriages Registration Act 1996*—SR 9

*County Court Act 1958*—SR 10

*Drugs, Poisons and Controlled Substances Act 1981*—SR 13

*Education and Training Reform Act 2006*—SR 6

*Occupational Health and Safety Act 2004*—SR 137/2021

*Pollution of Waters by Oil and Noxious Substances Act 1986*—SR 7

*Public Health and Wellbeing Act 2008*—SR 14

*Relationships Act 2008*—SR 11

*Road Safety Act 1986*—SRs 135, 136/2021

*Severe Substance Dependence Treatment Act 2010*—SR 8

*Subdivision Act 1988*—SR 134/2021

*Subordinate Legislation Act 1994*—SR 12

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rules 3, 7, 8, 10, 13

Documents under s 16B in relation to:

*Education and Training Reform Act 2006*—Ministerial Order No 1358—Amending Ministerial Order No 1125—Procedures for Suspension and Expulsion of Students in Government Schools

*Drugs, Poisons and Controlled Substances Act 1981*—Notice under section 35A(1)

Victorian Inspectorate—Report 1 January to 30 June 2021 under s 30Q of the *Surveillance Devices Act 1999*.

## Bills

### SEX WORK DECRIMINALISATION BILL 2021

#### *Council's amendments*

**The SPEAKER** (12:10): I have received a message from the Legislative Council agreeing to the Sex Work Decriminalisation Bill 2021 with an amendment.

**Ordered that amendment be taken into consideration immediately.**

**Message from Council relating to following amendment considered:**

Clause 2, line 26, omit “1 March” and insert “10 May”.

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (12:11): I move:

That this amendment be agreed to.

**Motion agreed to.**

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

**JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE  
AND OTHER MATTERS) BILL 2021**

**RACING AMENDMENT BILL 2021**

*Royal assent*

**The SPEAKER** (12:11): I wish to advise the house that the Governor has given royal assent to the Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Bill 2021 and the Racing Amendment Bill 2021.

**ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022**

**PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022**

*Appropriation*

**The SPEAKER** (12:11): I have received messages from the Governor recommending appropriations for the purposes of the Alpine Resorts Legislation Amendment Bill 2022 and the Public Health and Wellbeing Amendment Bill 2022.

**Business of the house**

**STANDING AND SESSIONAL ORDERS**

**Ms SHEED** (Shepparton) (12:11): I desire to move, by leave:

That so much of standing and sessional orders be suspended to allow general business, notice of motion 48 relating to the reintroduction of non-government business, to be moved immediately.

**Leave refused.**

**PROGRAM**

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (12:12): I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 pm on Thursday, 24 February 2022:

Alpine Resorts Legislation Amendment Bill 2022

Public Health and Wellbeing Amendment Bill 2022

Workplace Safety Legislation and Other Matters Amendment Bill 2021.

I only intend to make a few brief comments on the government business program, as I do at the start of each sitting week. I always look forward with optimism to unanimous support for the government business program for the week ahead, and I look forward to this debate with that same level of optimism. There are three bills that the government has put on the government business program for consideration this week, and they all cover substantial areas of policy work and reform that the Andrews Labor government has committed to. I also note for completeness sake that should time permit during the week we would like the house to continue to consider the take-note motion on the Royal Commission into Victoria's Mental Health System report given that that is such an important piece of work that is really going to reshape the delivery of mental health services in our state. I know that members continue to be keen to consider that royal commission report.

I must confess to feeling a little discombobulated because I was anticipating a little bit of opposition to my government business program motion today, but my optimism may be rewarded this week in terms of the support the motion that I am putting to the house will have over the course of the week. In the hope of achieving that outcome I am going to keep my remarks brief and commend the motion to the house.

**Ms STALEY** (Ripon) (12:14): I rise to speak on the government business program. I can advise the house that on this occasion the opposition will not be opposing the government business program,

because we have not on this occasion requested to go into consideration in detail and therefore the Leader of the House has not refused that. We do not do it with no reason. When we oppose the government business program, we do so for good reason. In this case we have quite a large number of speakers on at least a couple of the bills, and we look forward to debating them throughout the week. With those very brief remarks, I conclude that we will not be opposing this government business program.

**Mr EDBROOKE** (Frankston) (12:15): It is wonderful to stand here today and actually hear that from the Manager of Opposition Business. To have a unanimous decision about the government business before the house is something I think we should behold and celebrate a little bit more. It also brings with it a fair bit of decorum to our debate in this house when we can start off the week in such a way.

Of course we have got, as have previously been spoken about, some very important bills before the house this week, bills that will make positive change for our Victorian communities. For one, I know there are many other members in this house that have seen when we do have a government business program that has a significant pipeline of bills coming through that might lead to good social policy or good investment in their communities that they like to see that happen as efficiently and as quickly as possible. So with that I would like to leave the government business program debate as a celebratory event—no opposition, and it is unanimous. We do appreciate that, and I know that a lot of thought has gone into that from the opposition.

**Ms CONNOLLY** (Tarnet) (12:16): I rise to join the government business program debate this afternoon, and I too celebrate what a wonderful legislative agenda we have before the house this week. I am very, very happy to hear that we will be all in agreement, which is often quite rare in this place. Not only do these three bills before the house indeed make a big contribution to Victorian society but we are also looking to ensure that the Victorian economy is still enjoying the \$1 billion-odd that the alpine and skiing industry brings to Victoria each and every single year, and I am very much looking forward to making a contribution on the Alpine Resorts Legislation Amendment Bill 2022. I am not going to hold up the program any longer today, but I am looking forward to being in agreement with the other side of the house as we go ahead and debate these three very important bills.

**Motion agreed to.**

### Members statements

#### ST ARNAUD SECONDARY COLLEGE

**Ms STALEY** (Ripon) (12:17): Today I rise to talk about the St Arnaud Secondary College and the fact the government is ripping \$360 000 out of their rebuilding project. This is a cause close to my heart. I had originally asked back in November 2019 for the change rooms and the toilet block and all of that area at St Arnaud College to be upgraded. The government did not support that at that time, but they later did support that campaign. And then in the last budget they provided the secondary college with a \$10 million rebuild amount, but they have now told the college that they are going to rip out that \$360 000, so the college will end up with a smaller project than what the government had promised.

This is a school that is really kicking goals. It is the only school in Ripon in which every single VCE student applied to go to university, and they were all accepted. This is a fantastic school that is really, really trying to make sure that everybody in St Arnaud gets a great education, yet the government is ripping money out of their rebuild projects. I also note that they are being charged to remove the demountables from this school by the building authority, and then the school that is getting them is also being charged. Now, somebody is making something on the way through and this needs to change, and it needs to be fixed.

#### HON. MAXINE MORAND AND DR CATHERINE DUNCAN

**Mr FREGON** (Mount Waverley) (12:19): I rise to congratulate the Honourable Maxine Morand and Dr Catherine Duncan, who were both awarded a Member of the Order of Australia in this year's Australia Day honours. Maxine Morand, who we well know in this place, has been recognised for her

significant service to the Parliament of Victoria and community health. Maxine began her professional life not in politics but as a nurse and Victorian transplant coordinator. Her significant contribution to our health system cannot be underestimated, especially her tireless work for the benefit of Victorian women. Maxine Morand was elected to the Victorian Parliament as the member for Mount Waverley in 2002. Her legacy as a passionate and formidable advocate in the portfolio of children and early childhood development and as Minister for Women's Affairs can still be seen today in the groundbreaking reforms of this government and also led to her introduction into the Victorian Honour Roll of Women in 2020.

I would also like to congratulate Dr Catherine Duncan, a distinguished Mount Waverley resident, who has been recognised for her significant service to medicine in the field of obstetrics and gynaecology and to professional associations. She has brought into the world many new members of our community and supported women through some of the most important times of their lives, often walking the short walk late in the evening up to Waverley Private Hospital. Amongst her many roles in professional associations, Dr Duncan also served as national president of the Australian Federation of Medical Women and vice-president of the Australian Medical Association's Victorian branch. The recognition of these two formidable women is well deserved.

#### **ST JOSEPH'S PRIMARY SCHOOL, COBRAM**

**Mr McCURDY** (Ovens Valley) (12:20): I wish to congratulate St Joseph's Primary School on their 100-year celebration. The quality of education of the students is a direct result of the high quality of the teachers and the administration. Cobram is a wonderful town to work, live and raise a family in, and St Joseph's has been a significant part of the development of this Murray River town.

#### **COBRAM EMPLOYMENT**

**Mr McCURDY**: I wish to call on the Victorian government to support staff who have lost their jobs during the Saputo cutbacks in Cobram. We are still unclear as to the exact number of job losses, but one job is too many to lose, and the Victorian government needs to support communities like Cobram, particularly in light of the government's COVID management blunders. I hope the Minister for Regional Development has a plan B ready for Cobram staff that find themselves unemployed.

#### **SOMERS SCHOOL CAMP**

**Mr McCURDY**: I call on the Victorian government to keep their hands off Somers School Camp. Somers camp has played a mentoring role within the camp for primary-age students going back decades. This is still the best opportunity to give metropolitan and regional students the confidence and courage to develop new skills. The Victorian government's meddling with the Somers camp is dangerous. One of the changes this framework is set to introduce is to reduce the nine-day full program to a five-day approach, meaning that students will only have a three-day adventure camp instead of the full curriculum delivery as outlined in the school's mission statement. Somers camp is not broken. Leave it alone, and let Somers camp develop our kids as it has done for decades.

#### **REGIONAL DOCTORS**

**Mr McCURDY**: The Victorian government needs to fix the doctor shortages in our regional communities. Our office is fielding many calls a week from people like Alicia, who has moved to Wangaratta. She has got a young family and realises that the Wangaratta doctors are no longer taking on new patients. The Andrews government has dropped the ball on doctors in the regions, and this crisis must be addressed now.

#### **ST ALBANS LUNAR NEW YEAR FESTIVAL**

**Ms SULEYMAN** (St Albans) (12:22): Last week I had the privilege of celebrating the St Albans Lunar New Year Festival with my community, which was a resounding success. We had a huge turnout, with over 80 000 people attending across the day to experience the best that our local Vietnamese food

and culture has to offer. From dragon and lion dancing to fireworks and carnival rides, it was a festival for all. I am very proud to have been involved in this event for over 20 years now.

Last year, like so many, I attended the online festival. It still got over half a million views, showing just how strong the support for this event is in my community. It was so exciting to be back in person this year, especially for the local businesses, and I know that Du Huynh and Fresh Chilli Deli were on track to sell over 1000 banh mis on that day alone. A very big thankyou to the fantastic St Albans Business Group Association, in particular the president, Sebastian Agricola, who has done a tremendous amount of work just in the last six weeks to get this festival back on track, and of course the St Albans traders and community groups for making this festival, the 25th St Albans Lunar New Year Festival, one that was enjoyed by all. I particularly want to thank the community groups, including GDPT Dai Bi Quan Am Lion Dance and Australian Vietnamese Arts.

### CAULFIELD ELECTORATE PLANNING

**Mr SOUTHWICK** (Caulfield) (12:23): As if Victorians have not gone through enough with the long lockdowns and high stress levels over the last couple of years, certainly constituents of mine, particularly in the areas of Caulfield East and Elsternwick, have really been let down by the Andrews Labor government in the lack of consultation, particularly on the removal of a number of trees in Caulfield East.

**Ms Allan** interjected.

**Mr SOUTHWICK:** The Minister for Transport Infrastructure, who is interjecting at the table, knows about Leamington Crescent, Derby Crescent, Station Place and Royal Avenue. This was an issue I raised in an adjournment matter to the Minister for Transport Infrastructure on a Thursday. On the Monday morning the tree loppers were there to cut down those trees. The anxiety levels of those constituents in Caulfield East were through the roof. I have never seen people so angry—people that actually planted those trees themselves to try and ensure the beautification of their local area. They were not consulted.

Also we saw at Caulfield Racecourse that trees were cut down. The minister greenlighted that. The Minister for Planning signed off on that on 24 December, Christmas Eve, and we saw trees being cut down, including an Aleppo pine tree. An Aleppo pine was cut down as a result of lack of consultation.

Finally, in Elsternwick we are seeing a lot of issues in terms of overdevelopment. I would ask the minister to not call in the Woolworths project, like he has called others in. Elsternwick residents are really stressed and concerned about the Elsternwick overdevelopment.

### MACEDON RANGES REGIONAL SPORTS PRECINCT

**Ms THOMAS** (Macedon—Minister for Agriculture, Minister for Regional Development) (12:25): Sport plays such a powerful role in the everyday life of our communities, and when sports clubs tell us they lack the facilities they need to play the sports they love it means that the effects are felt by everyone. It means parents miss out on friendships formed on the sidelines, it means our kids miss out on the chance to develop teamwork and physical skills, and it means part of the glue that binds our communities comes unstuck. That is why in 2018 the Andrews Labor government made a commitment to the people of my electorate that we would contribute our fair share to get the Macedon Ranges regional sports precinct built.

In 2019 we stuck to our word, and we delivered a massive \$11.6 million to get the sports hub up and running. And when the Macedon Ranges Shire Council asked for a further commitment so works could start we made sure to deliver an additional \$3.2 million. The federal government have had nine years to be part of this project, and we are yet to see a single dollar for the precinct from the Morrison government. The people of my electorate will not forget this.



However, with \$14.8 million from the government ready to go, I am pleased to see that the shire is calling for tenders now, but it is time to start work. It is time for us to see some bricks and mortar. I call on the council to make best use of the funding that has been made available to them from the Andrews Labor government and to build the regional sports precinct now.

### GEMBROOK ELECTORATE HEALTH SERVICES

**Mr BATTIN** (Gembrook) (12:26): Constituents throughout Casey-Cardinia have been very resilient for a long period of time. They have carried on through the lockdowns and through the mandates without the current health advice being given to them on why they have been locked in their homes. They have suffered through empty and broken promises on infrastructure, like a police station and fire station for Clyde North. But they are at their wits' end when it comes to the current health crisis, a crisis completely of the Premier's making. The Premier has been in charge of the state's health system for 11 of the past 15 years. That includes nearly eight years as Premier—a Premier who claims that he is responsible for everything under the government he leads. Well, elective surgeries have been continuously cancelled and there are plenty of stories of surgeons with empty theatres, waiting lists out of control and people in pain.

Sarah, 32, from the area, halfway through surgeries to fix chronic pain, had her surgery cancelled the night before with no explanation and an empty operating theatre the next day. Rebecca, who required urgent surgery to deal with complications from a double mastectomy due to a 2021 breast cancer diagnosis, had it cancelled until May. Again, there were operating theatres empty the next day. People are desperate to access our health centres throughout the Casey and Cardinia areas. The crisis throughout Casey is now beyond a joke. People are seeing delays with ambulances and delays with elective surgeries, and the government need to start to put up and fix this system, a problem of their own making.

### RELIGIOUS INTOLERANCE IN INDIA

**Mr DONNELLAN** (Narre Warren North) (12:28): I wish to raise two particular issues on behalf of my broad-based multicultural community specifically in relation to the high levels of intolerance which appear to be playing out throughout India in politics, specifically in relation to the Bharatiya Janata Party and the continuing persecution of minority religions, whether it be Islam or another religion in that country. Nowhere has this persecution been worse than in Uttar Pradesh. In May an 18-year-old vegetable seller named Faisal Hussain was reportedly beaten to death by three police officers for violating COVID-19 restrictions. There were a lot of others selling vegetables, his sister said. Why did the police particularly single him out? Would he be dead if he was Hindu? Three months later a Muslim rickshaw driver was beaten and paraded in front of a mob chanting 'Jai Shri Ram', a nationalistic mantra praising the Hindu god. A video of the attack went viral, showing the driver's young daughter clinging to her father and begging for the crowd to stop. Later that month a Muslim dosa vendor was assailed after he was accused of concealing his religion from Hindu customers.

This is not the India that I travelled through in the 1990s, a country with enormous levels of tolerance and a country which for hundreds of years had welcomed faiths from all parts of the world. It is greatly concerning that this level of intolerance continues to be reported far and wide internationally.

### HEYFIELD TIMBER FESTIVAL

**Mr D O'BRIEN** (Gippsland South) (12:29): A big shout-out to the timber industry and the strong and proud community of Heyfield for turning out in force for the Heyfield Timber Festival on the weekend, the first time the event has been held since 1994. There was a huge crowd and a great display of support for this sustainable, job-creating industry that is so crucial to many in Gippsland.

It was a pleasure to join the member for Gippsland East, the member for Murray Plains, Melina Bath in the other place and our federal colleague Darren Chester in showing The Nationals' strong support for this important industry. We were joined by CFMMEU forestry division officials, but not surprisingly there were no Labor MPs within cooe. Labor's politically motivated decision to end

native timber harvesting is a disaster for our region, our state and indeed the global environment as the net result will simply be that we end up importing more timber from countries without the safeguards and environmental standards that we have here. Well done to Felicia Stevenson and her team for putting on a great festival celebrating this important Gippsland industry.

### COVID-19

**Mr D O'BRIEN:** This morning's announcement of a further relaxation of mask and some other restrictions is a step in the right direction, but the government has not gone far enough. It is very clear that the omicron variant, while highly contagious, is not particularly virulent, and as a result both hospitalisation numbers and those needing ICU continue to fall. The government needs to give Victorians their lives back, and this drip-feed of restriction reductions once a week is ridiculous. Victorians have got vaccinated, they will take precautions as necessary, especially those at risk, and the rest of us want the government out of our lives.

### CLYDE ROAD, BERWICK, LEVEL CROSSING REMOVAL

**Mr MAAS** (Narre Warren South) (12:31): Yesterday I was very proud to attend the opening of the Clyde Road, Berwick, underpass after major works there removed the boom gates for good. In fact this marked the 58th dangerous level crossing to go in Victoria, the 12th on the Pakenham line. Clyde Road is now open and providing better traffic flow than ever before for the 22 000 vehicles that use it daily. Locals are now getting where they need to go quicker and more safely.

Just three weeks ago I was there to witness the removal of the boom gates, which used to cause significant delays. It was some 30 to 40 per cent of peak times that those gates were down, but now we have an underpass which was tunnelled in that short period of time—if you think about it, an extraordinary feat of engineering that many people will simply take for granted as they drive to work, home or around town. I wish to pass on my thanks to the hardworking level crossing removal team who worked around the clock to remove the boom gates, finish excavating the road underpass and install new track, overhead wiring and signals on the rail bridge. I would also like to thank the members of the Berwick and extended Narre Warren South community and all the traders, pedestrians and drivers for their patience during these very important works. I appreciate how they have adapted to the inconveniences.

### MORNINGTON PENINSULA BUS SERVICES

**Mr MORRIS** (Mornington) (12:32): Once again the Andrews government has been caught misleading the peninsula community. Yesterday a media release trumpeted 'Improving connections on the Mornington Peninsula'. In fact it is not about improving connections on the Mornington Peninsula or the whole peninsula; it is actually about improving connections in the marginal Labor seat of Nepean and it is about punishing the Liberal seat of Mornington.

The government claims Mount Martha will now have better public transport coverage. No. The Nepean electorate will benefit because of a slight extension to a service that previously terminated in Mount Martha. The release also claims that travel times will be reduced on the 887 route. If that is true, it is only because the route no longer serves the Mornington electorate at all. Up until yesterday the 887 stopped at Mount Martha, Mornington and Mount Eliza. Now there is no service—not a reduced service, no service at all. Now there are 27 stops on the 887 route in the Nepean electorate—previously there were three: at Rosebud, Dromana and Safety Beach—a ninefold increase in stops serving the Nepean electorate, while the Mornington electorate has been wiped out completely. Local students seeking to access Monash at Frankston have been relegated to the ordinary, totally inadequate public transport system.

Quotes in the release acknowledge the population growth on the Mornington Peninsula, but the growth is peninsula wide and particularly in the seat of Mornington. It is about time the government stopped playing politics with public transport and delivered the services my community deserves.

**LETHBRIDGE PRIMARY SCHOOL**

**Ms SETTLE** (Buninyong) (12:34): Our smaller rural and regional schools are often the absolute heart of their community, and whenever I visit them I am struck by the quality of education and the passion that the school leaders and the teachers have for their students and their teaching. So last week I was really delighted to visit Lethbridge Primary School. Principal Chelsey Marks took me to meet with the grade 4–6 students who are currently studying civics and citizenship. I was really impressed by their questions and their inquisitive minds. The 7.30 report will seem really easy after the grilling that they put me through as their local member.

It is vital that young people feel that they are a part of the democratic process, and it was a very timely visit as they were voting on their SRC roles that very afternoon. I hope that their voting went well, that they got a democracy sausage and that they have wonderful representation ahead of them from their student council.

I really want to thank all of the students that participated and to encourage them to keep being engaged, because they are the leaders of our future. Thank you so much to all of the students, the principals and the teachers for taking me into their classrooms. It was also a really special treat to visit the site of their newly funded shade sail. Thank you, Lethbridge.

**PAUL BRIGGS**

**Ms SHEED** (Shepparton) (12:35): I would like to draw the attention of this house to some of the wonderful work that is being done in our community around the enhancement of our Indigenous economy and the man behind it, Uncle Paul Briggs, executive director of the Kaiela Institute. The name Paul Briggs is as synonymous with sport in Shepparton as it is with helping young Indigenous people thrive in life. Paul was awarded the prestigious Jack Titus Service Award by the AFL recently for his dedication and commitment to football and First Nations people, and there is no-one more deserving than Paul to receive this honour. Paul puts his heart and soul into Rumbalara Football Netball Club, where he teaches young people not only about sport but about life.

Paul has gone to great lengths to go further than closing the gap. He wants Indigenous people to prosper in terms of wealth, health, peace, self-determination, cultural strength and happiness with the *Goulburn Murray Regional Prosperity Plan*. This plan will actively encourage unique Indigenous businesses to thrive in our local community. It will deliver parity for First Nations people and bring to our region the additional profit of \$150 million per year and 460 full-time jobs by 2036. Not only will it give our Indigenous residents a greater sense of pride in their culture and their businesses and employment, but it will integrate new and exciting enterprises into our regional economy that will deepen connections with one another, stimulate our economy and really work towards a fairer society. The plan is on the verge and needs support.

**ODYSSEY HOUSE**

**Mr EDBROOKE** (Frankston) (12:37): As many members of this chamber are aware, the Victorian trade union movement are working towards opening a worker-led rehabilitation outpatient and outreach service in partnership with Odyssey House. This service will assist working people and their families to receive assistance with addiction and mental ill health issues with the support of their employer and their union without the fear of losing their job. It is a critical workplace intervention. This service would be the first of its kind in Victoria and add to the suite of services that this government already provides. I have spoken about this important initiative before because frankly I love it. It is the successful life-saving Foundation House model we see in New South Wales, and Victorian workers have even recently been flown to Foundation House in New South Wales for treatment. Unions representing an absolute plethora of industries from trades to emergency services, manufacturing to health, professional services, retail and hospitality, transport—the list goes on—have all invested in a feasibility study of this initiative. It has recently been completed by La Trobe University Emeritus Professor Dr Hal Swerissen. I am looking forward to all members receiving this

important piece of work, which will demonstrate how this community-led worker intervention could save Victorian lives too.

### FRANKSTON SOCIAL ENTERPRISE HUB

**Mr EDBROOKE:** On another issue, I am super excited to help launch the Frankston Social Enterprise Hub this week. This is a partnership between the Andrews state government, Chisholm and Frankston council, and it is an amazing, I guess, fertile ground for social enterprise in Frankston. A shout-out to Coffee for Change, Wallara, Revamped Jewellery and radio 3RPP.

### SANDRINGHAM HOSPITAL

**Mr ROWSWELL** (Sandringham) (12:38): The Andrews government's lack of support for our Sandringham Hospital is deeply concerning to me and to my community. In March 2016 the then Labor Minister for Health threatened to slash the hospital's 24-hour emergency department to just 12 hours a day. After a three-month community-led campaign, this decision was reversed, but the threat should never have been there in the first place. In December 2019 this Labor government allowed eight beds to be cut from the hospital, closed an entire ward and forced five full-time nursing staff to move to other wards or other hospitals. By contrast, in 2016 the Liberals promised to keep the emergency department open at Sandy hospital 24/7, something which I recommitted to in 2018. In 2018 I also pledged to upgrade the outpatient clinic at the hospital. Since being elected as part of the Sandringham district budget submission, I have asked year on year for major infrastructure funding for our community hospital, but every year, every budget, this government ignores that request.

At every step of the way through the hospital's history my community has backed Sandy hospital, whether it be through the 24-hour charity bike ride, the annual Lunch by the Bay, the charity golf day or other fundraising works with the Sandringham community bank, Black Rock Sports Club or Beaumaris Rotary. I will not stop fighting until our Sandringham Hospital, the caring heart of my community, receives the major infrastructure dollars it needs to continue serving our community with renewed vigour and purpose for generations to come.

### MENTAL HEALTH WORKERS

**Mr HALSE** (Ringwood) (12:40): It is a great privilege to rise to deliver my first members statement for 2022 and to highlight the incredible work of our mental health workforce. Throughout the last two years it has been a very difficult time for so many in our community across all ages, across all industries, across all aspects of life. But one group of workers that have rocked up every single day are our mental health workers. Right now there will be mental health workers in my local hospital that will have worked 10- and 12-hour shifts. It is the mental health nurses, it is the counsellors, it is the psychiatrists, it is the psychologists, it is the support staff, it is the admin staff that keep our services going. And it is this Andrews Labor government that made the bold decision a few years ago to implement Australia's very first mental health royal commission. We said that we will adopt every single recommendation of that Royal Commission into Victoria's Mental Health System. It is an enormous piece of work, but it is about making sure that Victorians get the very best access to mental health services, which they deserve. I am proud to be in a government that is leading that incredible piece of reform. I want to thank again every single mental health worker for the work that they do. You are ordinary people doing extraordinary work every single day.

### MELTON ELECTORATE RETAIL PRECINCTS

**Mr McGHIE** (Melton) (12:42): The last few weeks have seen the Andrews Labor government hit the ground running for another year delivering for Melton. On 5 February we had the shopfront improvement launch celebrating the recently completed works along Exford Road and Staughton Street in Melton South. Melton South retail precinct is one of the oldest neighbourhood activity centres and has been revitalised with refreshed shopfronts and improved lighting, creating a safer environment for traders and visitors.

Then on 12 February over on Scott Street a range of convenience stores, takeaway food shops, dine-in restaurants, bottle shops, specialty retail stores and personal and professional services were repainted and rejuvenated, contributing to a more positive and lively environment. The renewal of Melton South and Scott Street is ensuring the Melton community continues to have local access to key services, shops and amenities within a 20-minute walking distance from home.

#### **EXFORD PRIMARY SCHOOL**

**Mr McGHIE:** I also visited the Exford Primary School to hand out prep bags and see the fantastic progress made on the massive nearly \$30 million investment into the Exford school. The new buildings are looking amazing so far, and the builders have done a fantastic job.

#### **BLACKWOOD DRIVE RECREATION RESERVE, MELTON SOUTH**

**Mr McGHIE:** Last Wednesday on behalf of the Minister for Community Sport I formally switched on the lighting on oval 1 at the Blackwood Drive Recreation Reserve. The Melton Centrals Junior Football Netball Club and the Melton Centrals Cricket Club both call the reserve home, and the ground is also used for Auskick. In total more than 700 players use the reserve, with a growing number of girls signing up to play footy and cricket.

#### **DARLEY FOOTBALL NETBALL CLUB**

**Mr McGHIE:** The construction process for the new facilities at the Darley Football Netball Club has begun with an investment of over \$2 million from the Growing Suburbs Fund. I know that my colleague the member for Buninyong and I will be out there soon to turn the first sod of soil.

#### **TRUGANINA RABBITOHS RUGBY LEAGUE CLUB**

**Ms CONNOLLY (Tarneit) (12:43):** Well, with the new year comes a new sporting season, and for our local sporting clubs it is a pretty good year to be down at local grounds training and getting ready for those weekend games. It was absolutely fantastic to get on down to Truganina last week to visit the Truganina Rabbitohs Rugby League Club. It was an absolute delight to meet the club's president, Tim Watts, and to hear from him about how the club has fared over the past couple of years during the pandemic and is preparing for the return of community sport for a bigger and brighter year in 2022. Tim, you are an awesome bloke, and Trug Rabbitohs rugby club is so lucky to have you. It is volunteers like Tim that have been an absolute pillar of strength for players, for members and for our local community in general over the past couple of years.

To all of our amazing sporting club volunteers, thank you so much for everything that you have done and continue to do as we look forward to a bigger and brighter 2022 for community sport. As someone who grew up watching rugby league, long before it became super league, it was great to talk to Tim about all things to do with NRL, and Trug Rabbitohs is certainly a powerhouse in Melbourne's west, with players coming to play there from near and far. It was great to hear that Melbourne Storm is right behind this local club, helping mentor and nurture the next round of Victorian and Australian rugby superstars. Our local sports clubs are the beating heart of our community. They keep us happy and they certainly keep us fit, and I know Tim and his team down at Trug Rabbitohs feel the exact same way.

#### **BIALIK COLLEGE**

**Mr KENNEDY (Hawthorn) (12:45):** More exciting news from Hawthorn. I would like to speak on two local matters today. First of all, I had the pleasure of visiting Bialik College last week to inspect the upgraded early learning centre and I had the opportunity to read a story to three-year-olds—quite a highlight. This centre demonstrates the unwavering commitment of this government to education in Hawthorn, with the Victorian government providing 50 per cent of the funding. As a former principal, I am consistently impressed by how Bialik continues to strive for the best possible facilities for its students. It exemplifies the stellar approach to education found in schools in both Hawthorn and Victoria. This is an approach we as a government are proud of as we continue to invest in our schools and students.

**QUEST PAYMENT SYSTEMS**

**Mr KENNEDY:** I also visited Quest Payment Systems with the Assistant Treasurer and Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries. This fintech company is an example of the burgeoning tech industry in Hawthorn as they demonstrate how well Victorians do tech. Indeed Quest are proudly Victorian owned and operated. In this case they are involved in industry-leading end-to-end payment systems and are a stellar example of Victorian innovation at work.

**BORONIA REVITALISATION**

**Mr TAYLOR (Bayswater) (12:46):** I am super proud and excited that we are building a better Boronia. And that is not just a turn of phrase, it is backed up by nearly \$3 million of investment delivered and nearly 20 projects underway or about to kick off in and around Boronia's CBD. A lot of people, particularly polities before me, have talked a big game when it comes to Boronia and only provided empty platitudes worth little to our community and to the community that I live in. I am not about that. What I am about is getting things done, delivering real, tangible outcomes in Boronia and fighting tooth and nail for funding to see the change that we need.

To date I have been proud to secure the Boronia suburban revitalisation board, which I am proud to chair and which has been working together with community to recommend projects to government that we are now getting on with. As I said, we have got on with nearly \$3 million of direct investment into our CBD, and that investment is increased when you consider the co-investment by many partners, including Knox City Council, who are right behind this incredible work. Some of the projects include the upgrades to streetscapes along Lupton Way and along Erica Avenue, upgrading lighting across Boronia's CBD, nearly 50 grants to upgrade business facades and planning for the green spine of Boronia. I was stoked to announce \$500 000 to plan to deliver a better Boronia station—not just a better station but one that integrates with its surroundings and has the potential to be the heart of Boronia. We are getting on with building a better Boronia because only Labor builds Boronia.

**Business of the house****NOTICES OF MOTION**

**Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (12:48):** I advise that the government does not wish to proceed with the notice of motion, government business, today, and I ask that it remain on the notice paper.

**Bills****WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL  
2021****Debate resumed on motion of Ms HORNE:**

That this bill be now read a second time.

**Mr WAKELING (Ferntree Gully) (12:48):** I am very pleased to rise as the opposition spokesman for workplace safety and lead speaker for this bill, being the Workplace Safety Legislation and Other Matters Amendment Bill 2021. The bill before the house, whilst it does have a focus on workplace safety, is similar to many bills that we see before this house, being an omnibus bill. We are seeing a proliferation of bills coming before this place which make a range of changes in portfolio areas and areas of government which have no commonality. The bill before the house will make changes with respect to the legal profession and in regard to emergency services and victims of crime. I will come to those in due course, but I just wish to place on record that there is a growing concern about the legislative approach of this government in putting pieces of legislation together which bear no commonality in terms of portfolio. I just place that on record.

This bill seeks to make changes to the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013. In principle the bill seeks to make six key changes. One is to deal with compensation arrangements for certain diseases, particularly in the area of silicosis, which is linked to the government's silica action plan. It will improve supports for family members and benefits afforded to family members with respect to a workplace injury. It will expand the application of prohibition notices and directions, broaden the scope of matters that constitute notifiable incidents, clarify the infringement notice scheme for certain offences and make a range of other technical and procedural arrangements.

With respect to disease compensation, this bill proposes to amend the Accident Compensation Act and the Workplace Injury Rehabilitation and Compensation Act to improve compensation entitlements for workers with silicosis and similar diseases. The house would be aware that there has been legislative reform in regard to the management of silicosis and its impact on the Victorian community. The changes in this bill will seek for injured workers with silicosis to be able to pursue a common-law application for damages for a subsequent silica-related disease that may develop after an initial award is provided; currently injured workers are barred from initiating a common-law claim for damages for any further silica-related diseases suffered, ignoring the nature of silicosis as a progressive disease. The bill will also provide improved access to impairment benefit compensation for workers with silicosis and similar occupational diseases, particularly by waiving the requirement to demonstrate that the disease has stabilised for a period of 12 months.

These changes arise from the fact that silicosis, as I mentioned before, is a progressive disease which can deteriorate quickly and is unlikely to stabilise. It also amends the impairment benefit assessment program which applies to workers who have received a lung transplant due to their work-related injury. The change would entitle such workers to be deemed to have a minimum whole person impairment—which is known as a WPI—assessment of 30 per cent, which can be provided prior to the transplant occurring. Victorians that need a lung transplant certainly have to wait many years to have those transplants occur and, particularly if it is work-related, this can be significant. A dear friend of our family was a recipient 25 years ago of a double lung transplant, and she has lived with that. But she is with us, and we are grateful for every day that Jane is with us, having been a recipient of a double lung transplant. So I know firsthand the impact that it has on individuals and also their family and friends. Anything that can be done to support Victorians in need of a double lung transplant or a single lung transplant certainly needs to be supported.

The bill will also seek to make changes with respect to family counselling services for families of workers with silicosis and other eligible conditions. As I said, this bill seeks to make further changes with regard to victims of silicosis, so certainly we know that we are going to obviously in the future have to revisit these issues again as further evidence and further information come to light with respect to this disease.

With respect to the bill's changes related to family support benefits, the bill proposes amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation Compensation Act, and they will improve support benefits for families of a deceased worker. The bill is proposing three key changes. This is firstly to extend the eligibility for the disability pension available to young persons following a family member's work-related death from 16 up to 25 years. Currently we have a situation where a child with a disability is only entitled to receive a pension until they reach 16 years of age. By contrast a full-time student or apprentice is eligible for a pension until they reach 25 years of age. A young person whose close family member has died in a workplace-related death may consequently develop a disability, and that is not addressed by the current legislation. This is an important issue for affected young people, and it is critical that this issue has been picked up and has been recognised and that the relevant legislation is being amended to provide the necessary support for those family members.

The bill will also extend household help service payments for family members of a deceased worker. The change proposes to allow family members continued payments for household help services for six months where the worker has died due to a work-related injury. Currently household help is only offered to families when a worker is injured and ends when the worker passes away, which would mean that a single-income family in their time of greatest need was without support. This is a sensible, reasonable change. I am very pleased to see that this has been identified and picked up in the legislative reform and that family members who are going to be struggling not only emotionally but financially will be able to have access to continued support.

For eligibility for these payments, obviously there must be satisfaction the death resulted from a work-related injury, the worker must have been receiving compensation for household help at the time of the death, the family members receiving that help must reside at the worker's home and the authority must have been notified of the worker's death within three months of the date of the death. They are eminently sensible, reasonable provisions, and I think on balance these are sensible measures to put in place to ensure there are adequate protections for the scheme and for the system, but more importantly they are providing support to those people who have relied on it, so we certainly do support this provision being implemented.

The other area of change is to allow for the payment of overseas funeral costs where they follow a work-related death. As we would know in a multicultural community and in a state that prides itself on its multicultural community, there are clearly members of our community who would seek to be buried in their homelands. What this bill does is ensure that families of Victorians who have died as a consequence of a work-related injury are able to have those overseas funeral expenses covered by the scheme. Again it is eminently sensible. Given the fact that costs are provided for burials or cremations within Victoria or within Australia, it seems natural that we should be able to afford this opportunity to people outside of Australia. Clearly that is not going to be a significant number of workers, but again in a multicultural community it sends a very clear message of support for our multicultural members who have passed away from work-related injury and whose families are seeking to bury them overseas.

The bill makes changes with respect to prohibition notices and directions. It amends the Occupational Health and Safety Act to adjust the threshold and circumstances for WorkSafe Victoria inspectors to issue prohibition notices and directions. What it will seek to do is permit a WorkSafe inspector to issue a prohibition notice or give a direction where they reasonably believe that an activity involves or will involve a serious risk to the health and safety of a person due to an immediate or imminent exposure to a hazard. This will seek to allow for greater regulation of activities that do not pose an immediate risk but could lead to serious health and safety consequences if continued. The change is particularly targeted at cumulative risk activities such as long-term exposure to crystalline silica that may, for example, lead to silicosis. On first examination that would seem sensible. However, and this has been raised by many businesses, there is a concern about how prescriptive this will be and what actions will be taken by WorkSafe inspectors to impose these restrictions—provisional improvement notices (PIN)—on their businesses.

I support strongly the opportunity for WorkSafe inspectors to work with businesses to identify future risks so that they do not become a risk. If they see a guard that may become faulty in the future because of a potential fracture on that guard, it is eminently sensible for WorkSafe and the business to work together to identify that potential problem and to have that problem remedied. I do not think anyone would be opposed to that. The concern is, though, that even given the fact that the guard on that machine is not a problem at that given point in time, there is a risk that WorkSafe inspectors may issue a PIN on that business, which may either stop operations at the business or potentially impose a fine on the business for that activity, which at that point in time is actually not causing a potential hazard to employees within the business.

I think within that context it is imperative that WorkSafe returns to having a relationship with businesses which is one of education, one of support and one of removing risk. We know that health



and safety is a joint responsibility: it is the responsibility of employers and it is the responsibility of employees. All industry has an obligation to ensure that they provide a safe workplace for their employees, but equally not every business owner is an expert in OH&S legislation, like they are not an expert in financial law and they are not an expert in industrial law. They draw on advice from others to provide them with that help and assistance to improve their business. Even unions will provide advice to businesses on industrial issues and health and safety issues within workplaces in order to try to rectify a potential problem. We would like to see WorkSafe having that role as well, but we just wish to place on record our concerns that we want to see this approach done in a responsible way, one of providing information and collaborating with workplaces as opposed to one that is focused on penalties, because walking in with a stick is not necessarily the best way to endear changes in workplaces. I think there is a greater opportunity for WorkSafe to be working collaboratively with businesses in regard to this issue.

The bill also seeks to clarify that a failure to comply with a direction relating to the COVID-19 pandemic as issued by an authorised officer will constitute an activity that involves a serious risk to the health or safety of a person emanating from an immediate or imminent exposure. Again, this aligns the COVID-19-related provisions of the act with the proposed amendments regarding prohibition notices and directions, namely so that the provisions have the same wording.

We know that WorkSafe plays an important role in this state. Just this week WorkSafe has clearly been in the news, and obviously actions are underway. For the benefit of the Minister for Industry Support and Recovery, who is at the table, it is under investigation so I am not going to make any commentary about the investigation, but again what it does is highlight the role that WorkSafe plays. WorkSafe has a pre-eminent role in this state to deal with incidents in our workplaces. Yes, they have a role of investigation and prosecution, which this act and other acts collectively afford them—the opportunity to deal with workplace incidents—but more importantly it provides them the opportunity to identify potential problems and provide an educative role on how those businesses can in fact improve their practices. If we deal with the issue around workplace bullying, they have a proactive role to advise organisations of the policies and procedures they need to put in place so that people are not victims of workplace bullying.

If people feel as though they are a victim of workplace bullying, they have the opportunity to make a complaint to the regulator without fear or favour of victimisation. I think if anything has come out of the last week, one thing it has shone a light on is that no person in this state should feel powerless to make a complaint to the regulator if they feel that they have been a victim of workplace bullying. I think that is something that everyone in this house, regardless of their view, would actually agree with, because imperatively we put legislation in place to protect Victorians. We need to ensure that Victorians can avail themselves of those provisions in legislation and feel safe in the knowledge that they can do that without fear of further victimisation.

The bill seeks to make changes in regard to incident notifications. The bill seeks to broaden the matters deemed to be a notifiable incident under the Occupational Health and Safety Act such that WorkSafe can address a wider range of serious risks in the workplace. This is going to be done in three key areas of amendment. The first relates to an amendment to section 37(2) of the act, and that will provide that certain prescribed illnesses can constitute a notifiable incident for the purpose of the act. Now, this will better align OH&S reform with the national approach under Safe Work Australia's model work health and safety regulations. However, the bill at page 33 inserts new subsection (2A):

Without limiting subsections (1) and (2), this Part also applies to an incident constituted by the illness of a person, being an illness prescribed by the regulations.

Rightly so, industry has concern when potential illnesses are going to be prescribed by regulation but will become an offence under the act. The whole point of legislation is to ensure that everybody understands what the rules are, and if you are going to expand the range of illnesses that are going to fall within the purview of this piece of legislation, it is important that they are contained in the

legislation so everybody understands what the rules are. However, I have received representations from different industry groups. I just will quote from here:

However, we are concerned that the proposed amendments to section 37(2) of the OHS Act, which will enable regulations yet to be introduced to prescribe the notifiable illnesses, create considerable uncertainty in terms of the scope and impact of the legislative changes ... In the absence of consequential proposed amendment to the regulations to accompany the legislative changes, it not possible to assess the likely extent of additional notification obligations, as this will be dependent on how many illnesses will be prescribed under regulations.

I think it is clear from those concerns, that are being rightly pointed out by industry, that industry is not saying that illnesses should not be covered under the legislation. Industry is not saying that there are not potentially a range of illnesses that need to be covered. They are simply making the point that if you put in place a piece of legislation that says that a range of illnesses will be covered by regulation which will not come through the Parliament of Victoria and by default they automatically become law, they are not afforded the opportunity to provide any feedback as to whether the proposed illnesses are legitimate, are reasonable. They do not know the number. Is it going to be five, is it going to be 25, is it going to be 105? We do not know what the illnesses are.

Governing by regulation, particularly when it comes to offences in these areas, again highlights the problems that industry have. If the government had already indicated what the illnesses would be and they were going to be listed in regulation, then people would at least know what they are getting, but even under this piece of legislation they do not know. So I place on record the concerns that industry have highlighted in regard to that provision of the bill before the house.

It will also make changes in regard to incidents relating to the failure or damage of a certain plant and will also expand the definition of 'notifiable incidents' to include near miss incidents where there would have been an immediate and serious risk to a person's health and safety if they had been in the immediate vicinity. Now, obviously that is a sensible area—whilst a person was not injured, if there was a situation where someone, by virtue of being located at the site at the time, would have been a victim of an incident—and that is clearly something that should be picked up.

The bill makes changes in regard to infringement notices so payments will be paid into the WorkCover Authority Fund. We do know that the WorkCover scheme is in a perilous state financially. Things have changed since the former minister left the role. She had money in the bank, and now it is in arrears. I cast no aspersions on her successor, but it is just a matter of fact that we now have a scheme that is perilously in financial dire straits. With the growth of mental health claims—and I cast no opinion on the nature of those claims—the government's own figures highlight the fact that it is going to be in a more perilous state than it is in now, and that does not augur well for the long-term viability of the scheme that is meant to be there to support Victorian workers, and employers contribute to this scheme, which is meant to cover those costs. Only a few years ago the Treasurer was seeking to take money out of the former minister's scheme because it was so financial and flushed with cash. Today that is clearly not the case. Again, there are only two options: the government bails it out, which the government has already been doing; or it is going to have to jack up the payments that are made by industry, and that is in no-one's interest.

The bill also makes some other changes in other portfolio areas, which I will just place on record. In regard to firefighters' presumptive rights, it is seeking to expand the areas of coverage. One of the first changes it is seeking to do is extend the presumptive rights to compensation to vehicle and equipment maintenance workers. That will mean that these maintenance employees who suffer from specific cancers will also be able to rely on the presumption that their employment caused their cancer, in the absence of evidence to the contrary, so that will bring those employees in line with the existing pool of workers and firefighters that are covered by this piece of legislation. Maybe the Minister for Emergency Services might be able to put on record whether or not the government is considering expanding this any further—for anyone within that field of occupation. It would be helpful to know whether or not the government actually has plans to expand presumptive rights to other people who are currently engaged in the area of emergency services. It will also allow for a part of a year of service to count as a full year

of service when determining whether career and volunteer firefighters and vehicle and equipment maintenance workers have met the requisite qualifying period for compensation.

The bill makes changes with respect to victims of crime, and in that regard it will make amendments to the Victims of Crime Assistance Act 1996. It will prohibit offenders from being notified of and attending hearings for matters that involve family violence or sexual offences. I am sure we all would form a very clear view that any victim of crime would be horrified at the thought that the offender would be notified and potentially attend the hearing. That is just a horrific thought. Clearly these changes have the broad support of stakeholders, and so these changes are eminently sensible in the circumstances. We need to be doing everything we can to support victims of crime. We have the tribunal. They have the opportunity to have their voice. We just do not want them to be placed in a situation where they are in fear of attending their own hearing because they may have to face their offender. So that is eminently sensible.

In regard to the Legal Profession Uniform Law Application Act 2014, the bill will improve the integrity of the Victorian Legal Services Board by seeking to make three main changes: imposing the same robust probity checks to lawyer members of the VLSB as they currently apply to non-lawyer members—

**A member** interjected.

**Mr WAKELING:** I do not think the minister was making a policy announcement at the table, and I will not bring him up on that. It will also, secondly, ensure lawyer members of the VLSB are able to be removed if they are subject to disciplinary action during their appointment. Currently there is a risk that lawyer members being appointed to the board may be subject to action by the Victorian legal services commissioner and thus lack adequate integrity to perform their role, so clearly these changes will provide improvements in that area.

In the short time left that is afforded to me, we understand and we accept the fact that the government are seeking to make ongoing changes to workplace safety. Clearly their action in regard to silica has broad support in the community, and it is important that that is looked at. What we do say, however, is that there is a real need for ensuring that WorkSafe is working with industry and working with employers to better understand their obligations and to better educate industry so that they can eliminate dangers and problems in their workplace which are causing injury and death. Nobody wants to see a worker injured; nobody wants to see a worker die. And I just say to the government: it is imperative that we ensure we get back to a situation where businesses are wanting to call up WorkSafe to come and give them advice. No business at the moment wants to pick up the phone and speak to a WorkSafe inspector, because they are fearful of getting a fine. The ultimate goal here should be to eliminate problems, eliminate risks and eliminate dangers, and the best way to do that is to have education. We just need to get back to that situation.

We also raise the concerns that I have mentioned in regard to the inclusion of illnesses by way of regulation. It is important that the government are working with industry and working with business to be open and transparent as to what the agenda is in this key area. If they are going to make changes, the government need to get to a point where they are making these changes via legislation, by putting them in a bill before the house—let us have a proper debate about the illnesses so that people, if they have a concern, can place their concerns on the record via members of Parliament—as opposed to having it done by regulation, on which nobody has a say and people have concerns about the direction of the government in regard to occupational health and safety. *(Time expired)*

**Ms EDWARDS** (Bendigo West) (13:18): I am also pleased to rise to make a contribution on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. As has been referred to by the member for Ferntree Gully, this bill does indeed make a number of changes to different areas within the workplace safety and compensation framework that are absolutely necessary to compensation outcomes for Victorian workers and their families. It will also ensure the effective

operation of Victoria's workplace health and safety laws and support WorkSafe Victoria to improve operations and deliver on its objectives. The bill, as also mentioned by the member for Ferntree Gully, also ensures that survivors of family violence and sexual assault are not subject to further trauma when they are seeking assistance. It also expands on the existing presumptive rights framework to provide coverage to eligible vehicle and equipment maintenance workers suffering from cancer and strengthens the Victorian Legal Services Board's governance arrangements. These are reforms that a Labor government that I am part of is very proud to bring to this house.

I would like to commence my contribution by focusing, if I can, on the amendments to the Victims of Crime Assistance Act 1996 and the changes that this bill will make in relation to that. In the Minister for Victim Support's acknowledgements in the *Victim Support Update* the minister referred to the fact that there had been a tremendous shift in community expectations about how victims of crime should be treated. That of course is largely due to the advocacy and the courage of those victims who said 'Let us speak; let us be heard' about their experiences and that we needed to listen to what they wanted to tell us in order for us to try and heal, if we can, the impacts of crime. The way we do that is through important legislation like this.

So the bill actually makes changes to the Victims of Crimes Assistance Act 1996 to remove barriers for victim-survivors of family violence and sexual assault applying for financial assistance at the Victims of Crime Assistance Tribunal. VOCAT, which is the acronym, provides financial assistance to victims of violent crime under the Victims of Crimes Assistance Act 1996. Currently VOCAT can notify alleged offenders and allow them to appear at hearings where they have a legitimate interest or substantial interest in a victim's application for assistance. This is extremely traumatic and extremely challenging for those victims of crime, particularly those who are victims of a family violence crime or a sexual assault. In 2018 the Victorian Law Reform Commission (VLRC) reported on its review into that act, and of course this government has committed to significantly progress the recommendations of that report—and we said we would do that in this term of government.

The review recommended that the alleged perpetrator of the offence should not be notified of a victim's hearing and should not—should not—be able to attend that hearing, thereby removing the perpetrator notification and reflecting a trauma-informed approach that prioritises victim safety, wellbeing and recovery. These are really important reforms, because we know that for victims of crime, and particularly those who are victims of family violence or indeed sexual assault, the very worst thing—and we heard this clearly from victims—that can happen is that they are confronted by their perpetrator in a setting that is not comfortable for them.

The VLRC report provided extensive commentary about the chilling effect the notification of alleged offenders has on survivors of sexual assault and family violence in making an application to VOCAT. In its submission to the review the Victim Survivors Advisory Council stated that:

Notifying the perpetrator heightens the risk of further injury and damage on the victim survivor. The context of separation is recognised as being the most high-risk time for victim survivors, and notification to the perpetrator of a VOCAT hearing unnecessarily compromises the safety and wellbeing of victim survivors.

In addition, Safe Steps' submission highlighted the lived experience of victim-survivors who have had to experience perpetrator notification. Some of the comments include:

I had an absolutely horrible experience with VOCAT in the mid to late 90's as a result of family violence and abuse issues. It scarred me for quite a long time because they wanted to call the perp to a hearing, and I refused to allow this because I did not feel safe. So the application failed.

And another:

At first they said he would not be informed, then he was informed, then they said he would not be at the hearing, then they tried to bully me into attending the hearing despite the fact I would have to have been cross-examined by his barrister.

Similarly, the Victorian Council of Social Service submitted that:

A VOCAT hearing is not a trial—there is no requirement for ‘both sides’ to be heard and their stories weighed.

Also:

VOCA principles include minimising trauma and maximising therapeutic effect. Notifying perpetrators is likely to undermine these goals and risks making the hearing process much less therapeutic.

These reforms align very much with the recommendations from the Royal Commission into Family Violence, which this government is very proud to support. We are getting on with implementing all 227 of those recommendations; I think to date we are up to around 214.

These changes are going to be of great significance to family violence and sexual assault survivors, and I think it sends a very clear and strong message that we believe them and we support them. Survivors should no longer be fearful of making an application to the tribunal.

The amendments also bring forward a key finding of both the VLRC report and the Royal Commission into Family Violence before the establishment of a new financial assistance scheme. As highlighted throughout the victim support update which I mentioned earlier and which the minister handed down in December last year, the government is reforming the way victim-survivors access financial assistance by developing the financial assistance scheme which will replace VOCAT.

As has been referred to by the member for Ferntree Gully, this bill also covers a number of other very important areas, including delivering on some really important aspects of our government’s silica action plan by improving the compensation arrangements for workers with silicosis and other diseases of similarity. We are also making sure that WorkSafe has all the tools it needs to prevent serious injuries by changing the threshold for issuing prohibition notices and directions. We are also underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses.

Importantly, firefighter presumptive rights amendments are included in this legislation. Our vehicle and equipment maintenance workers are an integral part of Victoria’s fire services within both the CFA and FRV. They maintain and repair firefighting equipment, and they are on the fireground with the firefighters. They are exposed to the same carcinogens the career and volunteer firefighters are exposed to, and therefore it is important that they are included in the compensation and fire services legislation amendment. We are really proud as a government of this historic scheme to protect firefighters, and we are always, always wanting to work with our emergency services on how we can make them feel safer and more supported. The amendments in the bill will enable vehicle and equipment maintenance employees who suffer from specified cancers to rely on a presumption that their employment caused the cancer in the absence of evidence to the contrary. This will apply to employees employed by Fire Rescue Victoria, the CFA and those who have duties involving the mechanical, auto-electrical or fitting and turning maintenance and repair of firefighting vehicles and equipment.

Just in the last few moments I have left, can I give a shout-out to our local fire services teams across regional Victoria. The fire season has not been as harrowing for them as we thought it might be, but certainly grassfires continue to be a very significant risk across regional Victoria. I want to thank them for all of the work that they do across our regions, particularly in my electorate of Bendigo West. This is an important bill and one that we as a government are very proud of, and I commend the bill to the house.

**Mr WALSH** (Murray Plains) (13:28): I rise to make a contribution on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. One of the key parts of this bill is about improving compensation arrangements for workers with certain work-related progressive injuries and improving compensation entitlements for family members of deceased workers, and there are other minor and technical amendments.

In making a contribution on this bill, in my time in public life, both at the Victorian Farmers Federation and then as a member of this place with constituents coming to me, the role of workplace safety and

WorkSafe Victoria in particular has been a vexed issue at times on enforcement of the law versus advice as to how people can make their workplaces safer. Over that journey there has been this issue that WorkSafe safety officers do not necessarily believe they should be giving advice to people or businesses as to how they can make their workplaces safer. They say they are there to enforce the law and issue penalties. My view and the view of a lot of businesses is that with a bit of advice we could achieve both outcomes—the workplace would be safer and there would be less injuries in the workplace—rather than workplace safety officers coming in and just issuing a provisional improvement notice (PIN) when someone does something wrong. I suppose that is why I will make some comments on part 3 and part 4 of the bill.

Part 3 amends the Dangerous Goods Act 1985 in relation to funds collected from infringement offences, clarifying that the funds must be paid into the WorkCover Authority Fund, and part 4 amends the Equipment (Public Safety) Act 1994 in relation to funds collected from infringement offences, clarifying that the funds must be paid into the WorkCover Authority Fund. Before this legislation, as I understand it, those penalties, those funds, were paid into consolidated revenue. I am surprised the Treasurer actually agreed to this. I know over time all treasurers are usually opposed to hypothecation of particular funds because they want to see the money go into consolidated revenue, where the Treasurer and the government of the day can make decisions around how that money is spent.

**Ms Staley:** Indeed.

**Mr WALSH:** Indeed. Ban all hypothecated funds.

**Mr Pakula** interjected.

**Mr WALSH:** I will not verbal the Minister for Industry Support and Recovery at the table. But I suppose the issue there is how the funds are expended. Having had experience with a number of businesses, being that my electorate is on the border of New South Wales, on the New South Wales side that have come to me for assistance with the New South Wales authority, that very rule of hypothecation does apply in New South Wales and those businesses that I have spoken to are firmly of the view that because the WorkCover authority in New South Wales gets to keep the fines, the officers are probably a lot more vigorous in their issuing of fines and the amounts of the fines because effectively their WorkCover authority gets that money. I would assume that people that collect a lot of money for a particular business probably are considered to do their job much better than those that actually go out to a workplace and give advice as to how a workplace could be safer without actually issuing a PIN and raising money for the business. Apart from the fact that treasurers do oppose hypothecation, I would like to think that these two changes, where the funds go to the WorkCover Authority Fund rather than to consolidated revenue, do not end up delivering perverse outcomes for businesses and for the safety of workers in that the WorkCover safety officers will issue large fines rather than going to a business and actually giving advice as to how safety in that business could be improved.

Particularly in agriculture I have heard lots of experiences where farmers have had a WorkSafe officer come there and say, 'That's not compliant', and the farmer will say, 'Well, what do I have to do to make it compliant?' and they say, 'Well, that's not our job, we're just telling you it's not compliant; if you don't fix it, we'll issue you with a fine'. And then they have to go away and try and find someone that can give them advice as to how to make it safer. It would be disappointing for the safety of all workers if the fact that the WorkCover authority gets to keep the money empowers them to be even stricter on fines rather than giving advice into the future. I think all employers want to have a safe workplace, all employers want to make sure their workers go home every night to their families, as everyone in this chamber would as well. Let us make sure that we take it on notice that there are some concerns about that change and make sure that it does not deliver perverse outcomes for businesses and for safety and ultimately for the jobs of workers.

The other issue I wanted to comment on was part 5, which amends the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to extend the

presumptive rights to vehicle and equipment maintenance employees working for Fire Rescue Victoria and the Country Fire Authority and change some of the calculations around that. No-one would argue with that. I think we want to make sure that our firefighters and the people that service and maintain their machinery go into the field with the best equipment to protect us from fire, and that is also included in this.

I suppose again over the journey of the CFA debate, which has now gone on for five or six years, particularly the Premier's but the government's desire to effectively break up the old CFA I think is very, very disappointing. We who represent country electorates know how important CFA brigades are in our electorates and the volunteers that make those up. There is not enough money in Victoria to pay all the firefighters that are needed in this state to protect us, particularly in our smaller communities. So like you did in your contribution, Deputy Speaker, I take my hat off to all those volunteers that give up their life to go and fight fires, but more importantly those that every Sunday go and take the truck for a run, do the fundraising to actually buy equipment for their brigade and do all the stuff that most of the community does not see as they make sure those brigades function. It is disappointing that the CFA volunteers do not get the same level of support under legislation for particular diseases that they may attract or injuries they may attract as part of being firefighters as the paid firefighters and, in this case, the maintenance employees of Fire Rescue Victoria and the CFA.

The thing that I would like to finish off on is the clauses that empower the government of the day to change the types of illnesses that are covered by this legislation, and to do that by regulation. I have been on the record quite a few times in this place on this issue of prescriptive legislation versus enabling legislation. I think there has been creep probably over the last 20 years. Once legislation was quite prescriptive and things were set out in detail in legislation. In this case those illnesses are prescribed, but they can now be changed in the future by regulation. I personally have a view about prescriptive legislation where we as a chamber representing the people that send us to this place have a very clear line of sight about what we are debating and what we are voting on rather than voting on something, as in this instance, that will be changed by regulation in the future. I do not think that is a good trend that has evolved in this Parliament over time—that we are debating and passing bills and we have effectively no idea what the detail will be once they are implemented. In this case it is that issue again of enabling rather than prescriptive legislation by which a government of the day can change these provisions by government regulations rather than bringing the legislation back to the chamber.

I understand the process of being 'spot booked' in the government process. By the time you get drafting instructions through cabinet, you get a bill in principle through cabinet and then you get a spot in this chamber to debate the legislation it is a long and tortuous process given the queue for legislation. But I think we owe it to the people of Victoria to have debates around legislation that clearly say what is included in the legislation rather than just saying 'This will be done by Governor in Council at some time in the future'.

With that contribution, the Liberal and National parties will not be opposing this legislation. We do support making sure that workers have correct compensation and particularly that workers are protected in the workplace by having appropriate rules and appropriate advice from WorkSafe to make sure those workplaces are safe.

**Mr HALSE** (Ringwood) (13:38): It is a pleasure to rise to speak this afternoon on this bill, the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and it is good to learn of the opposition's support for this bill. I look forward to the contributions that will be made throughout the course of this debate. I note your contribution, Deputy Speaker, and I thank you for that. I want to go just quickly to what the bill lays out and then some of the rationale behind it and the story and the narrative that underpins the bill. The bill, as some have laid out here over the last 40 minutes or so, will ensure that injured workers get the compensation they deserve and that the families of those workers who we have lost get the entitlements they deserve. The bill will help prevent more lives from being lost by increasing WorkSafe Victoria's ability to prevent and respond to workplace safety

incidents. Further, the amendments ensure all funds collected from infringement notices are paid into the WorkCover Authority Fund.

Other outcomes include—as you have touched upon, Deputy Speaker—making application to the VOCAT, the Victims of Crime Assistance Tribunal, scheme more accessible to victims by preventing alleged offenders from being notified of or attending VOCAT hearings relating to family violence or sexual offences; extending presumptive rights coverage to the workers who very importantly maintain the vehicles and equipment of Fire Rescue Victoria and the Country Fire Authority, allowing periods in different roles across the firefighting service to be combined, bringing greater flexibility to the calculation of eligibility for those presumptive rights; and, finally, upholding the integrity of the Victorian Legal Services Board as reflected in lawyer members.

It is always a point of pride to stand in this place representing the good people of Ringwood and the Andrews Labor government under a labour movement that has stood for the rights of workers since its very inception and to talk about how we are actively and proactively creating a better future for workers and their families and a safer future. Our workplace safety achievements are some of our greatest achievements, and we proudly will continue to improve the industrial environments that Victorian workers work within and are exposed to and the protections they receive, because as industries change so too should the laws that are made in this place.

Tragically in 2021 we lost 66 Victorian lives to workplace incidents. Six more lives have been lost since the beginning of this year. As much as these numbers are trending slightly down, we know that any life lost on the job is one too many, and 72 over the course of last year and the beginning of this year is far too many. Labor governments will always be in pursuit of a better daily reality for those who keep our industries going and those who throughout the pandemic have kept the wheels of industry churning that have been necessary for our community, for the benefit of our community.

Although the asbestos crises of the 1970s and 1980s perhaps feel like a distant past, it is important to reflect and recognise that it is not that long ago that many of the rights workers enjoy today originated from advocacy of trade unions during this time. We continue and trade unions continue to advocate for safer working conditions, and it is our job to continue to listen as the government. We are still implementing those lessons, and that is the purpose of this bill. It was right here in Victoria that our nation's first asbestos breakthrough came, in 1985, when Harold Pilmer was awarded more than \$200 000 in damages. He died four years later. It always feels perhaps a little crude that a monetary value can be assigned to those years lost from a worker's life, but it was this case in particular that pushed us to hold companies responsible financially and otherwise for the loss of life induced or expedited by unsafe workplace conditions.

This bill furthers the work of the silica action plan, combating illness not dissimilar to Harold's, that we, the Andrews Labor government, passed in 2019. It will give greater support and increased compensation to impacted workers. This is a good thing. Not only did 66 people die too soon in 2021 as a result of a workplace-related injury or incident but 66 families were stripped of someone they love. These families deserve everything that we can give them, because it will never be enough to replace their loved ones. This bill is delivering greater access and better support to those families through the extension of child pensions, through household help services and through other family support benefit changes.

In 2019 and 2020 we witnessed a number of families endure the exact same heartbreak on a national stage with the bushfires. We mourned together at the loss of men and women who were fathers, mothers, husbands, wives, sisters, brothers, daughters and sons. It cut deep at the heart of who we are as a people. It united us in a deep anger at the circumstances and in respect and ultimately love for people whose lives were cut short as they worked to protect others. For that reason a particularly important achievement of this bill is that it extends compensation for firefighters to those maintaining and repairing firefighting vehicles and equipment in conditions that expose them to the same carcinogens as career and volunteer firefighters.



The amendments will also enable claimants to combine periods of service in different roles related to firefighting to ensure that a change in position does not prevent them from being compensated for an equal impact on their physical health. The extensions of eligibility beyond the strict firefighting role were welcomed by a number of industry bodies—AMWU, CFA, FRV—who join the Andrews Labor government in our conviction that every worker has a right to dignity and good health. Like everything done by the labour movement, this bill and the changes it will make to a number of industries represent historic change and offer an unprecedented level of support to workers who show up daily to keep our community going.

I will also take this opportunity to highlight the workers who are a cornerstone of our own community out in Ringwood. I note Russell and the crew at the independent Access Workwear on Bedford Road are an active part of our thriving community and ensure that workers in the east have access to the highest quality workwear and safety gear every day. Trades, labour and machinery operation are among the top eight careers held by people in the Ringwood electorate. It is a community that values good and hard work and they deserve to have their lives and health valued in return. For that reason, I proudly support the bill.

**Ms STALEY (Ripon) (13:48):** I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. I note, as other speakers have said, we all support the right of people to have a safe workplace. It is particularly timely, I think, that we have a bill before us that goes to some quite serious issues around workplace safety, but it is also timely in a week when we have seen the Premier's private office being investigated by WorkSafe Victoria for claims of systemic and ongoing bullying from a member in the other place, Kaushaliya Vaghela. Of course her claims have been dismissed by the Treasurer, who immediately said they went to her state of mind, apparently recreating the idea that women who complain of bullying are that Victorian term 'hysterical'. The Premier has until today refused to say her name. This is a week after these serious allegations were made, and they have ended up in referral to WorkSafe. Similarly we have seen the Minister for Women, when asked about this, change the topic to talk about Labor's quotas. The Leader of the House refused to answer a direct question about whether she believed Ms Vaghela.

At the time we saw the member for Carrum and also the member for Cranbourne sent out with the Minister for Women and the Leader of the House to stand behind the Premier and provide a sort of all-female backdrop to him. But the member for Carrum stayed completely silent in that outing, and yet she is well known for standing in this place and speaking eloquently and repeatedly on feminist issues and the rights of women to speak their mind and to be heard. Where we are with this is that WorkSafe has seen fit to now investigate whether there are ongoing issues of bullying in the Premier's private office.

This bill also makes some changes in relation to COVID directions. It makes a change that clarifies that a failure to comply with a direction relating to the COVID-19 pandemic will constitute an activity that involves a serious risk to the health or safety of a person. That also is timely because of course WorkSafe now has 58 breaches of the Occupational Health and Safety Act 2004 in relation to the government's handling of hotel quarantine. Those charges have been laid directly in relation to the government's handling of the COVID pandemic when it came to hotel quarantine. There are cases still before the Supreme Court trying to expose why WorkSafe only charged the Department of Health in relation to these serious failings that led to so many deaths here and did not charge the Premier, and those court cases continue.

This bill makes a number of changes. I will not talk about all the sections, but there are two that I particularly do want to highlight. The first is in part 9, which is the changes to the Victims of Crime Assistance Act 1996. I echo the words of the member for Bendigo East, who I note has now swapped roles and is now in the chair as Deputy Speaker. It is one of those situations—

**The DEPUTY SPEAKER:** Bendigo West.

**Ms STALEY:** Sorry, Bendigo West. I even had Bendigo West written down. I am sorry, Deputy Speaker, to make such an error. It is one of those changes that, when you read it, you think, ‘Why didn’t we do this before?’. I think the member for Bendigo West put it really well when she quoted from the report, saying that these hearings, when a victim of crime goes to the Victims of Crime Assistance Tribunal to get assistance, are not adversarial hearings. It should not have both sides; there are no ‘both sides’. There is a victim of crime seeking financial assistance, and to have the perpetrator of that crime enabled to go there for any reason seems just so wrong on the face of it. It is one of those cases where I think we all look at it and go, ‘Well, yeah, we should change that’. So I strongly support those sections of this bill.

I also want to talk briefly about part 5, which is the firefighters presumptive rights changes, and these I also support. These do a number of things, but the one I am interested in, in determining whether the qualifying period has been met, allows claimants to combine periods of service as a career firefighter, volunteer firefighter, forest firefighter or vehicle and equipment maintenance worker. I think this is a practical, sensible and useful change for those people, and we have many in country Victoria. I have several in Ararat who are in fact in two of those categories at once. They are professional firefighters—they are paid firefighters—but they are also CFA volunteers, and to be able to combine all of their service, whether it is concurrent or whether it is sequential, towards them being eligible to access presumptive rights legislation to me is a sensible change.

Like the member for Bendigo West and the Leader of The Nationals, I also want to put on record my thanks to the CFA brigades across Ripon who have turned out particularly over this summer to fight some quite nasty fires that have flared in my electorate. I am particularly thinking about the fire at the Great Western Racecourse that burnt out 19 cars. That moved very quickly on a very hot day, and many of us would have seen the results of that fire. The trucks were there very quickly. They were actually on site and they came around and put it out. It could have been a lot worse than it was, and I pay tribute to them. Beaufort has also had quite a nasty fire, as have other parts of Ripon. I looked on the fire app just as I was preparing these remarks, and I note there has even been one today at Natte Yallock. I thank all the firefighters across Ripon who turn out and support our community by keeping us safe.

This bill makes a number of technical changes, and I will not go into all of them. The final part of the bill that I did want to address includes the changes to assist those with silicosis and to prevent others from developing this terrible disease. Again, I support these changes. I think it is important, when we have a risk that becomes known, that we act to ensure that people are not getting these debilitating and life-ending diseases in this way when that can be stopped via workplace safety mechanisms. So again, there is much to recommend in this bill.

As the member for Ferntree Gully, the lead speaker for the Liberal-Nationals, said, there are some concerns we have around the nature of some of the powers and also the changes that the Leader of The Nationals highlighted, particularly the one that goes to hypothecation. I think he actually gave a very good example of why hypothecation is not a good idea, including in this case, because it changes the incentives for the inspectors from helping people get their workplaces safe and keeping workers safe to raising revenue, because WorkSafe gets to keep the revenue. I actually think that was a perfect example. There are many ways in which one can describe why hypothecation is a bad idea, and here is another one. It changes and makes perverse the incentives for what should be designed to educate and assist people. But with that, we will not be opposing this bill.

**Mr EREN (Lara) (13:58):** I know that I have got only about 1 minute to go in relation to the contribution that I am about to make, but I will take up a lot of the issues in relation to the bill after question time obviously. It is my pleasure to contribute today on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. The bill will amend the following acts: the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013. This bill aims to improve compensation arrangements for workers with silicosis and similar occupational diseases and deliver on aspects of the government’s silica action plan, which is so

important to all of those people that work within that sector. It amends the threshold for issuing prohibition notices and directions to better capture serious risk activities and includes a broader range of matters to be notifiable incidents.

Of course there is a lot more to this bill, and I will get to the main points after question time. I know that I have got a few seconds to go. Certainly I want to put something on the record which is personal in relation to what happened to my mother, and I will do that after question time.

**Business interrupted under sessional orders.**

### Members

### MINISTER FOR PREVENTION OF FAMILY VIOLENCE

### TREASURER

*Absence*

**Mr ANDREWS** (Mulgrave—Premier) (14:01): I rise to inform the house that this week the Minister for Regional Development will answer questions for the portfolios of Aboriginal affairs, prevention of family violence and women; and that the Assistant Treasurer will answer questions for the portfolios of the Treasurer, industrial relations and economic development.

### Questions without notice and ministers statements

### HOUSING AFFORDABILITY

**Ms STALEY** (Ripon) (14:01): My question is to the Assistant Treasurer. With more than 30 per cent of house and land costs now being taken up by state government taxes, can the Assistant Treasurer tell first home buyers in Victoria's growth areas why they have to pay almost \$20 000 more because of yet another new state government tax just to buy their own home?

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:02): The package of reforms that has been announced is a significant—

*Members interjecting.*

**The SPEAKER:** Order! I warn members not to shout across the chamber.

**Mr PEARSON:** Thank you, Speaker. The package of reforms that has been announced goes to the very heart of reducing the regulatory burden for business. It is about trying to smooth the pathway to make it easier for developers to get their projects to market. This is about making sure that we can reduce the cost for those businesses, and as part of that it is about trying to make sure—

*Members interjecting.*

**The SPEAKER:** Order! I ask the Assistant Treasurer to resume his seat for a moment. Just before calling the Manager of Opposition Business on a point of order, we have started question time with a lot of shouting, so I warn members they will be removed from the chamber without warning.

**Ms Staley:** On a point of order, Speaker, on relevance, I have asked about taxation and a new tax. The assistant minister appears to be reading the wrong possible parliamentary question in relation to a different thing.

*Members interjecting.*

**The SPEAKER:** Order! Further on the point of order, the Leader of the House.

**Ms Allan:** On the point of order, Speaker, I think the Assistant Treasurer would be lucky to have been going for 30 seconds before—

*Members interjecting.*

**Ms Allan:** I love your help, Walshy—I just love it. Speaker, the Assistant Treasurer had been going for only 30 seconds. He was being entirely relevant to the question that was asked by the member for Ripon. Her question covered a range of different references to government policy, and I think he is entirely entitled to be allowed to continue to answer her question without this grandstanding.

**The SPEAKER:** Order! The Assistant Treasurer had only begun his answer. I ask the Assistant Treasurer to answer the question.

**Mr PEARSON:** Thanks, Speaker. Look, these reforms are going to deliver significant benefits to the development industry. We estimate it will be in the order of \$7 billion in profits over the course of 10 years, and we think it is only fair and reasonable that some of those benefits get passed on to the end consumers. In addition to that, I think it is important to note that as a government we have provided significant support to first home buyers. We have made sure that, in relation to the Victorian Homebuyer Fund, 3000 Victorians have got into their homes more quickly—as a result of this \$500 million Victorian Homebuyer Fund. These are significant investments that we are making for first home buyers. What is being proposed is a package of reforms. It is going to reduce the cost of business, it is going to reduce the regulatory burden, it is going to make those businesses more profitable and it is to be commended.

**Ms STALEY (Ripon) (14:05):** Thirty-year-old Claire has scrimped and saved to get a deposit to build her first home in Melbourne's south-east. Like so many in her circumstance Claire has said, 'I'll never have a chance with all these new taxes'. Why have the Assistant Treasurer and the government specifically targeted young people like Claire to wear the burden of this huge new tax?

**Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:05):** I disagree with the supplementary question from the member for Ripon. We have provided a \$500 million Victorian Homebuyer Fund, so that is going to get about 3000 people into a home more quickly. We are looking at the abolition of stamp duty if you are a first home buyer and you are buying a home under \$600 000, and we are providing a tapered rate for those who are buying between \$600 000 and \$750 000. In addition to that, last year alone the total value of 51 353 stamp duty concessions and exemptions was \$896 million. So we are on the side of first home buyers. That is why we have introduced this package of reforms. It is why we are trying to reduce the regulatory burden for business. It is why those reforms are to be commended.

#### MINISTERS STATEMENTS: 2026 COMMONWEALTH GAMES

**Mr ANDREWS (Mulgrave—Premier) (14:06):** I am very pleased to rise to update the house on important announcements that the Minister for Tourism, Sport and Major Events and many other parts—a very long business card, that one—and of course the Minister for Regional Development and I made last week when we confirmed that Victoria had signed an exclusive negotiation agreement with the Commonwealth Games Federation and Commonwealth Games Australia. The vision for this outstanding event is not simply taking it off the shelf and re-running, say, the 2006 games, successful as they were, or re-running the 2018 games up on the Gold Coast; it is about doing something fundamentally different, leaving a legacy and making sure that we promote—well, I think—without any argument the most beautiful part of our country, and that of course is regional and rural Victoria. These games under our vision will be predominantly in regional and rural Victoria. It is all about creating infrastructure, both sporting as well as community, about creating housing where there are clear shortages in rural and regional Victoria. It is about not just sporting contests but a cultural festival that would be alongside these amazing games.

Now, of course this two-month period of exclusive negotiation is just that. It is a process of back and forth to determine both the costs and the benefits for Victoria as well as the finer details of how these games would be run. But I think with a real sense of vision and optimism and a real vote of confidence

in regional Victoria we are putting forward a clear plan to run a predominantly regional Victorian Commonwealth Games in 2026. It is great for jobs, great for tourism, great for confidence, great for regional Victoria, and I would hope that every Victorian could get behind these exciting opportunities for regional Victoria.

### COVID-19

**Mr GUY** (Bulleen—Leader of the Opposition) (14:08): My question is to the Minister for Health. With the government subjecting children in grades 3 to 6 to wearing masks to primary school, can the minister explain to Victorian parents what evidence the government has that a child in grade 3 is vastly more dangerous and infectious to other schoolchildren than a child in grade 2?

*Members interjecting.*

**The SPEAKER:** Order! Members on my right will come to order. The Premier will come to order.

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:09): Can I thank the Leader of the Opposition for his question. It does tend to fit a bit of a pattern of questions that we have seen from those opposite as they head down their Trumpesque—

**Mr R Smith:** On a point of order, Speaker, I cannot hear the Minister for Health. The Premier is speaking over him. I never thought I would say this, but I do want to hear what the minister has to say. If the Premier is going to continue to talk over him and defy your instruction for him to be quiet—

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

*Members interjecting.*

**The SPEAKER:** Order! I have warned members. If members continue to shout across the chamber, they will be removed from the chamber.

**Mr FOLEY:** Thank you, Speaker. The announcements that we made today have been widely welcomed across the Victorian community, including the education sector, because what they do is fit the pattern of schools, having been open, staying open, and that has been a fantastic effort. I want to thank the Department of Education and Training for their great leadership in that area.

In regard to the specific issue which I think the honourable member touched on, it goes to the issue of the public health advice, which under the legislation that we now operate under will be published in due course, together with the chief health officer's advice and my explanations of the reasons for this decision. I am sure the honourable member will be quick to have a look at that once it is online.

But it is pretty simple. The issue is that there is chief health officer advice to me in terms of giving these public health pandemic orders, and that goes to the issue of the fact that for some six weeks kids in the five- to 11-year age bracket have been eligible for their first doses. Victoria only comes in behind the ACT when it comes to those levels of kids having taken up those levels; we are at about 53, 54 per cent of kids in that age bracket. Compare that, for instance, with kids in secondary school, where it is well into the 80s because those families and kids have had a substantially longer period of time, back to 2021, to get their vaccinations.

So when you have something like 45 per cent of a particular group not yet having taken those first doses, let alone the second doses, that gets us to a position of risk, and how you manage risk in a global pandemic is you seek to mitigate that risk by both protecting those kids and protecting the families that they are a part of, particularly their grandparents, and their wider network of connections. And when he sees the public health advice that will suitably reflect that, I urge the honourable Leader of the Opposition to read it, to understand it and to desist his Trumpesque heading down rabbit burrows of questioning the public health advice at every turn.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:12): Mask mandates at primary school are causing huge damage to many schoolchildren, particularly those with mild spectrum disorders, which

is having a huge impact on the parents who are dealing with those kids in particular who are struggling—

**Mr Edbrooke** interjected.

**Mr GUY:** Kids with spectrum disorders.

**The SPEAKER:** Order! The member for Frankston will leave the chamber for the period of 1 hour.

**Member for Frankston withdrew from chamber.**

**Mr GUY:** Why hasn't the government followed the lead of every other state where all kids are allowed to go mask free—primary school kids—at school and instead focus on two years of lost learning?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:13): This is a government that has done more for kids on the spectrum, whether they are in mainstream or specialist schools, than any other in the country has, particularly over the course of the last two years with the global pandemic. The support that we have brought to those families is second to none. I want to give a special shout-out again to the department of education for their outstanding leadership in this area, and that extends to how our public health officials have dealt with the whole issue of the public health measures, be they vaccinations or indeed exemptions, which continue to be available for families based on the specific circumstances of their individuals and loved ones in any age category, including this five- to 11-year age category. In that regard I question the honourable Leader of the Opposition's question in being ill advised and baseless.

#### MINISTERS STATEMENTS: METRO TUNNEL

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (14:14): It was a great morning this morning to join with the Premier and our colleague a member for Northern Metro Sheena Watt at the opening of the Metro Tunnel site in Kensington and to be with the workforce to mark the arrival of the first of the railway tracks that are going to be laid through the tunnel to support the new Metro Tunnel project. This is a big milestone for this project. The arrival of track means that we are on track to complete this project in 2025, a full year ahead of schedule.

Almost 40 kilometres of track has arrived, and over the next year it will be laid through the twin 9-kilometre tunnels through the new five underground stations. When it opens the Metro Tunnel will create that end-to-end line from Cranbourne and Pakenham in the south-east all the way through to Sunbury in the north and then also join up with the Melbourne Airport project when that is completed later in the decade. This will provide opportunities for more than half a million more Victorians to travel through the city when the Metro Tunnel opens during our peak periods and also slash travel times by up to 50 minutes a day, and it will free up room in the rest of the city loop to run more trains more often on other lines.

Now, the new Melbourne-manufactured trains that will run on the new tracks in the Metro Tunnel will also run on those new tracks that we have just marked the opening of out at Cranbourne, where we have duplicated the Cranbourne line—another project a full year ahead of schedule—giving those extra services to the Cranbourne community. The tracks for the Metro Tunnel project and the tracks for the Cranbourne line upgrade are all made with 100 per cent Australian steel as the result of our determination to support local jobs through our local jobs program. Seven thousand jobs on the Metro Tunnel, trains made in Melbourne, a pipeline of road and rail works—it is a pipeline of jobs for Victorians. These are the jobs that those opposite want to put on the stops. They do not want to support jobs and an infrastructure pipeline; only the Andrews Labor government does.

### ELECTIVE SURGERY

**Mr GUY** (Bulleen—Leader of the Opposition) (14:16): My question is again to the Minister for Health. Leslie urgently needs spinal surgery. She is losing strength from the waist down, and her neurosurgeon commenced preparation for surgery only to have to tell her it had been cancelled not once but twice. She lives with severe pain, is now incontinent and her quality of life is deteriorating every day. Her surgery is deemed to be elective. It is not elective; it is vital and critical for her to be pain free, to be mobile and to have dignity in her life. Leslie still does not have a date for her surgery. Minister, there were over 80 000 Victorians like Leslie on the waiting list at the end of December. How many are on the public waiting list today?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:17): Can I thank the Leader of the Opposition for his question. I will refer the Leader of the Opposition to a number of statements I have made in this house and indeed since this house was last here, most recently including today, that we will see the level of elective surgery and category 1 and category 2 surgeries in both our public and private systems return to 100 per cent capacity as of next week. We indicated that that would not be in place for a moment longer than was absolutely necessary, and it was absolutely necessary, as indeed it was right across the country, to deal with the omicron variant's huge impact on our hospital system, whereby we needed that space created by the pause and the deferral of category 2 and category 3 surgery to deal with those unprecedented levels of demand in our public system, transferring some of that demand to the private system.

In regard to the issues that the honourable member raises, the position is pretty clear: that this government over the course of the global pandemic on a number of occasions now has invested substantially, indeed many tens of millions of dollars, in how we address that issue of deferred care. We did it in the 2021–22 budget—

**Mr Guy**: On a point of order, Speaker, on relevance, I have waited for more than half of the minister's time to expire, and I understand he is putting some context around his answer, but we did ask a specific question: how many people—how many Victorians—are on the public surgery waitlist today? It is a very straightforward question seeking a number from the minister. Half of his time has expired, and I ask you to draw him back to that question, please.

**The SPEAKER**: I understand the question that was asked, but the minister is being relevant to the question that was put.

**Mr FOLEY**: In terms of the whole issue of deferred care, these reports are done periodically; they do not report every day. The most recent public reports are those that the honourable member refers to, and when the subsequent reports are made available to the government they will be released in due course for wider community and sector consideration.

Back to the issue of how we deal with deferred care: this is a government that has invested more in how it deals with issues of deferred care through the course of the pandemic time and time again. We will again, and I want to thank the private sector operators for the constructive way in which they have partnered with the government over the course of both the delta and the omicron variants which has allowed us to get through those—

*Members interjecting.*

**The SPEAKER**: Order! The member for Euroa can leave the chamber for the period of 1 hour.

**Member for Euroa withdrew from chamber.**

**Mr FOLEY**: whilst allowing us to deal with the challenges that the global pandemic has provided. We are not out of this global pandemic. Yes, we are looking forward to a period, according to the chief medical officer of the commonwealth, between now and the winter of continued declining cases, but

we need to be vigilant, and we will use the period between now and the end of this current period to drive down those waiting lists.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:21): While I was seeking an answer on a specific number, I ask: Minister, in March 2020 the public hospital surgery waitlist was just over 50 000. In December last year it was over 80 000. When will the public hospital waitlist be back to pre-COVID levels?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:21): There are many factors that go to how waiting lists in our public and private hospital systems are dealt with. One key element is government resources, and governments at both state and federal levels need to step up to the plate here. This government and indeed most state governments have invested more in this area than their federal counterparts.

I do actually want to take the opportunity to thank the Leader of the Opposition for raising a matter that all states raised with the commonwealth as recently as last Friday, when we took great issue that there was an opportunity here for the federal government to assist us all in dealing with precisely the issue that the honourable Leader of the Opposition raises—that since the Abbott government's cut to public health funding, which was reduced from 50 to 45 per cent some years ago, it is time for the Liberal Party to put up or shut up.

**Mr Guy**: On a point of order, Speaker, I asked for a number in the first substantive question and a date in the second. Neither has been answered. I seek that you direct the minister to provide a written response to the chamber for both of those, given neither has even been remotely answered.

**The SPEAKER**: Order! It is not within my purview under the standing orders of this place to do that, but the minister will have 3 seconds to continue his answer.

**Mr FOLEY**: This government is committed to reducing the waiting list. It is about time the federal government assisted all states in that regard.

#### MINISTERS STATEMENTS: ECONOMY

**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) (14:23): In the last few days the government announced the return of dance floors, the removal of density quotients, the relaxation of QR codes, masks off in many settings and a change to advice re working in the office. Yesterday we augmented that with over \$200 million in business stimulus because we know the power of supporting consumers to generate economic activity and the multiplier effect that support creates. The package includes dining, entertainment and travel vouchers and assistance for Victorian small businesses.

There is \$10 million to fund another round of Melbourne Money, to be delivered with the City of Melbourne, enticing diners back to cafes, bars and restaurants, and \$30 million to extend that model to the rest of the state, delivering vouchers for food and wine experiences across Victoria. There is an entertainment rebate scheme providing \$30 million in discounts for tickets to the theatre, live music, cinemas, museums, galleries, exhibitions and other events across the state. All of those programs operate by reimbursing customers 25 per cent of their spend between \$40 and \$500. Additionally, we are investing \$30 million to expand the travel voucher scheme, encouraging even more Victorians to holiday at home and spend on accommodation, attractions and tours. That will commence with a seniors round of 10 000 vouchers on 15 March and the balance of 140 000 vouchers soon after that. There is also support in the small business space: a ventilation fund, small business adaptation, business recovery and resilience mentoring and Jobs Victoria support to place over 1500 people in jobs.

As cases come down and people feel confident to go out eating, drinking, cheering and playing together, they are returning to our attractions, and this will turbocharge it. As we move into the fashion



and food and wine festivals, the footy is back on, the Formula One roars back to life and *Hamilton* starts, there will be no better place to be in Australia than Victoria.

### RENEWABLE ENERGY

**Dr READ** (Brunswick) (14:25): My question is for the Minister for Energy, Environment and Climate Change. Last week Origin Energy announced their Eraring black coal plant will close in three years. The week before AGL announced they would close a New South Wales black coal plant, Bayswater, in 2033, well ahead of their brown coal-burning Loy Yang A in the 2040s. Victoria's brown coal is much more polluting than the black coal in New South Wales and Queensland, yet we are seeing their less-polluting power stations closing ahead of ours. Isn't it time that the Victorian government announced a planned transition out of brown coal within a decade so that communities are not left waiting on the vagaries of the market?

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:26): I thank the member for Brunswick for his question. There are a lot of assumptions that have been built into that question, many of which I reject. For a start, Victoria is absolutely leading this country in the transition to clean energy, creating the thousands of jobs that come from moving away from fossilised electricity production to renewable energy production. We are the state that is leading the way. We have absolutely delivered more than 32 per cent of our generation coming from renewable sources, up from just under 10 per cent when we got elected—just under 10 per cent when we got elected. We are the leader in the creation of jobs when it comes to the renewable energy sector of any state and our pipeline of projects is second to none.

Now, let us remember that the privatised electricity system is just that. Businesses make decisions based on their own shareholder responses. But understand this: there is no doubt, globally or right across Australia, that the best place to invest in new energy technologies, new renewable energy supply, is right here in Victoria. We are the destination of choice. So whilst the Greens can carry on and try to make an issue of something that we are absolutely leading on in the country, I will not take any advice or take the opinion of those opposite on the Greens side in terms of 'Well, what are you doing about it? Oh, aren't you behind?'. The evidence speaks volumes of the exact opposite, and I am not going to sit here—I am not going to stand here either, for that matter—and take that advice from the Greens. Businesses will make their decisions. What governments do is produce the policies and the ambition for the investment to flow. That is why we have made announcements around offshore wind. We have the best offshore wind resource in the country, and we aim to take full advantage of it because we know with the pipeline of employment that comes through that, the diversification of local economies, including in the Latrobe Valley, off the coast of Gippsland will be—

**Mr Andrews:** A resource second to none.

**Ms D'AMBROSIO:** Will be a resource second to none, absolutely, Premier, and we will be the envy of this country. Let there be no doubt that this is a transition that is in full swing. Our government is taking us on the road to that change—producing the jobs, creating the local investment, delivering a clean economy and cutting bills for every single Victorian.

**Dr READ** (Brunswick) (14:29): I am very pleased to hear about the pipeline of renewables and the offshore wind. Whether we are actually leading the nation when we are coming fourth in terms of renewable energy—behind Tasmania, the ACT and South Australia—is a debatable point. However—

*Members interjecting.*

**The SPEAKER:** Order! Members on my right!

**Dr READ:** My supplementary question, though, is whether leaving the transition to the decisions of the private companies is effectively an admission that we are outsourcing this transition and whether that is appropriate.

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:29): I will resist being frustrated by this. Honestly, in comparing us with Tasmania, which reached—congratulations—100 per cent renewable energy by damming their rivers, the Greens are saying they are happy to have their rivers dammed. I am sorry, Victoria is the industrial powerhouse of this country. Our population and our reliance on energy, the fact that we actually produce surplus energy and send it to other parts of the country, mean that our transition is much harder but also that the strides that we have made have actually been much bigger and much more important and have delivered far more carbon emissions reductions than any other state in this country. We are absolutely proud of that achievement—and we are creating the replacement jobs for Victorians to enjoy right here in this great state.

#### MINISTERS STATEMENTS: COMMUNITY SPORT FUNDING

**Ms SPENCE** (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth) (14:31): I rise to update the house on the Andrews Labor government's record investment in community sports infrastructure, which has now ticked over \$1.1 billion since we were first elected in 2014. The Local Sports Infrastructure Fund is upgrading existing sites and building new facilities right across the state, supporting indoor stadiums, lighting projects, aquatic facilities and, significantly, more infrastructure to boost participation among women and girls. Applications for the latest \$27 million round of this program closed earlier this month, and I look forward to announcing recipients soon.

Through two rounds of our landmark \$178 million community sports infrastructure stimulus program we are supporting 70 shovel-ready projects to stimulate economic activity and create more than 800 local jobs. We have invested \$5 million into Debneys Park in the Assistant Treasurer's electorate, boosting participation particularly among multicultural youth. The Minister for Disability, Ageing and Carers and I announced \$4.5 million for upgrades to Olympic Park in Heidelberg, the first major funding injection into this facility since it was built back in 1956. Next week I am excited to visit the site of the Aboriginal women and girls sport and wellness centre in the member for Northcote's electorate, thanks to \$3.9 million through the stimulus program. The Warragul Leisure Centre in the member for Narracan's electorate received \$6 million to expand the stadium to a state-of-the-art four-court facility. In the independent member for Mildura's electorate we are investing almost \$14 million for a game-changing Mildura regional sporting precinct. Community sport is so important to the health and wellbeing of our communities, and more than that, these projects are creating jobs and fuelling our local economies.

#### COVID-19

**Mr SOUTHWICK** (Caulfield) (14:33): My question is to the Minister for Government Services. Minister, why is the government not leading by example to support struggling small business owners in the city by getting all public servants back to work, back in the office, five days a week?

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:33): I thank the member for their question. Look, the Victorian public service have played a really important role in supporting our response to the pandemic right from the start of the pandemic. We recognise the fact that they have been able to produce a really fantastic quality of work and quantity of work to guide us through this pandemic. The public health orders have been recently amended as of 11.59 pm on Friday night, and we will be working with our VPS to guide their return to the office in due course. It is important that we try and make sure that we get this right, but it is also important to note that this is not the only shot we have got in the locker. That is why I was joined by the Minister for Industry Support and Recovery yesterday to provide further announcements in relation to getting people back to our city, in terms of getting people to come back to eat, to drink, to see live music, to see theatre. These are investments we are making.

**Mr Southwick:** On a point of order, Speaker, this was a straightforward question, and on relevance I would ask you to bring the minister back to answering the question. The government has a lever to pull in terms of bringing the public sector back and leading by example. I would ask you to bring the minister back to answering the question about when he will be bringing the public sector back to work.

**The SPEAKER:** Order! The minister is being relevant to the question.

**Mr PEARSON:** Look, we have been very clear that we will have that hybrid approach to work. I think if you look at what Paul Guerra said yesterday, Paul Guerra indicated he believes that it is likely that we will have that hybrid model where you will come back to work for three days a week and you will spend two days a week working remotely. Indeed that provides a benefit, on average, and indeed that provides a broader network benefit not just for the CBD but for those communities where those workers live. This is about working closely with our workforce. Our VPS have done a fantastic job, and we are making sure that we support them in their transition back to work. We are also supporting our CBD as well with the revitalisation fund to try to get people back, because there are a number of different triggers that a government can pull, and that is exactly what we are going to do. But given the fact that those opposite have basically been taking the last two years off work or have only been interested in one job, we have been focused on supporting workers right across this metropolis, and that is why we support our VPS, that is why we will be supporting their transition back to work and that is why we are having a multilayered approach to this question.

**Mr SOUTHWICK (Caulfield) (14:36):** Clearly the minister has not visited the city and seen the ghost town that it is. On a supplementary—

*Members interjecting.*

**The SPEAKER:** Order! Members will come to order! Through the Chair.

**Mr SOUTHWICK:** With the Premier this morning saying, ‘With the two to three days average where we can, it is the government’s intent to return the public servants back to the office’, what is the timetable for returning the public service back to the office five days a week? Is there a plan, or is there just nothing at all? Are we just going to hope and see?

**Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:37):** It probably sounded better when you tried that this morning in front of the mirror. But we are working with our VPS to bring them back in an orderly way. We are not going to be going out dragooning people back to the office. We want to work with them productively and constructively. As Paul Guerra indicated yesterday, he thought that the idea of having a hybrid model is the likely model going forward in relation to three days in the office, on average, and two days remotely. I think that the CBD is coming back. The Lord Mayor said yesterday the level of foot traffic in the city on the weekend was around 80 per cent of the previous levels. You just have to see the city is coming back to life. We will work constructively and collaboratively with our VPS. Our VPS have done a fantastic job to get us through this pandemic, and we will work closely with them going forward.

#### MINISTERS STATEMENTS: REGIONAL TOURISM

**Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (14:38):** I rise today to update the house on the investments that the Andrews Labor government is making to grow regional Victoria’s tourist attractions into world-class destinations. More Victorians than ever before will be holidaying within our beautiful state thanks to our \$30 million expansion of the Victorian travel voucher scheme announced yesterday by the minister for tourism. Thanks to this government’s investments Victorians will be spoiled for choice with local travel options. For example, they could travel to Ballarat, stay at the Quest apartments and enjoy all that the remodelled Goods Shed has to offer. It is a fantastic convention centre with food and drink options on their way. Not only is this redevelopment supporting 140 ongoing jobs but it has transformed this fabulous precinct.

In Geelong early works are now underway on the Geelong convention and exhibition centre. Our government has invested additional funding—\$294 million—to ensure that this magnificent waterfront development can also attract and develop a 100-bed luxury hotel, to ensure that Geelong can host conferences from all around the world.

On the Great South Coast we are supporting the new \$108 million visitor experience centre, and that for the first time will give a reason for people to stay once they have been to the Twelve Apostles. Accommodation is coming on board. The private sector are making their investments.

It was so exciting to stand with the Premier and with the minister for major events last week to announce the regional-led bid for the Commonwealth Games in 2026. When all of the visitors come, we will be able to show them all that regional Victoria has to offer, and you can count on them coming back time and time again. Only this government invests in the regions.

**Mr Rowswell:** On a point of order, Speaker, I have a number of questions on notice and constituency questions which have not been answered: numbers 4602, 4661, 5413, 5586, 5753, 6073, 6082, 6088, 6090, 6114, 6273, 6331 and 6332. The vast majority of these questions are directed to the Minister for Health, and they date as far back as November 2020—so, close to a year and a half ago. I would be very grateful if you could follow up with the minister those answers.

**The SPEAKER:** I thank the member for raising those matters. We will follow them up for him.

**Ms Vallence:** On a point of order, Speaker, I would just like to ask you to chase up a question again. I have raised a point of order on this question four times before. This is the fifth time. This question was asked 166 days ago. It is a question to the Minister for Health. Clearly he does not care about constituents in the Yarra Valley. It is 5994.

**The SPEAKER:** We will follow that up for the member.

**Ms Kealy:** On a point of order, Speaker, I have got a number of matters which remain outstanding and which are now overdue: constituency question 5823 to the Minister for Health, which was due back in June last year; adjournment matter 5869 to the Minister for Health, again going back to June of last year; question 6183 to the Minister for Health, which was due back in November last year; matter 6071 to the Minister for Health due in November last year; and question 6088 to the Minister for Health due in November last year. That is all the matters, but I do ask you to bring those questions to the attention of the minister, because they are important to my community.

**The SPEAKER:** We will follow those matters up.

### Constituency questions

#### CAULFIELD ELECTORATE

**Mr SOUTHWICK** (Caulfield) (14:42): (6206) My question is to the Minister for Early Childhood. There are three childcare centres in the City of Port Phillip that are slated for closure. One of them is in the Caulfield electorate, The Avenue Children's Centre and Kindergarten in Balaclava. The Avenue is in desperate need of repair works, and certainly they have been trying to do whatever they can to stay open. I know that the member for Albert Park is here in the chamber, and the member for Brighton has been very active as well in advocating for these centres to remain open. We do know that there is funding available from the state government's Building Blocks grants program, so I therefore ask: will the minister provide an assurance and an update that the state government will provide some of this funding required to perform the necessary works to ensure that these centres remain open?

#### ST ALBANS ELECTORATE

**Ms SULEYMAN** (St Albans) (14:43): (6207) My constituency question is to the Minister for Multicultural Affairs, and my question is: what are some of the funding opportunities available to local multicultural organisations in my electorate of St Albans to enable them to continue delivering

exciting, quality events for Victoria? It is common knowledge that St Albans is home to many multicultural events, and recently, just last week, we saw the fantastic St Albans Lunar New Year Festival back better than ever, with over approximately 80 000 attendants across the whole day. We have seen many events, including the celebration of Bosnian Independence Day at the local mosque, of course the Greek Paniyiri events in the Greek Orthodox churches and events in our temples, so it is a place that I believe is a melting pot where faiths, cultures and languages come together to celebrate what is unique about multicultural Victoria.

### GIPPSLAND EAST ELECTORATE

**Mr T BULL** (Gippsland East) (14:44): (6208) My constituency question is to the Minister for Energy, Environment and Climate Change. The information I seek is what the minister is doing to address the shortfall in electric vehicle charging infrastructure, not only in East Gippsland but in the tourism corridor to East Gippsland. A lot of visitors to our region visit locations like Paynesville, Metung, Lakes Entrance and Mallacoota and even go up to Omeo, and they have trouble charging their vehicles on the way, but also when they arrive in East Gippsland there are no charging stations locally. So local business and tourism associations have approached me to see what support the government is giving to address this shortfall in important infrastructure.

### HAWTHORN ELECTORATE

**Mr KENNEDY** (Hawthorn) (14:45): (6209) My question is for the Minister for Disability, Ageing and Carers and Minister for Child Protection and Family Services. The way the Hawthorn community has banded together in response to the incredible challenges we have faced over the last couple of years has been a testament to the resilience of our community in that part of Melbourne. We have been aided in many ways by this government, particularly in aiding our most disadvantaged through bodies like the food relief task force. My question is: how has the assistance provided recently by the food relief task force helped the Hawthorn community?

### BENAMBRA ELECTORATE

**Mr TILLEY** (Benambra) (14:45): (6210) My constituency question is to the Minister for Health, and it is great to see him at the table at this time. The question I have for the minister is: what is the number of staff who have been receiving the hospital surge support allowance at Albury Wodonga Health—that is, the precise number? Albury Wodonga Health has more than 2000 staff, but many are denied the allowance despite being exposed to COVID every day. We have orderlies moving COVID patients every day who do not get the allowance. Others are in and out of COVID-exposed wards and still others work closely with doctors and nurses treating these COVID patients but are also excluded. I get that the allowance is designed as an incentive to keep existing frontline COVID staff, but many argue the definition is too narrow and workers may not be front facing but are clearly caught in the COVID crossfire.

### CARRUM ELECTORATE

**Ms KILKENNY** (Carrum) (14:46): (6211) My question is for the Minister for Community Sport. Can the minister please outline what the Andrews Labor government is doing to support and encourage women in my electorate to participate in community sport and to promote gender equity in leadership roles in local sporting clubs? I recently met with an incredible group of women from the Carrum Bowling Club, including bowls director Trish Church. We spoke about the important role that women play in our community and in our sporting clubs. I know the Carrum Bowling Club and many women and girls throughout my electorate are keen to hear from the minister about what support and programs are being delivered by the Andrews Labor government to increase women's participation in sport, both on the field and on the committees.

### MELBOURNE ELECTORATE

**Ms SANDELL** (Melbourne) (14:47): (6212) My question today is to the Minister for Housing and relates to the Carlton public housing estates in my electorate. While the estates in Flemington and North Melbourne are currently benefiting from the Paving the Way Forward program, residents in the Carlton towers have been left out because they were not subject to the hard lockdown of 2020. Yet Carlton faces many of the same issues, such as poor communication between the housing office and residents, poor maintenance, community facilities still closed from COVID and serious safety issues raised over and over again by residents with no resolution. Residents are not asking for much, just someone in government—their landlord—to listen to their ideas about how to make their homes safer for everyone and to actually take some action. My question is: will the minister expand the Paving the Way Forward program to the Carlton estate as well as address the longstanding safety concerns that have been raised multiple times with his office by both me and residents?

### RINGWOOD ELECTORATE

**Mr HALSE** (Ringwood) (14:48): (6213) My question is for the Minister for Transport Infrastructure. Minister, when can Ringwood constituents anticipate benefiting from the removal of the dangerous and congested level crossing at Bedford Road? This week early concept designs for the 380-metre rail trench were shared with the community. Despite high awareness and massive support for this project itself, less of the community was cognisant of what the solution would be to replace the crossing. Now that they have seen that a trench will take trains beneath Bedford Road the project holds a greater sense of reality; it is becoming real. At the site boom gates are down for 23 minutes in the morning peak, more than 13 000 vehicles use the crossing every day, and every morning local buses drop a high number of students off at the local school. Needless to say, the community looks forward to reaping the benefits of this great and massive project and is eager to know roughly the time line for when it will be completed.

### MORNINGTON ELECTORATE

**Mr MORRIS** (Mornington) (14:49): (6214) My question is to the Minister for Education. I recently received an email from a constituent, and I will quote it in part:

I'm shocked and so disappointed at how little public investment has been allocated to my local high school—Mount Eliza Secondary College—

... is in desperate need of being brought into line with neighboring local schools. Given the demographic change with many young families moving into Mount Eliza, the school is not prepared for the needs of these families. The infrastructure is inadequate, or at the least in much need of upgrade ...

and I would certainly second that. The infrastructure is extremely inadequate. It is not that there has been underinvestment, there has been effectively zero investment in the school probably for the entire last 16, if not more, years. So the question to the minister is: what are the minister's plans to bring the Mount Eliza Secondary College infrastructure up to a standard comparable with neighbouring secondary schools?

### NARRE WARREN SOUTH ELECTORATE

**Mr MAAS** (Narre Warren South) (14:50): (6215) My constituency question is for the Minister for Community Sport and concerns the Get Active kids voucher program. Minister, how will the changes to this program assist families in my electorate of Narre Warren South's and children's access to organised sport? The Get Active kids voucher program has reduced the barriers for so many families who struggle to meet the basic costs of grassroots sport for their children. I understand a more streamlined voucher process has been initiated to reduce the burden on eligible families with the removal of the reimbursement model in favour of a more direct approach. Physical activity is so important for our children's mental and physical health, and the social aspects of joining a club are also incredibly beneficial. I would appreciate any further information that the minister can provide on

how the Get Active kids voucher program will assist my constituents, and I look forward to sharing that response with my community.

### Bills

## WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021

### *Second reading*

#### **Debate resumed.**

**Mr EREN (Lara)** (14:51): As I was saying just prior to being interrupted by question time, this is a very important bill before the house. I have mentioned the acts that will be amended through this bill and also mentioned some of the aims of the bill, but I would like to continue on from where I left off. To just mention some further aims of the bill, it will improve entitlements for the families of deceased workers, clarify that the funds collected from infringement notices are to be paid into the WorkCover Authority Fund and make technical and procedural amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013.

As I mentioned prior to being interrupted just before question time, when I was about 10 or 11, in the mid-1970s, many people know that I came here as a migrant with my family, and one of those skills that my father had which ended up bringing us to this wonderful nation was that he was a fitter and turner. My mum was also a labourer. We lived at that time at the Alfred Street, North Melbourne, high-rise commission flats, and just adjacent to where we lived, on Boundary Road, there was a company, Henderson's Federal Spring Works as it used to be called then—I am not sure if they are still there now. It was a very heavy industry factory with a lot of dangerous equipment, mainly presses, and Mum worked there. She tried to get home before we would come home from school and do all those things that mums love to do—take care of their children and make sure that they have food when they get home. One day Mum was not there, and we found out that she had had an accident at work. Mum is deceased now, but unfortunately at the time she lost her index finger from halfway because they would not listen to her when she told the company, or her boss, that the press was faulty. She mentioned it a few times. She was asked to continue on with the work, otherwise she could go home. She did not want to lose her job and continued on with her work, and subsequently the press came down without her pressing the foot pedal and chopped off her finger. It could have been a lot worse. We did not know any of this. All we knew was Mum was in hospital, and of course she missed out on those things that she loved to do for many months after that with the rehabilitation to get her hand mobile again so she could do the things she loved.

That resonated with me. As a 10-, 11-year-old, I was very angry and upset after I found out that her calls for help were ignored and she was asked to continue and subsequently that accident had occurred. That stayed with me for a while because it prompted me when working at Ford—at the tender age of 22, I think it was, back then—on the production line to become a shop steward. I was elected by the floor and subsequently defended the rights of workers on the shop floor. We were pragmatic: if you want to milk the cow, you have got to feed the cow, and it works both ways, for employees and employers.

We managed the best that we could. But at that time the John Cain government introduced an occupational health and safety act for the first time ever, and I had an opportunity—I was asked by my union—to be an occupational health and safety officer along with being a representative for my union, which was the vehicle builders union back then. Again, Ford was a very heavy industry with a lot of machinery, and obviously there were a lot of accidents that occurred for varying reasons. I think that it is incumbent upon employees that they do the best they can—because humans are humans and we are prone to accidents and we are prone to making mistakes—to eliminate some of those dangers that may exist so that people are not injured at work. That is why it is a fine balance obviously, but anybody who goes to work should expect to come home in a safe manner, like they have attended work, and not be either injured or killed at work. That is why it is so important we have come a long

way, and that is why I am so proud of this government, who have tremendously assisted along the way over the many years that we have been in government to make our workplaces a lot safer than what they used to be back in the 1970s and 80s, when a lot of people used to get injured and killed—and they still do unfortunately. It is something that we all have to live and contend with every time we leave home regardless of what occupation you do. Some industries are a lot more heavy and industry based, and of course there are a lot more inherent dangers in some of those industries, but there is a sense of an element of danger where you could get injured or obviously killed.

So to that end, the bill covers a range of issues relating to the health and wellbeing of working people and of course strict guidelines to assist and make sure that hopefully we can eliminate some of those deaths that unnecessarily occur in workplaces and injuries that occur in workplaces. These amendments are designed to improve outcomes for injured workers and their families while also enhancing the scheme's operations and increasing WorkSafe Victoria's ability to prevent and respond to workplace safety incidents.

If I could continue on, the bill also makes changes to the Victims of Crime Assistance Act 1996. This will remove barriers to people applying for the Victims of Crime Assistance Tribunal scheme by prohibiting alleged offenders from being notified of or attending any VOCAT hearings in matters related to family violence or sexual offences before the establishment of a new victims of crime financial assistance scheme, which is very important obviously.

The bill will also amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, the FPRC act. It will amend and extend the presumptive rights coverage under the FPRC act to Fire Rescue Victoria and Country Fire Authority vehicle and equipment maintenance employees—of course those wonderful Country Fire Authority volunteers that do so much for our broader community in times of need. It will change the method of calculating eligibility qualifying periods to count a part year of service as a full year of service, which is fantastic, and allow periods of service as a FRV, CFA or forest firefighter or as a vehicle and equipment maintenance employee to be combined.

Finally, the bill will amend the Legal Profession Uniform Law Application Act 2014, the LPULA act, to strengthen the integrity of the Victorian Legal Services Board, the VLSB. This aims to ensure lawyer members of the VLSB are not the subject of actual or potential disciplinary action at the time of their appointment and can be removed if they are subject to disciplinary action during their term of office.

As I mentioned, supporting injured workers and their families is so important in so many different ways. This bill adds to the important work our government is doing in this space and makes a range of amendments to several workplace acts. We are delivering on important aspects of the Andrews Labor government's silica action plan by improving the compensation arrangements for workers with silicosis and other like diseases. Again I want to put on record that I am very proud of this legislation. I am proud to be a member of this government, and I wish it a speedy passage.

**Mr D O'BRIEN** (Gippsland South) (15:00): I am pleased to rise to say a few words on this omnibus bill, the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and to follow up the comments of the member for Lara on the issue that everyone is entitled to come home safe from work at the end of every day. That is what our workplace safety legislation intends to achieve. I acknowledge the work of the member for Lara and what he has done in the past as a representative of workers and I guess support the principle, but we sometimes come at these matters from a different perspective.

I note that this legislation expands the circumstances in which prohibition notices can be issued, which may in some situations lead to overzealous application by WorkSafe Victoria inspectors, and that is certainly an issue that businesses raise with me from time to time. Obviously it is in the eye of the beholder, but I would hope that as WorkSafe goes about its business it does recognise the need to work with employers and employees and ensure that our workplaces are as safe as possible. As the member



for Lara said, humans are prone to accidents, and sometimes they simply do happen. Sometimes workers make mistakes. I had a case last week where an employer rang me—not actually about a workplace safety incident; his complaint was in fact about the health system and the treatment that his worker received after an accident. In this case he said his employee acknowledged that it was simply a mistake, a lapse in judgement on his part, that this accident occurred, and the employee was, sadly, injured. I do not know where that will end up in terms of WorkSafe, but I would hope that an employer who has done the right thing will not be charged for something that was beyond his capability to address.

Certainly I hope that is the way that WorkSafe operates to ensure that yes, people come home safely but also that businesses have the opportunity to ensure they can afford WorkSafe premiums, that they are not penalised unnecessarily for accidents that do happen and that WorkSafe works with employers, not against them, and works on a basis of trying to ensure that I guess there is carrot rather than stick—that there is encouragement and that there is an opportunity for all employers to rectify any safety issues that may be identified rather than simply facing fines or prohibition notices or the like from the start. We certainly advocate a more collaborative approach between inspectors and businesses to that end, so that is what I would hope to see.

This legislation, as I said, is omnibus legislation. It also makes some changes to the situation for victims of crime with a prohibition introduced that ensures that alleged offenders are not notified of or attend any hearing related to family violence or sexual offences in the Victims of Crime Assistance Tribunal. And, as the member for Lara and previous speakers have indicated, the change to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 will ensure that vehicle and equipment maintenance employees who attend fires are also covered by the presumptive rights legislation that has passed this chamber. These employees will now be provided with a rebuttable presumption that if they are suffering from a specified form of cancer it is presumed to be due to their employment.

We know this is an issue for both career firefighters and also our volunteers in the CFA. I will just take a moment to congratulate our local volunteers. We had a fairly significant fire in the Darriman area on the weekend. It started by a lightning strike, we think, on Friday night and burnt about 140 hectares in the Darriman area. Twenty-five trucks responded to that, and I thank the volunteers who came out and got that one under control. There were helicopters involved, and I am not sure but I suspect Department of Environment, Land, Water and Planning firefighters were also involved because it was at one stage racing towards the South Gippsland Highway, from which it was a jump across the road to the Mullungdung State Forest, and of course no-one wanted that fire to get in there.

I rang one of the local landholders this morning who was directly affected, and she advised that other than some fencing—probably a couple of kilometres of fencing—thankfully there was no stock or building damage or anything. So I thank the volunteers who do such a great job, and I encourage the government to continue to remember the CFA.

My concern continues about the changes that have been brought in, not only since the presumptive rights legislation but since the FRV legislation as well. I know in my area, district 10, and in district 9 there have been some significant issues with the commander vacancies. In district 10 at least just before Christmas there were still a number of vacancies that had not been filled—had not been filled for months and months and months—and it is a concern that FRV is not prioritising these important positions in the CFA. So I call on the government to act on that—I have done so before—and I also call on the government to provide better support. I am very pleased that the CFA board has finally allocated capital funding for a number of stations in my electorate that I have been fighting for, but they have done so without any support from the state government for the CFA. So that is an issue that I will continue to fight for, and I am sure that the member for Gembrook may have more to say about it, because he is very passionate also about the CFA and the work of our volunteers right across the state.

There are also some other changes in this omnibus bill to the legal profession's involvement in the Victorian Legal Services Board. There are stricter requirements introduced for the appointment of

lawyer members to the Victorian Legal Services Board, ensuring that appointees are not the subject of any actual or potential disciplinary action at the time of their appointment and further that lawyer members will be able to be removed from the Victorian Legal Services Board if they are subject to disciplinary action during their term of office. That is appropriate and I guess is tidying up a loose end. Often when we establish these organisations, boards and commissions there are minor things such as this that are overlooked, and it is important that they are cleared up and dealt with.

I do just make a comment in passing on the nature of this omnibus bill. It makes sense to have an omnibus bill on a whole range of different things, for example, that affect workplace safety. It is a bit weird for us to be debating in this chamber an omnibus bill with so many different, apparently unrelated parts. It is a little odd. This is probably a rare occasion where one of those odd parts is not something designed to be a wedge for the opposition, given that we are not opposing this legislation and all the elements of this bill are agreeable to the Liberals and Nationals. But it is a little odd that these different things have been lumped in separately on issues that are relatively unrelated.

As I said, we have always a little concern as to how workplace safety is dealt with by WorkSafe and whether that is done in a balanced way. The member for Lara talked about the need for balance, and again I agree with him. I suspect we probably come at it from different perspectives when it comes to balance, but there is a need for balance in terms of ensuring that our employers are encouraged and incentivised to ensure that they are doing the right thing and that where there are mistakes they are identified and rectified rather than simply hit with the full force of the law. And absolutely, if there are wilful or extremely dangerous situations, then yes, of course prosecutions need to occur. But we hope, as the member for Lara indicated, that WorkSafe can get the balance right.

We will continue to advocate for that collaborative approach between inspectors and business to make sure that there is an incentive and understanding for employers and employees to make safety a priority. It is important that no-one is at risk when going to and coming home from work. It is critical that we do so. So the opposition is, as I said, not opposing this legislation, and I look forward to its passage through the chamber.

**Ms SETTLE** (Buninyong) (15:10): I am very pleased to stand to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. You really cannot find a more Labor bill than this. Workplace safety and the safety of Victorian workers have been and always will be the top priority for those on this side—the government. Our workplace laws would not exist except for a Labor government. It was in 1985 that the Cain Labor government established Victoria's safety and compensation scheme, and it is one of Labor's proudest achievements. Those reforms made it safer for all Victorians to go to work. More recently we have introduced what can only be described as historic protections in the workplace manslaughter laws. I really would like to acknowledge our previous Attorney-General, the member for Altona, and the extraordinary work that she did in this space.

The workplace manslaughter laws mean something to everyone on this side of the house, but for me and the member for Wendouree they have particular resonance because they came out of the awful, awful tragedy that we saw unfold in Ballarat on a worksite when we lost two workers. The families of Jack Brownlee and Charlie Howkins will never, ever be the same. I would like to take this opportunity to thank them as well. They put in an extraordinary amount of work to try and create those laws. It was a very bittersweet time for them. Those laws were never going to bring back their loved ones, but they might prevent families from going through something like that themselves in the future. The area of workplace safety is something that we on this side of the house feel very strongly about, and I think that our actions speak loudly to that.

I would also like to acknowledge Kelly Dubberley who, on the third anniversary of that tragedy unfolding in Ballarat, walked 90 kilometres from Geelong to Ballarat to raise funds for the Ballarat and regional workers memorial. Kelly was very close to the Brownlee family, but what is so incredibly important about this monument is that it stands there for everybody to see—for everyone in the regions

to stop and think about the ramifications of neglect on worksites. Kelly raised an extraordinary amount of money, and I was really, really pleased that this government contributed to that monument as well.

Since we introduced those laws we have not stopped. We have continued to look at workplace safety and workplace safety legislation. This bill is a bit of an omnibus bill. It brings a few different elements together, but at its heart it is about the same thing—it is about our absolute commitment to protecting workers. We will continue to deliver on the Andrews Labor government's silica action plan by improving the compensation arrangements for workers with silicosis. The bill will also extend presumptive rights to compensation coverage to the vehicle and equipment maintenance employees of Fire Rescue Victoria and the Country Fire Authority. The bill also makes changes to the Victims of Crime Assistance Act 1996 to remove barriers for people applying to the Victims of Crime Assistance Tribunal. We are making sure that WorkSafe Victoria have got the tools they need to prevent serious injuries by changing the threshold for issuing prohibition notices and directions, and including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses.

I am sorry to say there was an article in the Ballarat *Courier* in February which cited the fact that young workers in Ballarat have the highest rate of workplace injuries in regional Victoria. There were a huge amount of injuries recorded, and WorkSafe Victoria as a consequence are doing a big campaign in Ballarat. I would also like to give a shout-out of course to the wonderful Ballarat Regional Trades and Labour Council. Lana Cormie, who was the wife of Charlie Howkins, who lost his life in that awful tragedy, now has gone on to work at trades hall in workplace safety. That is an extraordinary thing for Lana. I remember talking to her about it, and she felt that she wanted to use her experience to help others. So at the moment you can get workplace health and safety training at Ballarat Trades Hall, and that is a wonderful thing. I am really interested, given that we have had this report about the increase in injuries amongst young people at work in Ballarat and the high level of it, and I am really keen to encourage young workers to turn to the Ballarat trades and labour council. That is what they are there for—to advise young people in the workplace—so please do contact them if you are worried about any safety issues in your workplace.

This bill, as I mentioned, covers a few things. One of the things is around improving the compensation arrangement for workers with silicosis. I think this is an interesting one, because in May 2019 the Andrews Labor government unveiled the nation-leading and comprehensive silica action plan. It included a statewide ban on uncontrolled dry cutting of materials, a tough new compliance code, the development of Australia's first licensing scheme and a special WorkSafe team focused on silica-related hazards. That was a pretty groundbreaking piece of work. People really need to understand the consequences. I do not think anyone knew that silica was going to cause those terrible things, but when we did we actually went out there and made sure that we changed that working environment. What this bill will mean is that it will ensure that injured workers and their dependents get simpler and faster access to entitlements, and that will include medical expenses and payment for lost wages. Whilst that 2019 work was incredibly important, this follows that through and makes sure that the support is getting to those families.

Likewise, in terms of the element in relation to the CFA, the presumptive legislation was pretty groundbreaking back in, again, 2019. I am very, very proud of this government for that legislation, and I was very proud to speak on it. I come from a long family of CFA volunteers. My dad has been in the CFA for over 40 years, and whilst I have been a volunteer myself, I have to say I am not active at the moment but certainly have grown up around the CFA. I was really delighted when we had the presumptive legislation, because they deserved to be recognised in that legislation. Of course this now extends that further. Vehicle and equipment maintenance workers are an absolutely integral part of our fire services, and this will mean that those presumptive rights cover them as well. I know that in Ballan we now have a new training centre, and it is a pretty extraordinary training centre. If anyone gets the opportunity to go and visit it, it is well worth a visit. But one really gets a sense—it is a training ground for their CFA—of everyone's involvement when you are fighting a fire. Certainly those

vehicle guys, the maintenance guys, are just as much there and deserve the same protections as everyone in the CFA. So I am very pleased to see this legislation extend those compensation rights to everyone who needs them.

The Victorian Law Reform Commission conducted a review into the Victims of Crime Assistance Act 1996, and this bill will follow through on one of those recommendations.

In closing, I just want to remark that this bill makes some really important changes to Victoria's workplace laws to support Victorian workers and keep them safe. I am incredibly proud to be part of a government that has really kept absolutely top-of-the-list worker protections. We have gone a long way to develop those—as I say, everything through to the workplace manslaughter laws, but of course beginning way back under a Cain Labor government in 1985 in creating this compensation legislation in the first place—so I am very, very proud to support this bill.

**Mr BATTIN** (Gembrook) (15:20): I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. This is a bill that will have various acts amended as it goes through. Workplace safety, as we all know—it does not matter which side of the house you sit on—is something that is very, very important. Every person is entitled to go to a workplace that is safe, where they feel comfortable and where they do not have any issues, particularly with management et cetera.

This dates back to, obviously, well and truly before my time in Parliament, but one of the first things we brought into Parliament after I came in was Brodie's law. That was in 2011, and that was implementing some of the changes we needed around workplace safety measures, particularly around the bullying of someone in the workplace. That is something that people would all agree on—that no-one should be bullied in their workplace. I think it was very important that this legislation was brought in, and it was supported by all within the Parliament, around issues of bullying in the workplace.

Bullying obviously is something that everybody should be ensuring that they are taking up the issues around when a victim speaks up. People within the workplace should be listening to that victim—part of that was that a bullying allegation would even continue if others in that workplace then went on to question the victim who was making those allegations. I think that is something that we all need to be very cautious of, because now under that legislation a person who is the manager and oversees that knowingly and fails to act can be sentenced to up to 10 years jail. I suppose timing is everything. We saw an investigation announced via the media this week into our Premier, and you would hope that something like Brodie's law would be taken into consideration when there are allegations that a person in such a senior position, being the Premier, was aware of an incident that was happening. More disappointing was the failure of many members of the Victorian Labor Party to come out and support the victim rather than just blaming the victim for coming out and putting accusations forward.

I have heard many members speak on firefighters in Victoria, and we have always been proud to support all of our firefighters here in this state. We note one thing with this when they are talking about presumptive legislation, which is in this bill—we have said we are not opposing this bill going forward—which I think is important we get on the record. I note the member for Gippsland South spoke about an omnibus bill and having various parts of a bill put together to try and wedge the opposition. If you talk about the reason we did not have presumptive legislation for a long period of time for our volunteer firefighters, it was because the government opted to put two pieces of legislation together: one to disrespect volunteers and at the same time a piece of legislation to protect them. A decision had to be made by the opposition on whether it would support or not support that legislation. We could not in our right mind, going out to speak to volunteers, vote for a piece of legislation that was effectively going to tear apart the CFA here in Victoria, and we are seeing the consequences of that bill, a lot of it, now coming into play. If you go out and speak to then members of the United Firefighters Union, who were with either CFA or MFB and are now with FRV, those that campaigned so hard against some of this because they were fed so much wrong information and negative information from the union management now are the ones that are coming forward and saying there

are issues in relation to what happened with that piece of legislation and how the impact within the CFA is affecting the whole state, and we are starting to see that across the whole of Victoria.

When we talk about workplace safety, we understand on this side it is not just about employees, it is about volunteers in those services. Whilst we support the presumptive legislation, one of the things that is very important is for the management of CFA and FRV, including Emergency Management Victoria, to ensure that their people on the ground, no matter whether they are paid or not, are kept safe. Today we have seen reports where the leases for the helicopters that are used for fighting fires here in Victoria are ending and they are heading back out of the country, so if we have fires from today on, we are going to have less response available because the government failed to have those leases for the normal period of time. And fires will continue post 22 February; they will go into March.

I know, Deputy Speaker, that you represent an area where when a fire starts in some of the grasslands it moves so fast it puts people at risk. The best way to fight those fires is using the best technology and using aircraft—helicopters and planes—to ensure that we can get those fires out as quick as we can. The government have been in the media a lot talking about how they are going to protect our firefighters on the ground by using these aircraft. They spoke about the Chinook and they spoke about the night ops and ensuring that we can put fires out because we can control and put them out faster at night using the aircraft. Yet the Victorian government, the Andrews Labor government, have failed on every occasion other than the trial to have these night ops going because they continually fail to do the documentation to register with the Civil Aviation Safety Authority. It would protect our firefighters and make it safer for them on the ground if we had those aircraft up at night. The government need to come out and explain why they have not got those aircraft going.

Then to add to it this year, we had aircraft where they ordered the aircraft but they forgot to order the belly that carries the water. Effectively we have helicopters that can fly around and, if anything, hopefully use their blades to push the wind the other way to stop it coming towards a town, because this government failed when it came to ensuring we had water available to go onto the fires. That is about protecting those on the ground. That is what work safety is. It is about protecting our firefighters. It is about protecting our emergency services. It is about protecting every person throughout Victoria and ensuring safe workplaces.

We must make sure that in the future we do this better. We must make sure that volunteers are protected the same as career firefighters in every element of workplace safety. The management of the United Firefighters Union have in the past come out and spoken about trucks and had positive changes. I will say the United Firefighters Union of Victoria have seen positive changes in the way firefighters are protected here in this state. What we do have issue with is that the government have failed to protect the volunteers in the same way. We have areas where trucks on average have an age of over 20 years. I am out in the Dandenong Ranges. We have stations out in the Dandenong Ranges where trucks do not have brakes, where you have to start the truck and wait 2 to 3 minutes before you have enough air in the brakes for that vehicle to leave. Who would want to be driving a vehicle around the Dandenong Ranges that potentially has no air for the brakes to stop? I guarantee an FRV member protected by the UFU would not do that, but our volunteers will do this. Why? Because they want to protect our state. They want to protect their community. They want to make sure that if there is a fire in the Dandenong Ranges, they respond with the water that is required to put that fire out. The government must respond to this crisis out there as well. Our fire trucks, our response vehicles, the uniforms they wear—they need to make sure they have the same and adequate protections, because if they do not, it is going to put all Victorians at risk.

I will go back to where I started on this bill. Every person deserves a safe workplace—every person—and that includes people in this place. That is why we originally introduced Brodie's law in 2011. That is why the then opposition, the Victorian Labor Party, supported that legislation. It is a shame that today we see an absolute 180-degree flip on Brodie's law when it comes down to someone in their own team being accused of bullying. No person should ever go to work and be bullied. No person should ever go to work and if they go out and make a complaint, have others go out against them. We

need to make sure that the investigation system and the investigations are independent of government. I think one of the biggest issues here in Victoria is every person who is watching this or listening to this who is outside of this place, who is not under the thumb of the Victorian Labor Party, simply does not trust the investigations anymore. There is so much influence from the Victorian Labor Party within all of our public sector that they do not have faith the investigations will be independent. They do not trust they will be independent, and even if the member for Mulgrave has as Premier bullied someone in his own workplace or known about that and failed to act, Victorians do not have faith or trust that that will be investigated correctly.

**Sitting suspended 3.30 pm until 4.02 pm.**

**Mr DIMOPOULOS** (Oakleigh) (16:02): It is a pleasure to join the debate on this important bill. It is a grab bag of very important initiatives, and the ones I want to focus on in my contribution are specifically the ones that relate to worker protections and further enhancements to those protections. In relation to those, we have already commenced substantive changes to those areas in previous bills and this bill makes amendments to further strengthen those regimes.

The first of those is the amendments to improve compensation arrangements for workers with silicosis and similar occupational diseases and to deliver on aspects of the government's silica action plan. These amendments will allow injured workers with silicosis or silica-related diseases to make further common-law applications for damages if they develop a subsequent silica-related disease. It provides injured workers who receive a lung transplant as a result of their work-related injury an entitlement to a deemed minimum level of assessed impairment.

The other element of the worker protection regime that I want to spend a bit of time on today is the enhancements to the presumptive rights that we passed in this Parliament for firefighters. This bill seeks to extend the presumptive right coverage under the relevant acts to vehicle and equipment maintenance employees. We started with firefighters and now we are extending it to people who work in other elements of firefighting, including, as I said, equipment and maintenance employees. It also seeks to amend the method of calculating eligibility qualifying periods to count a part year's service as a full year and allows an employee's periods of service across different firefighting authorities and agencies to be combined when assessing years of service.

For the Labor government this is standard but critically important fare, and not just for the Labor government but for the Labor Party over its 130-year history. There are so many stories to tell about the labour movement and Labor governments around the country, both federal and state, in terms of their work and their efforts to establish legislative and non-legislative infrastructure to support workers. Dating back to the Eight-Hours Act of 1916, every year—even before then, since the commencement of the Labor Party in 1891—we have fought to ensure Australians can go to work and can return safely home, not just for those Australians but critically for their families and their communities. It started with the basic entitlement to be able to survive your day at work and the basic elements of safety at work—safety in terms of being able to come home but safety also in terms of being able to come home in one piece and healthy to live another day. We have obviously extended that commitment to worker safety to a range of other initiatives in relation to worker benefits, because prior to government intervention there was an imbalance of power, and there still is. In fact the market consistently tests us with the balance of power against capital, not because capital is inherently malicious but because capital finds the best and most efficient use of resources. So the government has to respond to counterbalance that. While that sounds standard fare across all political parties, I think the history of initiatives and achievements in this regard by the labour movement, as expressed by Labor governments, shows that one side of the political fence has a particular value set that prioritises this particular policy area—industrial relations and the protection of workers.

If we look back at our achievements here in Victoria—I mean, you can look back to the days of John Curtin and Chifley in the 1940s and earlier in Australian political history—industrial manslaughter laws were passed in July 2020. When you think about that, for me it seems incredibly peculiar and a

big omission that those laws were not passed decades before. How is it appropriate that a death at work does not lead to a criminal investigation of a criminal action? We passed those laws in July 2020. The criminalisation of wage theft is again another law, which we passed in June 2021. Why is it that it took until June 2021 for criminalisation of wage theft, which in many other contexts is a criminal offence but when it related to workers it never was? Then of course that legislation enabled workers to access and retrieve entitlements: overtime, leave, sick leave, maternity and paternity leave, minimum wages and award wages. There is an entire regime that tries to lift workers to an appropriate level of remuneration and an appropriate level of safety, and it is in that way addressing the power imbalance that millions of workers face across the country and in Victoria.

1984 seems like a long time ago, and despite my—I am told occasionally; maybe not today because I am a bit tired—youthful looks, I was in grade 6 in 1984. In 1984 the Hawke government, a Labor government, passed an act of the Australian Parliament to outlaw sex discrimination in the workplace. I mean, it is a long time ago, 1984, but if you look at the history of workers in this country, it is quite late in the piece to outlaw discrimination based on sex. But again, it was a Labor government—of course the Hawke government. I think of that time and my female teachers at school and other workers in the service and other industries who were female and what they would have faced, in fact what they still face today despite those laws, but they have come a long way because of the intervention of Labor governments.

Occupational health and safety laws were again passed by Labor governments, both federal and state. Protections against sexual, physical and other forms of harassment at work and paid super on all hours of work were made right in this chamber. The portability of long service leave for key vulnerable industries was a big, big reform. I think I spoke on that bill and mentioned my mum. Why should my mum have missed out on long service leave after working for years as a cleaner because the outfit that employed her changed hands multiple times? She worked in the same location for many of those years.

And then of course we have had the labour hire agency reforms in this Parliament as well.

**Ms McLeish:** On a point of order, Acting Speaker, the member for Oakleigh seems to be straying considerably from this bill. He has talked about the portability of long service leave—that bill was passed quite some time ago—and now he has moved onto yet another bill, so I would like to hear his contribution on this bill.

**Ms Spence:** On the point of order, Acting Speaker, this has been an incredibly wideranging debate and I have heard contributions from many people both on this side of the house and opposite, and I would ask that you rule the point of order out of order.

**The ACTING SPEAKER (Mr Blackwood):** I do not uphold the point of order. However, just be mindful that your remarks pertain to the bill.

**Mr DIMOPOULOS:** Thank you, Acting Speaker. I take your guidance. Look, I suppose just in some sort of response to the member for Eildon, I think Victorians have a right to know the context, the values set and the drumbeat behind an initiative like this, any initiative that comes to the floor of the Parliament. Otherwise it just seems like a disparate, disconnected group of bills that we may pass in any one year. My point effectively is this bill is critically important, but placing it in a historical context of worker rights and a regime that protects those rights and enhances those rights is what I was trying to demonstrate. This is really important, whether it comes to the amendments in relation to presumptive rights for firefighters—extending those to those who maintain vehicles, extending those to those who have worked as firefighters in different agencies and being able to combine that collectively into one long service—or whether it comes to other workers. That is the importance of this bill. That is our commitment to the Labor cause and to workers in Victoria. I commend the bill to the house.

**Ms McLEISH (Eildon) (16:12):** I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. Now, there is quite a bit in this omnibus bill and there are a couple of areas that I will focus specifically on, particularly workplace safety and fire services, but I also just want

to mention briefly that it does touch on victims of crime and the legal profession. I was quite interested to see that with regard to the legal profession it imposes stricter requirements for the appointment of lawyer members to the Victorian Legal Services Board, ensuring that they are not the subject of any actual or potential disciplinary action at the time of their appointment. I found it quite remarkable that they could actually have been in the first place. If that needed to be tightened up, well, that is a good thing, but I was really quite shocked to think that it was some part that needed to be tightened.

With regard to the fire services, we see that this is now extending the presumptive rights legislation. We have had a couple of bills before the house with regard to presumptive rights legislation, most recently with the forest firefighters being brought under this umbrella, and that also links to their weekly benefits. I was quite surprised to think that perhaps there was that opportunity when this bill went before Parliament—it was actually passed in November last year—to have perhaps included these amendments at that time, because I would have thought that it would have fitted a lot better, but it appears that the government did not quite have their act together. I do not know whether they were dithering about whether or not to include the vehicle and equipment maintenance employees who attend fires or not. I am not quite sure of what the background is there that has brought these workers under the fold here. So this means that now, like for other volunteer and career firefighters, for forest firefighters, if they have one of the prescribed cancers, it outlines the process for accepting those claims and the fact that they can do that. So now we are bringing these guys into the fold.

While I am at it, I just do want to commend the forest firefighters. I was speaking to some very recently who were talking to me, alarmingly, about the number of fires that they have to deal with that are related to lightning strikes, which they cannot prevent, but also unattended camp fires or not properly extinguished camp fires. For too long people have not understood that the camp fire must be cold to touch, and in an area that has a lot of forest and a lot of grass it is very concerning that this is the case. So I want to just commend the forest fire workers for their work and also, with the volunteers that were already under this scheme, the work that they have done in and around our property recently with regard to fires caused by lightning strikes. It was really quite remarkable to think that despite some areas having 60 millilitres of rain overnight and the lightning strikes being early in the morning, the fires actually began much later in the day—from midday until about 3.30—because the grass had dried off significantly in that period despite there being quite heavy rainfall.

**Ms Settle:** On a point of order, Acting Speaker, the member at the table asked us so clearly before to stick to the relevance of the bill. I feel that she is straying here and discussing a fire incident of sometime ago and would ask her to come back to the bill, as she so succinctly asked those on this side to do.

**Ms McLEISH:** On the point of order, Acting Speaker, it was not sometime ago; it was only a couple of weeks ago. However, if the member likes to refer to the legislation, it does mention this, and I am happy for her to point out which part I am breaching because I can see quite clearly that it does recommend—

**The ACTING SPEAKER (Mr Blackwood):** Thank you, member for Eildon. Member for Buninyong, I do not uphold the point of order, but per my previous advice to the member for Oakleigh, could the member for Eildon contain her remarks to the bill wherever possible. Thank you.

**Ms McLEISH:** Now I want to move to workplace safety and particularly the prohibition notices. There are a couple of things that this bill does do. It improves access to impairment compensation for some diseases—particularly it mentions silicosis—and allows a greater understanding and access to lump sum payments because at the moment if you have this disease you are unable to pursue common-law claims. What is also important here is where diseases progress, because when people have compensation or have sought a lump sum claim and their case gets worse—if they have to have a lung transplant, for example—and they have deteriorated they can be in quite a different state to what they had been. These situations can be extremely complex. We can talk about the removal of a lung. The bill talks about permanent impairment being at 30 per cent and being assessed prior to the lung being



removed and having the transplant rather than having to apply and wait after it has happened, and it makes perfect sense if you are about to undergo that operation. I would like to think that these operations are in fact urgent and there would not be an incredible wait like there are with so many other conditions at the moment. But I think this is actually a good thing, the recognition that with some of these conditions people can continue to deteriorate and their disease is what can be called progressive.

One of the other factors is that usually you need to, with the extent of permanent impairment, have your condition stabilised for 12 months before you are eligible. In some of these cases that is just not going to happen because you are going to be on, sadly, a very downward trajectory. Also this does some extra work around compensation for families, particularly families of those who have lost their lives through workplace fatalities. It puts a child with a disability on the same page as a full-time student or apprentice. They could actually have a claim until the age of 25, whereas a disability was only up to 16. It impacts on home help services as well.

I will comment on workplace fatalities. The Labor government's record here is really quite poor. When you have a look, in 2020 there were 67; in 2019, 71; in 2018, 49; and in the years prior to that—back to 2010—these numbers were in the 20s. I think this is an absolutely serious situation where the numbers have tripled. The government really needs to take a good, hard look at what they are doing and how they are doing it because the number of families that are being impacted in a horrible way is just growing and is not heading in the right direction. You have really got to wonder what is happening in that space.

An area of concern with this bill is the expansion of circumstances in which prohibition notices can be issued. We do not have a lot of detail here. Clause 54 talks about changing from 'an immediate risk' to the health or safety of a person to 'a serious risk'. So we do not have a lot of information about immediate risk compared to serious risk, and I am concerned that there could be some overzealous people out there who are pretty quick to issue these prohibition notices. That does concern me, and I know that the government often has a stick approach. Now, not all employers, especially newer ones, are briefed completely on OH&S; they are not experts, and they do need to have someone work with them to understand what their requirements are and, if they are not sure, to make a change for the positive in their workplace. When you have officers that may go into a workplace and say, 'If you don't fix that by next week, I will shut you down', it is not the right approach. Other than that, they could say if they go into that workplace, 'Look, this is a problem. Let's help you fix that. You need to correct this'. I would rather see that sort of approach where WorkSafe Victoria employees are working very closely with the employers, because a lot of the employers really want to do the right thing. Most of them do. You get occasional ones that have not done the right thing, but we really need to see that sort of approach here.

I guess it is discretionary—the bill is discretionary—and I would like to see, as certainly our lead speaker here would, greater guidance provided on how inspectors can consistently identify risks that are likely to eventuate, because it is not immediate risk that we are talking about now; as I said, it has been changed to serious risk. We need to make sure that there is consistency between inspectors and officers that are out in workplaces working with employers, looking at these things, and I would certainly hope that in the implementation of this legislation that gets dealt with accordingly.

**Ms SULEYMAN** (St Albans) (16:22): I rise today to make a contribution on the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and I echo the sentiments on this side of the house and the contributions made so far. I am proud to be part of a government that has put workplace safety and caring for workers and their families front and centre of every decision that it makes. Unfortunately and tragically we have had a number of workplace accidents across our state. Just in 2021 we saw tragically 66 fatalities, and in 2022 there have already been a further six. I know in the last few years there have been fatalities in my electorate of St Albans, and it is always quite shocking and of course horrific and tragic for loved ones, families and the local community. Every Victorian deserves to be safe at work, and every Victorian deserves to return home from work to their family, to their loved ones, to their communities.

We have already delivered key reforms in this space, whether they be through the provisional payments, the arbitration function of the Accident Compensation Conciliation Service or our nation-leading silica licensing scheme. Worker safety is everyone's responsibility. Everyone has an obligation of care, and with this bill we are getting on with the measures that make workplaces safer for workers and ensuring that injured workers and their families get the support that they need when they most need it. Our government will always do what is necessary to protect workers, their workplaces and their families, and this is what this bill aims at actually delivering.

This bill adds to our strong record on workplace safety by putting in place important aspects of the Andrews government's silica action plan. This bill will improve compensation arrangements for workers and also for diseases other than silicosis, and that is really important, recognising that other diseases are also factors that tragically can occur at work. We are ensuring that WorkSafe Victoria have all the tools that they need to prevent serious injury by changing the threshold for issuing prohibition notices and directions. We are underscoring the seriousness of workplace incidents by including a broader range of matters to be considered—and that is really critical to this bill—including, as I have already made reference to, infectious diseases and illnesses as well as near misses. And they do happen in workplaces; we have all heard of incidents of near misses, and that is why it is so important to encapsulate that as well.

We are also recognising what a difficult time it is for the families of loved ones who have been tragically killed or taken away at work by improving compensation entitlements. Before I move to these amendments, I recall as a kid growing up in St Albans there was a lovely Greek family who lived around the corner from me—this is probably when I was 10 and playing with the kids—and being told that their father did not return from work. It touched me back then and I thought, 'Why didn't their father return home from work?'. I did not quite understand how someone could not return from work. I believe at the time he worked for a local council—the father who was deceased, unfortunately. As a 10-year-old, and seeing those kids growing up without a father, it was really something that resonated in my journey growing up, to see the effects on that family of not having their father return from work at such a young age—a young family—the absolute effects it had on the loved ones, the children growing up, the mother that was left behind, the wife that was left behind to care for a young family. It was just heartbreaking at the time.

That is why when a bill like this where these amendments will improve outcomes and in particular outcomes for injured workers and their families—making sure that they are in a space where they can still have the support services, making sure that they can still pay their essential bills—and at least have those support services around families is absolutely critical in enhancing the scheme's operation, increasing WorkSafe's ability to prevent and most importantly respond to workplace safety incidents. We know how important response is, and having these amendments, where responding to workplace safety incidents is a priority, I think is really important. As I said, I know that these measures will make a real difference to making sure that no worker is injured; that if workers are injured, they are covered; and while we do not want to see any worker lose their life at work, if that—tragically—is to happen, that their loved ones and family are supported. That is so essential—to make sure that these protections are in place.

We have heard many contributions in relation to silica and the arrangements for disease compensation. It was just in May 2019 that the Andrews government unveiled our nation-leading and comprehensive silica action plan, a first for this country. Silica-related illnesses have a debilitating and quite adverse impact for far too many workers. I know out in the west far too many families and workers who experience this, in particular in the stonemason industry. In particular out in Sunshine, for instance, I have heard of many cases of people who are working with engineered stone, commonly used for benchtops, and other materials of course. They are at a higher risk of exposure, which can lead to deadly lung and respiratory diseases. I just want to also include that tragically since the beginning of last year four workers have died from silica-related illnesses and WorkSafe has accepted around

60 claims for silica-related diseases. So it just shows that this has been really overarching and impacting communities across Victoria.

Again, this bill is about strengthening our occupational health and safety laws to provide more support to workers, their families, their local communities and also businesses. Having those protections gives reassurance to everybody. When we look at the statement from WorkSafe's headline 'No-one immune from workplace tragedy' and the incredible efforts of WorkSafe in preventing injury and fatality in Victorian workplaces, well, that really says so much. WorkSafe has been tremendous, and this bill really does provide those measures to improve the lives of so many Victorian workers, their families and their loved ones, and in particular in my electorate of St Albans. It is important. Communities rely on us to make sure that these workplace safety and compensation frameworks are in place, and it is necessary to improve compensation outcomes for Victorian workers and their families and to support families during immensely difficult circumstances, whether it is an effect on health, whether it is injury or whether someone has unfortunately and horrifically lost their loved one, and we have seen that with the example of silica and other related diseases. It is terrible, but by making these amendments and these changes and importantly these reforms, the Andrews Labor government can deliver, and I am proud to be part of the government.

**Mr MORRIS** (Mornington) (16:32): It is a pleasure to join this debate. I think the member for Oakleigh referred to this bill as a grab bag; I probably would not be quite that kind. But you would have to say the workplace safety issues certainly do dominate it through the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019—parliamentary counsel really let themselves go on that one, didn't they?—the Legal Profession Uniform Law Application Act 2014, the Occupational Health and Safety Act 2004, the Workplace Injury Rehabilitation and Compensation Act 2013 and the Victims of Crime Assistance Act 1996. I guess the two that really do not fit into that overarching theme of workplace safety are the Legal Profession Uniform Law Application Act changes and the Victims of Crime Assistance Act changes. I certainly have no problems with the changes that are proposed for both of those acts of Parliament, but I do question what the hell they are doing in this bill. It is in that sense, as the member for Oakleigh said, a grab bag. Six acts basically cover the same area; the other two are just tacked on.

It seems to me that the only reason they are in fact there is that the minister happens to be in the same department. There seems to be no other logical connection at all. I just make the observation that that really is a bad precedent, because clearly the minister who has management of this bill is across the workplace safety aspects, across those aspects of the portfolio, but—and this is not a criticism at all—it is just not practical for that minister to be across the detail of other portfolios to the extent required. I make the point that in the briefing that was provided to the member for Ferntree Gully and a number of us I asked a question about a particular piece of legislation and the people doing the briefing could not give that answer. I mean, they went off and found the answer and got the information for us, and I appreciate the briefing and I am not critical of the fact they could not provide the information, but the point I am making is that that inability to provide information arises from the fact that these two changes have been lumped in with a package of changes to workplace safety laws, and they in my view should not have been. But that is probably enough on that.

The changes proposed by part 2 to the Accident Compensation Act improve compensation arrangements for workers with—I love the language—'certain work-related injuries that are progressive in nature'. I think the member for St Albans talked about the impact of silicosis. This is a terrible scourge, and it is absolutely essential that we keep all legislation, but particularly workplace safety legislation, up to date because the dangers change all the time. The manner in which the condition, if unfortunately it is contracted, needs to be dealt with and the way in which compensation measures apply need to keep evolving, and what is proposed here in terms of those changes is entirely appropriate. Also the changes with regard to allowances for attendance at funerals, but that is a relatively minor part of part 2.

A number of speakers in this debate have rightly made the point that workplace safety is not negotiable, that it is a right that everyone should enjoy. To me it is not just about safer workplaces in the physical sense. In the context of these conversations we talk a lot about physical safety. We have had the conversation about particularly disabilities arising from incidents or at worst deaths, but there are lots of other ways you can be injured in the workplace. We need to protect mental health for workers. We need to make sure that workplaces are free from bullying. To me, regardless of what you are doing—it does not matter, frankly, whether you are working on the Metro Tunnel, whether you are a chippy on a block out at Clyde or whether you are working in this place—you deserve to be protected and not just physically. You need to be protected in terms of mental health and you need to be protected from bullying. We have heard lots of talk from many people on the government side not just in the context of this debate but in innumerable debates over my 15-plus years in this place where it is the high moral ground all the time. But unfortunately walking the talk does not always happen. I will not go to the obvious incidents that are current, but I think we need to be aware of the hypocrisy that unfortunately is shown so often.

There is I think a concern with regard to the changes to prohibition notices. I know there are two views on that one. The expansion of circumstances in which prohibition notices can be issued has the potential to lead to a situation where inspectors are simply issuing penalties rather than seeking to get the problem solved, and in the context of workplace safety getting the problem solved, to me, is paramount. It is not about additional income; it is about getting the problem solved, and I am not sure the legislation does that appropriately. You need to encourage collaboration. We talk about the need for collaboration between employers and employees. You need collaboration between the inspectors and the operators of the business as well. Simply whacking a fine on people does not solve the problem, and that is a concern.

Parts 3 and 4, the amendments to the Dangerous Goods Act and the Equipment (Public Safety) Act, essentially both clarify that the funds that are collected from infringements are paid into the WorkCover Authority Fund. So it is hypothecation. I know the Leader of the Nationals—and I heard the member for Ripon—talked about this. I probably have a slightly different view to some of my colleagues. Hypothecation has its place.

A couple of years ago, I think it was, I was very keen to see the amounts collected from boating licences hypothecated to the Better Boating Fund. That was the commitment that the government of the day—the current government—had made, but when we came to the legislation the hypothecation was not there. It was simply, ‘Trust me, I’m the Treasurer. Whatever comes into that fund I will allocate, but it’s still going into general revenue’. Yet in this case I think it is very different because we are talking about infringements. We are talking about penalties issued at the discretion of inspectors, not licences that are paid by users of a service or users of a particular public facility, as with the Better Boating Fund. So there is a real danger with this particular brand of hypothecation, where the penalties go back into a fund controlled by the employer. In many ways it is simply direct taxation, so I do have some concerns about hypothecation in this case. There is a real potential for some overzealous enforcement.

There are a range of other measures in this bill. As I mentioned, the two that do not slot into the workplace safety area are the Legal Profession Uniform Law Application Act—I do not profess to know a great deal about it, but on the surface it appears to be a useful change—and I certainly do want to acknowledge and support the changes to the Victims of Crime Assistance Act. It is a bill that is not exactly perfect but one that probably does more good than harm, so I am not opposed.

**Mr TAK** (Clarinda) (16:42): I am proud to rise today to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. This government has a proven track record of protecting Victorian workers. In my short time here we have seen the passage of some historic legislation. Workplace manslaughter legislation is one. We went to the election with a promise to make workplace manslaughter a criminal offence, and that is exactly what we did, because there is nothing more important than every worker coming home safe every day.

We have demonstrated this commitment over and over again: wage theft laws, labour hire licensing, a secure work pilot scheme and a host of amendments to justice and workplace legislation. I could go on, because there has been a multitude of significant changes—nation-leading changes, in fact—that better protect working Victorians. I am extremely proud to be part of a government that is truly dedicated to occupational health and safety and decent work for all Victorians.

I am also proud to be able to make a contribution to this debate on this bill, the Workplace Safety Legislation and Other Matters Amendment Bill 2021, an important amendment designed to improve outcomes for injured workers and for families, enhance the scheme's operations and increase WorkSafe Victoria's ability to prevent and respond to workplace safety incidents. So it is another bill to be added to that long list.

One important change to come out of this amendment will be the improvement of the compensation arrangements for workers with silicosis and similar occupational diseases, delivering on aspects of the government's silica action plan. As mentioned by previous speakers from both sides of the house, silicosis has been and continues to be a serious issue in my electorate of Clarinda. Evidence from the department and from the Victorian Trades Hall Council demonstrates that many stonemasons come from the community, such as the Vietnamese, the Chinese and the Cambodian communities. Anecdotal evidence also suggests that stonemasons that come from these communities are not coming forward or have not come forward for testing. We have done some good work to drive awareness in our community about the dangers of the crystalline silica emanating from engineered stone and to try to encourage people to access the free screening program and seek advice on workers compensation entitlements, including a potential class action.

I also had the privilege of supporting the Justice Legislation Miscellaneous Amendments Bill 2019 to make it easier for workers to bring class actions in cases of silicosis and wage theft. But there is more to be done, and I am looking forward to continuing this work and continuing to support the government's silica action plan.

In terms of the specific improvements to compensation arrangements for workers with silicosis, the bill makes amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013. These amendments will allow injured workers with silica-related diseases to make further common-law applications for damages if they develop subsequent silica-related diseases. These changes also improve access to impairment benefit compensation, including lump sum payments for workers with silicosis and similar occupational diseases.

To provide some context, workers suffering from silicosis are currently not able to pursue common-law claims where they have developed further silica-related diseases after an initial award, as many other speakers before me from both sides already mentioned. The current claims process also poses difficulties for workers with progressive diseases such as silicosis in accessing impairment benefit compensation due to the nature of their disease not demonstrating stabilisation and being subject to rapid deterioration. This is a fair and sensible amendment that allows full compensation to be delivered.

As we have heard, there is scope for further impairment benefits to be made available where a worker has previously received a benefit and their condition deteriorates further down the track. There are also further amendments to the impairment benefit assessment process, which is particularly beneficial for workers that have received a lung transplant. Importantly, the bill will also allow for the provision of family counselling services to the families of workers with these eligible conditions.

To all workers and their families experiencing silicosis, I send my sincerest and best wishes, and for anyone in the electorate of Clarinda, if there is anything that we can do to assist, please reach out. For anyone out there that is unsure about or still considering coming forward for testing, it could save your life. Early and accurate identification of silicosis allows for early intervention, which can significantly improve health outcomes. An assessment can also provide a baseline for further assessments when conducted before a person starts working in a crystalline silica process or before a new process is

implemented. Impressively, more than 85 per cent of Victoria's estimated 1400 past and present stonemasons have now registered for WorkSafe's free silica health assessment program, which is very positive. There are still free assessments available for eligible workers, so please get in touch with WorkSafe. Even if we are not talking about a person who has worked as a stonemason, if you have been exposed to crystalline silica at work, then it is most likely that your employer is obligated to pay for and arrange for you to have a health check, so please speak to your employer or speak to WorkSafe in that sense.

There are also a host of other amendments in this bill, which I would like to touch on a little bit here. The bill will amend the threshold for issuing prohibition notices and directions to better capture serious risk activities; provide for a broader range of matters to be notifiable incidents; improve entitlements for families of deceased workers; clarify that funds collected from infringement notices are to be paid into the WorkCover Authority Fund; and make technical and procedural amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013.

There are also other changes in terms of the Victims of Crime Assistance Act 1996 to remove barriers to people applying to the Victims of Crime Assistance Tribunal scheme by prohibiting alleged offenders from being notified of or attending any hearings in matters related to family violence or sexual offences before the establishment of a new victims of crime financial assistance scheme. These are also fair and sensible changes which will help to improve access to justice. There are also some minor but important amendments to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 regarding the extension of presumptive rights coverage and calculations of years of service.

These are comprehensive amendments which have broad support from stakeholders, and I am so happy to support these amendments that are designed to improve the outcomes for injured workers and their families and better support victims of crime as well as firefighters and legal practitioners. With that I commend the bill to the house.

**Mr ROWSWELL** (Sandringham) (16:51): I also rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. There is so much to say, so little time to say it, but we will do our best to get through. I thought we would reach the punchline first up. As my good colleague and friend the member for Ferntree Gully mentioned in his very well stated contribution as our Shadow Minister for Industrial Relations and Workplace Safety and lead speaker on this bill, the opposition will not be opposing this bill, and I think it is important to set that context at the start of this contribution.

As other speakers have mentioned, this bill is an omnibus bill that seeks to amend a number of acts in relation to the following key areas: firstly, workplace safety and improving compensation outcomes for injured workers and their families, especially for progressive illnesses such as silicosis, and I will come to that a little bit later in my contribution; enhancing WorkSafe Victoria operations to better prevent and respond to workplace safety incidents, including by amending the threshold for issuing prohibition notices and extending the range of matters deemed notifiable incidents, and I will also come back to that point; in relation to victims of crime, prohibiting alleged offenders from being notified of or attending any hearing related to family violence or sexual offences in the Victims of Crime Assistance Tribunal; in relation to fire services, extending presumptive rights afforded to firefighters under the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to vehicle and equipment maintenance employees who attend fires—these employees would now be provided a rebuttable presumption that if they are suffering from a specified form of cancer it is presumed to be due to their employment, and this will consequently enhance their compensation entitlements under the Workplace Injury Rehabilitation and Compensation Act 2013; and in relation to the legal profession, imposing stricter requirements for the appointment of lawyer members to the Victorian Legal Services Board, ensuring that appointees are not the subject of any actual or potential disciplinary action at the time of their appointment. Further,

lawyer members will be able to be removed from the VLSB if they are subjected to disciplinary action during their term of office.

The opposition has consulted broadly on this piece of government legislation, as you would expect it would. In relation to the workplace safety elements of this omnibus bill, we have sought input from such groups and associations as the Australian Industry Group, the Civil Contractors Federation Victoria, Engineers Australia, the Housing Industry Association, the Institute of Public Works, the Master Grocers Association, Master Plumbers and the Property Council of Australia. In relation to the fire services elements of this omnibus bill, we have sought input from Volunteer Fire Brigades Victoria and other stakeholders too.

It would be fair to say that we do have some concerns, although we have a not-opposed position for this bill, and some of these concerns are the following: the expansion of circumstances in relation to workplace safety prohibition notices. The expansion of circumstances in which prohibition notices can be issued may in some situations lead to overzealous applications. Without adequate guidance WorkSafe inspectors may impose prohibition notices and fines without first giving business owners the opportunity to rectify errors. In my own summary, it is my view that it is more important to fix than to fine. I hope you like that, Acting Speaker Blackwood. I thought of that all by myself: it is more important to fix than to fine. I think that is very important, because the key to workplace safety in my view—and I say this coming from defence industry, having worked for a global organisation prior to being elected to this place—is that workplace safety is all about workplace culture, and what we should be doing is not necessarily using a stick all the time but using more of a carrot for people in positions of responsibility to do the right thing by their employees.

Additionally, we have further concerns in relation to these prohibition notices. It is important to distinguish between early mitigation of a problem and unnecessarily scrutinising an issue that is unlikely to ever eventuate. Although the distinction is largely discretionary, greater guidance could be provided in this bill on how inspectors can consistently identify risks that are likely to eventuate.

And finally, the coalition advocates for a more collaborative approach between inspectors and businesses. Rather than immediately imposing prohibition notices and penalties, inspectors, we believe, should work with business owners to discuss potential issues and give business owners the opportunity to rectify notifiable incidents before a prohibition notice is issued. This approach favours assistance rather than admonition. By involving business owners in the process inspectors can foster working relationships that may reduce hostility and improve business owners' skills in identifying and mitigating risks early. Once again to my earlier point, in my view it is more important to fix than to fine, and that is perhaps something that the government could consider in future iterations of amendments to this piece of legislation.

There are some 5000 businesses in my electorate of Sandringham, wonderful businesses that do so much for our community, contribute so much to our community, not only in the products and the services that they provide but also in the employment that they provide locals as well. I am very proud of these businesses. I do my best to visit them as regularly as I can and to support them—certainly to support them in a special way and in a more focused way over the last couple of years. To think that workplace incidents are far removed from what some members in this place might term the leafy bayside suburbs of the Sandringham district is far from reality. Only last year there was a WorkSafe investigation into a fatal fall in the Sandringham district. I have the notice in front of me here:

The 67-year-old suffered a fatal head injury after falling through a stairwell void while working alone on the site.

The death brings the workplace fatality toll to 39 for 2021.

That was reported on 21 September last year. So to say that these matters are far removed from my electoral district is simply not true. In my research to make this contribution today I did pull up an article from the *Colac Herald*, no less, member for Polwarth—

**Mr Riordan:** A fine regional newspaper.

**Mr ROWSWELL:** A very fine regional newspaper—I will take up that interjection. It identified a call to seek help over silicosis. The *Colac Herald* article reports:

Stonemasons, quarry, construction and manufacturing workers are at a high risk of developing lung disease or silicosis after being exposed to silica dust or other kinds of dust found in building materials.

That article was from 2019 but it has taken some years to introduce this omnibus bill into the Parliament, and I think it is a valid question to ask why it has taken that time when as far back as 2019 in the member for Polwarth's district, and I am sure before that, this has been a matter of concern for the community.

I just think, in closing, credit must be given to employers for doing the right thing. I once again recall working for a global company before my time here in the Parliament, before being elected to this Parliament, working in defence industry, and I was very proud to be part of a team who actively promoted within our company of some 1500 employees, around 40 per cent of which were engineers and technicians, a target-zero policy on workplace safety. It is true to say that workplaces over a period of time have had various focuses, and rightly so, responding to the time. But in certainly the defence industry, where I formerly worked before entering this place, workplace safety was a key matter of focus for us, and rightly so. Every employee deserves to feel safe at work. They deserve to come home to their families in one piece so that they can not only continue contributing to their company and to their community but be safe for their families.

**Mr FREGON** (Mount Waverley) (17:01): Acting Speaker Blackwood, what a pleasure it is to see you in the chair this afternoon. I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and I am also very pleased to see that the opposition will be supporting this bill. In that sense of congeniality I just want to take up something that the member for Sandringham said—and I agree—that sometimes you may think these incidents do not happen in the leafy green suburbs that we may share, but they do. As I have said before, some of my experience previous to being a member in this house was a lot to do with the safety of racking. I worked on a lot of software in that area, and you get to see, as you are working on programming that sort of software, the types of incidents that happen and where they happen. It is fair to say that incidents, whether they be in storerooms or retail shops, happen far too often—because once is far too often. But they happen everywhere, and that is why we have a culture, as others have said on both sides of the house, of not accepting as tolerable any workplace safety incident. It is fantastic to see, as I started by saying, that we are on the same page on this and that we are supporting it. I think the member for Brunswick might be coming up next and I do not want to pre-empt what he may say, but I would like to think that we all in this house share a desire to see everybody who leaves home in the morning come home in the afternoon.

The benefits of providing a healthy and safe workplace extend beyond legal compliance and reducing workplace injury; they extend to our families and to, as I mentioned before, the general tenet of what we accept. We know how important it is to support injured Victorian workers and their families when these incidents happen, and whether it is through our provisional payments reforms or establishing an arbitration function of the Accident Compensation Conciliation Service or our nation-leading silica licensing scheme, we are delivering to ensure Victorian workers are protected.

This bill adds to existing policy, making a range of amendments to several of the workplace safety acts, and others have mentioned the range of those acts. We have the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994 and the Workplace Injury Rehabilitation and Compensation Act 2013. I probably would not refer to it as a grab bag, as my colleague from Oakleigh did, but this is certainly an omnibus bill that covers a lot of areas, and I thank the Minister for Workplace Safety and also the Minister for Emergency Services and Attorney-General and the Minister for Victim Support for their work.

We are making sure that WorkSafe Victoria have all the tools they need to prevent serious injuries by changing the threshold for issuing a prohibition notice and directions. We are underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents,



including infectious diseases and illnesses as well as near misses. We are recognising how difficult a time it is for the families of loved ones who have been killed at work, by improving compensation entitlements. These amendments are designed to improve outcomes for injured workers and their families, enhance scheme operations and increase WorkSafe's ability to prevent and respond to workplace safety incidents.

The bill also makes changes to the Victims of Crimes Assistance Act 1996 to remove barriers for people applying to the Victims of Crime Assistance Tribunal, and the bill will also amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to extend presumptive rights coverage to Fire Rescue Victoria and Country Fire Authority vehicle and equipment maintenance employees. Finally, the bill will amend the Legal Profession Uniform Law Application Act 2014 to strengthen the integrity of the Victorian Legal Services Board.

Victoria was one of the first states to adopt a health and safety act after the creation of the Occupational Health and Safety Act 1985. Last year we introduced a number of commonsense changes to make the legislation stronger and make it effective for keeping all workers safe on the job. The Andrews government introduced the Occupational Health and Safety and Other Legislation Amendment Bill in 2021 to further strengthen our laws and make Victorians' workplaces safer, because, again, we all agree that every worker who leaves home in the morning deserves the right to get home to their family in the evening. A key change in that bill ensured that labour hire workers have all the same rights and safety protections as other workers in the Occupational Health and Safety Act 2004, which I have mentioned. Those changes mean that employers will no longer be able to dodge penalties.

This has been important work. Every life lost at a Victorian workplace is one too many, and we have worked hard to make our workplaces safer. We will not stop. We will continue to make our workplaces safer and to hold employers who should know better accountable—and they are a minority. Most employers—and I agree with members of the house on both sides—do the right thing and look after their employees, but there are some who do not. Employers who negligently cause a workplace death and are found guilty of industrial manslaughter now face up to \$16.5 million fines, and individuals can face up to 20 years jail—a landmark reform brought in by this government to state categorically that, again, every worker deserves the right to come home.

This bill will also improve access for and deliver better support to families of deceased workers, with weekly pension payments for children with a disability to be extended from the age of 16 to the age of 25. Currently under workers compensation legislation a child with a disability is not eligible to receive the child pension after the age of 16, and this is contrary to full-time students or apprentices, who are eligible for the pension until they are 25. We are fixing this by making amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for improved compensation entitlements for families of deceased workers. Importantly this will be partially retrospective and allow for eligible dependents who are between the ages of 16 and 25 at commencement to receive back payments for the period that they would have been entitled to. I think in general we should be careful when we make laws that are retrospective, but in this case it is warranted. The bill will also continue household help service payments already being received by a worker with an accepted claim, where they die as a result of their work-related injury, for six months after death.

This bill also makes changes to the Victims of Crime Assistance Act 1996 to remove barriers for victims, survivors of family violence and sexual assault applying for financial assistance at the Victims of Crime Assistance Tribunal. Currently VOCAT can notify alleged offenders and allow them to appear at hearings where they have a legitimate interest or substantial interest in a victim's application for assistance. In 2018 the Victorian Law Reform Commission reported on its review into the VOCA act, and our government has committed to significantly progressing the recommendations of this report. The review recommended that the alleged perpetrators of an offence should not be notified of a victim hearing and should not be able to attend that hearing. Removing perpetrator notifications in this bill reflects a trauma-informed approach that prioritises victim safety, wellbeing and recovery. As

other members have said, the idea that someone seeking assistance would therefore have to relive their trauma is something I think we would all agree should not be there. It is one of the many changes in this bill, and I commend the bill to the house.

**Dr READ** (Brunswick) (17:11): Thank you, Acting Speaker Blackwood, and it is nice to see you there in the chair. I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021, an omnibus bill that implements a number of changes, most of which are welcome, and two of which I will address today. Firstly, the bill, as we have just heard, improves compensation arrangements for workers with silicosis, including allowing greater flexibility for common law applications and improving impairment benefit compensation, and these are both welcome changes. As we have also heard many times today, silicosis is an occupational lung disease caused by breathing in silica dust. The most important source of this in recent years in Australia has been from cutting kitchen benchtops made of products like Caesarstone. Unfortunately there has been a resurgence in cases of silicosis due to people inhaling the dust from that work. The member for Altona, I think, progressed a silicosis action plan, which has led to an end to that being done in dry circumstances, so that now the stone can only be cut under water, which reduces the dust.

Nevertheless there is an argument that has been put forward by epidemiologists that in fact Caesarstone benchtops should be banned because it is so difficult to regulate dust completely out of the industry. Silicosis is so damaging. The important point for people who are unfamiliar with the condition is that it leads to an emphysema-like loss of lung tissue, where the lungs are replaced by scar tissue and the small air-containing spaces in the lungs effectively expand, leading to lungs that work less and less effectively, which in turn leads to breathlessness. This is breathlessness that you might experience temporarily if you run up the stairs, but people with advanced silicosis or emphysema will have it permanently. Imagine feeling forever as if you have just run up the stairs. There is a corresponding loss of exercise capability. People with advanced silicosis, for example, are too breathless to make the bed or too breathless to walk to the toilet, and of course in some rare cases individuals can die or require lung transplants. So by far the best approach is prevention, and I commend the government for their silicosis action plan, but I think we need to watch this space very carefully and see if in fact we may need ultimately to ban the product. It will just depend on how well the action plan is implemented. I also want to acknowledge the work of my New South Wales Greens colleagues, who have been relentless in pursuing the issue of silicosis through an important parliamentary inquiry in New South Wales, an inquiry into silicosis in the manufactured stone industry.

I would like to turn briefly to the issue of presumptive legislation for firefighters and for mechanics working with firefighting vehicles. Presumptive legislation in this context is something that has been through this house a couple of times in the life of this Parliament, first to guarantee compensation for urban firefighters who develop certain specified cancers which are known to be more common among those firefighters and then a second time to guarantee compensation for cancers for forest firefighters. The Greens also have a proud history of pushing for presumptive legislation for firefighters. It was Adam Bandt's bill in the federal Parliament that introduced presumptive legislation in the federal sphere, and here in Victoria Greens MP Colleen Hartland led the debate in the other place. The term 'presumptive' refers to the fact that compensation is guaranteed because the cancers are presumed to be due to occupational exposure, because it is known that those cancers are more common amongst firefighters because of the work they do, because of the smoke that they inhale, whereas that may be difficult to prove in an individual case. So they acknowledge the specific and unavoidable risks that firefighters face when they enter burning buildings and they are exposed to thousands of carcinogenic toxins.

This bill seeks to incorporate into the firefighters presumptive scheme other workers in the fire services, and we absolutely support these workers also having access to a presumptive scheme. Indeed vehicle workers, it is possible—I have not had time to check—may well experience increased incidence of other cancers, particularly if they are exposed to benzene. However, we are concerned about the potential for the existing firefighters scheme to be undermined by incorporating other workers who do not have precisely the same risks and for whom the evidence of cancers may be

different, and we urge the government to consider alternative means to enable vehicle and equipment maintenance workers to access an appropriate presumptive scheme for their work and to preserve the integrity of the existing scheme for firefighters. Hopefully this issue will be resolved in the other place.

Nevertheless, we support schemes of this nature, and it should be said right now that people who develop cancers should have all of their health care and all of their other care that flows from developing a cancer funded or at least within their means. There is an argument for a broader no-fault compensation scheme for a lot of these conditions. For those reasons we will be supporting the bill while noting the concerns we have about that particular issue. Nevertheless, just returning to silicosis, I think that the changes introduced as a result of this bill are very welcome, so the Greens will support this bill in this house.

**Ms CONNOLLY (Tarneit) (17:18):** I too rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. It is quite interesting following the member for Brunswick, because I think he gave a really good description of what it is like for someone who is living with silicosis and what a terrible, terrible disease it in fact is. It will affect every part of your life and your quality of life and the type of end that you will be facing when it comes to it and you die of that disease. The member for Brunswick has really highlighted why this legislation is so important, because everyone deserves to be safe at work and to go home to their loved ones, whether it is that night, the next day or in years to come. Even if they have left that industry, they still deserve to have quality of life, be with their family and live the life that they want to.

Sitting here this afternoon I listened to the contribution from the member for Sandringham. I really like the member for Sandringham, but quite often when he speaks in this house he talks about there not being a need to encourage or push industry to make vital changes. He talked about using a carrot rather than a stick and the need to encourage workplace change and change workplace culture. I do not think that workplace culture plays an integral part in keeping your workplace safe. Some employers do the right thing, and some—we know there are quite a few—do not do the right thing and incidents happen at work. People lose their lives; they lose limbs. They lose the ability to have any kind of livelihood, to go back and work. As the member for Brunswick has just pointed out, some of these people have their quality of life absolutely ruined. Exposure to silica dust is just one example that we are talking about in this bill.

I often have to question whether the member for Sandringham has ever gone down to a building site. Just go onto a building site. I was on a building site on Saturday morning checking out the level crossing removal in Hoppers Crossing at the Old Geelong Road level crossing. The amount of work—the cranes, the construction—happening on that site is extraordinary. Workplace safety laws and legislation are in place to protect the workers who are there at the coalface on these sites building the infrastructure that people in my community will use to go ahead and improve their quality of life, never actually thinking about what it was like to work on those sites. Workplace safety legislation helps protect those workers at the coalface constructing this type of infrastructure as part of our big infrastructure build right across Victoria.

I know that my husband's father had an incident happen to him in the workplace. He was a diesel mechanic by trade, and he was making some good money here in Australia after arriving from Ireland. He actually had a crane at work run into him, and it broke his back. He never worked in that particular industry, in his trade, ever again. I remember my husband Scott saying his mother had to go and pluck chickens, pluck the feathers out of chooks at the local abattoir, to make up for the loss of income because of his father never being able to work again. In fact Jim never really did work again. He went on and he retrained later in life after back operations to go ahead and do financial counselling, I think it was, with St Vincent de Paul—a complete transition from being that diesel mechanic. He had studied and gotten that trade in Ireland and come to Australia with it for a better life.

Workplace safety legislation matters. Whether you are working as a diesel mechanic on site or whether your workplace is the cabin of a truck, people deserve to be safe at work. We have seen with the course

of omicron over the past couple of months that workplace safety and protection against the omicron variant has been a major topic of discussion among Victorians, if not the whole country. We have seen supply chains in crisis, which showed us just how important our essential workers are. They cannot work from home, and if they must work on site through a pandemic like this, they deserve to work under the safest conditions that can be managed.

I am really pleased to say that the Andrews Labor government, our government, has made huge progress in the space of workplace safety and advancing workers' rights and entitlements. In 2019 we went ahead and we made workplace manslaughter a criminal offence and made employers liable for fatalities caused due to negligent safety practices. In 2020 we made good on a solid election promise to make wage theft a criminal offence. These are key achievements of our government which I most certainly, and I am sure like many people on this side of the house, feel really proud to have played a role in, because as abstract as the concept of workplace safety can feel at times—particularly if you are someone who is used to working in the ivory towers as an office worker it can often feel abstract—it is in fact a reality for many Victorians in some of our most labour-intensive industries. What this bill does is build upon our workplace safety laws to deliver for working Victorians and their families.

Now, one of the key parts of the bill deals with improving access to compensation for workers who have contracted silicosis. It is really important that governments provide assistance for those who suffer from these lifelong diseases, because if the government at the end of the day will not, then it is probably likely that no-one will. I cannot help but cast my mind back to one of our former prime ministers, Tony Abbott, when he was health minister, when he refused to meet with asbestos campaigners. I am sure people remember that. He refused to meet with asbestos campaigners trying to get life-saving drugs admitted to the PBS. And I am sure we all remember that campaigner, Bernie Banton, who fought James Hardie tooth and nail for compensation for asbestos victims. He lived just long enough to see the Howard government defeated.

I know when it comes to asbestos in Victoria our government has been determined to reduce the safety risk to all Victorians. We have removed and upgraded old school buildings and we have replaced portables built with asbestos, not to mention clamping down on building standards, just as we are doing right now with combustible cladding. Under current legislation workers who contract silicosis and pursue common-law claims against their employers cannot make any further claims if they discover they have developed even worse silica-related diseases or complications. What we know is that silicosis is a progressive disease, and that means it may and is highly likely to get worse over time, so the full impacts on a person's life are not always 100 per cent determinable at the point of diagnosis. So people with silicosis might settle well before they discover the full extent of their condition and the help and the assistance, importantly the financial assistance, that they will need to live out their life.

According to the Cancer Council, about 10 years ago over half a million Australians were exposed to silica dust. I mean, that is quite a confronting number. And at about the same time it was estimated that 43 000 people worldwide died from silicosis per year, which was a lot considering this rate was about 50 000 in 1990. It is pretty obvious that we know more about silicosis now than we did 30 years ago, which is why we are identifying more and more people at risk, which means we have to do something, particularly when the full extent of silicosis and the effects it is going to have on these people who have contracted it are not known there at the point where they are able to receive compensation.

This is a really important bill. It builds upon the workplace safety legislative reform and record that this government has been absolutely committed to delivering over the almost eight years now that we have been in government. I have no doubt that if we are re-elected at the end of this year workplace safety legislative reform will remain at the heart of this government and the Victorian Labor Party.

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:28): It is my pleasure to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. As many of our previous speakers on this side have said, absolutely every worker deserves to be safe at work and deserves to come home

safely. Unfortunately that does not always happen, and that is why we are making these amendments to the workplace safety legislation here today. But there is a part of the amendments that are in the memorandum that has been distributed that goes to the details of one of my portfolios, and that is under victim support.

As the Minister for Victim Support, I am proud to be speaking here today on a bill which includes amendments to the Victims of Crime Assistance Act 1996. It is about removing barriers for victim-survivors of family violence and sexual assault applying for financial assistance through the Victims of Crime Assistance Tribunal, commonly known as VOCAT. VOCAT provides assistance to victims in the form of financial assistance for support that they may need in their recovery from the crime and the violence that they have experienced, and that is to victims of violent crime under the Victims of Crime Assistance Act, the VOCAT act. Currently VOCAT may notify alleged offenders and allow them to appear at hearings where they have a legitimate interest or substantial interest in a victim's application for assistance. From our discussions with victim-survivors in the last 18 months and with VOCAT on this matter it may not be commonly known that alleged offenders are invited to attend. The mere threat that an alleged offender may be notified of a VOCAT application is enough for so many victim-survivors to be deterred from applying for the assistance they deserve and need. They do not want to sit in a courtroom. They do not want to be in an environment where they will come up against the alleged perpetrator of the violence against them.

The VLRC did quite a substantial review in 2018 into the VOCA act, and the Victorian Law Reform Commission made a number of recommendations to improve the current situation for victims. The review recommended that alleged offenders should not be notified of a victim's hearing and should not be able to attend that hearing. Removing this notification reflects a trauma-informed approach that prioritises victim safety, wellbeing and recovery. The VLRC report provides extensive commentary about the chilling effect this current process has had on survivors of sexual abuse and family violence in making applications to VOCAT. The Victim Survivors' Advisory Council stated in their submission to that review:

Notifying perpetrators heightens the risk of further injury and damage on the victim survivor. The context of separation is recognised as being the most high-risk time for victim survivors, and notification to the perpetrator of a VOCAT hearing unnecessarily compromises the safety and wellbeing of victim survivors.

The design of the scheme will align with the recommendations of the Royal Commission into Family Violence. This is a really important step for many victims who choose not to pursue the assistance that they really do require in order to recover post a crime happening for this very reason that I have heard from many victims—that is, not wanting to face their perpetrator face to face if there is an option for that not to happen. I am really pleased to be leading this work as we develop the new financial assistance scheme (FAS) to make sure that we have a trauma-informed response. As highlighted through the victim support update I delivered in December 2021, the government is reforming the way victim-survivors access financial assistance by developing the financial assistance scheme which will replace VOCAT. If members in the house are wanting to know where in particular these changes sit within the bill, they are in part 9, clause 87 and clause 88. There is quite a bit of detail there around these proposed changes.

Of course this is not just a legislative change that we are committing to, it is also being underpinned by some pretty big budget commitments. The 2021–22 budget provided a record \$64.5 million over four years to provide the essential building blocks for this reform. It is the largest single investment in a decade to be made into victim support. This investment will help us to build an entirely new trauma-informed and accessible financial assistance scheme for victims of serious crimes.

The scheme will also be supported by the first dedicated victims legal service, which will also support victim-survivors with their applications to the scheme. From speaking with community organisations, with victim-survivors of crime and with VOCAT members as well, I know that more needs to be done now while this new scheme is being designed, and our first priority is to reduce the backlog that currently sits at VOCAT, because we know that the current waiting time is unacceptable.

To do this our government has changed the VOCA act to create a new class of VOCAT staff called tribunal officers, and that has also come hand in hand with almost \$10 million worth of investment to underpin these new roles and to help clear the backlog that has happened in this court. We have also seen an increase in the number of cases being dealt with since these measures were put in place, which means we know that we are clearing the backlog quicker and victims are getting their financial assistance and support in a much more timely way.

Our next priority is to make VOCAT safer while we build the new scheme. I have heard loud and clear from organisations such as the Women's Legal Service Victoria and the victims of crime commissioner and from survivors on the Victims of Crime Consultative Committee how detrimental it has been to victim-survivors' wellbeing to have an alleged offender sitting in court while their application is being discussed. Sometimes it is not just the offender, it can be the offender's friends and family that come along to try and intimidate the victim as their case is being heard, which is why we are introducing the amendments to the VOCA act through the vehicle of this bill today. I want to thank the women's legal service for their outstanding advocacy and the ongoing support they provide to victims and their families. They do an amazing job.

I know these changes will be of great significance to family violence and sexual assault survivors. I hope it sends a clear and strong message to all victim-survivors that we hear you, that we support you. The amendments bring forward a key finding of both the VLRC report and the Royal Commission into Family Violence before the establishment of a new FAS. Survivors should no longer be fearful of making an application to the tribunal. They should feel that this government is supporting them in our court system through the rollout of training of our police force, through the establishment and opening of our Orange Door services and through the sharing of information across our services to better support victims of crime, victims of serious abuse and also victims of sexual abuse. I recommend the changes to the house.

**Ms HENNESSY** (Altona) (17:37): I am very grateful for the opportunity to rise today and to make some comments on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. Before I do so could I just acknowledge so many of the terrific contributions that I have heard in the course of this debate, not just from our side, may I say. I think that there have been some really important issues, and I think that people have participated in this debate in a way that has been thoughtful and not tainted by aggressive polemic, if I can put it in those terms.

While the Minister for Victim Support is at the table, I just want to commend her for the work that she has done on the elements of this bill that she has just spoken to but particularly those changes to the Victims of Crime Assistance Tribunal. They sound very sensible to everyone, and people might think, 'Why hasn't this been done before?'. There is such a raft of reforms that this minister has been delivering in respect of improving basic processes of the justice system to be more victim sensitive, and I just want to commend and acknowledge her work while she is in the house, because she is doing a terrific job.

I wanted to really focus my comments on the elements of the bill that deal with those that unfortunately have a diagnosis of silicosis. I certainly was very grateful for the opportunity to work with many people from the industrial sectors, both from union and employer positions, but also from the medical sector as well in respect of really starting to pick up this issue around silicosis and to actually start to get some very, very strong reform put in place to respond to the risk. There have been such incredible concerns about silicosis for some time, and if there is anything that I have learned through being involved in some of those discussions and reform processes it is that when it comes to those diseases that are progressive diseases, particularly those that relate to dust and respiratory systems—we should have learned the lessons by now in respect of asbestosis and all that we saw through Wittenoom to the James Hardie scandals of the 1990s—and when it comes to people's lives, if we are not able to build and use products that do not ultimately result in killing people, then that is not a business model that we should be supporting. I want to also place on the record my thanks and appreciation to activists from places like the Australian Workers Union and to respiratory authorities such as Dr Hoy, who is a very famous

respiratory specialist who for some period of time had been belling the cat and the data had not yet caught up.

But what was ultimately being revealed was the fact of that exposure to dry cutting silica. We have got this great desire to all have wonderful kitchen renovations and to keep up with all of the shows that we all know so well—and as a cook I love a fine kitchen and a good solid bench—so with all of that and with all of the growth around housing and the commercial sectors as well there was an increase in a lot of the activity around dry stonecutting. Then what we saw of course was very young people, predominantly men—but not exclusively—who were working in those trades developing silicosis, and it is one of those illnesses and diseases where often once someone has been diagnosed with silicosis they are in a position where their outlook is terminal. So that is something that warranted very decisive action, and this government took that decisive action in banning dry cutting and the development of a silicosis action plan that was also about making sure that they were measuring and supporting the respiratory and lung health of people that were working in those industries. There were many people who worked in those industries and who ran those industries who were very, very supportive and many who were already trying to do so in a way that was safe. I have heard in the course of this debate people saying we should regulate for the best behaviour, not the lowest form of behaviour. I think when it comes to something like silicosis we cannot afford to take a light touch when it comes to regulation, because of the deadly consequences. We know where the burden of this disease has fallen. It has largely fallen on young men working in the stonemasonry and construction industries, and by the time they are diagnosed with it, it is too late. That does require us using more stringent regulation in my view.

It also means that we have got to have a compensation system that is fit for purpose, because this is not just about the lump sum common law; it is about the financial support that is provided to people if they are confronted with this horrific diagnosis. With the workers compensation system in Victoria, really it is misconceived to try and apply the needs of those that have been diagnosed with silicosis to some of the existing patterns of workers compensation, and what this bill does is it recognises that it is progressive. It recognises that if you wait until an injury is stabilised before you determine whether or not they are eligible for common-law compensation, they will often be very, very close to death and not be able to actually utilise some of those benefits that they might be entitled to.

So I welcome with open arms some of these changes. This is an ongoing pathway of reform, and I do want to commend Minister Stitt in the other place for her leadership and dedication on all of the issues that are contained in this reform but particularly silicosis. It is something that again I would remind the house—that when patients, clinicians and union leaders come to us to say that they are observing the emergence of diseases and illnesses in their members, we need to take a precautionary principle and not wait until we have a 25-year dataset before we start acting. We have got to act on those risks much more quickly. Whilst I wish we had done so much earlier in respect of silicosis, I am very glad that we have acted and we have continued with our commitment to that end.

The other area in this bill that I want to briefly touch on goes to the issue of family support benefits of course. The minister at the table, the Minister for Crime Prevention, did some really important work chairing the workplace manslaughter consultative committee. Anyone who has spent time with bereaved families who have lost someone to a workplace accident will tell you just how challenging people's lives are above and beyond grief and the injustice. The system still brutalises people even when they are experiencing that grief. Things like, for example, a grandmother who cared for a person who has died in an industrial accident not being eligible to access things like some of the funeral payments expenses; a brother who might be 21 and has lost his brother in an industrial accident not being defined as a child or a dependent and therefore not being able to access support for things like grief counselling—we need to fix those sorts of things. The system is not meant to brutalise people who are already enduring such extraordinary pain, so it is important that when we find these problems we fix them. And whilst fixing those problems can never come too soon, I do want to commend those that have worked so assiduously to continue to respond to that feedback and to find a more

compassionate and human-centred approach to compensation and support for families enduring those unbearable things.

The final issue I want to briefly touch upon is the incident notification. I welcome broadening the range of matters considered to be notifiable incidents. This bill lists a couple of those, including infectious diseases and illnesses, putting a compulsion upon employers to notify WorkSafe Victoria around the existence of those illnesses and diseases. There is another issue that is currently the subject of regulatory consultation around notifiable incidents, and that is sexual harassment. Whilst I have the attention of the chamber, I wish to communicate my support for the work that this government is doing and WorkSafe is doing. It is my belief that sexual harassment should be a notifiable incident. It is an occupational health and safety issue for people in the workplace. It does require systematic response, not just an individual having to make a complaint. We know that is so hard.

I wish the bill a speedy passage through the house.

**Mr CHEESEMAM** (South Barwon) (17:47): It is with some pleasure that I rise this afternoon to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. I must say it has been my joy to listen to many fine contributions made in this chamber on this particular debate this afternoon, including the two previous contributions, which were fantastic. I must say, in reflecting on this bill, the Labor Party history and more significantly the trade union history, what is pretty evident to me in reflecting on occupational health and safety is that it is often the trade union movement for a very, very long time who will champion the rights of their members to go to work, to earn a decent income and to be able to do that in an occupationally healthy and safe way. That every worker has the right to go to work and to earn an income but to return home safely is something of course that the trade union movement has fought very hard for, and I certainly know that Labor, when we are given that great gift of government, always back in what our trade unions tell us is the right thing to do for workers in this country.

In reflecting on the occupational health and safety issue, I must say it was an issue of great contest in the Victorian economy particularly in the 1970s when a lot of unions—the BLF, the AWU, the plumbers union, the Electrical Trades Union and many others—championed in their industries seeing put in place a whole raft of mechanisms to protect their workers. It was, I think, a profound achievement of the Cain government in 1985 to put in place an occupational health and safety regime through difficult contest in this Parliament and to get that legislation through, and I must say many other significant bills that get put to this place that improve the rights of workers are often unfortunately greatly contested by the Liberal Party.

I must say, in my reflection on these types of diseases that are created by effectively dry dust, it is not surprising, if we reflect on the industrial history of this country, back to the 1850s indeed when we had many people making their income, making their way in life in the goldfields of Ballarat, that those hard rock miners toiling away often found themselves exposed to dust, and back then we saw many of those workers dying at a very early age, without the medical understanding of the community at that point in time of exactly what the mechanism was. But it was known that those miners working on those rock faces drilling away day in, day out were being exposed to of course silica and were getting those injuries and dying a very painful and difficult death. We also know through history that asbestos has been known to cause death when exposed to people, and we have known that for a very, very long time too.

So often parliaments take a long time to reflect on these things and to put in place the appropriate arrangements to ensure that those workers can be safe. When I was reflecting on this bill I needed to, I think, reflect on that history, because it is worth putting on note the profound work, the profound advocacy of people in the trade union movement, those unions that I listed earlier, including indeed unions such as the Maritime Union of Australia, which championed the need to put in place these arrangements and other similar arrangements to ensure that our workers, when exposed to these things, have a set of rights and can get appropriate compensation. So I am very pleased that we have brought



this bill to this place. I am hopeful of and looking forward to it passing through this chamber and the Legislative Council in the weeks to come, and I think it is so important.

In terms of silicosis, the member for Altona went through the desire of all of us in the Victorian community to have a modern kitchen. It was not that long ago that formica was the standard that we would all have in our benchtops. Over the last decade or so stone-based, stone-like products have increasingly been used, and often—and I have seen this myself touring new buildings, new homes—we have very young workers who are time pressured, who do not have the necessary training to understand what they are working with and how they are working with that product and often do not have adequate supervision. We have seen as a consequence of that silicosis dramatically rising. In fact it is almost a disease that did not exist 20 or 30 years ago, and the rapid increase in these products in our homes has seen a rapid increase in the number of people that have been exposed over a profound and long period of time and now have indeed an accumulation of silicosis in their lungs and in their airways, and are now as a consequence of that getting sick and ultimately dying in a very painful way.

I must say this government, the Andrews Labor government, has very much built on the legacy of previous Labor administrations. We put in place those presumptive rights, particularly for firefighters, particularly career firefighters who get exposed to all sorts of different carcinogens when they turn out to all sorts of different fires. This government recognised that, and we accepted the very strong argument put by the United Firefighters Union of Victoria that because of the vocation of their members they were getting exposed to it and we should not have a system in place that questioned that exposure—we should accept it and we should realise and recognise that from that exposure those firefighters have a much, much greater risk of a certain set of cancers. I was very pleased to be able to speak on that bill at that time, and I look forward to continuing to speak on behalf of workers in my area at every opportunity to ensure that they have a set of occupational laws that work for them, that protect them and that provide certainty to the industries that they are in.

I might also in the very short period of time that I have left just acknowledge that WorkSafe Victoria is these days a very proud Geelong-based institution. It is playing a significant role in the Geelong community. I am certainly very proud and pleased to have it as an employer in Geelong, which of course is a very significant industrial city in its own right. To have WorkSafe based in Geelong has been a fantastic outcome I think for Geelong but also indeed for the greater region.

It will be interesting to see in the years to come what COVID has meant for workplace injury. I suspect we may find that there are some additional risks that we did not think of pre the pandemic. There may be some additional injuries that we need to think about and reflect on, and maybe there is a need to have some future reform to ensure that the Occupational Health and Safety Act 2004 is fit for purpose for people who may spend more time working at home.

**Mr SOUTHWICK** (Caulfield) (17:58): It is a pleasure to rise and speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. At the outset it is interesting to hear many members of the Labor government talking about their proud record on workplace safety. We are certainly not opposing this. We believe workplace safety is absolutely important. Therefore particularly in elements of this dealing with the workplace, dealing with victims of crime, fire services and legal professions, all of the elements in this bill cover important steps to ensure that workers and workplaces are kept safe.

But it is quite disappointing to see the behaviour of the government, particularly not leading by example in terms of how they have treated members of their own party in terms of some alleged workplace bullying. We have certainly seen that play out, and we know that the Premier's office is under investigation at the moment for workplace bullying. Certainly the comments of many senior members and ministers of the government are very disappointing when members of their own government have made these reports. I would think when we have had people of this Parliament, and a Parliament and a government that should be leading by example in how they behave, rather than

actually allowing the process to take its course once one of their members, a member for Western Metropolitan, Kaushaliya Vaghela—

**Ms Thomas:** On a point of order, Acting Speaker, while I understand this is a workplace safety bill, it does not canvass any of the issues that the member for Caulfield is talking about. Indeed he is talking about things that have nothing to do with the bill, and I ask that you bring him back to speaking on the bill.

**Mr SOUTHWICK:** On the point of order, Acting Speaker, this bill is about workplace safety. If bullying is not part of workplace safety, I do not know what is. I ask the member for Macedon, who is a minister, rather than trying to cover the issues that her government is dealing with in regard to workplace bullying, to give us the opportunity to talk about it. I think it sends a very important—

**The ACTING SPEAKER (Ms Suleyman):** Thank you, member for Caulfield.

**Mr SOUTHWICK:** I am actually talking about the point of order and relevance. Can I finish my point of order?

**The ACTING SPEAKER (Ms Suleyman):** Are you on the point of order? Okay. Go ahead.

**Mr SOUTHWICK:** I would say that I am being very relevant to the bill. When it comes to workplace bullying, we have an obligation in this Parliament to ensure that we do the right thing in this Parliament and in this government to set an example to the rest of the community, so I believe that I am speaking on the bill.

**The ACTING SPEAKER (Ms Suleyman):** Thank you. At this point, member for Caulfield, I do understand that you are setting a context, but I would draw you back to the bill and ask you to keep your contributions to the bill.

**Mr SOUTHWICK:** Yes. I would like to seek further clarification, please, on this. I do not understand why, when something is dealing with workplace safety, bullying does not actually fit as part of workplace safety. I am sorry, but many members speaking on this bill prior to me have actually spoken on this and have not been pulled up, so I do not understand why I am not able to use this as context. As part of the bill, it is very important to deal with workplace safety.

**The ACTING SPEAKER (Ms Suleyman):** Member for Caulfield, there is no point of order. I would encourage you to come back to the bill.

**Mr SOUTHWICK:** As I was saying, it is very important when you are dealing with workplace safety that workplaces are in fact safe, and that applies also to members of Parliament. So when we have had members of Parliament that have raised issues that are now being investigated by WorkSafe Victoria, which are a current live matter before WorkSafe, it is very, very concerning. I think certainly we have had a number of members of government that have effectively called this victim blaming, which is very, very concerning. And I would think anybody in any workplace would be very concerned if they raised a matter that was then taken to WorkSafe and the workplace did not take that seriously. I think that would be a real concern.

In the first element of this bill, when it comes to workplace safety, which is a key element of the first part of the bill, it talks about things like compensation outcomes for injured workers and their families, especially for progressive illnesses. I think that when looking at that in terms of workplace safety, we do need to ensure that that applies to everybody. We certainly have a very important obligation to lead by example in this Parliament—a very, very important obligation to do that—and when we have serious allegations and claims that have been raised in a workplace, regardless of what workplace, they need to be properly investigated. Any worker, any business or any employer that does not do that is failing their obligations. I think, as I have cited before, that this government that is bringing this bill before the house needs to lead by example, quite frankly. And when we have seen this in one of their own members that has raised something which is now being investigated by WorkSafe—it is a live investigation by

WorkSafe—the fact that the Treasurer has called it out and said that this person needs some kind of mental health support is victim blaming, and I think it is appalling.

**Ms Thomas:** On a point of order, Acting Speaker, once again I want to make the point that the member for Caulfield is failing to speak directly to the bill. He is talking about allegations, and he is talking about a live investigation before WorkSafe. I would ask that you counsel him against doing that, making assumptions about what may be any outcome of that investigation, and that he is best to stay focused on the actual bill.

**Ms Britnell:** On the point of order, Acting Speaker, I would like to state that the bill is called the Workplace Safety Legislation and Other Matters Amendment Bill, and it is specifically a bill about the workplace and the safety of the worker. I do not believe that the member for Caulfield has actually compromised in any way, shape or form any investigation, but raising these issues as part of the workplace environment is part of discussing this bill.

**The ACTING SPEAKER (Mr Morris):** I do not uphold the point of order because this is well-travelled ground in this debate. I have been in the chamber for the bulk of this debate. But I do ask the member for Caulfield to come back to speaking on the bill rather than on extraneous circumstances.

**Mr SOUTHWICK:** Thank you very much, Acting Speaker. As I have stated, workplaces must be safe, they must be kept safe, and anybody that raises allegations—albeit they are allegations—that then end up investigations by WorkSafe itself should be properly investigated. They should not be tarnished. They should absolutely not be tarnished. That is why we on this side of the house are not opposing this bill: because we believe that all workers should be kept safe. But we think that government members of Parliament should be kept safe as well, which is clearly not the case here, because this is a workplace. Obviously this government is very touchy about that, because they do not want the truth.

**Mr Edbrooke:** On a point of order, Acting Speaker, I may not have seen notice of this or the emails that went around, but I have not heard of any members of Parliament or employees in this house suffering from silicosis, which is literally what this bill we are bringing to the house is about. It is a very, very important subject to address. Yes, it is about workplace safety, but I ask you to draw the member back to the bill on this very, very important subject.

**The ACTING SPEAKER (Mr Morris):** I ask the member to come back to the bill. I would be obliged if he now did.

**Mr SOUTHWICK:** Absolutely, and as I have said, right at the heart of this bill is workplace safety, which includes silicosis, and it is a very, very important issue.

**Ms Thomas** interjected.

**Mr SOUTHWICK:** The member for Macedon might be laughing, but her government and her Premier are under investigation for bullying, which is disgraceful—absolutely disgraceful.

**Ms Thomas:** On a point of order, Acting Speaker, not only is the member for Caulfield failing to show you the respect that you deserve by failing to direct his comments to you, he is once again raising what are allegations that are the subject of a current investigation, and he is outside the scope of the bill. I ask you again. This will be the third time we have asked you to ask him to come back to the bill, and I ask that you do so.

**The ACTING SPEAKER (Mr Morris):** The member's time has expired.

**Mr McGUIRE (Broadmeadows) (18:08):** Since the beginning of last year four workers have died from silica-related illness, and WorkSafe has accepted about 60 claims for silica-related diseases. This goes to the absolutely critical point of why this bill will strengthen our occupational health and laws to provide more support to workers and families affected by the debilitating effects of silicosis and similar occupational diseases. The government knows how important it is to support injured Victorian

workers and their families, and these provisional payment reforms establish an arbitration function at the Accident Compensation Conciliation Service or our national leading silica licensing scheme. That is what is being delivered here in this legislation.

This bill adds to all of this important work by making a range of amendments to several workplace safety acts. We are delivering an important aspect of the Andrews Labor government's silica action plan by improving the compensation arrangements for workers with silicosis and other like diseases. The government is making sure that WorkSafe Victoria has all the tools needed to prevent serious injuries by changing the threshold for issuing prohibition notices and directions. This is an important shift to make sure that more people are protected. The government is underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses.

The government is recognising how difficult a time it is for families of loved ones who have been killed at work by improving the compensation entitlements. I think this is timely and important legislation, particularly with silica and how the incidence has been revealed over time—the impact that it has on people. These amendments will allow injured workers with silica-related diseases to make a further common-law application for damages if they develop a subsequent silica-related disease. Workers suffering from silicosis are currently not able to pursue common-law claims where they develop further silica-related disease after the initial award. The current claims process also poses difficulties for workers with progressive diseases such as silicosis in accessing impairment benefit compensation due to the nature of their disease not demonstrating stabilisation and being subject to rapid deterioration. That is important in this bill—that it seeks to address the identified issues by allowing workers with certain occupational diseases which deteriorate over time and can progress quickly to receive further compensation.

These changes also provide for waiving of the current requirements to demonstrate that a disease has stabilised for a period of 12 months for workers with specific diseases to access impairment benefit compensation. The bill provides greater support to Victorians who have received a lung transplant due to work-related injury and importantly extends compensation for counselling services to families of workers diagnosed with an eligible disease. The government is leading the nation in supporting workers in Victoria affected by the terrible risk of crystalline silica.

I want to take this opportunity to raise an issue that I think has similar sorts of concerns that can happen, and I have raised it previously. Just as we see that issue particularly for men—for stonemasons, with silica—I have raised this issue: if you go past some of the beauty salons for women, you can actually smell for quite some range what I would describe as the probably toxic chemicals in what is used for nail polish removal. I have one of these salons near my office in the shopping centre at Broadmeadows. It has a large number of women who are migrant women who have low-paid jobs, and I just want to put on the record that this could be an emerging area. It certainly is of concern. I have raised this previously with WorkSafe, to actually have a look at what is happening here, because I just know myself that it clears your sinuses from about 20 paces just walking past the door. I just want to put that on the record, that I think that is an area to be looked at. Do it now. Let us make sure we have scrutiny, accountability and compliance so that women are safe from these sorts of jobs where there is no question that just from the chemicals being used, I would argue, over time this would have to be deleterious to your health.

One of the other key points on this bill is the family support benefits. This bill also improves access to deliver better support to families of deceased workers, with weekly pension payments for children with disability to be extended from the age of 16 to the age of 25. That is a really important amendment. Currently under workers compensation legislation a child with disability is not eligible to receive a child pension after the age of 16, whereas full-time students or apprentices are eligible for the pension until they reach the age of 25.

The government is fixing this by making amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for improved compensation entitlements for the families of deceased workers. Significantly, this will be partially retrospective and allow for eligible dependants who are between the ages of 16 and 25 at commencement to receive back payments for the period that they would have been entitled to.

The bill also continues household help services payments already being received by a worker. What is happening here is a claim will be accepted when they die as a result of their work-related injury for six months after their death. We are all aware of the difficulties of losing a loved one, and extending household help services will provide greater assistance to families particularly in this time of grief. The family support benefits charges also allow for the payment of overseas funeral costs following a work-related death, and this is in recognition of the many Victorian workers who were not born in Australia and may be repatriated overseas following their death.

So I think on a wide range of issues this bill is important. It is timely, and it takes care of a lot of our vulnerable workers. I commend the bill to the house for what it is doing, particularly on silica and how we have seen that evolve, and I raise a further issue: let us look at how a number of women, particularly poor migrant women, can be in vulnerable circumstances in other areas, in shopping centres all around the state. I call attention to that and use this opportunity in this contribution to say: let us get on top of this now. Let us make sure that these women are safe as well and not find out in years to come the detrimental impact that this has had on their health. With that I commend the bill to the house.

**Mr KENNEDY** (Hawthorn) (18:17): I would like to focus on how this bill assists the most vulnerable individuals in our community, reflecting the commitment of our government to protecting and assisting all Victorians in their time of need. I would just like to say a few words about the Victims of Crime Assistance Act 1996. I would also like to make some reference to the firefighters presumptive rights amendments, the family support benefits and the Victorian Legal Services Board changes and finish with work safety.

One of the most important aspects of this bill is how it alters the Victims of Crime Assistance Act, which we will call VOCAT. It is not difficult to comprehend the potential harm to a victim-survivor of having the perpetrator at the VOCAT hearing in matters relating to family violence or sexual offences. We are dedicated to a trauma-informed approach and the prioritisation of victim safety, wellbeing and recovery. Indeed we are all well aware that the Royal Commission into Family Violence mentioned:

... the important role that schemes such as VOCAT can play in recovery.

The royal commission heard of situations where the tribunal intended to contact the perpetrator and/or invite them to participate in the proceedings. This is an absolutely unconscionable approach. It is unacceptable that victims could be retraumatised in this fashion. That is why we are changing this law as our approach is shaped by the royal commission and the trauma suffered by victims and survivors. The current state of the law is that alleged offenders are allowed to appear at VOCAT hearings in which they have a legitimate interest or substantial interest in a victim's assistance application.

The 2018 Victorian Law Reform Commission's *Review of the Victims of Crime Assistance Act 1996* recommended that the alleged perpetrator of the offence should not be notified of a victim's hearing and should not be able to attend that hearing. Indeed this bill represents the ongoing fruition of this approach as we support survivors of family violence and sexual assault and are steadfast in our belief that individuals should not be afraid of making an application to the tribunal. This follows the \$64 million investment over four years in the 2021–22 state budget that will allow the building of a brand new, trauma-informed accessible financial assistance scheme for victims of crime. This reform will be centred around our belief that victims of crime deserve a financial assistance system that is victim centred, accountable, accessible and culturally safe.

I must say that I am pleased to have an opportunity to speak on this matter. I really had not had much association with victims of crime until I was standing in the seat of Hawthorn, when another candidate—it does not matter from which party; there were half a dozen of us standing—marched someone from the victims of crime around the West Hawthorn shopping centre, and they were just reduced to tears about the inadequacy, in their opinion anyway, of a judge's sentence of an abuser, a person who had abused their daughter. I thought it was a shameful use of somebody like that, I must say, and this was the first time I had actually come across victims of crime in this sort of way. So I am delighted that there are some measures being taken to make sure that they are not going to be further punished.

I would like to say something about the firefighters' presumptive rights amendments. The traditional threat of bushfires in this country that has marked our history is being increasingly amplified by climate change—nothing new about that. Our defence against it is the brave firefighters we rely on every summer, who are truly some of our most remarkable Victorians and some of the best firefighters in the world, I have no doubt. In the future we sadly may have to rely on them even more. Today it is our turn to protect them. These amendments reflect that sentiment and will operate to extend the compensation scheme available under the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019. This historic scheme exemplifies how we work with our emergency services in order to ensure that they are safer and better supported. Specifically, these amendments will allow vehicle and equipment maintenance employees suffering from specified cancers to rely on a presumption that their employment caused the cancer, in the absence of evidence to the contrary. These employees attend fires, often for extended periods during large bushfires, which then create extended health issues. I would also like to take this opportunity to thank the CFA, the FRV and the AMWU for their continued work and support on this issue.

And thirdly—the family support benefits. We all know how profoundly difficult the experience of losing a loved one is. For this immense emotional strain to be compounded by financial hardship would be resolutely unjust. That is why another positive improvement contained within this bill is how it changes the support given to the families of deceased workers, extending weekly pension payments to children with a disability aged 16 to 25. This improves on the current workers compensation legislation in which a child with a disability is not eligible to receive a child pension after the age of 16, whereas full-time students or apprentices are eligible for the pension until they reach 25. This legislation remedies this issue by amending the Accident Compensation Act 1985. Additionally, household help services payments already being received by a worker with an accepted claim where they die as a result of their work-related injury will be continued for six months after their death.

I would like to go to the next one, which is the changes to the Victorian Legal Services Board. We have all seen the threats to the integrity of the legal profession over the last few years, especially in relation to the Royal Commission into the Management of Police Informants. That is why it is necessary for us to take measures to shore up confidence in the legal profession. Our legal system is of absolute importance to our democracy, and we must do everything in our power to ensure it remains in excellent shape. That is why this bill will have the practical effect of reinforcing the Victorian Legal Services Board governance arrangements as part of the process of reinforcing the integrity of our legal system. And the changes that are envisaged here will go a long way towards that.

On workplace safety, the final one: one of the hallmarks of our government has been our commitment to protect our workers. We saw this with the introduction of our workplace manslaughter laws and the Occupational Health and Safety and Other Legislation Amendment Bill 2021 not that long ago. It goes without saying that we as a government are absolutely committed to protecting our workers. This bill shows how we continually deliver on this commitment through a number of vital changes. Importantly we are delivering on the Andrews Labor government's silica action plan, and you have heard details about that. We are also making sure that WorkSafe Victoria have all the tools they need to prevent serious injuries by changing the threshold for issuing prohibition notices and direction. As well as this, we are underscoring the seriousness of workplace incidents by including a broader range of matters to

be notified. This is on top of the aforementioned improvement in compensation entitlements for family members of those killed at work.

In conclusion, may I say the bill makes a range of changes, many of these having the practical effect of helping Victorians in their time of greatest need. It backs our firefighters, covering vehicle and equipment maintenance employees; it protects victim-survivors of family violence; it shores up the integrity of our legal system; and it keeps our workers safe. This signals how we as a government continue to strive to be there for all Victorians.

**The ACTING SPEAKER (Mr Morris):** The member for Narre Warren South.

**Mr MAAS** (Narre Warren South) (18:27): Thank you, Acting Speaker Morris, and it is good to see you in the chair this evening. I too would like to make a contribution tonight to the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and in doing so off the bat I would like to commend the Minister for Workplace Safety, Minister Stitt, for bringing this bill to the house. Minister Stitt of course has a great history of advocating—very strongly, might I add—for workers in this state, and she is now continuing to do this as a valued ministerial member of the Andrews Labor government.

**Ms Thomas** interjected.

**Mr MAAS:** Well, she has been shown to be a very fierce advocate in the past and through her ministerial portfolio is still advocating incredibly strongly for workers by improving the operational scheme of the various acts to improve the lives of workers and their families.

Indeed we know how important it is to support injured Victorian workers and their families, whether it is through provisional payment reforms, establishing a proper arbitration function through the Accident Compensation Conciliation Service or our nation-leading silica licensing scheme—and we are delivering. The bill adds to all that important work by making a range of amendments to several workplace safety acts. We are delivering on important aspects of the government's silica action plan by improving the compensation arrangements for workers with silicosis and other like diseases too.

We are in the process of making sure that WorkSafe Victoria will have all of the tools that they need to prevent serious injuries by changing the threshold for issuing prohibition notices and directions. We are underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses, and we are recognising how difficult a time it is for families of loved ones who have been killed at work, by improving compensation entitlements. The amendments are designed to improve outcomes for injured workers and their families, enhance scheme operations and increase WorkSafe's ability to prevent and respond to workplace safety incidents.

The bill also makes changes to the Victims of Crime Assistance Act 1996 to remove barriers for people applying to the Victims of Crime Assistance Tribunal. The bill will also amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to extend presumptive rights coverage to Fire Rescue Victoria and Country Fire Authority vehicle and equipment maintenance employees. Lastly, the bill will amend the Legal Profession Uniform Law Application Act 2014 to strengthen the integrity of the Victorian Legal Services Board.

In May 2019 the government unveiled a very comprehensive silica action plan. Silica-related illnesses have a debilitating impact on far too many workers in the stonemason industry. People who work with engineered stone, commonly used for benchtops, are at risk of exposure to respirable crystalline silica dust, which can lead to deadly lung and respiratory diseases, including silicosis. Tragically since the beginning of last year there have been four workers who have died from silica-related illness, and WorkSafe has accepted around 60 claims for silica-related diseases in that time.

What the bill will do is strengthen our occupational health and safety laws to provide more support to those workers and their families affected by the debilitating effects of silicosis and similar occupational

diseases. The bill makes amendments, as aforementioned, to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to improve compensation arrangements for workers with silicosis and similar occupational diseases. Workers suffering from silicosis are currently not able to pursue common-law claims where they develop further silica-related diseases after an initial award. These amendments will allow injured workers with silica-related diseases to make a further common-law application for damages if they develop a subsequent silica-related disease.

The current claims process also poses difficulties for workers with progressive diseases such as silicosis in accessing impairment benefit compensation, due to the nature of their disease, in not demonstrating stabilisation and being subject to rapid deterioration. The bill seeks to address the identified issues by allowing workers with certain occupational diseases which deteriorate over time and can progress quickly to receive further compensation. These changes also provide for waiving of the current requirements to demonstrate that a disease has stabilised for a period of 12 months for workers with specific diseases to access impairment benefit compensation. The bill also provides greater support to those Victorians who have received a lung transplant due to a work-related injury, and importantly extends compensation for counselling services to families of workers diagnosed with an eligible disease. We are leading the nation in supporting Victorian workers affected by the terrible risks of crystalline silica.

In terms of family support benefits, the bill will also improve access and deliver better support to families of deceased workers, with weekly pension payments for children with a disability to be extended from the age of 16 to the age of 25. Currently under workers compensation legislation a child with disability is not eligible to receive a child pension after the age of 16, whereas full-time students or apprentices are eligible for the pension until they reach 25. We are fixing this by making amendments to the Accident Compensation Act and the Workplace Injury Rehabilitation and Compensation Act to provide for improved entitlements for the families of those deceased workers. Importantly, this will be partially retrospective and allow for eligible dependents who are between the ages of 16 and 25 at commencement to receive back payments for the period they would have been entitled to.

The bill will also continue household help services payments already being received by a worker with an accepted claim where they die as a result of their work-related injury, for six months after their death. Losing a loved one is indeed hard enough. Extending household help services will provide greater assistance with the family's transition. The family support benefits changes also allow for the payment of overseas funeral costs following a work-related death. This is in recognition of the many Victorian workers who are not born in Australia carrying out this work and who may be repatriated overseas following their death.

The bill makes a number of important changes to Victoria's workplace safety and compensation framework that are necessary to improve compensation outcomes for Victorian workers and their families, to ensure the effective operation of Victoria's workplace health and safety laws and to support WorkSafe to improve operations and deliver on its objectives. The bill also ensures that survivors of family violence and sexual assault are not subject to further trauma when seeking this assistance. It is a good bill. I commend the bill to the house.

**Ms CRUGNALE** (Bass) (18:37): I rise to speak to this very detailed legislation, the Workplace Safety Legislation and Other Matters Amendment Bill 2021. As its name partly describes, in scope it is quite detailed. Eight acts are affected by the changes, and while time dictates it cannot be all addressed in one 10-minute time slot, I do want to highlight some of the areas in the bill. Six separate elements of the workplace safety portfolio are contained in this bill—and anyone watching WorkSafe Victoria advertisements over the years would know the message quite clearly that everyone should be safe at work. That is more than an expectation, it is a right to be safe while you are at work and safe from workplace harm later on. This legislation speaks to this right, because workplace harm is rarely accidental. I am proud to live in a state where our government takes responsibility for our workers,



and I am proud to be a part of a Labor government that seeks to better protect all workers from immediate and long-term risks.

Injuries are not always immediately obvious, and this amendment bill speaks to one of the most horrible conditions, the danger from crystalline silica, silicosis, which is horrible and has no cure. It is chronic and often silent for years but always deadly, with families left watching the awful inevitability of lung disease. This work builds on the great work announced by the Minister for Workplace Safety in the other place last June acknowledging the risks. Our government's comprehensive silica action plan included developing Australia's first licensing scheme for engineered stone; regulations prohibiting dry cutting of stone; and oversight across all industries, including construction, protecting construction workers in my electorate of Bass—because silicosis comes from lots of different construction settings, not just the increasingly popular benchtops. A specialist WorkSafe team focused on silica-related hazards, and there is still more to do—and we are doing it.

Without this current legislative change we leave workers unable to pursue common-law claims when they have developed further disease after an initial award payment. This change will allow a worker to make a claim for damages if they develop a subsequent silica-related disease, and it means no more shutting the door in their face and kind of saying, 'That's it'. We know there is unpredictability in the journey of this disease, which is why we are waving the current 12-month stabilisation requirement for workers to access impairment benefit compensation. In the past we have made workers wait until after a lung transplant and stabilisation of the disease to be assessed for impairment benefits. We made them wait. We made injured workers, many of them with not much time left, wait as well. So you wait, suffer, hope, fight—words that have no right to be in a workplace.

This was leaving their families to suffer as well. A child with a disability left behind by a work-related death in the family only receives benefits until the age of 16, whereas a full-time student or an apprentice has assistance until the age of 25. This bill changes that by amending two acts, protecting families and fairness, continuing family household help services for six months after a work-related death and providing family counselling services to families as well as family support benefits allowing for the payment of overseas funeral costs following a work-related death. We recognise the contribution of many Victorian workers not born in Australia who may be returning to their homeland following their death. Our government does care and knows that it does not matter where you were born.

By fulfilling our election commitment and amending the Occupational Health and Safety Act 2004, WorkSafe will have the power to deal with a broader range of notifiable incidents, responding to risks and preventing illness and injury. It is prevention because silicosis is entirely preventable. The last two years have taught us all simple disease prevention measures like the benefits of wearing masks. These changes will allow WorkSafe inspectors to identify and prohibit cumulative risk activities. To say 'It's only a once off', 'It's only a little' or 'It doesn't matter now' does matter now because it can lead to serious lifelong illness.

So many things need changing, and I thank our government for never giving up, for speaking out, for seeing when something is wrong and fixing it and for agreeing to accept in principle all 100 recommendations made by the Victorian Law Reform Commission in 2018 in reporting on its review into the Victims of Crime Assistance Act 1996. One of the other matters in the title deals with victims of crime. Allowing an alleged offender to be present when a survivor is making an application to the Victims of Crime Assistance Tribunal on the basis that the offender has a legitimate interest in the application is no more. Survivors no longer need to be fearful of making an application and no longer fearful that they will be in the same room with a person who abused them, and we send them the strongest message that we support them. From now on it will only be prohibited to notify an alleged offender of a hearing that involves family violence or sexual offences. It will also be an offence for an alleged offender to attend a hearing, and I thank the Minister for Victim Support for highlighting changes to help survivors in the *Victim Support Update* last December. A record \$64.5 million was announced in the 2021–22 state budget for reform as well as \$10 million to address the backlog of applications at the tribunal.

This bill is complex and broad. As well as dealing with workplace safety in mining and stone cutting, we are bringing parity and fairness in other areas as well. Our Andrews Labor government corrected many wrongs last year with the Forests Amendment (Forest Firefighters Presumptive Rights Compensation) Bill 2021. Now we are taking this legislation further by extending the presumptive right to compensation to both vehicle and equipment maintenance employees employed by Fire Rescue Victoria and the Country Fire Authority. We acknowledge that workers attending fires to maintain and repair vehicles and equipment will be exposed to the same carcinogens as those who fight the fires. I mentioned before that workplace harm is really accidental, but despite providing safety equipment we cannot control the possibility that carcinogens are present in smoke.

To the east of my Bass electorate in the Latrobe Valley let us never forget the Hazelwood mine fire eight years ago this month burning for 45 days, 25 firefighters treated for smoke inhalation and the smoke and ash that settled on Morwell. Again, people were issued masks. We are also consulting further after questions were raised on the Forests Amendment (Forest Firefighters Presumptive Rights Compensation) Bill 2021 around different types of cancer, and once again our Minister for Emergency Services in the other place has undertaken to investigate the issue.

Still on the issue of our brave firefighters and maintenance workers, qualifying periods will include the provision that a part year of service counts as a full year to ensure consistency between all sectors and allow periods of service across the different services to be combined. We have acknowledged that forest firefighting is seasonal. I also want to thank the Australian metal workers union for their support of equipment maintenance workers and their words of acknowledgement thanking our government for keeping workers safe. As always we have consulted widely, bringing people with us, and I thank the many unions and legal firms that offered support, the industry groups and associations that know we care about Victorians. I commend the bill to the house.

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (18:46): Acting Speaker Morris, it has been a long time between drinks, but it is good to see you in the chair. I am delighted to make a contribution on this bill, and in reflecting on this contribution it is worth thinking about the journey that we have been on as a society. I remember studying a bit about the Great Depression, and up until the Great Depression you would have those mutual companies that were in existence to be able to provide a level of comfort and support for workers who required that level of support, and they worked quite well. They worked quite well in terms of providing that level of support for when workers were injured or when workers were unemployed. But as a consequence of the Great Depression the rush on the funds of those mutuals saw many collapse. I think AMP was probably one of the few that survived, but many collapsed. So as a consequence you saw the withdrawal of those sorts of services, and what was a minor economic contraction that started with a drought in Australia in 1927 followed by a minor stock market correction became a full-blown Depression by 1932.

I seem to recall, Acting Speaker, you and I having a conversation about the Legislative Council committee room being the scene of the Premiers Conference of 1931 where Sir Otto Niemeyer from the Bank of England emphasised the need for a balanced budget, which then really resulted in the collapse of the Labor government, and 'Red Ted' Theodore, who was the commonwealth Treasurer but who had stood down because of the Mungana royal commission, was unable to implement some of Keynes's ideas. But nonetheless, that led to a withdrawal of that level of support, and as you saw the reconstruction efforts of the 1940s after the war and the rise of a modern welfare state you started to see the state taking more of an interest in these roles.

Obviously given the fact that you had conservative rule from December 1949 until December 1972, the decision to try and go down this path and regulate in these areas was not the want or the desire of the conservative governments, but what you did see was the emergence of some of those private sector entities who were offering that level of support for injured workers. What became apparent by the 1980s under the Cain government was that that model just was not working effectively, that the market was not effective—because effectively what you would have would be very safe bets being able to have

policies written for them, but the greater likelihood of you attracting a premium. You could not do that. And when the Labor government was able to briefly—and I mean briefly—seize control of the other place, the Occupational Health and Safety Act 1985, which then led to the establishment of the WorkSafe Victoria scheme, or the WorkCover scheme as it was known, came into being. This scheme has been really important because it has provided that level of support for injured workers—that level of certainty and security that you have got the ability to have that level of coverage if you need it.

WorkCover for me has been something that I have recognised the value and importance of, not so much from my own personal family circumstances but certainly from my wife's family. My father left school at 15. He was a butcher. Butchering is a hard game and it is a tough way to earn a dollar, but provided you do not rush with the knives and you take some precautions, you are not likely to have a serious workplace injury as a general proposition. I am not saying that is universally the case, but as a general proposition butchering has long hours and it is hard, physical and demanding work, but you are not likely to experience a traumatic workplace injury.

My father-in-law, on the other hand, was a bricklayer, and he had a number of workplace injuries. Jeff will turn 70 next month, and it has been incredibly distressing to see what impact his work as a bricklayer for 50 years had on his body physically. My father-in-law has been diagnosed with chronic obstructive pulmonary disease. He should have had a happy retirement. You know, he had a hard life. He worked hard and he pushed his body to the limits. You kind of think that in the remains of the day you can just quietly reflect on a rich life that has been lived. He is still married to my mother-in-law, with three kids, eight grandchildren and another on the way. You would think you would have that opportunity to quietly reflect on a life well lived. Unfortunately COPD is an awful disease. It robs you of so much. Mentally you are there, but you cannot do anything. I have no doubt, absolutely no doubt whatsoever, that the fact that he worked on building sites, the fact that there was dust in abundance and the fact that he inhaled chemicals, dust and fumes over a lifetime has had a significant deleterious impact upon him, and it has impacted my family. It is awful to see a person being robbed—after a lifetime of endeavour, of hard work—of being able to experience that richness of retirement and to enjoy that life. To be denied that is something I find incredibly distressing, and I know it is something that has greatly upset my wife and my wife's family. The reason I raise that is that having a strong WorkCover scheme, both from the point of view of an insurer but also in relation to ensuring that high standards of occupational health and safety are maintained, is a really important initiative because it sends a clear signal that we as a government and we as a community take these matters seriously.

I have gone to Trades Hall on a number of occasions when they have their memorial day for workers who have lost their lives. I remember going there a few years ago, and the member for Preston in his capacity as the then minister responsible for workplace safety—I think that was the correct title—spoke. In addition to him speaking and being in attendance there was a husband and wife who had lost their 18-year-old son in a collapse at a building site in Buninyong, I think. This guy would have been I think 19 or 20. I think he was an apprentice plumber. His colleague also died when the trench they were digging collapsed. His colleague was married—had two kids, I think. To hear the parents speak about the loss of their son—you just think about that for a moment. The notion that you have spent all those years raising a child, you have spent all that effort making sure that they are safe, that they are clothed, that they are fed, that they are educated, that they are protected from harm, and you send them out to work and you get a call to say that they have passed away. They had everything in front of them. It still sticks with me now just the grief and the trauma that those parents went through for something that really just should not have happened.

I think making sure that we have got a really strong legislative framework in place and making sure that we have got a well-functioning, well-structured compensation scheme plays a really important role in providing that level of protection, because invariably it is working people who will bear the brunt of these injuries. I am not suggesting for a moment that if you are working in a comfortable white-collar job in an office environment you do not experience workplace stresses or strains, that you will never lodge a workplace injury claim. It happens, it certainly happens, and it has been known to

happen. But the issue here is making sure that people who do not have those opportunities, who work in those sorts of really hard, physical industries, have an appropriate WorkSafe scheme to provide that level of protection to them. It is making sure that they are protected. It is making sure that if something happens to them, there is an appropriate regulatory regime in place to support them, and if the worst happens and they lose their life, there is an appropriate level of compensation payable to their families. This is an important bill, and I commend it to the house.

**Mr McGHIE** (Melton) (18:56): I rise today to contribute on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. This bill seeks to build on the excellent work that the Andrews Labor government has already done to ensure Victorian workers are safe at work.

In my previous capacity as a paramedic I attended many incidents where people were seriously injured or killed at work, and I have got to say you never forget those incidents that you attend. You always consider the families when their loved one is not going to return home. I can best describe going to traumatic incidents, whether they be at the workplace or in any other situation, where emergency services workers and healthcare workers have this movie theatre in the back of their mind and tend to recall these tragic incidents. As I speak here 27 years later after coming off the road as a paramedic with Ambulance Victoria I can actually see pictures of some of the events that I went to that were workplace incidents and workplace deaths. As I say, you never, ever forget them. They are all very tragic and in most cases, if not all cases, very avoidable.

This bill seeks to improve our reforms by improving compensation arrangements for workers with silicosis and similar occupational diseases and deliver on aspects of the government's silica action plan. We are also making sure WorkSafe Victoria have all the tools they need to prevent serious injuries by changing the threshold for issuing prohibition notices and directions. We are underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses.

I will cite that in representing paramedics as the union secretary and assistant secretary over 23 years, I dealt with a lot of WorkCover situations. One of the very basic situations that we had to battle WorkSafe on was when paramedics would be infected by their patients in the back of an ambulance with just the flu or some other communicable disease. We had to fight tooth and nail to get their claims up in regard to it being caused by their work.

We are also recognising how difficult a time it is for the families of loved ones who have been killed at work by improving compensation entitlements. These amendments are designed to improve outcomes for injured workers and their families. They enhance the scheme's operations and increase WorkSafe's ability to prevent and respond to workplace safety incidents. The bill also makes changes to the Victims of Crime Assistance Act 1996 to remove barriers for people applying to the Victims of Crime Assistance Tribunal. Finally, the bill will amend the Legal Profession Uniform Law Application Act 2014 to strengthen the integrity of the Victorian Legal Services Board.

This government stands up for workers, and these amendments are designed to improve outcomes for injured workers and their families. I have spoken on many occasions in this house about my previous experiences as a paramedic and attending to, as I said before, many workplace incidents and seeing the impacts of those incidents and the struggle with their health that injured people have.

**Business interrupted under sessional orders.**

**Adjournment**

**The SPEAKER:** The question is:

That the house now adjourns.

**ROADWORKS SAFETY CAMPAIGN**

**Mr HODGETT** (Croydon) (19:00): (6216) My adjournment matter is for the Minister for Roads and Road Safety, and I call upon the minister to implement an advertising campaign reminding drivers to slow down and follow the signs and directions of traffic controllers when driving through roadworks to help protect traffic controllers from coming to harm. The Flashing Lights: Pass at 40 campaign is an example of how a similar campaign could be successfully used to raise more awareness. The campaign was launched in June 2020 to remind drivers of the rule of slowing to 40 kilometres per hour when passing stationary or slow-moving emergency or enforcement vehicles flashing red, blue or purple lights. The campaign was created because if a vulnerable road user such as a pedestrian or first responder working on the roadside is hit by a car at a speed of more than 40 kilometres an hour, it is rarely survivable.

Whilst emergency service responders work on our roads on a case-by-case basis responding to emergencies, traffic controllers work on our roads for the entire duration of their shift. Traffic controllers also flash amber lights in many roadwork situations but are sadly not shown the same level of respect or awareness of the rules. The Occupational Health and Safety Regulations 2017, part 5.1, section 322, defines high-risk work in subsection (o) as:

on or adjacent to roadways or railways used by road or rail traffic ...

Traffic controllers place themselves in these high-risk settings daily. Raising awareness about slowing down when driving through roadworks would ensure a safer workplace for traffic controllers. Mass media has shown to be an effective way to get these messages across to the public. Sadly, on 9 November 2021 Timmy Rakei was working as a traffic controller at a roadworks site in Carrum Downs when a car ploughed into him, killing him at the scene. Another colleague was also badly injured. We need to change the behaviour of motorists around roadworks sites and raise more awareness of the road rules in place to protect our traffic controllers.

Minister, implementing a campaign could help to save lives and make our roads safer for all who travel and work on them. Surely this is something worth investing in. So again, I call on the Minister for Roads and Road Safety to implement an advertising campaign reminding drivers to slow down and follow the signs and directions of traffic controllers when driving through roadworks to help protect traffic controllers from coming to harm.

**WANTIRNA AGED CARE FACILITY**

**Mr TAYLOR** (Bayswater) (19:02): (6217) I wish to raise a matter with the Minister for Disability, Ageing and Carers. The action I seek is for the minister to update my community on the progress of the new public sector residential aged care facility that the Andrews Labor government is building in Wantirna, and in particular what local opportunities have been created during construction and, importantly, what ongoing employment opportunities it will provide for locals. I am very proud of this government's record when it comes to public aged care in this state. I am very proud that locally we are delivering a new \$81.58 million—decimals are important—120-bed, state-of-the-art public aged care facility right in the heart of Wantirna in the community that I very proudly represent. No doubt many of you and those in my community have heard me wax lyrical about it to no end, but if you have seen it up close like I have, you know why I am absolutely stoked about this incredible facility being delivered. It is next level—it absolutely is—and it is a great example of the Andrews Labor government's commitment to providing first-class health care locally.

This government has also made record-breaking investments in more nurses, more doctors, more ambos, more allied health professionals and more midwives to ensure that every Victorian is cared for

when they need it most. Recently we announced a further \$1.4 billion to support the ongoing omicron response—for more ambos, respiratory clinics and PPE to ensure Victorians of course get the support where and when they need it.

This new state-of-the-art four-storey building will be complete in the next couple of months, which is exciting, and will ensure locals can age in place and age with dignity in spacious rooms, each with its own ensuite. An integral part of this project has been the creation of good, paying jobs, and with cranes in the sky and boots on the ground there have been plenty of construction and build-related jobs. I know my community will be very keen to hear more detail on the ongoing jobs at the new site. I am very proud that we have delivered on this commitment, and I thank the minister for his consideration of this matter.

### VICTORIAN BUILDING AUTHORITY

**Ms KEALY** (Lowan) (19:04): (6218) I raise an adjournment matter for the Minister for Planning, and the action I seek is for the minister to immediately intervene to revoke the massive price increase in practitioner registration fees proposed by the Victorian Building Authority. I have actually received a letter from one of my local builders, Dean Hogan—or Hoges, as he is better known—which I would like to read into *Hansard* because I think it outlines the issue very, very eloquently:

Today we received communication from the VBA that practitioner registration fees are increasing. For a Domestic Builder, the increase is **181%**! That is so far above inflation it is beyond reasonable. You will know that the building industry is already struggling with material shortages, labour shortages and price increases that have almost destroyed margins completely. For government to impose such unreasonable increases at any time is unfair, but in the current circumstances this is way beyond reasonable.

These increases should be pegged to inflation at most ... I have not seen any evidence to justify the increased cost—either as a benefit to consumers, or as a benefit to practitioners.

Dean is spot on. There have been so many pressures on the building industry that we have seen particularly exacerbated over the pandemic period—massive shortages in all materials really but particularly in timber, plasterboard and batts. Of course we have seen a flow-on effect—supply and demand. There have been massive price increases as well, which have been passed on to builders. They cannot pass them on to consumers, which is what was recommended today by one of the government's ministers: that the consumer should pick up all those costs. But if you have got a fixed-price agreement, if you have quoted for a job and there has been an increase in the cost of these materials in the interim time, the builder must absorb these fees. We are not talking about small bickies here, we are talking about really massive costs that are being put on the builders. For one builder that I was speaking to today, his frames have gone up \$17 000 since he first quoted this job. The trusses went up \$13 000. That is a \$30 000 price increase that he has to absorb somewhere, and he has not got the margins in his work to be able to deliver that.

We have got a massive shortage of labour. A lot of our builders have moved to Queensland over the pandemic because they wanted to get away from Victoria's restrictions. We have got a massive shortage of apprentices coming into the industry. We have also got issues around price increases that I have referred to and particularly in steel—steel products and fasteners like screws and the like. Even steel frame homes are going up by about \$9000 each. So there are massive pressures already on the building industry. It is impacting on tradies and it is impacting on the construction industry and the builders who own these businesses. They are not these big massive businesses; these are small family businesses.

Given we have got now an additional cost put on these building practitioners, I ask for the government and the minister to intervene and immediately get rid of these massive price hikes that could make the difference between keeping their doors open and shutting for good and tradies losing jobs.

### REAL ESTATE AGENTS UNDERQUOTING

**Mr FREGON** (Mount Waverley) (19:07): (6219) My adjournment matter this evening is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and the action I seek is for the minister to update the house on the newly announced property market review and how it will benefit the Mount Waverley district community. The last few years have seen Melbourne's housing prices continue to grow and it has become increasingly difficult for buyers to manage their pricing expectations. I have heard from my constituents in the Mount Waverley district that inequitable sales transactions and underquoting are far too common and that they intensify the existing concerns and anxieties that homebuyers already face. I was very glad to see that we have heard the growing concerns and that we are taking steps to address them.

The Andrews Labor government introduced tough new laws to combat underquoting, which came into effect in May 2017, because we recognise that every Victorian homebuyer should have a fair go and that deceptive tactics used by real estate agents seek to threaten that. These laws provide a greater transparency around an agent's estimated selling price and improve the information available to homebuyers. These laws also impose significant non-compliance penalties and grant Consumer Affairs Victoria substantial enforcement powers. Since then CAV has found dozens of agencies have failed to meet their representation obligations. These important laws make the property market more transparent for buyers. The Andrews government has already taken significant steps to make the housing market more transparent for homebuyers and vendors in the Mount Waverley district, and I look forward to the minister's response.

### COUNTRY FIRE AUTHORITY SOUTH WARRANDYTE STATION

**Mr R SMITH** (Warrandyte) (19:09): (6220) Tonight I want to raise a matter for the attention of the Minister for Emergency Services. The action I seek is for the government to gift the local community with the former South Warrandyte CFA station on Brumbys Road. The former station has recently been listed for sale for close to \$1 million, an exorbitant mark-up from the Manningham council evaluation of \$120 000 in 2017. I have been campaigning for the past six years for the government to allow the community use of the building, ever since the multimillion-dollar integrated station in South Warrandyte was completed. Every time that I have raised this issue with four former emergency services ministers, the Treasurer and the head of the CFA, I have been told that the station continues 'to meet internal needs and will do so for the foreseeable future' and that there are no immediate plans for the CFA to vacate or dispose of these premises, with the latest assurances given in August of last year by the then acting Minister for Police and Emergency Services. Locals were rightly angered by this response as the station has stood empty and has not been used to any great extent over the last six years. In April 2021 the acting minister for emergency services wrote to me stating that:

Should CFA determine in the future that the site is no longer needed, there will be an opportunity for the local Council to purchase the property for community purposes ...

Four months later, in August, the minister wrote again stating that if the land was deemed surplus by the CFA, it must be offered through a first-right-of-refusal process to Victorian government departments as well as to local government, whilst again reiterating that the CFA would still require the South Warrandyte station for the foreseeable future.

Through conversations with Manningham council and volunteer CFA members, it appears there has been no offering of the former station for community use as promised by the acting minister. So I guess that the government's only vision for community assets is to try to sell them in order to fill the bottomless black hole of state debt. This is just another example of the difference between what this government says and what they do. Each minister I have written to was aware of the various community organisations that would have been interested in using the space, including a permanent base for the Warrandyte Men's Shed, the Warrandyte scouts, or a dedicated ambulance station for the Warrandyte area or even for the volunteers at South Warrandyte to return home.

This is another disappointing result for the communities of the Warrandyte electorate who have continued to be let down by this government. I will be pursuing this matter further to ensure that all proper processes were followed by the government, and if they have not, my community will be made aware that this government continues to ignore community needs and expectations. I would seek that the minister withdraws the property at 12 Brumbys Road, Warrandyte South, from sale and ensure that Manningham council are either gifted the property for community use or at least—at the very least—offered the property at a properly valued price as was promised.

### RURAL AND REGIONAL AMBULANCE SERVICES

**Ms GREEN** (Yan Yean) (19:12): (6221) My adjournment matter tonight is for the attention of the Minister for Health and Minister for Ambulance Services, and the action I seek is for him to inform regional Victorians about what health services and ambulance upgrades are in the pipeline for regional communities. Yesterday I had the privilege to represent the Minister for Health in the great community of Inglewood, which I know very well—close to where my dad and the family farm were, and I remember visiting my late grandfather in that hospital—and it was just wonderful to actually be in that Inglewood community to advise them of the two-person paramedic crewing now in Inglewood. This is in addition to other paramedic double crewing and delivery of an election commitment that we have previously delivered in Avoca, St Arnaud, Rochester, Beechworth, Camperdown and Terang, and of course our very valuable ambulance community officers continue to work in a voluntary capacity.

With hospitals we have seen, as I travel around regional Victoria, a lot of things in the pipeline with the Maryborough hospital, with the Shepparton hospital, with the Warrnambool hospital—I know the member for South-West Coast is very much looking forward to that—and also I have been to Mildura three times in recent months, and I know how much that community values having that hospital returned to public purposes. So it is only Labor that invests in health and ambulance services, particularly in regional areas, and post the pandemic it is something that has really focused the community. I want to thank our health workforce across the state, but particularly in regional areas, for the work that they have done during the pandemic, and I look forward to hearing from the Minister for Health and Minister for Ambulance Services to see what else he has in the pipeline for regional health and ambulance services in Victoria.

### LATROBE VALLEY DRUG COURT

**Mr NORTHE** (Morwell) (19:14): (6222) My adjournment debate is directed towards the Attorney-General in the other place. The action I seek from the Attorney-General is for the state government to commit funding in the upcoming 2022–23 state budget for the establishment of a drug court at the Latrobe Valley Magistrates Court. These are matters I have previously canvassed, back on 17 June 2020, by way of debate through the Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020. That particular bill, which I supported, sought to expand the existing Drug Court to the County Court as a pilot in addition to establishing drug courts in the Magistrates Courts in both Ballarat and in Shepparton, which are now operating as I understand.

The concept of a drug court is a simple but successful one. When an alcohol or drug dependent offender is brought before the courts for low-level crimes, the magistrate can issue a drug and treatment order—DATO—in lieu of incarcerating the person. The purpose of the DATO is to ensure the person seeks treatment and support for their drug and/or alcohol issues. If the individual does not comply with conditions of the DATO, the magistrate can bring the person back to court and impose a custodial sentence.

Given the analysis and success of the Dandenong and Melbourne Drug Courts, it made absolute sense to expand the courts into the regions where individuals contending with drug and alcohol harm were interacting with the justice system. Despite the significant drug and alcohol harm in my community and unfortunately the associated criminal activity, it is very disappointing that Latrobe Valley has not been included in the Drug Court expansion program. In September 2020 I wrote to the former Attorney-General alongside a number of supportive local organisations, such as the Gippsland Primary



Health Network, the Australian Community Support Organisation, the Latrobe Health Advocate, the Latrobe Health Assembly, the Latrobe Community Health Service and local police, who likewise share the view that a Drug Court in the Latrobe Valley is desperately needed.

There has been some recent publicity for the initiative proposed by Reason Party leader Fiona Patten in the other place that we decriminalise drugs and that police should have powers to issue a mandatory notice and referral for drug education or treatment to people believed to have possessed or used a drug of dependence. I have no problem with Ms Patten's objective or intent in that we should be considering measures to divert people away from the justice system and provide a health response in interventions when it comes to drugs. But I would argue such interventions already partly exist in the way of Drug Courts, and I believe the focus needs to be on the expansion of Drug Courts into other jurisdictions like the Latrobe Valley. It is a sad indictment that in 2022 it actually depends on your postcode, where you live, as to whether your drug or alcohol dependency is treated in the courts as a health-related problem or in a punitive legal manner. I again call upon the Attorney-General and the state government to provide funding in the upcoming budget to establish a Drug Court in the Latrobe Valley Magistrates Court.

### BEACH LITTER

**Mr BRAYNE** (Nepean) (19:17): (6223) My adjournment is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to update my community on what the Victorian government is doing to address litter on our state's beaches. It is an apt time to talk about caring for our coasts as I recently attended the McCrae Seaside Scavenge. This is a wonderful local event that I have been able to attend every year since being elected in 2018. Though previously held at Rye, this year it was held at McCrae. The Seaside Scavenge involves the local community coming together to clean up our beaches and surrounding areas while enjoying market stalls, live music and family fun. At the end of collecting rubbish, for every 10 pieces of litter that people collected and sorted, one trash token was earned for usage at any of the pop-up markets, which contained many preloved goods.

As there were already many people around the foreshore area picking up litter, I instead walked to the McCrae entrance to the freeway, which predictably was full of rubbish. People throwing their beer bottles or KFC packets out the window is not an irregular occurrence at this particular entrance to the freeway, and so I filled up a big bag in 10 minutes. People's disregard for our peninsula by littering is on particular show at this entrance, and I am working with the Department of Transport and council on what we can do to better catch people when leaving the peninsula.

I would like to thank all the organisers and volunteers who made this event possible. It was, however, disappointing to see the federal candidate for Flinders, Zoe McKenzie, park her campaign car, branded with the Liberal Party logo, on the side of the road at the front of the event, leave the event, then return hours later without collecting any rubbish. This event is simply not supposed to be that type of event. It was hugely disappointing to see this, but I guess it is election season. There is, however, always more work to be done to keep our coast clean, and I look forward to updating my community with the minister's response on what the government is doing to keep litter off our beaches. As for me, I look forward to returning to the Seaside Scavenge next year.

### PORTLAND DISTRICT HEALTH

**Ms BRITNELL** (South-West Coast) (19:19): (6224) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to publicly release the Hillis report into Portland District Health. I have here in my hand a most damning report written in 2020 by Associate Professor David Hillis, but it has been kept secret by the government. The report states that the government has not played its part in implementing necessary changes and that the current ad hoc approach is expensive and not viable. A rural generalist model is more appropriate for Portland and is used successfully both nationally and internationally. All previous reviews have been ignored by the government, so much so that the report says:

... it is most strongly recommended that no further reviews be undertaken until the recommendations are accepted ...

and implemented by the government. But Portland District Health cannot do it on its own, and the report makes this clear. It needs the government to take the lead.

Recently seven specialists and five GPs as well as industrial business leaders from Portland went public to question what is happening. A public march is being organised for this Friday, rightly, by residents who are concerned. I have heard from nurses who cannot speak publicly on the issue because they fear for their jobs. As a former nurse with a decent understanding of the health system I can see the modus operandi of the Andrews Labor government to try and lay blame on Portland District Health when it sits squarely with the government, and this report is clear about that. In no way am I criticising the fantastic staff at the hospital—the nurses, doctors and specialists—whose focus is always on getting the best health outcomes for the people of the Portland region, but it is quite clear that the government is not interested in those same health outcomes and is prepared to leave Portland out on a limb. I know the government will say that it is hard to attract doctors to the region and that is why there has been a need to utilise locums more often, but workforce planning is an important facet of many of the inquiries and reports I have been involved in in my time in this role.

This government, though, simply has not implemented any of the findings of the many reviews already held into Portland District Health. This government does not care about finding solutions to challenges. The Hillis report clearly states amalgamation is not the answer for Portland, but it seems clear that it is exactly what the government is intending to do. There needs to be cooperation between health organisations, sharing of expertise and utilisation of services, but that is very, very different to amalgamation. The Portland community deserves transparency about the future of its hospital and a guarantee that services will not be closed or amalgamated. I will stand by the people of Portland, and I urge the minister to release the Hillis report and guarantee no services will be lost at Portland District Health, as is the recommendation. Labor needs to stop ignoring the country and govern for the whole state, border to border.

### GEELONG FAST RAIL

**Ms CONNOLLY** (Tarneit) (19:22): (6225) My adjournment this evening is for the Minister for Transport Infrastructure, and the action I seek is that the minister update me on our government's plan to deliver Geelong fast rail through the Werribee line. As the minister knows, the Geelong fast rail project not only will benefit Geelong residents but has positive implications for commuters in Melbourne's west, especially in my community of Wyndham. By building additional tracks—8 kilometres between Werribee and Laverton—we are paving the path for V/Line services to once again run through the Werribee line to get to the city. What this means is that for commuters on the Wyndham Vale line, like folks who commute from Tarneit station in my electorate, more services can run exclusively from Wyndham Vale without Geelong passengers. In practice that means more trains, more often, where you can actually get that elusive seat—for the first time for many people at Tarneit station—on the train that arrives at your platform. For commuters on the Werribee line it means easier access to Geelong from the city and more tracks to run more services on the Werribee line. There is a lot in this project to excite folks in my community, which is why I know that they would greatly welcome an update from the minister on these works.

### RESPONSES

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (19:23): I will begin by responding to the member for Nepean's request of me for an update for his community on what we are doing to tackle litter on our beaches and in particular beaches in his electorate. I do this noting that the member for Nepean is very passionate about the environment. He is very much in touch with the environment—and how could you not be, living in a beautiful electorate as Nepean is. I know his community are very, very alive to the impact of litter on what is a beautiful local community where people can holiday and also of course a really important

tourism destination. I know that many in his community volunteer many, many hours each and every year, working together to ensure that the beaches are pristine and free of litter. But we know it is a big challenge, and the member for Nepean was very clear on that. That is why as a government we have made a very concerted effort to tackle litter.

One of the critical sources of litter on beaches especially of course is plastics, and that is why in 2019 we moved to ban lightweight plastic shopping bags in Victoria. Prior to that ban Victorians were using about a billion plastic shopping bags each year. Since the ban came into effect three in four Victorians are now shopping with re-usable bags, and I am sure many in the member for Nepean's community have really embraced that. Now, this is less litter in our environment, in our waterways and on our beaches, and these are all related.

From February 2023 single-use plastic straws, cutlery, plates and drink stirrers and expanded polystyrene food and drink containers and cotton bud sticks will be banned from sale or supply across Victoria. That is really an important piece of good news, and again this will further reduce problematic litter across our precious environment.

So there are bans of problematic waste materials, strong laws and regulations, along with community education, which is always a really important feature, because people want to know how their own actions can be adjusted so that ultimately they can tread more carefully on our environment. People are very hungry for education on good recycling practice, supporting Victorians of course to make those right choices—businesses and individuals—to avoid waste in the first place, choose renewables and recycle well.

We know Victorians want to do more to reduce litter, and as the member for Nepean says, there is always more work to be done. Certainly very soon we are going to be introducing our new container deposit scheme. That is coming online in 2023, and that will provide a cash incentive for everyone to do their bit by returning glass bottles and cans to container deposit drop-off points. That is estimated to reduce Victoria's litter by up to 50 per cent. I know that the member for Nepean will be very delighted, and his community will be too, that there are terrific fundraising opportunities for all the wonderful not-for-profit organisations in his community who want to do the right thing but at the same time can raise those really important extra dollars to help the organisations and help communities to keep going further in terms of the support that they provide.

I really do want to thank the member for Nepean for his great interest in this area, and I look forward to continuing to work with him to be able to deliver more reforms and more improvements in reducing litter, especially the litter that ends up on our beaches. Of course Clean Up Australia Day is coming up soon, and I am sure there will be many community members in Nepean who will be taking part in that—and certainly in my own electorate and across the state.

In terms of other matters that have been raised by other members, I refer the matter raised by the member for Croydon for the Minister for Roads and Road Safety, and the matter raised was about initiating an advertising campaign for improving safety for workers on road sites, if you like, or construction on roads. The member for Bayswater raised a matter for the Minister for Disability, Ageing and Carers to support residential aged care facilities in the Wantirna area and to look at promoting that further. The member for Lowan raised a matter for the Minister for Planning to intervene to revoke an increase in practitioners fees set by the Victorian Building Authority.

The member for Mount Waverley raised a matter asking the Minister for Consumer Affairs, Gaming and Liquor Regulation to update the house on the property market review that is underway. The member for Warrandyte raised a matter for the Minister for Emergency Services requesting that the former CFA station at Warrandyte South be used by the local community and made available—'gifted' I believe is the word that was used—to the local community. The member for Yan Yean raised a matter for the Minister for Health and Minister for Ambulance Services to inform regional Victorians about what services are in the pipeline to be made available to regional Victorians.

The member for Morwell raised a matter for the Attorney-General to commit funding in the upcoming state budget for a Drug Court in the Latrobe Valley. The member for South-West Coast raised a matter for the Minister for Health asking for the public release of the Hillis report, I believe it is called, into Portland District Health. And the member for Tarneit raised a matter for the Minister for Transport Infrastructure to update her and her community on the Geelong fast rail project via the Werribee line. I will certainly ensure that all these matters are referred to the appropriate ministers.

**The SPEAKER:** The house now stands adjourned until tomorrow.

**House adjourned 7.29 pm.**