PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Book 13

4, 5, 6 and 7 September 2018

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

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Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmar, Mr Melhem, Mr Mulino, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, #Ms Symes, Ms Truong and Mr Young.

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participating members

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Fire Services Bill Select Committee — Ms Lovell, Mr Melhem, Mr Mulino, Mr O'Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

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Accountability and Oversight Committee — (*Council*): Mr O'Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O'Brien, Mr Pakula and Mr Walsh.

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Electoral Matters Committee — (*Council*): Ms Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence.

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Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

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Law Reform, Road and Community Safety Committee — (*Council*): Dr Carling-Jenkins and Mr Gepp. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Dr S. RATNAM

Member	Region	Party	Member	Region	Party
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Bath, Ms Melina[2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[8]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	Western Metropolitan	Ind	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Mr Luke Bartholomew[9]	Northern Victoria	Nats
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Drum, Mr Damian Kevin[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini[11]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred[6]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[7]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
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Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017;
AC until 3 August 2018
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 9 February 2018
[7] Resigned 6 April 2017
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 2018;
RV until 14 August 2018
[11] Appointed 18 October 2017
[12] Appointed 21 February 2018

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party; DLP — Democratic Labour Party; FPRP — Fiona Patten's Reason Party; Greens — Australian Greens; Ind — Independent; LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria; SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

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Tuesday, 4 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:05) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

CONDOLENCES

Hon. William Desmond McGrath

Ms PULFORD (Minister for Agriculture) (12:06) — I move:

> That this house expresses its sincere sorrow at the death, on 22 August 2018, of the Honourable William Desmond McGrath and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Lowan from 1979 to 1992 and the electoral district of Wimmera from 1992 to 1999 and as Minister for Agriculture from 1992 to 1996 and Minister for Corrections and Minister for Police and Emergency Services from 1996 to 1999.

In moving this motion I would like to pay tribute to a fellow agriculture minister and to offer my deep condolences to those who knew and loved Bill McGrath — those who knew him as an active member of the community, those who knew him as a beloved family member and those in the National Party for whom he was such a significant figure.

Bill was a successful farmer, a successful football player and a successful politician. He started as a young member of the community on his family farm before he left to play Victorian Football League football for South Melbourne back in 1959. After a few years of some success on the sporting field he missed the farm too much and returned home.

Bill stood for a lot of things and was a very passionate voice for those in the community who were less fortunate. This was a driving factor for him when he decided that he would run for the Victorian seat of Lowan, which he won in 1979. The seat was renamed Wimmera in 1992, the same year that he went from being the shadow Minister for Agriculture to the Minister for Agriculture in a change of government. He was the agriculture minister for one term and then took on the corrections portfolio and the police and emergency services portfolio in the next. After a very lengthy and decorated career in politics Bill McGrath retired in 1999.

Early in his career he spoke of inequality and social justice issues. He believed there was a real need for emergency and welfare housing for families and individuals in crisis, and he believed we should never stop supporting and advocating for the most vulnerable people in our state. Bill McGrath was very passionate about the issue of youth and the government's responsibility in keeping them on the right track. He once said, 'I think we need to support young people buying their own homes', and perhaps that idea has in some way contributed to the policies and the arrangements that have been in place now for many years in one form or another to assist young first home owners.

Bill was a country man and a man of the Wimmera, and he spent a lot of time in beautiful Minyip, which I have had the pleasure of visiting on any number of occasions over the years. Next time I am in Minyip I will stop to ask the locals for some Bill McGrath stories. When asked what he liked most about being a member of Parliament, Bill McGrath simply said, 'Helping people in the Wimmera'. He was very involved in Wimmera Legacy and the Minyip Lions Club, and he believed those organisations were very important to many people outside of our big cities. He often spoke about country life, and I am told he was often found trying to convince city folk that they should make a move — again, something that I think we all reflect on and talk about from time to time, and these recent years are no exception to the currency of that issue and that debate.

Bill McGrath was a strong and fierce advocate for his people when he visited Melbourne. His constituents had a very present member willing to fight for their needs. He was a champion for rural and regional Victoria, and for that I thank him and pay tribute to the work that he did. But it was Bill's volunteer work in his later years, after retiring from public life, that may have been the thing that provided him with the greatest reward. Local media reports in the weeks since his passing — and there have been many — cited his work with widows and widowers in the region who were suffering financially or who were alone after the death or serious injury of a spouse. He described that as his greatest honour, which I think tells us something about the measure of the man.

It was while talking about his volunteer work and his family that Bill was quoted as saying:

> If someone told me I was going to die tomorrow, I would say, 'I've had a good life'.

Looking back now, what a lovely, lovely quote that is.

Bill was 81 years old. He is survived by his wife, Ivy. He is also survived by four of his five children — Katrina, Shane, Simone and Alicia — and is perhaps now with his young child, Naomi.

On behalf of the government and the Labor Party members in this chamber our deep condolences to Bill's family, to his wife, Ivy, to his children, to his many friends and to the many people in the communities of the Wimmera who got to know Bill well and who were supported, comforted or assisted in some way by both Bill's commitment to public life as a politician and his significant work as a volunteer, supporting people in perhaps a more personal way than the typical work of a member of Parliament.

Mr O'SULLIVAN (Northern Victoria) (12:12) — I have much pleasure to rise today to speak in support of the condolence motion for Bill McGrath on behalf of The Nationals and the Liberals. Bill was born in Swanwater near St Arnaud. In Bill's early years the McGrath family moved to Minyip, where they continue to farm today in a much-expanded form. Bill continued to farm the property with his son Shane up until very recently, when he was unable to due to his old age.

It was at the Dunmunkle East primary school that Bill finished his schooling in year 8, or form 2, something that we could not imagine today. He went back to the farm and started shearing and lugging wheat bags as a 14-year-old, which held him in good stead in later years. Bill's love of farming began at a young age and continued through his whole life. In particular he loved working with horses and sheep. For many years Bill would enter his fleeces in the local shows, and he won the Wimmera district champion merino fleece category on several occasions, which he was very proud of.

Life on the farm was pretty tough back in the 1950s and 1960s. Bill experienced many hardships on the land, which helped build the enormous resilience that carried him well throughout the rest of his life. Bill was not someone to shy away from hard work, difficult tasks or decisions.

Bill began playing football and tennis when he was young, and he excelled at both — football during the winter and tennis during the summer. Bill represented Wimmera in A-grade tennis at Kooyong and went on to win just about every championship in tennis across the Wimmera and surrounding areas. In some ways he was a better tennis player than footballer. Bill once played tennis against Martina Navratilova on the courts right here at the back of Parliament House and was a regular player down at Melbourne Park whenever he could.

Bill's physical strength from shearing and lugging wheat bags in his early teens ensured he was ready to take on the rigours of playing senior footy at a very young age. There was no junior football back in those days so he had to go straight in and play in the seniors. After playing football for Minyip for a few years, Bill was lucky to be selected to play for Wimmera against a visiting VFL team in Horsham. The next day, after Bill was leaving church, Ron Barassi was waiting outside the church to speak to Bill and invite him down to train with Melbourne in the VFL. Bill played two practice games with Melbourne before he decided that he wanted to go home to Minyip to continue farming and also I think because his future wife, Ivy, was not far away at the time.

The following year Bill signed on to play with South Melbourne in the VFL. Every Thursday he would jump in the Holden ute and he would travel down to train on the Thursday afternoon. He would wait around, play the game on a Saturday and then drive back to Minyip every Sunday morning — a routine he had all year round. During that year Bill played 15 games and kicked 18 goals and was named the best first-year player for South Melbourne. Bill would often say that Bob Skilton only won his first Brownlow Medal because Bill was able to feed him the ball. Bill would only play one year of VFL football because the travel and time away from his family and farm were too great. Bill went on to play and coach extensively throughout the Wimmera and won many premierships and many awards.

Bill's sporting prowess on the tennis court and football field ensured that he had a high profile and popularity in the local district. As a result of that, in 1979 Bill was asked by Bob King to run for the Country Party in the seat of Lowan. Bill represented the seats of Lowan and Wimmera for some 20 years in the Legislative Assembly. Bill's popularity as a politician followed his sporting popularity. In 1996 Bill achieved a primary vote of 76 per cent in the seat of Wimmera and a two-party preferred vote of 82 per cent. I do not think those numbers are anything that we would see nowadays. Bill became Deputy Leader of The Nationals in 1990 to Pat McNamara, who was the leader, and that was a position he held until he retired from Parliament in 1999.

He served as Minister for Agriculture on the election of the Kennett government in 1992. As ag minister — and Bill loved being ag minister — he oversaw many structural reforms in the ag sector, including in the dairy and egg industries, barley marketing, the meat industry, tobacco and the Grain Elevators Board, to name a few. Bill's mantra when he was Minister for Agriculture was for farmers to 'make a dollar or save a dollar', and that was certainly the focus of the ag department at that time. One of his proudest achievements upon becoming the agriculture minister was the abolition of stamp duty for the transfer of the family farm amongst generations — something that has certainly served us well ever since.

After the re-election of the Kennett government in 1996, Bill was appointed as Minister for Police and Emergency Services and Minister for Corrections. I was fortunate enough to work for Bill during this time as his emergency services ministerial adviser. I had known Bill for some time and regard my three years working for Bill as some of my most enjoyable working years. The period from 1996 to 1999 was a difficult time in the police and emergency services portfolio. Two significant tragedies happened in this time: the shooting of Gary Silk and Rodney Miller on 16 August 1998 in Cochranes Road, Moorabbin; and the deaths of five Country Fire Authority volunteer firefighters at the Linton fires near Geelong on 2 December 1998. Bill's compassion, strength and leadership for all of the families during that time still lives with me today. It was a side of him that I had never seen.

Other difficult issues at that time were the shootings down at Port Arthur and the subsequent national gun reforms. Bill was genuinely conflicted between farmers' and shooters' rights to have guns for legitimate purposes and the populist push to ban just about all guns. Those reforms have stood the test of time, and Bill negotiated those reforms on behalf of Victoria. This was without doubt the most difficult issue that Bill had to deal with during his political life.

On a brighter note, Bill was a man who loved life, and most of all he loved living every day. I have never seen anyone with more enthusiasm for life. One of Bill's great traits was telling jokes. He was a great joke teller. When he was a minister and I was responsible for structuring his diary, every Monday and Tuesday were cabinet and meeting days in Melbourne, Wednesday was a metropolitan visiting day, Thursday was a country visiting day, and Friday, Saturday and Sunday he was in his electorate. Whenever we were in the ministerial car, the first thing we would do was go through the three joke books that were in the seat pockets of the car to find a new and appropriate joke for him to tell that day. He would start off just about every meeting and speech with a joke to lighten the mood.

In addition, Bill loved horseracing. Whenever we would go in the car the first thing we would do was get out the form guide and have a quadrella for that afternoon. It was a lot of fun. Back in those days Bill did not have a ministerial driver, so I was lumped with driving him around just about everywhere he went, or he would drive himself. Whenever Bill's horses were racing I would have to schedule the day's events around those races, and when the horses were racing out in the country I would actually have to arrange meetings in that town so Bill could go and watch his horse race. When we could not get to the race day we would have to have the events scheduled around the races so he could go into the TAB and have a bet and watch his horse run. It was a lot of fun.

But Bill was a very, very hard worker. Bill used to often say, 'It's amazing how lucky you can be if you work really, really hard' — and that was something that Bill did, and I have never seen anyone like him.

When Bill was a minister driving himself or when one of his staff would be driving him we would change over the car every 40 000 kilometres. Bill would require a new car every 12 weeks; that was four a year. In those days it took 14 weeks to order a new car, so we would have to order a new car before we got the new car before it, which was rather interesting.

Once Bill retired from Parliament he continued his involvement in the local community through Legacy and many sporting clubs that he was involved in. He even ran the bar at the Horsham Golf Club for many, many years.

At bill's funeral last week his daughter Simone said that Bill was very proud of his life, and even though he had been successful in just about everything he did, what mattered to him the most was his wife and family. Bill is survived by his wife, Ivy, and his adult children Katrina, Shane, Simone and Alicia, and he is now with his other daughter, Naomi.

On behalf of the Legislative Council I would like to convey to the McGrath family the condolences of everyone in this chamber.

Dr RATNAM (Northern Metropolitan) (12:21) — On behalf of my colleagues in the Greens I offer our deepest condolences to the family, friends and community of Mr Bill McGrath. As has been reflected previously, he accomplished so much across his life through his contribution to sport as well as through his

civic service. We know his parliamentary career spanned over 20 years, during which time he served in a range of portfolios as a minister, and all the while serving his community in western Victoria, which he loved.

If a good life is measured by one's service to the community and generosity to others, his life indeed counts as a good life. We offer our deepest sympathies to everyone who knew him, worked with him and cared for him.

Mr DAVIS (Southern Metropolitan) (12:22) — I would like to associate myself with this important motion and to note that some of us in this chamber, you included, President, knew Bill McGrath very well indeed. He was a gentleman in every way. Not only in his football career but importantly in this place he had a commitment to his district. He first won the seat of Lowan in 1979 and later held the seat of Wimmera, and he served as Minister for Agriculture from 1992 to 1996 and as Minister for Corrections and Minister for Police and Emergency Services from 1996 to 1999.

Clearly this is a very sad time for his wife and children. I certainly have heard many reports of the funeral in recent days. I wish them the very best in these circumstances.

Bill did achieve a great deal in public life, and his quiet, decent manner was actually something that struck people when they came into this place. I occasionally sat next to him in the party room and would have a good chat with him about things that had gone on, recent bets —

Mrs Peulich — And the bad jokes.

Mr DAVIS — Yes, and the bad driving. But his very generous spirit I think enabled him to achieve a lot in this place, including not only his commitment to the Wimmera Base Hospital but also the challenge of gun reform, which was a very significant one through that period of 1996 and onwards, and the very significant incidents that he faced in the late 1990s in the police and emergency services portfolio. As Mr O'Sullivan said, Bill's compassion came through in that process, as did his ability to engage with the various groups that were shaken by some of those happenings at the time.

I, for one, and I know others in this chamber held him in very high regard as a person of decency, quiet achievement and strong commitment to his electorate.

The PRESIDENT (12:24) — I did, as Mr Davis commented, have the great opportunity of serving in this Parliament with former Minister McGrath, a man of some humility, a man who embraced one of the credentials that I think is really important for a member of Parliament — as I often advise those who are interested in a career in politics — and that is to be authentic, to actually be real, to know what you believe in and to not just talk the talk but walk the walk. There is no doubt that Bill McGrath was an authentic politician and a man who, as Mr Davis indicated, had compassion but also had no tickets on himself. He was the sort of person who could walk up and talk to absolutely anybody, have a genuine conversation with them and genuinely enjoy that conversation that he had with those people.

As Mr O'Sullivan reflected, one of my great memories of Bill McGrath is in fact those jokes. Some of them were just exceptional. He was one of those people with an innate ability to storytell. That comes across when you do use jokes as a rather risky entry to a speech, but he pulled it off every time that I saw and was, as a result, very engaging and able to get to people with the important messages that he wished to convey or share with them.

He was not infallible; I guess none of us are. That was displayed, for the first time in my knowledge, today by Mr O'Sullivan's remarks that in fact he made one very bad decision in not accepting Ron Barassi's invitation to come down and play with Melbourne, especially at that time because it was a very successful club.

His contribution in this place went well beyond the chambers and the work that he did in terms of developing legislation with obviously people who worked in the bureaucracy and indeed advisers and so forth as well as members of the coalition at that time. He was one of those ministers who was very much keen to actually draw on the experience and knowledge of others in the team rather than just relying on what the public servants might have put as a position that would meet the needs of his constituents and Victorians.

But he was a man you could also go to for advice, and it was always constructive advice. It was sage-like advice and it was considered advice. I think many people throughout Victoria and particularly throughout his electorate during his time of service in this Parliament, both before and later, were enriched by his commitment to other people and were encouraged by the advice and support that he was able to lend from his experience and by his authenticity.

I ask members to signify their assent to this motion by rising in their places for 1 minute.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT (12:30) — Pursuant to standing orders, as a further mark of respect for the memory of the late Honourable William Desmond McGrath, the sitting will now be suspended for 1 hour.

Sitting suspended 12.31 p.m. until 1.36 p.m.

ROYAL ASSENT

Message read advising royal assent on 28 August to:

Disability Service Safeguards Act 2018

Environment Protection Amendment Act 2018

Residential Tenancies Amendment (Long-term Tenancy Agreements) Act 2018.

PETITIONS

Following petitions presented to house:

Criminal justice system

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that we would like the safety and security we once enjoyed in Victoria to be given back to us. Due to faults on both sides of the Victorian government, this has been taken away from us.

The petitioners therefore request the Legislative Council call on the government to —

(1) not grant bail or early parole to offenders, no matter what their age, who are convicted of violent home invasions, carjackings, robberies and muggings;

(2) have the Victorian judicial system consider 'community expectations' and the long-time pain, both physical and mental, to the victims of violent home invasions, carjackings, robberies and muggings when sentencing offenders, no matter what their age;

(3) allow the victims of violent home invasions, carjackings, robberies and muggings to have a say in the sentencing of the offenders of these crimes;

(4) that they and the Victorian judicial system have a 'duty of care' to the 'safety and security' of the Victorian people; therefore, both must do everything within their power to protect us; and

(5) provide more assistance, both financially and through support services, to the victims of crime, including home invasions, carjackings, robberies and muggings.

By Dr CARLING-JENKINS (Western Metropolitan) (1860 signatures).

Laid on table.

Motor vehicle accident insurance

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concern that our civil compensation system for personal injury is fault based when incidents occur between motor vehicle drivers and vulnerable road users. Therefore, in a collision, driver error must be proven by the vulnerable road user. The default assumption that the driver has not contributed to the crash means their insurance company is not automatically liable for compensation. The onus should be on the driver's insurance company to prove that the casualty caused the collision. Presumed liability would only affect civil compensation standards, not those of criminal prosecution, where the principle of 'innocent until proven guilty' would continue to apply. Vulnerable road users involved in a collision (who have the least potential to cause death or injury) are usually the only casualty and often the only witness other than the motorist. They will often be unable to give evidence due to the injuries sustained. We also believe that vulnerable road users, such as children, older people or those with disabilities, should receive full compensation, regardless of their actions. Presumed liability for motor vehicles in collisions with vulnerable road users will align us with the majority of European nations. The Transport Accident Commission (TAC) statistics recorded an increase in the number of cyclist deaths of 160 per cent per year in the 12-month period to February 2018. This represents 13 Victorian lives lost. The overall trend of road fatalities was down 4.1 per cent during the same period. Change is needed if we are to reverse this trend. The aim of this legislation is to change motor vehicle driver behaviour and encourage driving in a safer manner around vulnerable road users. We believe that the introduction of presumed liability into Victorian civil law has the potential to contribute to the Victorian government's current cycling strategy, helping more Victorians enjoy a healthier, safer future.

The petitioners therefore request that the Legislative Council call on the government to enact legislation for the reversal of the burden of proof in collisions between motor vehicles and vulnerable road users.

By Ms DUNN (Eastern Metropolitan) (729 signatures).

Laid on table.

Drug detection dogs

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that drug detection dog operations have been proven to be vastly ineffective. Not only do they not reduce drug supply or usage, but they provoke dangerous responses, such as individuals consuming drugs quickly when dogs are present.

Public searches in bars, nightclubs or on the street in full view of the general public are an unacceptable invasion of an individual's civil liberties and right to privacy. This is significant given that up to 80 per cent of indications made by drug detection dogs lead to no drugs being found.

The New South Wales Ombudsman review of drug detection dogs found that the overwhelming majority of those searched resulted in no drugs being located, and where they were detected, they were typically young adults in possession of very small amounts of cannabis for personal use.

The findings led the NSW Ombudsman, Mr Bruce Barbour, to question 'whether [drug detection dogs] will ever provide a fair, efficacious and cost-effective tool to target drug supply'.

Drug detection dog operations target drug users and have been proven to be an ineffective tool for detecting drug dealers. They do not stop or reduce the number of people who use drugs.

Former Victoria Police commissioner Ken Lay has acknowledged 'We can't arrest our way out of this', and that the focus must turn to harm minimisation and a health-focused approach.

The petitioners urge the Legislative Council to acknowledge the invasion of civil liberties, potential harm and ineffectiveness of drug detection dogs and request that the government take immediate steps to cease the use of drug detection dogs by police at music festivals, cultural gatherings, nightclubs and similar venues across Victoria.

By Ms PATTEN (Northern Metropolitan) (29 signatures).

Laid on table.

Sunraysia Highway, Learmonth, speed limit

Legislative Council electronic petition:

The petition of concerned members of the community of Learmonth and surrounds in the state of Victoria draws to the attention of the Legislative Council the increase of the speed limit on the Sunraysia Highway in central Learmonth to 80 kilometres per hour and recent accidents within the locality.

The petitioners therefore request that the Legislative Council call on the government and VicRoads to consider the speed and safety along this stretch of the Sunraysia Highway and conduct a safety assessment with a view to making changes that will calm traffic and provide appropriate measures to make Learmonth safer for children and the community.

By Ms PULFORD (Western Victoria) (78 signatures).

Laid on table.

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Former Victoria Police commissioner Ken Lay has acknowledged 'We can't arrest our way out of this', and that the focus must turn to harm minimisation and a health-focused approach.

The petitioners urge the Legislative Council to acknowledge the invasion of civil liberties, potential harm and ineffectiveness of drug detection dogs and request that the government take immediate steps to cease the use of drug detection dogs as part of Operation Safenight.

By Ms PATTEN (Northern Metropolitan) (370 signatures).

Laid on table.

CRIMES AND SENTENCING AMENDMENT (BUS DRIVERS) BILL 2018

Introduction and first reading

Mr DAVIS (Southern Metropolitan) (13:40) — I move:

To introduce a bill for an act to amend the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966 in relation to offences committed against bus drivers and for other purposes.

Motion agreed to.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 13 of 2018, including appendices.

Laid on table.

Ordered to be published.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

External oversight of police corruption and misconduct in Victoria

Ms SYMES (Northern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms SYMES (Northern Victoria) (13:42) — I move:

That the Council take note of the report.

In doing so, I am pleased to make a contribution on this, the sixth report that the committee has tabled in the Parliament. The Independent Broad-based Anti-corruption Commission Committee was established in 2012. It has responsibility for monitoring and reviewing the performance of IBAC and the Victorian Inspectorate. IBAC has the principal responsibility for the external oversight of Victoria Police, including its handling and investigation of complaints against police. IBAC can also handle and investigate complaints about Victoria Police itself.

While the use of police powers is strictly governed by the law, and the majority of police officers do an excellent job, the public's confidence depends significantly on how officers who do the wrong thing are held accountable. At the start of 2016 the committee identified in its *Strengthening Victoria's Integrity Agencies* report that there were concerns among several stakeholders over the impartiality and effectiveness of the current police complaint handling and oversight systems in Victoria. These included that IBAC was not investigating enough complaints about police and was referring the vast bulk of complaints back to Victoria Police to investigate themselves; that the complaints referred back included cases of serious police misconduct; and that IBAC was not receiving and reviewing all complaints. This meant that there was a risk of serious misconduct being classified as merely customer service matters.

In light of these concerns the committee determined to self-reference an inquiry into the external oversight of police corruption and misconduct in Victoria. The committee found that the Victorian system in which IBAC and Victoria Police share responsibilities for receiving, handling and investigating complaints is a robust one that can, with significant improvements, meet best practice principles. Therefore the committee did not recommend the creation of a new body to exclusively handle and investigate complaints along the lines of the Police Ombudsman for Northern Ireland.

Both Victoria Police and IBAC should retain their important roles within the system, our committee found. However, we did decide that, if the Victorian system is to meet best practice principles and meet community expectations, substantial improvements are needed. The committee made 69 recommendations to improve the transparency, impartiality, effectiveness and efficiency of the system. In particular the committee considers that IBAC needs to give greater priority to its functions of handling, investigating and oversighting complaints about police. For example, IBAC presently investigates only approximately 2 per cent of the allegations it determines warrant investigation, referring the rest back to Victoria Police. This situation is not satisfactory and does not meet the requirements of best practice principles.

To ensure that IBAC gives appropriate priority to its police oversight and investigative functions, especially in relation to serious police misconduct, the committee recommended the establishment of a dedicated police corruption and misconduct division within IBAC. In this regard the committee welcomes IBAC's recent appointment of Katie Miller as deputy commissioner with a particular focus on police oversight and complaints.

The committee also recommended that unless there are exceptional circumstances IBAC should be required to investigate complaints about serious police misconduct. In order to ensure that IBAC can undertake any additional responsibilities effectively, the committee recommended additional investigative and oversight powers for IBAC. These include expanded search powers, access to evidence from computer devices, a new offence in relation to the destruction or concealment of evidence and protection of IBAC officers and witnesses during IBAC investigations.

The committee's recommendations address the need for significant improvements in the handling, referral, investigation and oversight of complaints by IBAC and Victoria Police. For example, some of our recommendations include best practice collection, analysis and publication of data about the complaints system to inform policy and practice; better public information about how to make a complaint and how complaints are handled; better communication with complainants; better support for complainants; improvements to the classification and assessment of complaints by Victoria Police; improvements to the

impartiality and thoroughness of Victoria Police complaint investigations; better management of officer complaint histories and conflicts of interest; better protection of complainants, especially whistleblowers; and more effective use of conciliation by IBAC and Victoria Police to resolve complaints, which can be quicker, cheaper and less stressful and save investigative agencies time and resources.

While IBAC needs to play a stronger role within the police oversight and complaints system, the committee recognised the importance of Victoria Police continuing to take responsibility for addressing any misconduct within its ranks, upholding its own professional standards and handling and investigating a range of complaints. The committee recommended that the committee responsible for the oversight of IBAC in the 59th Parliament monitor the adoption and implementation of the recommendations to assess whether the problems and perceptions identified have been adequately addressed.

In the time I have remaining I would like to pass on my sincere gratitude to the hardworking secretariat. Sandy Cook, Stephen James and Justine Donohue have been fantastic to work with. I have been working with them for basically the whole time I have been on the committee. They are an absolutely fantastic asset to the Parliament. The IBAC Committee members have been great to work with as well.

Mr RAMSAY (Western Victoria) (13:47) — As a member of the Independent Broad-based Anti-corruption Commission Committee I am pleased to speak to its sixth report entitled *Inquiry into the External Oversight of Police Misconduct and Corruption in Victoria.*

The committee heard from some stakeholders that there has been an erosion of public confidence in the police oversight and complaints system in Victoria, with a number calling for a new ombudsman-type body to receive and investigate all complaints, along the lines of the office of the Police Ombudsman for Northern Ireland, which the committee had the benefit of visiting in 2016. While the committee has found that such a body is not necessary, if public confidence in the system is to be maintained, there need to be significant improvements as to how complaints are handled, investigated and oversighted by Victoria Police, especially the professional standards command, and IBAC.

As noted by fellow committee member Ms Jaclyn Symes, the committee made 69 recommendations to improve the transparency, impartiality, effectiveness and efficiency of the system. In particular the committee considers that IBAC needs to give greater priority to its functions of handling, investigating and oversighting complaints about police, and I am going to go into more detail about that in my statement on reports and papers on Wednesday afternoon.

I would like to acknowledge the excellent work of Victoria Police, and I trust that the committee's recommended improvements will reinforce the public's confidence in the vital service Victoria Police performs. I would like to thank the wide range of people and organisations that shared their views, experiences and expertise with the committee, especially complainants who bravely provided evidence during the inquiry. Their perspectives were invaluable. I thank my committee colleagues for their cooperative and bipartisan approach to the preparation of this report: the Honourable Kim Wells, the Honourable Marsha Thomson, Mr Sam Hibbins, Mr Danny O'Brien and Mr Tim Richardson in the Assembly, and Ms Jaclyn Symes, MLC. Finally, I thank the secretariat for their very hard work: Ms Sandy Cook, executive officer; Dr Stephen James, research officer; and Ms Justine Donohue, administrative officer. I commend this important report to the Parliament.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 29 July 2018 giving approval to grant a lease at Yarra Bend Park.

Minister's Order of 29 July 2018 giving approval to grant a licence at Flinders Foreshore Reserve.

Minister's Order of 23 August 2018 giving approval to grant a licence at Beauty Park, Frankston.

Environment Protection Act 1970 — Notice pursuant to 18D in relation to the Waste Management Policy (Combustible Recyclable and Waste Materials).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Management and Storage of Combustible Recyclable and Waste Materials — Guideline.

National Environment Protection Council — Report, 2016–17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat, Melton and Moorabool Planning Schemes — Amendment GC95.

Boroondara Planning Scheme — Amendment C291.

Corangamite Planning Scheme — Amendment C45.

Greater Shepparton Planning Scheme — Amendment C208.

Latrobe Planning Scheme — Amendment C108.

Melton Planning Scheme — Amendments C174 and C196.

Yarra Planning Scheme — Amendment C241.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 73, 112 and 114.

Legislative Instruments and related documents under section 16B in respect of —

Amendments of 21 August 2018 to Conditions Nos. 1 and 2 contained in the Victorian Fares and Ticketing Manual, under the Transport (Compliance and Miscellaneous) Act 1983.

Minister's Determination of 9 August 2018, of the Gaming Machine Entitlement Allocation and Transfer Rules, under the Gambling Regulation Act 2003.

NOTICES OF MOTION

Notices of motion given.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (13:53) — By leave, I move:

That precedence be given to the following general business on Wednesday, 5 September 2018:

(1) order of the day 2, second reading of the Corrections Amendment (Adult Parole Board) Bill 2018;

(2) order of the day made this day, second reading of the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018;

(3) notice of motion 609 standing in the name of Ms Wooldridge in relation to the performance of the Andrews government over the past four years;

(4) order of the day 1, second reading of the Forests (Wood Pulp Agreement) Repeal Bill 2018;

(5) notice of motion given this day by Ms Wooldridge in relation to outstanding and incomplete responses to existing document orders;

(6) notice of motion 602 standing in the name of Mr O'Donohue in relation to sworn police and protective services officer numbers; and

(7) order of the day 17 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Motion agreed to.

MINISTERS STATEMENTS

Child protection

Ms MIKAKOS (Minister for Families and Children) (13:54) — I rise to update the house on how the Andrews Labor government is expanding the Victorian child protection workforce. This week is Child Protection Week, and just last evening I had the opportunity to celebrate with many members of the community sector and child protection workers the incredible work that people are doing to protect Victoria's children. On 30 August I had the privilege of attending a graduation ceremony here at Parliament House to welcome our latest new recruits — 69 men and women who have successfully completed the 2018 child protection vacation employment program. This 12-week paid vacation employment program offers tertiary students the opportunity to receive hands-on experience in Department of Health and Human Services child protection offices and gain employment. The new workers, including graduates and experienced local, interstate and overseas professionals, will be placed around the state based on workload demand.

Over the past four years the Andrews Labor government has shown strong commitment to supporting our child protection system and our community sector as we shift our approach from crisis response to early intervention and prevention. As part of this commitment the Andrews Labor government has embarked on the biggest ever expansion of the child protection workforce. In total, 610 new child protection positions have been funded over the last four budgets. This is a significant achievement, as we have increased the child protection workforce by 43 per cent. There are now more than 1900 practitioners working with vulnerable children and young people across this state. The Andrews Labor government has invested an unprecedented $858.6 million through the Victorian budget to continue the transformation of Victoria's child and family services system through the *Roadmap for Reform* and the move from crisis response to prevention and early intervention.

There can be no greater responsibility and no greater calling than to create better, happier and more productive lives for children in Victoria. As the Minister for Families and Children I have been proud to see this work across the state and the vital role that our practitioners have in every community. My very strong view is that our child protection practitioners are the defenders of the defenceless, and I take this opportunity to thank them for their dedication and their hard work in protecting our most vulnerable Victorians.

Melbourne–San Francisco direct flights

Mr DALIDAKIS (Minister for Trade and Investment) (13:56) — As the Minister for Trade and Investment I rise to update the house on the most recent initiative of the Andrews Labor government to attract more business opportunities from the United States of America. The United States is Victoria's fourth largest international visitor market with over 218 000 visitors making their way here annually. That includes not just tourists but business visitors as well. To capitalise on this opportunity I was pleased to join my colleague the Minister for Tourism and Major Events to announce that our government has worked closely with Qantas for the launch of the first direct flights between Melbourne and San Francisco. Currently operating direct flights from Melbourne to Los Angeles, Qantas will expand its offering from four direct services a week, which are set to add close to 50 000 seats each way in a year.

This is a big win for Victoria, with the increase in visitor numbers anticipated to generate more than $30 million in expenditure and to grow total USA air freight exports to over $1 billion. Our government recognises the potential to maximise trade when travellers spend less time in the air and more time enjoying our food, our coffee and our arts and establishing lasting business collaborations. This initiative will also go a long way to supporting Melbourne's growing start-up sector, making it easier for entrepreneurs, innovators and investors to establish their presence in Silicon Valley.

The San Francisco region is, and continues to be, one of the most successful and prospective markets that Victorian businesses engage with. Connecting Victoria directly with this region will establish a gateway to industries that we have pinpointed as key future growth sectors for the Victorian economy — information and communications as well as medical technologies and pharmaceutical companies. Ensuring that Victorian businesses are globally connected is a priority for the Andrews Labor government, and we will continue to invest to ensure that they can succeed both here at home and abroad.

Parenting and child health

Ms MIKAKOS (Minister for Early Childhood Education) (13:58) — I rise to update the house on how the Andrews Labor government is helping parents and carers give their children the best possible start to life. The quality of parenting and the home environment are the strongest influences on a child's development during the early years. This is why access to reliable, evidence-based parenting information, advice and support is so important. We know that parents are increasingly looking online for information about parenting and child health. There is a lot of information out there, but it may not always be reliable or accurate. There is currently no single Victorian government website that provides information about parenting and child health issues and links families to early years services, so I was pleased recently to launch a new parenting website, parenting.vic.gov.au, to allow parents and carers to access reliable, evidence-based information online and in real time and connect them to available parenting supports and services. More content will be gradually added to reflect the needs of Victorian families, including content for parents of school-age children.

This comes on top of the $223 000 extension of funding I recently announced for Gateway Health to deliver an over-the-phone support program for parents and carers unlikely to engage with the usual parenting support programs available. The program, which runs for up to 10 weeks, allows any parent or carer to ask for tips, advice and guidance from an accredited parenting support worker either over the phone or online. It is targeted specifically towards people who are less likely to engage with other parenting programs like playgroups, such as fathers, grandparents and families in rural and regional areas. I am proud of our government's commitment to giving every parent and carer of young children in Victoria the comfort of knowing that extra support is always available if and when they need it.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (14:00) — My question is to the Special Minister of State. Minister, the Andrews government has refused to provide documents to the Legislative Council on a range of issues based on cabinet-in-confidence and

executive privilege claims, legal advice claims, departmental note claims, working document claims, personal affairs and information claims, commonwealth privilege claims and commercial-in-confidence claims. Minister, you have spent the last three and a half years applying these claims to, rightly or wrongly, refuse documents to this chamber. Why were those claims that you have held so dear not applied to the release of the Ventnor documents yesterday?

Mr JENNINGS (Special Minister of State) (14:01) — I thank Ms Wooldridge for her question. Well, in fact they were applied. They do apply. They are matters that have actually been considered. The hypocrisy of the opposition is actually quite something, asking a question in relation to this matter. I think it is absolutely amazing.

Honourable members interjecting.

The PRESIDENT — The minister without assistance, thank you.

Mr JENNINGS — In fact all of those tests I have actually tried to apply, and I have in fact in my role in relation to this matter continued to assert that they should apply, all the way through the consideration of these matters —

Honourable members interjecting.

The PRESIDENT (14:02) — Mr Davis, 15 minutes.

Mr Davis withdrew from chamber.

Mr JENNINGS — The matter that I was drawing to the attention of the chamber — and it is a painful matter for me to draw to the attention of the opposition — is that I, in unprecedented circumstances, was removed from the Parliament of Victoria for six months for refusing to release documents, applying those criteria, which included documents — two documents — from the previous government's administration, the government that you were part of. I was suspended from this house for six months for applying those criteria. The logic of your position is that you —

Mr O'Sullivan — On a point of order, President, I was not allowed into this house for three months — for no reason. Just remember that as well.

The PRESIDENT — I regard that as a vexatious point of order. Do not do it again.

Mr JENNINGS — I am happy for any positive contribution or principled contribution that Mr O'Sullivan makes to the Parliament. I have got nothing. If he has got a contribution to make in the Parliament, bring it. We are not aware of it very often, so bring it. What I am actually saying to the chamber is that I apply those principles consistently. In relation to this matter, in the view of the government there was a public interest consideration in relation to the gravity of the information that has been released to the Parliament in accordance with a resolution of the chamber, which has equal standing to any documents motion you move —

Honourable members interjecting.

The PRESIDENT — Order! Thank you.

Mr JENNINGS — President, you would be aware of the hypocrisy of the interjections, because in fact the Liberal Party, the National Party and for that matter the Greens applied a standard in this chamber that said, 'Release documents that relate to a previous administration, and if you do not, we will expel you for six months', and that is what you did. That is what you did. So in fact the logic of your position is that those tests should not be applied.

Honourable members interjecting.

The PRESIDENT — Minister, you know I do not like pointing. You also know that I do not like debating in answers, and whilst I understand that there have been interjections, which no doubt are encouraging you, I ask you to resist those interjections. I can deal with those, and I will. Minister, could you come back to the substantive part of the question, which you have in part been addressing.

Mr JENNINGS — Thank you, President. In fact there is a public interest test. The public interest test was that there was information that was withheld from the Ombudsman during the course of the last government. Indeed the documents that have been released at this point in time and the matters that have actually been tabled in the Legislative Assembly go to the heart of documents that were withheld by a minister in the government that members of the opposition were part of. They are in fact in the public interest. The Ombudsman made it very clear that they are in the public interest. Ultimately this is a case of, 'Live by the sword, die by the sword'. Today there has been a little bit of blood extracted from those who sought vengeance in this chamber and expelled me. They are getting some of their own back today.

Honourable members interjecting.

The PRESIDENT (14:05) — Mr Finn, 15 minutes, thank you.

Mr Finn withdrew from chamber.

Mr JENNINGS — Ultimately there is a benefit in the public interest of understanding what is in these documents, what standards of ministerial accountability were in the previous administration —

Honourable members interjecting.

The PRESIDENT (14:06) — Mr Morris, 15 minutes, thank you.

Mr Morris withdrew from chamber.

Mr JENNINGS — That is a test that we should all comply with, that we should all live by, each and every day, not when it suits our purposes, not when it is expedient — all the time. And, yes, I may be uncomfortable that the public interest may not be immediately apparent to you, but it may well be to the public, and that is, in this context, what matters — what is in the public interest as far as the public is concerned.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:07) — I think we have just seen unsurpassed hypocrisy from the other side, from this government —

Honourable members interjecting.

The PRESIDENT — Order!

Ms WOOLDRIDGE — Minister, will these new measures on the production of documents that the Andrews government has suddenly found less than 100 days before the election be applied to all outstanding document matters, or do these new criteria for the production of documents only apply when the Labor Party can do political mudslinging with it?

Honourable members interjecting.

The PRESIDENT — Thank you. Minister, without assistance.

Mr JENNINGS (Special Minister of State) (14:07) — I just want to give the chamber a reminder of standards in relation to this matter, and my undertaking to the chamber is that those standards will apply. And also as a reminder in relation to standards, President, last night Ms Symes was actually asked to provide a pair for a member of the opposition during the course of this week. Ms Symes contacted me. I gladly agreed to it. I will agree to it, and I will abide by it because in fact it is a matter of honour. Signing the book means nothing; it is a matter of honour. At the end of this week, if I cannot look you in the eye, then I'll go he, but I will be able to look you in the eye because I will stand by what is honourable in this place — a test that you failed, you failed and you failed monumentally.

Major event ticketing

Mr ONDARCHIE (Northern Metropolitan) (14:08) — My question is for the Minister for Small Business, representing the Minister for Tourism and Major Events. My question relates to statements made by Minister Dalidakis during the committee stage of the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 in May, in which Minister Dalidakis stated 70 stakeholders were consulted during the drafting of the bill but refused to release the names of those stakeholders. The minister gave a commitment to the house, and I quote:

> … I will endeavour to do that as quickly as I can.

Minister, 119 days later, when will the names of the 70 stakeholders be released to the Parliament?

Mr DALIDAKIS (Minister for Small Business) (14:09) — I thank the member for their question. As I indicated during the committee stage, I had that request for information passed on to the minister's office, and as per his request to a minister in the other place I will pass on this question to the minister and seek a response within the time frame, as you set, President.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (14:09) — Minister, in a written response back to the house on 22 May on why you would not provide the names, you stated, and I quote:

> I understand DEDJTR is currently developing a process to seek this advice. Further information will be provided in due course.

However, at the Public Accounts and Estimates Committee on 30 May the department secretary, when asked about the process Minister Dalidakis said was being developed, stated, and I quote:

> I am not aware of that particular undertaking …

Minister, given this bill was drafted specifically to assist Labor Party donors who actually donated tens of thousands of dollars to the party during the drafting and consultation stages of the bill, why won't the government release these names?

Mr DALIDAKIS (Minister for Small Business) (14:10) — I thank the member for his question. I do believe that he has used the protections afforded to this house with privilege in an unfortunate way to cast an aspersion over this side of the chamber — the government — in relation to the matters before us.

Honourable members interjecting.

The PRESIDENT — Thank you! Minister, without assistance.

Mr DALIDAKIS — President, I thank you for that opportunity. I do reflect on the fact that this is to a minister in the other place that I am representing, but I certainly will not agree to accept the premise of his question that public policy on this side of the chamber is formed on behalf of political relationships or fundraising, which contrasts with the media reports in relation to the Leader of the Opposition's way of doing business himself.

Timber industry

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:11) — My question is to the Minister for Agriculture. Noting that the government has now waived executive privilege with respect to cabinet matters, will the minister inform the house of the government's cabinet discussion and decision yesterday in respect of Victoria's timber industry?

Ms PULFORD (Minister for Agriculture) (14:12) — Gosh, there are so many different ways I can answer this I am just not sure where to begin. There was not a cabinet meeting yesterday.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:12) — I thank the minister for her answer. The Leader of the Government in his response to Ms Wooldridge said that the government releases cabinet documents when it is in the public interest, so will the minister now ensure that all cabinet documents related to the government's future plans for the timber industry are released to the public?

Ms PULFORD (Minister for Agriculture) (14:13) — I thank Mr Rich-Phillips for his supplementary question, which was hanging off the back of a substantive question about something that did not happen yesterday. I will take the time available to me to indicate that there was a recent media report that went to speculation about the government's work in the timber industry, securing jobs and protecting the environment. Members in this chamber are well aware of the difficulty and the ongoing challenge that the government deals with in this respect, in no small part because of the extraordinary shemozzle that was left to it by the former government, but I will take this opportunity to indicate that those media reports are not correct.

Timber industry

Mr O'SULLIVAN (Northern Victoria) (14:14) — My question is to the Minister for Agriculture. Minister, does the Andrews government have a plan to end native timber harvesting in Victoria by 2029?

Ms PULFORD (Minister for Agriculture) (14:14) — I thank Mr O'Sullivan for his question. Again, as members are well aware, the government have for the entire period we have been in government been working closely with industry, with environmental organisations and with the union that represents timber workers to reconcile the very challenging set of circumstances that face the timber industry. Just for context, it is important to note that the approach the previous government took to this — including when Mr O'Sullivan was the chief of staff to Peter Walsh, who was my predecessor in the agriculture portfolio — included entering into arrangements to protect the Leadbeater's possum that resulted in a significant diminution in the amount of available resource, so every time Ms Dunn or one of her mates finds a possum there is a 200-metre circle created that is no longer available to industry. While you did that on the one hand, on the other hand you said a whole bunch of things to industry that were just simply not true.

Mr O'Donohue — Just answer the question.

Ms PULFORD — Yes, I am. If I could just remind members that the CEO of the Hermal group, the former owners of the timber mill at Heyfield, said the prior state government promised they would do certain things and that:

> Peter Walsh allowed a contract to be signed with us and then did not sign the indemnity at the close of government, despite promises, undertakings and gentlemen's handshakes … That man, Peter Walsh — do not vote him back in, voters. He is the biggest liar you will ever come across and will lie and lie.

That is just one example. I know there are a whole lot of other mills in Victoria that have been of the view that they have had an as-of-right entitlement to contract extensions. That has been very difficult for them and difficult for VicForests because, again, as members who are interested in forestry policy will be aware, the resource outlook that was made public last year

demonstrates that for a range of reasons the amount of resource that is available to industry is declining.

In terms of any theories that people have about plans that have been concocted and specifically in response to Mr O'Sullivan's question, no decisions have been made by this government. We continue to work closely with industry, with the union and with environment groups to reconcile a difficult policy challenge that goes to the heart of ultimately competing views about use of a public resource that belongs to us all. What we are not doing is we are not saying to one group of people, 'Here, have the world', and saying to the other group of people, 'Here, you can also have the world', even though the two things are irreconcilable. As I indicated in response to the earlier question —

Mr O'Donohue interjected.

Ms PULFORD — I don't know if Mr O'Donohue's ears are painted on or what, but these —

Honourable members interjecting.

Ms PULFORD — Well, you were being the fashion police earlier when Mr Dalidakis was answering Mr Ondarchie's question. The answer to the question is that the government continues to work with all stakeholders on what is a difficult policy area, and that is in no small part a response to the big mess that Mr O'Sullivan and his friends left us.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (14:18) — Minister, will you guarantee that the Andrews government's position on this matter will not change prior to the 2018 election?

Ms PULFORD (Minister for Agriculture) (14:18) — Mr O'Sullivan is asserting some knowledge of government deliberations based on a media report that I have already indicated is not accurate and does not reflect the government's position. So I would reiterate my previous answer: the government's position on this has been the same from day one and remains the same now, which is that we will continue to work with all parties to reconcile difficult and competing views about the use of our native timber resource.

Timber industry

Ms BATH (Eastern Victoria) (14:19) — My question is to the Minister for Agriculture. Minister, have you sought advice from your department on the impact of ending the native timber industry in Victoria, including the loss of thousands of jobs from regional towns, including Mansfield, Benalla, Yea, Powelltown, Noojee, Heyfield, Bairnsdale, Maryvale and many others?

Ms PULFORD (Minister for Agriculture) (14:19) — I am well aware of the economic impacts of native timber employment in Victoria.

Ms Bath — Have you sought advice?

Ms PULFORD — I have visited a number of them. I am absolutely aware of and have received advice on multiple occasions — from memory, it was probably covered in my red book when I was an incoming minister — about the native timber industry, where the employment is, where mills are, the interrelationship between mills and Australian Paper, the aspirations of the businesses in this industry and even to a point the salaries of the people who work in this industry; they are all things that are well known and understood by me. And, yes, I have been briefed by my department on these things on many occasions the entire time that we have been in government.

Most notably, we were dealing with a particularly acute point in forestry policy when the owners of the Heyfield mill said that they were going to close it. We said that that was not good enough. We cared too much about jobs in your electorate, Ms Bath, we cared too much about jobs in the industry, and so we invested in that mill to secure its future. If we had not done that, that mill would have been closed.

So in lots and lots of different ways on lots and lots of different occasions I have had advice from my department about employment numbers in mills right across regional Victoria that are related to the native timber industry. It is kind of a silly question — like, how could I not?

Supplementary question

Ms BATH (Eastern Victoria) (14:21) — I note the minister's response, and my supplementary question is: does removing the native timber supply, including from mills such as Maryvale and Benalla, advance the Andrews government's regional development objectives?

Ms PULFORD (Minister for Agriculture) (14:22) — Again, the question is prefaced on an assumption that the report in the *Herald Sun* is accurate, and I have already indicated that it is not. Again, specifically in response to Ms Bath's question, of course the timber mills that operate across Victoria are important to their local communities. Of course they

contribute to the local economy and provide employment. Ensuring that they have a viable and a strong future is an essential part of our regional economy, and there are many, many parts that make up regional economic development, be it tourism, agriculture or the timber industry. Absolutely these things are of great interest to the government, which is why we have done a whole bunch of things that have resulted in the creation of 44 000 jobs in regional Victoria since we came to government.

Timber industry

Mr O'SULLIVAN (Northern Victoria) (14:23) — My question is again to the Minister for Agriculture. Minister, last year your government committed $110 million towards plantation timber supplies. How many seedlings have been planted with this $110 million?

Ms PULFORD (Minister for Agriculture) (14:23) — I thank Mr O'Sullivan for this question. The project to increase plantation supply and to increase plantation timber as a proportion of our timber industry is still in the planning stage. The needs of industry are of course paramount and need to be properly understood prior to the planting of trees, because of course not all trees are the same and not all businesses need the same type of timber supply. What I can indicate is that in relation to the expansion of the plantation estate in Victoria the government's focus to date has been on discussions with industry about their needs.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (14:24) — Minister, you said you would invest $110 million in new plantations but you have not even planted a single seedling, and you said that the timber release plan would be released as soon as possible but it has not been. Why, then, would anybody believe you and your cabinet colleagues are not considering a secret plan to ban native timber logging in Victoria?

Ms PULFORD (Minister for Agriculture) (14:25) — What was the question? It was not very coherent, President.

The PRESIDENT — Essentially, why would you be believed on not banning native forest timber if in fact the planting program has not yet proceeded.

Ms PULFORD — I stand by my previous answers and every effort that I have made in nearly 12 years in this Parliament in relation to supporting regional jobs and regional industries. Whether Mr O'Sullivan believes me or not is frankly a matter for Mr O'Sullivan, but I would have thought that people who I work with, who deal with me, would generally regard me to be somebody that engages with them in a meaningful and an honest way. I would also like to think — I feel like I am kind of writing my valedictory speech, which I am not — that I have at least some established form and consistency in respect to standing up for regional communities and regionally based industries, something I have been doing and have been proud to be doing here for 12 years.

Trespass legislation

Mr BOURMAN (Eastern Victoria) (14:26) — My question today is for the minister representing the Attorney-General, Minister Tierney. Over the weekend we saw animal rights activists break into a chicken farm and pretend to rescue these animals whilst they were really stressing them and causing more damage than anything positive. Add to this the supposed 'hunt saboteurs' who invade private property and interrupt a legal and regulated activity. The police seem to be unable to deal with this, and I believe it is because the current laws relating to trespassing are inadequate. Trespassing laws in Victoria are pretty well ineffective in general, let alone with the added difficulty of extremist animal activists. It is clear that the Victorian laws relating to trespassing must be updated, so my question to the minister is: what will the government do to ensure that ordinary Victorians trying to earn a living or pursue a legal recreation are not harassed and vilified by extremists?

Ms TIERNEY (Minister for Training and Skills) (14:27) — I thank the member for his question to the Attorney-General. I will refer that matter to the Attorney-General, and I am sure that he will respond within the prescribed guidelines.

Supplementary question

Mr BOURMAN (Eastern Victoria) (14:27) — I thank the minister for her answer. My supplementary question is pretty simple. It is: will the government make a commitment to deal decisively with the issue of trespassing by animal activists and trespassing in general?

Ms TIERNEY (Minister for Training and Skills) (14:28) — Again I thank Mr Bourman for his question, and like the substantive question, I will refer the subsequent question to the Attorney-General for his response.

Gambling regulation

Ms PATTEN (Northern Metropolitan) (14:28) — My question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, represented in the house by Minister Dalidakis, and it relates to poker machine reform. A recent Essential Media Communications poll which surveyed 1035 respondents found 63 per cent supported the introduction of $1 maximum bets and only 15 per cent opposed it or strongly opposed it. Importantly, an even stronger 69 per cent of regular machine gamblers backed this measure. This poll demonstrates the clear community support for a reform that I note has already been proposed twice by the Productivity Commission. So my question is: given that there is community support and an economic argument in favour of a $1 maximum bet, will the government take steps to introduce this type of reform?

Mr DALIDAKIS (Minister for Trade and Investment) (14:29) — I thank the member for what is a considered question. Given that it is a policy area for a minister in the other place, I will take that question on notice and seek an answer within the allotted time.

Supplementary question

Ms PATTEN (Northern Metropolitan) (14:29) — The same poll indicated that changing regulations to make pokies less addictive was supported by 71 per cent of respondents, and even 60 per cent backed reduced trading hours at pokies venues. Interestingly, people who gambled more than once a month were more supportive of reforms than non-gamblers, suggesting that gamblers are aware of the harm that is being caused. So given that the very users of pokies are supportive of these reforms, what will the government do in response?

Mr DALIDAKIS (Minister for Trade and Investment) (14:29) — I thank the member for her supplementary question. As I indicated in response to the substantive question, I will pass the question to the minister in the other place who is the minister responsible for this portfolio area and seek a response, again in the allotted time.

Timber industry

Ms DUNN (Eastern Metropolitan) (14:30) — My question is for the Minister for Agriculture. Minister, can you confirm that the Andrews government has offered to buy out the remaining allocation under the agreement to supply mixed species sawlog to Auswest and that this timber will instead be allocated to the Heyfield mill?

Ms PULFORD (Minister for Agriculture) (14:30) — I thank Ms Dunn for her question. I will take that question on notice and provide Ms Dunn with a written response tomorrow.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:30) — Thank you, Minister, for taking that on notice. My supplementary question is: can you confirm that as part of the buyout Auswest has been directed to invest funds into shares in Heyfield ASH Holding Pty Ltd, the holding company for the Heyfield mill?

Ms PULFORD (Minister for Agriculture) (14:31) — That is a very strange question — even stranger than usual. But given the strangeness of it, I will take it on notice as well.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:31) — There are 40 written responses to questions on notice: 10 191, 11 478–9, 11 482, 11 500–1, 11 504, 11 523–4, 11 527, 11 545–6, 11 549, 11 567–8, 11 571, 12 566, 12 689, 12 723–4, 12 727–8, 12 735–6, 12 740–1, 12 745, 12 747–8, 12 765–6, 12 814, 12 817, 12 820, 12 822–6, 12 833.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:31) — Order! In respect of today's questions, Ms Wooldridge's question to Mr Jennings, just the supplementary question, I seek a written response in one day; Mr Ondarchie's question to Mr Dalidakis, the substantive and supplementary questions, two days for a minister in another place; Mr Rich-Phillips's question to Ms Pulford, the substantive and supplementary questions, one day; Mr O'Sullivan's question to Ms Pulford, just the supplementary question, one day; Mr O'Sullivan's second question to Ms Pulford, the substantive question, one day; Mr Bourman's question to Ms Tierney, the substantive and supplementary questions, two days; Ms Patten's question to Mr Dalidakis, the substantive and supplementary questions, two days; and regarding Ms Dunn's question to Ms Pulford, Ms Pulford has indicated that she will provide a written response tomorrow — that is one day.

Can I just point out that I was asked by a member in another place to put around a pamphlet on the stay in your office fundraiser. I have been asked by Mr Dalidakis if that means that he does not have to come to question time. The answer from the whips and myself is no, you do need to fulfil your duties during the day, including in question time.

Honourable members interjecting.

The PRESIDENT — I would appreciate it, actually, if the jacket did appear.

Mr Dalidakis — It's here.

The PRESIDENT — I would be absolutely delighted if you were to be a clothes hoist and wear it.

I also note that this is Legacy Week, and that charity does some fantastic work with the widows and in some cases male spouses — husbands — as well and obviously the families of people who have served in our armed forces. I advise members that there are badges available in the office at the back of the chamber where Natalie is, and I would encourage them to buy those badges if possible.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:34) — I have been asked by Ms Wooldridge to consider a request to reinstate a number of questions on notice. I have had a look at those questions and I am of the view that I should order that they be reinstated. They are questions 10 921, 10 922 and 10 924. Part 2 of those questions, in my view, has been answered adequately, so I will reinstate only parts 1 and 3 of those questions. In relation to a further question, 12 525, I will reinstate part 1 of the question. In relation to question 12 701 I will reinstate parts 1 to 4 but not part 5 of that question.

Mr Rich-Phillips has also written to me — as I indicated, we are penpals — to request reinstatement of a number of questions on notice to do with staffing arrangements in ministerial offices. The answers provided, in my view, are not adequate, and, as I have previously ruled, I would again reinstate questions 11 473, 11 486, 11 495, 11 509, 11 518, 11 531, 11 540, 11 553, 11 562, 11 575, 12 837–42 and 12 844.

I note that Mr Rich-Phillips has requested further questions be reinstated. However, these are currently awaiting response, so I cannot reinstate those at this time. In other words, they are within the time frame, as I understand it.

Ms Bath — On a point of order, President, I have a point of order in relation to a question without notice that was asked by me on 23 August this year, and it goes to the fact that the government has not addressed my issue in relation to the expected return on investment from the taxpayer on the sale of Australian Sustainable Hardwoods (ASH) and also if ASH had made a loss in the last financial year. I ask that you reinstate that question.

The PRESIDENT — Ms Bath has done me the courtesy of providing me with this question. I have looked at the responses, and whilst there is a general response I think both the substantive and supplementary questions were seeking some specific information. I do not believe that has been provided in the general response, so I will reinstate both of those questions.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:37) — My constituency question is for the Minister for Public Transport. In late July the minister announced that coaches would replace all trains between Shepparton and Melbourne while works were completed to upgrade infrastructure on the Shepparton line. The minister announced that this would occur for a period of 16 days commencing on 25 August. The first coach left Shepparton bound for Melbourne at 7.16 a.m. on 25 August — an express bus due to arrive at Southern Cross station at 9.34 a.m. One of my constituents was a passenger on the bus, and she understands the need for coaches to run while this work is completed; however, you can imagine her horror when she tried to use the toilet on the bus only to find it was out of order. Unbelievably, the very first bus that replaced trains between Shepparton and Melbourne did not have a working toilet. Minister, after forcing Shepparton passengers to travel on coaches instead of trains due to track upgrades, will you at least give an undertaking that the coaches used will have all amenities in working order for the comfort of my constituents travelling between Shepparton and Melbourne?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) (14:38) — My constituency question is for the Minister for Public Transport. My constituent is a regular user of the Upfield bike path that runs along the Upfield train line, and he, like me, was pleased that the minister heeded

the Reason Party's call to extend the pathway 800 metres to link the Upfield path to the Western Ring Road bike path. However, my constituent in consultation with VicRoads on this project has been informed that it will not be completed, or even started, until the next financial year. So I ask on behalf of my constituent: given the modest costs involved in completing this project, will the minister act to ensure that it is completed this financial year?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:39) — My constituency question is on behalf of constituents in Blackburn and is directed to the Minister for Public Transport. These constituents are retired non-car owners and therefore depend heavily on public transport. While central Blackburn is generally well serviced, they have difficulty getting to major shopping centres in the east. Their only direct link is the 279 bus to Eastland, which only runs through Blackburn twice a day and only on weekdays. To get to any other shopping centre they need to navigate the notoriously poorly planned Box Hill interchange. To improve public transport in the east, I ask: will the minister consider extending the 703 SmartBus up to Doncaster shopping town, connecting residents with additional shopping opportunities and also connecting them to the 902 and 903 SmartBus routes?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) (14:40) — My constituency question is to the Minister for Families and Children, the Honourable Jenny Mikakos. I note that we are currently observing National Child Protection Week. I want to praise the work of Bravehearts in raising awareness of this occasion and working towards making Australia a safer place for all children. There is no doubt that the Andrews Labor government is working to support our vulnerable families and those at risk of becoming involved with child protection or out-of-home care. A record $858 million was delivered in this year's child protection budget to further improve outcomes for children in Victoria. But we still have a long way to go, and the national statistics highlight this. According to the Australian Bureau of Statistics in 2017 more than 1.4 million Australians were sexually abused before their 15th birthday, with 58 per cent assaulted for the first time before they turned 10 years old. My question for the minister is: what will a re-elected Andrews Labor government do to ensure that we are protecting children in Victoria, including in my electorate of Western Metropolitan Region, particularly from sexual assault?

The PRESIDENT — The question is tenuous because you were really asking a broad question about the whole of Victoria and just tacked it on the end, thinking that you had better include your electorate. It is not on, really. I will let it go today, but do not take it as a precedent.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:41) — My question is for the attention of the Minister for Public Transport. Her agency Development Victoria was involved in a process in recent months related to constructing a proposed loop around Melbourne to be completed perhaps at the cost of up to $100 billion. It is a fact that the minister's agency, Development Victoria, has done a significant amount of costing of work. But this obviously impacts directly on my electorate. I seek from the minister the costings that relate to the section that is proposed to run between Cheltenham in the south of my electorate and Burwood in the east of my electorate. That part of the proposed loop is, according to the minister, to be underground. What I ask is: will she release the full costings on that section of the route?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) (14:43) — My constituency question is for the Minister for Small Business. Small businesses are the bedrock of our economy — there are hundreds of thousands of small businesses — but it is a very difficult path that many small businesses go down, having to deal with many challenges. Small businesses need all the help they can get. One of the key methods by which small businesses receive help in my electorate is the Small Business Bus. The small business buses have been used by many, many small businesses in my electorate, including on the peninsula and in the Pakenham, Officer and Clyde areas. I ask if the minister would please provide me with information as to when the small business buses will be visiting my electorate in the near future and what mentoring and other support services they will be providing.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:43) — My question is for the Minister for Police in the other place, and it concerns Buch Avenue in Epping in my electorate of Northern Metropolitan Region. I raised this issue over seven months ago with the minister because Buch Avenue has become an area of alleged crime, hooning and unsavoury practices. The minister wrote back to me and said that they were working with local council and the local highway patrol

to reseal the road to prevent further gatherings and address the alleged criminal activity in the area. The advice I get from businesses in Buch Avenue, Epping, is that not a lot has changed. The council will not come back and book illegally parked unregistered cars without appropriate police security. They are not sure the road has been resealed, as claimed by the minister in February this year, and it is still very unsavoury, with a lot of alleged criminal activity. So the question is: Minister, has the road been resealed, and what are you doing to address the alleged criminal activity in the area?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:44) — My constituency question is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and I raise the question on behalf of a constituent, Mr Calvin Muller. Mr Muller has raised concerns about the safety of the Warracknabeal-Birchip Road from Warracknabeal to Birchip. My question to the minister is: under the regional roads project has consideration been given to widen and resurface this stretch of road? He says that considering the road is extremely narrow and unsafe, with a rough surface and dangerous broken and jagged edges, and is used extensively by heavy vehicles carrying grain and hay, this should be a priority for the regional roads project.

Western Victoria Region

Mr MORRIS (Western Victoria) (14:45) — My constituency question is for the Minister for Public Transport, and it relates to the Murray Basin rail project. We did learn that the Murray Basin rail project was initially supposed to have an upgraded section between Gheringhap and Maryborough, which was going to be dual gauge, which would facilitate both passenger rail and freight rail on that line. Unfortunately in a media release from the minister on 29 August this year she states:

> The remaining stages of the Murray Basin rail project involves converting 388 kilometres of track on the Manangatang and Sea Lake lines to standard gauge. It also includes the conversion of 66 kilometres of track to standard gauge between Gheringhap and Warrenheip.

This change will obviously remove the capacity for passenger rail to be able to travel between Gheringhap and Warrenheip and is a very short-sighted decision of this government. So my question is: will the minister reverse her decision and ensure that the line between Gheringhap and Warrenheip is dual gauge, not standard gauge?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:46) — My constituency question is to the Minister for Roads and Road Safety. Minister, for over three years people in the west of Melbourne, particularly the inner west, have been mystified by the relationship between the Andrews government and Transurban. I have to say they are not on their own; I am mystified as well. With the almost total absence of any form of genuine consultation, my constituents have many questions surrounding the western distributor/West Gate distributor/West Gate tunnel. These questions have been asked frequently but to this point remain unanswered. Now that the government has thrown out the window all protocols relating to confidentiality of cabinet documents, will the minister make available documents which might reveal the dodgy deals that have gone into making possible the building of the West Gate tunnel and subsequent extensions of tolls to many of my other constituents?

MEMBERS STATEMENTS

Child protection

Ms SPRINGLE (South Eastern Metropolitan) (14:47) — This week is National Child Protection Week. The enduring message of the week is that protecting children is everyone's business. One of the first things I did as a member of Parliament was refer child protection issues to a parliamentary inquiry. Since that time we have had an ongoing discourse in this chamber around these issues. This government has argued year on year that through substantive reform and investment it is fixing a broken system and that we will see improvements as a result of those reforms. I note that today the minister has pointed to the increase in child protection worker numbers, and I pay my respects and gratitude to those workers, existing and new. But the reality, borne out by that data, is that we are not seeing any real improvement and by some measures things have got much worse.

The rate of Indigenous children in care is increasing year on year; we are as we speak perpetuating and continuing a stolen generation. The rate of non-Indigenous children in care is increasing year on year. We have more foster carers leaving than entering the system. So, yes, we do need more staff, but that is because we have more children in care. Despite some progress on redress, we are not even managing to properly address the vast damage done by our child protection system in the past. Victoria is the only state with no reparation mechanism for the stolen generations, which genuinely calls into question this

government's progressive credentials. National Child Protection Week should be a wake-up call for us all. We need to be investing more and increasing a genuine focus on primary prevention by addressing causes and not just symptoms if we are to see real progress.

Private Robert Mactier, VC

Ms LOVELL (Northern Victoria) (14:49) — I was honoured to be a guest at the commemoration service for Private Robert Mactier, VC, Tatura's most distinguished soldier. Private Mactier was born in Tatura and enlisted in the Australian Infantry Force in Seymour at the age of 27. Private Mactier joined the 23rd Battalion and in May 1917 sailed off to fight the Germans in France during the Great War.
Private Mactier was killed in battle during an engagement which saw him posthumously awarded the Victoria Cross for 'most conspicuous bravery and devotion to duty'. Private Mactier single-handedly and in broad daylight stormed three machine-gun garrisons, capturing or killing 14 enemy soldiers before being killed himself. A short history of Private Mactier's life was delivered by great-nephew Andrew Mactier, and descendants Jack and Hamish Mactier read a citation, which was followed by the unveiling of a plaque to recognise the 100th anniversary of Private Mactier being awarded the Victoria Cross. The service was also attended by VC recipient Keith Payne, AM, who spoke about the courageous efforts of Australian service men and women and their contributions in conflicts. I would like to thank Tatura RSL sub-branch president Mark Sommers for his warm invitation.

Shepparton Greyhound Racing Club

Ms LOVELL — It was great to attend the recent running of the Shepparton Cup, the marquee event on the Shepparton Greyhound Racing Club's calendar. The winner of the $65 000 Shepparton Cup was Peter Galo, trained by Garry Selkrig. Although a winner in 17 of his 28 races, the group 2 Shepparton Cup was Peter Galo's first at a group level. One of the highlights of the night was a visit from the Greyhound Adoption Program and retired greyhound Jimmy. Jimmy has been adopted to a loving family, and now that his racing career has ended he is an example of what wonderful pets greyhounds are. A large crowd attended the night, and I would like to congratulate club president Tracey Fothergill, the committee and manager Carl McGrath on another successful Shepparton Cup.

Gumbuya World

Mr MULINO (Eastern Victoria) (14:51) — It was a pleasure last Friday to attend the opening of the next phase of Gumbuya World, with the Minister for Tourism and Major Events in the other place, John Eren. This is a substantial development near Pakenham in my electorate. It has already involved tens of millions of dollars of investment. It has already had 200 000 visitors to date and by 2020 it is planning to receive 750 000 visitors per year. Importantly for me, one of the key things that will arise from this development in addition to the huge visitor numbers is the fact that it will support something in the order of 300 to 400 local jobs, and there are already dozens and dozens of local people working at this project. I have taken my daughter there a number of times already as it is already a frequent demand on weekends. I am sure the demands will only increase in summer when the water park opens.

It is also important that a major dinosaur park will open there. This is a big win for the Australian technological community in that some of our dinosaur theme parks are leaders in the world and are already being displayed in China, for example, at some of their major international exhibits.

Balnarring Civic Court Reserve

Mr MULINO — It was also wonderful to be at the Balnarring Civic Court Reserve official opening. This is a project that will receive funding support from the Growing Suburbs Fund. It was quite touching to see a councillor from the 1970s there who had actually used his ward funds to buy land for this reserve, which is now going to be open for community use in the near future.

Ballarat police numbers

Mr MORRIS (Western Victoria) (14:53) — I rise to update the house on a very concerning development that has occurred recently in Ballarat, where it has been confirmed that we have 15 fewer police in Ballarat now than when Daniel Andrews was elected. This is despite skyrocketing crime rates and significant population growth in Ballarat. We are seeing carjackings, we are seeing home invasions and we are seeing crime once unthought-of in Ballarat occurring on an all too regular basis. Despite what is occurring here, we are seeing this government cutting the numbers of police in Ballarat. I was speaking to a constituent, and their number one concern is the law and order crisis that is occurring not just in Victoria more broadly but in Ballarat as well. It is absolutely shameful that this government sees fit to

cut police numbers where crime rates are skyrocketing. The first and most important role of any government is to protect the community, and thus far on this measure this government has been an abject failure. We have seen this government fail to protect our community, we have seen a law and order crisis spiral out of control and we have seen a government that refuses to do anything at all to address this significant issue.

Yallourn Golf Club

Ms SHING (Eastern Victoria) (14:54) — It was so lovely to go to the Yallourn Golf Club last Friday to announce a PGA Gippsland tour to kick off next year — to tee off, I should say. I have no idea about golf terminology, as would seem quite evident. One hundred and thirty-two golfers over four days will come to Yallourn to invest in improving skills, in clinics and in assistance for people of all ages and abilities, and it really is a significant building block for the work we are doing across a number of different codes. I congratulate this really wonderful club. We are so proud of you, and we cannot wait to see the crowds flocking to this club to enjoy all that the region has to offer.

Lifeline Gippsland

Ms SHING — Last week it was so wonderful to celebrate Lifeline Gippsland's 50th birthday. Lifeline has been changing and saving lives throughout Gippsland for 50 years. It has continued to make a difference and it has continued to make sure that people can find someone to talk to when and as they need to. In this regard, I want to take a moment to send condolences to the friends and family of Jack Strong, a young man who took his own life in circumstances which have devastated those around him throughout the Latrobe Valley. Our thoughts and best wishes, and wishes for comfort and all of the space that people need to grieve, are with Jack's family and everyone from the footy club and the broader community at this exceptionally difficult time.

Suicide is something we need to continue to speak about and we need to continue to urge people to seek help for. Again, I would ask that people give active consideration to reaching out to anyone who is not okay.

Australian Labor Party

Mr FINN (Western Metropolitan) (14:56) — We all know what Labor is like at election time. We all know they will say or do anything for a vote. There is no lie Labor will not tell if it might advance their political fortunes. We all remember Daniel Andrews telling us that cancelling the east–west link would not cost the taxpayer a cent. How could we forget? It cost us $1.3 thousand million. We all remember Daniel Andrews looking solemnly into the camera lens and promising no new taxes on election eve. That was a whopper. The red shirts rorts scandal is a fair indication of the lengths the ALP will go to come election time. As Victoria Police's fraud and extortion squad investigates what went on, Victorians are left to wonder just how much of its government is comprised of shysters and charlatans. We remember the bullying and intimidation used by Labor operatives at polling booths during the last election.

We take all of that as a given, but Labor's latest scam just might top them all. Here we have Premier Andrews waxing lyrical about his great vision for vertical and horizontal rail tunnels from one end of the metropolitan area to the other; $50 billion he says it will cost, although I am told it might be closer to $100 billion. So excited about it is our Premier that he has put the grand total of some $300 million on the table. You do not have to be a Rhodes scholar to work out that that just does not add up. Another Labor lie, another Labor scam.

B'nai B'rith Jewish Youth Music Eisteddfod

Mr DALIDAKIS (Minister for Trade and Investment) (14:58) — I rise to speak about a wonderful event that I attended on Sunday, 2 September just past, as a guest of Dvir Abramovich and the B'nai B'rith, and that was the B'nai B'rith Jewish Youth Music Eisteddfod. It was attended by Lady Anna Cowen and the member for Caulfield in the other place, David Southwick. It is fair to say that the talent on display was nothing short of amazing, and it was my great pleasure to provide award winners with their beautifully designed crystal trophies.

Port Phillip City Council

Mr DALIDAKIS — Further in support of the work that B'nai B'rith do, yesterday I attended a unique event. It was an event that saw the Israeli flag raised at the St Kilda town hall as a result of work by the mayor, Cr Bernadene Voss, and also by Cr Marcus Pearl. It was done to right a wrong in relation to an anti-Semitic act that occurred within the council chamber earlier in this council term. I praise the work of Cr Voss and Cr Pearl. I also praise the work of Dvir Abramovich, the leader of the B'nai B'rith Anti-Defamation Commission. It was wonderful, and to the best of our knowledge it is the first time ever that the Israeli flag has flown amongst the flags at the St Kilda town hall for Port Phillip City Council.

Native forest logging

Ms DUNN (Eastern Metropolitan) (15:00) — Members of community group Forest Conservation Victoria have established a peaceful blockade on the southern slopes of Mount Baw Baw in threatened species habitat where VicForests is currently logging. The area of forest marked for logging contains many large hollow-bearing trees that provide critical habitat for threatened species, such as the greater glider. The gliders, as well as a koala, have been identified within the logging coupe by citizen scientists, and this has been reported to the Department of Environment, Land, Water and Planning, which has failed to respond. The greater glider has been listed as a threatened species for over a year now, and there is still no action statement or any sign of the environment department taking steps to ensure the unique species is protected. This is the same department that botched the investigation of illegal logging breaches by VicForests.

These forests are the last examples of relatively intact forests in the Central Highlands of Victoria. The Central Highlands have been heavily impacted by fires and logging, leaving very little habitat, and yet what is left continues to be logged. An endangered spotted-tailed quoll was sighted in May just 4 kilometres from the protest site — the first sighting in more than two years. The Minister for Energy, Environment and Climate Change tweeted and verified that ongoing measures to protect its habitat from timber harvesting will be finalised in coming days, but nothing has eventuated. The Victoria Greens commend these active citizens for their dedication to our forests and precious ecosystems. We stand with you in your ongoing efforts from here in Spring Street.

Kindred Spirits Foundation

Ms BATH (Eastern Victoria) (15:01) — Last Saturday I was delighted to share in the celebrations of Kindred Spirits Foundation's 10th anniversary at the fabulous VRI hall in Traralgon, and I congratulate founder Rhonda Renwick and her amazing team and sensational band of volunteers. The previous evening her company, Latrobe Valley Bus Lines, received a business hall of fame inductee award, which was fantastic to see.

Over the past 10 years the Kindred Spirits Foundation has sponsored and enabled community-enriching, people-centred projects and programs, such as — and there are so many of them — the Traralgon East Community Connect project, the Val YOU Reading Program, the T.H.E. Kakadu Plum enterprise and the Big Red Kidney Bus. The list goes on and on. Rhonda dares to dream how the world should look and then she finds a way to create that world. She does so with grace, humility, determination and joy. I look forward to supporting Kindred Spirits for its next 10 years.

Victoria Police awards

Ms BATH — Last week in Moe I attended the Victoria Police eastern region medal and awards presentation, where we honoured the service and the work of our Gippsland police force. It was fabulous to see. I congratulate all the recipients, but I would like to just make a special mention of Sergeant Dale McCahon for his 35-year service to the South Gippsland region — congratulations, Dale; and also a divisional commendation that went to First Constable Luke Haxell and First Constable Jason Schefman for their work under pressure. They received a citation in relation to a very tricky and very serious incident in Morwell back in March this year. They deserve high accolades and commendations.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) (15:03) — I want to draw the chamber's attention to a large meeting of taxi licence holders, or should I say former licence-holders, in Cheltenham on Sunday. Many of my colleagues were there. There were more than 500 members of the public who have been directly impacted by the government's extraordinary changes to taxi licences. The destruction, on 9 October last year, of the value of every taxi licence in the state has, in many cases, left people destitute, with their superannuation damaged. There has been an enormous impact. I pay tribute to the fight of the Victorian Taxi and Hire Car Families, Peter Dafnas, Mark, Sandy, Mersina and others on the committee. I note also the Taxi Action Group representatives there, Ester Demain and Nick Badounas. I was proud to speak to that large number of people who have suffered so much under Daniel Andrews and the extraordinary decisions of his Minister for Public Transport, Jacinta Allan.

Also present was Jeffrey Kennett, a former Premier of Victoria, who Matthew Guy and I have asked, if we are elected in November, to undertake a short, sharp review to assess the fairness and adequacy of what has been provided by the government. This is a modern First World nation. We should not be stripping people's assets, stealing their assets, destroying lives, destroying families and doing that without proper compensation. It is a disgrace, and the hundreds of people there are right to be very angry.

LONG SERVICE BENEFITS PORTABILITY BILL 2018

The PRESIDENT — Order! I note that we are returning to consideration in committee of the whole of the Long Service Benefits Portability Bill 2018. I refer to amendments proposed by Minister Mikakos, and the minister provided a statement to the house earlier today in respect of those amendments.

This ruling is in response to a point of order raised by Mr Ondarchie during committee of the whole on the last occasion the Long Service Benefits Portability Bill 2018 was considered, which was on Friday, 24 August, and indeed in a subsequent submission to me from Mr Rich-Phillips.

The issue is whether further amendment 3 circulated and proposed by Minister Mikakos is outside the scope of the bill. Further amendment 3 proposes a new clause to be inserted into the portability bill, the effect of which would be to amend the Long Service Leave Act 2018. There is no question that the amendment proposed by Minister Mikakos is relevant to the issue of long service leave and the new clause does not lead to any consequential amendments of the long title of the purpose clause of the bill.

The bill clearly is about providing portability of long service leave across multiple employers for those workers in certain sectors. However, the new clause proposed by Ms Mikakos addresses a broader issue of recognising continuity of service despite certain events taking place within any employer, which would appear to apply to a far broader range of workers and in a different context to that of portability. Therefore, on balance, I think the more consistent approach is to require the minister to move an instruction motion, of which she gave notice earlier today, which invites the house to permit the committee of the whole to consider the proposed new clause. I now call on Ms Mikakos to move her instruction motion.

Instruction to committee

Ms MIKAKOS (Minister for Families and Children) (15:08) — I move:

> That it be an instruction to the committee that they have power to consider a new clause to amend the Long Service Leave Act 2018 in relation to the continuity of an employee's employment for the purposes of that act and to make further technical amendments to that act.

In so doing I am happy to speak briefly to this particular motion. As I indicated to the house, I made the point of explaining the two different sets of house amendments that I wanted to flag to the house during the commencement of the committee stage in the last sitting week. I explained that in moving the first lot of technical amendments, and now in moving this motion for an instruction to the committee, that what these technical house amendments seek to do is to typically provide a mechanism for the house to enable these proposed amendments to be moved at a later point in time.

We are not asking members to actually vote on the amendments to the Long Service Leave Act at this point; obviously that will occur at the relevant time during the committee stage. However, I did flag in the last sitting week that what these amendments seek to do is to correct a drafting error and maintain the status quo under the current Long Service Leave Act with respect to the treatment of industrial action. The amendment has the effect of clarifying that where industrial action is taken it does not accrue service, but nor does it break continuity of service for the purposes of long service leave. I explained at the time that we had had amendments to the Long Service Leave Act earlier this year, and that particular bill largely related to giving continuity of long service leave to parents who were taking parental leave. In doing so there appear to have been some drafting issues that have come to light since that time.

The Long Service Leave Act 1992 — the old Long Service Leave Act — provides in some situations that whilst certain absences do not break continuity of service those absences do not count as a period of service for accruing long service leave. All other states and territories in their long service leave schemes have similar provisions, so when the act was amended earlier this year the new provisions should have included a reference to absences 'relating directly or indirectly to industrial action' based on the language in the old Long Service Leave Act. This omission means that where an employee is absent due to an industrial dispute or where they have been stood down, their continuity of service may be broken. In terms of making the point about this being the status quo, I make the further point that these changes that were made in the earlier bill have not actually commenced; they have not actually taken effect, and that will happen from 1 November 2018. If we rectify this issue now, then no employee will be affected by this change, and this is why we think it is appropriate that we seek to do so by including these very technical amendments in this bill.

I am very happy to speak on this further in the committee stage, but I do think the clear intent of these technical amendments was outlined to the house by me two weeks ago when we commenced this debate. I certainly think it is a very straightforward provision

and, as I said, one that is replicated in other states and territories. This has in fact been the position under Victorian law for a very considerable period of time as well. There is nothing controversial about these technical amendments. We are seeking to clarify and give back, effectively, to workers that continuity of long service leave which they have had in the past, and I think it is important that we are able to do so at the earliest opportunity. Therefore I would certainly urge all members to support this motion in terms of enabling this instruction to be given to the committee and certainly also to then go further and support the technical amendments themselves at the relevant point in time during the course of the committee stage.

Mr ONDARCHIE (Northern Metropolitan) (15:13) — The irony would sit upon this house having observed in the last sitting week on two separate occasions Ms Mikakos telling the opposition that its point of order in relation to the amendments being out of scope with this bill was incorrect. We were almost shouted down by Ms Mikakos when she went to great lengths to tell us that we were carrying on about nothing, that it did not need to happen, that the opposition had got it wrong, that it was just a technical amendment, that there was no clarification required and that the government just wanted to get on with it — on two separate occasions this happened. Now we have here today Ms Mikakos standing up here — unfortunately not as forlorn as we would have hoped she would be — saying, 'We need to do this because in summary the Long Service Leave Bill 2017 that was passed by this house and that became law earlier this year was wrong'. They made a mistake. They got it wrong, and when the opposition tried to point that out to them in the last sitting week they went to great lengths to say, 'That's not right'. In fact it was right, so this is a second attempt by the government to correct an error — a government that has a history of mismanagement that is now coming into this place today and saying, 'This is all nice, we should do this and do it for this reason' when they argued against it last sitting week.

In football parlance, given we are about to move into football finals, the ball has bounced, the match is underway. The Long Service Leave Act 2018 is the law of Victoria, and they are saying, 'Can we just stop the match? We want to change the rules', and they are using this mechanism to correct an error in their own mismanagement from earlier this year — another example of policy on the run by this government. This motion is only happening as a result of the opposition's guidance. One can see very clearly who is ready to govern and who is not in this state. This is another example of mismanagement by this government, and it took the guidance of the state opposition to point out to them, 'You've got this wrong; you've mucked it up'. Despite the objections last sitting week, here we have today an instructional motion to the committee that we said was necessary last week — policy on the run.

I say to you, Ms Mikakos, as we said last sitting week, that this is an instructional motion that needs to happen, but in the last sitting week on two separate occasions — and the *Hansard* provides a record of this — Ms Mikakos thought that this was not necessary. They thought that this was just a technical amendment, no clarification was required, it was maintaining the status quo and we should just get on with it. And here we are two weeks later and they have not quite done a mea culpa, but they have come into this place and said, 'This is very important, and we need to go ahead with this'. The fact remains that this government has mucked up something else, and it took the state opposition to point out to them the fact that this is what needed to happen. So this instructional motion that comes to us today is as a result of the work of the state opposition.

Ms Mikakos — I think you might find it was the clerks pointing it out.

Mr ONDARCHIE — I would say to you, Ms Mikakos, before you get all worked up again today and start to speak down to the things that the state opposition are saying, that you might want to listen, because this has come as a result of our indication to the house. A bill was brought into this house by this government earlier this year and became law, and the government is now saying, 'We need to make some technical amendments', and is using this vehicle to correct something they had done wrong earlier in the year; this is the history of this government.

This is the same government that came to the people of Victoria and said, 'If we cancel a contract, it won't cost you a cent', and $1.5 billion later the people of Victoria have had to pay for a statement made by the government that they once again got wrong. So we will talk about this when it gets into the committee stage of the bill, but one thing is for certain: this government has a history of mismanagement.

Ms PENNICUIK (Southern Metropolitan) (15:17) — The Greens will support the instruction motion going forward so that the committee can consider the amendment to be put forward by the minister. I do take the point that perhaps it should have been an instruction motion from the beginning given the nature of the proposed amendment circulated by the minister. Nevertheless, as a matter of principle we would usually support any of these types of instruction

motion. Even if, at the end of the day, the committee does not support the amendment, it is supporting the ability to put the amendment.

I take up the remarks made by Mr Ondarchie with regard to mistakes made in terms of legislation. Of course this amendment is to rectify a mistake that was made in a previous bill, but this government is not on its own in terms of mistakes that have been made in legislation. I have been here long enough to recall mistakes that were made in legislation put forward by the previous government that also had to be corrected by way of amendment. That often happens when legislation is put through both houses of Parliament quickly. I think the amendment should be able to go forward, and so the Greens will support the motion.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (15:19) — I rise just to speak briefly to the motion moved by the minister with respect to an instruction motion. As Mr Ondarchie indicated, this is a matter which was raised in the committee stage when the chamber last considered this bill on Friday of the last sitting week in respect to the minister's further amendment 3, which does seek to introduce material which is beyond the scope of the Long Service Benefits Portability Bill 2018.

At that time, I raised a point of order with the Acting President with respect to the appropriateness of this amendment because it does seek to go beyond the scope of long service portability, which the President, in his ruling today, indicated applies to a certain cohort of industries. The important point at that time was that although the bill currently does make one minor change to the Long Service Leave Act 2018 with respect to repealing section 3(2), the mere fact that the current bill before the house makes an amendment to the Long Service Leave Act 2018 did not automatically mean that other amendments to the Long Service Leave Act 2018 were in scope.

We had that precedent established by this house's consideration of the Primary Industries Legislation Bill 2017 earlier this year where, as Mr Ondarchie reminded me, Mr Young had amendments which impacted on the Game Management Authority Act 2014, and although that bill as drafted made amendments to the Game Management Authority Act that was not in and of itself enough for Mr Young to be able to make other amendments to the Game Management Authority Act. On that occasion an instruction motion was required and was subsequently dealt with by the house; the amendments were made. In this case it is also appropriate that although this bill refers to the Long Service Leave Act 2018 — it makes amendments — the further amendments the minister wants to make are of a broader scope, and therefore it is appropriate that this scope motion be passed by the house.

The coalition do not oppose the scope motion, and we will consider the amendment when the committee gets to that further amendment, noting, as the minister indicated, the intention is to, in her words, correct an error and preserve the status quo with respect to continuity of service for long service leave purposes where people are taking industrial action. We have no objection to maintaining that status quo.

Ms Pennicuik also referred to errors in legislation. One thing the house needs to reflect on of course is that having passed this bill and the existing act, the Long Service Leave Act 2018, being enacted, while we might talk about errors the reality is that that currently stands as the law. While these are described as technical errors and technical amendments that correct errors, they are nonetheless making changes to what this house, rightly or wrongly, earlier this year determined should be the law of the state of Victoria. So it is not something that we can or should do lightly. That amendment needs to be considered properly, as the other amendments no doubt will be considered properly. The coalition will not oppose Ms Mikakos's scope motion. Obviously I welcome the President's ruling and clarification on this matter as to the appropriateness of this amendment and that we are now dealing with it in the appropriate way through a scope motion.

Ms MIKAKOS (Minister for Families and Children) (15:23) — Just very briefly, I thank members for their comments in relation to this and the fact that we are going to get on with it and not have a division — hopefully — in respect of this matter. Can I just indicate for the record that obviously the government was acting on the advice of the clerks in terms of how we approached this issue earlier. There was a point of order; I accept that. That meant that the President did indicate, and the clerks certainly indicated, that there would be further consideration of the matter, and that has certainly happened between the two sitting weeks.

There have certainly been many examples that I can think of during my time in this house where governments have taken the opportunity to correct matters in the course of bills being debated. I have explained the purpose of these technical amendments. I certainly again reiterate that they are not controversial, and I certainly would be hoping that members would be supportive of them when we get to the vote on the substance of these technical amendments. Hence I will

not be proposing to speak to them again at that point in time.

Motion agreed to.

Committee

Resumed from 24 August.

Clause 1 further discussed.

Mr ONDARCHIE — I ask that my updated amendments be circulated, please.

Minister, I am just picking up where we finished at 6.00 p.m. last sitting Friday, and it relates to the 1.5 per cent levy that we started to talk about but did not get a chance to complete. As I indicated to you during the last sitting day, we were going to take your further amendments out to the sector and consult widely, as we had in the past, and also avail ourselves of a briefing by the department, which we were able to do last Friday, and both Mr Clark in the other place and I are thankful to the departmental staff and advisers who assisted us through that process.

Some of the concerns raised already in the last week, Minister, relate to national disability insurance scheme (NDIS) funded organisations. Because the national scheme has a capped price for services, disability service providers have no way to recoup additional state-imposed costs, and it is likely that future NDIS prices will not take into account Victoria-specific costs. With the implementation of the 1.5 per cent levy, one respondent said that it would add approximately $200 000 to their expenses and decrease their expected surplus by 37 per cent. Given you used the ACT as an example, Minister, how did you arrive at 1.5 per cent given that the ACT, by way of the example you used, is already at 1.2 per cent?

Ms MIKAKOS — Thank you, Mr Ondarchie. I did address the issue of how the levy was arrived at in the last sitting week, and I am sure if I was to go and pull out the *Hansard*, I would have said something to the effect that the legislation, the bill itself, does not actually set a levy of 1.5 per cent; in fact it sets a cap of 3 per cent. Our modelling — the actuarial advice and the modelling advice that the government did have — meant that we had an expectation that it would in fact be set at around 1.5 per cent but that in fact the levy would be set by the board, as is spelt out in the bill. I do believe that we have already covered this issue, and I would certainly be hoping that we do not cover all the same ground again.

Mr ONDARCHIE — I have no intention of covering the same ground again, on the provision that we get answers to the questions that we have already asked. Minister, we started to ask this question — and I am confident that if you get the *Hansard*, as you said you wanted to do, you will see that we have not had a fulsome response to this next question — and it is associated with the costs that will be borne by these agencies, these smaller not-for-profit agencies, as a result of added reporting and the cash flow implications required. You did say in your very last response to me before the 6 o'clock knock-off on the last sitting Friday that the government have gone to great lengths to support not-for-profit agencies by way of funding, but specifically my question relates to how you will support the additional cost burden on these organisations. They are going to have both the initial impost of cash flow implications but also the added administrative burden of reporting to cover the extra costs. Will the government look to support those not-for-profit small organisations by way of some additional funding to help them over the administrivia that this bill is going to impose upon them?

Ms MIKAKOS — Thank you for that question. Again I did touch upon this issue in the last sitting week in the course of our discussion around the levy, and I explained at the time that our expectation was that the fund would be self-funded within approximately five years and that we had anticipated that the levy would come down over time, and that has certainly been the experience of other jurisdictions that have established similar portable long service leave schemes.

The point that I made in relation to this type of line of questioning last time is that as a government the Labor government have been very generous with the community sector in terms of our support of its funding. I explained that in my own portfolio area, child and family services, we have actually seen a 69 per cent increase in investment by our government over the past four years in comparison to the last budget handed down by the previous Liberal government. We have seen a lot of investment, whether it is in child and family services, family violence or housing and so many other areas, and we have certainly seen these sectors actually grow as a result of this type of investment. So whilst we are putting some funding into the budget — and I again outlined this in the questioning last sitting week — we have an appropriation in this year's budget to establish the authority. We do think that the levy and the cost to employers will come down over time.

Ms WOOLDRIDGE — Just on that issue, can I clarify definitively — and I am particularly interested in community sector agencies — if there will be any funding for community sector agencies. I think you have said very clearly that there will not be funding to fund the levy, but will there be any funding available for them in the transition? For example, because this legislation requires services to have a payroll system that allows for the accrual of two long service leave entitlements at once, community health services are going to be forced to find money to fund new payroll systems with a short period of time to implement them. Just using that as an example, will there be any funding for community sector agencies to do what they need to do to be able to administer this scheme?

Ms MIKAKOS — Thank you, Ms Wooldridge. There were a few questions in that. In the last sitting week I did indicate to the house that the government had made an appropriation of $8.2 million over four years in this year's budget for the establishment of the Portable Long Service Benefits Authority. That does not go to the issue of the levy itself.

Obviously in terms of the community sector the Victorian government is by far the biggest funder of the community sector. In terms of their operations we are mindful of any changes that occur and the implications that they have for this sector. We will monitor this change as we will monitor other changes over time, including of course the NDIS. Last time we talked at some considerable length about the implications of the pricing issues for the disability sector, and these issues are in fact ones that have been imposed on the disability sector by the federal government's attempt to short-change the NDIS. We will obviously continue to monitor these issues as they go forward.

In terms of the record keeping issue that Ms Wooldridge referred to, I think it is important to put some of this on the record. Employers are already obliged under a number of state and federal laws to maintain employee records. For example, it is a requirement of the commonwealth Fair Work Act 2009 that employers keep records during the employee's period of employment and for seven years after the employment ends. There is also a similar requirement in Victoria's Long Service Leave Act 1992.

The information that an employer needs to provide to the authority on registering for the scheme or registering a new employee and when providing quarterly returns is information that the employer should already have on hand. It is intended that the system that will be established will be as user-friendly as possible. Employers will be able to submit electronic returns. They will be able to change their details, such as a new business address, directly within the database. They will be able to do this electronically. The authority will be responsible for establishing and managing information exchange systems. Other portable schemes have established these IT systems, and it is anticipated that the authority will contract with a provider of a suitable system. Employers will be able to inspect their own records and employees will also be able to inspect their own records. It is anticipated that each user will have access to their own account via a password.

It is certainly our intention here that the authority establish a system that is as user-friendly as possible for employers in terms of the record keeping that will be required and the way that they will be communicating with the authority, largely electronically, in terms of submitting the required information. As I explained, they are already obligated to keep this type of information under the Long Service Leave Act and numerous other pieces of legislation.

Ms WOOLDRIDGE — Minister, if I can go back to my question, because the feedback from the sector is that they do not believe the capability exists at the moment with existing payroll systems to be able to accrue two long service leave entitlements: will there be any funding on the administrative side, whether it is that or other administrative requirements, for the community sector agencies to make this transition?

Ms MIKAKOS — Currently no specific provision is made for this type of assistance, but we certainly are encouraging employers and certainly the peak bodies to be involved through the various working groups that have been established, which I spoke about in the last sitting week. If these issues are brought forward through those working groups, then obviously they will be matters that the government will give some consideration to.

Ms WOOLDRIDGE — Thank you, Minister. Can I confirm that at this point there is no additional funding to those agencies for the levy — because you have said you have been generous with your funding and they should be able to take it from within that funding — although you seem to have left the door open in relation to that. I ask if you could clarify whether once again that is also something the government will consider going forward.

Ms MIKAKOS — Again, I spoke before about the funding that the government has provided in this year's budget and how it relates to the establishment of the authority, and I did say that, yes, the government has

provided very generous funding to the community sector. We support the important work that they do in our community in supporting vulnerable Victorians. There is obviously no specific appropriation, as I explained, in relation to the issue of the levy. We do anticipate that it will come down over time, but we will be keeping a mindful eye on the implementation of these issues as they go forward. As a minister I have had representations from stakeholders in my portfolio about numerous issues over the past four years, and I have no doubt that if they have a very strong view about these matters they will wish to take them up with the government.

Mr Ondarchie — They do; many of them do.

Ms WOOLDRIDGE — Minister, I put to you that many organisations, as Mr Ondarchie said, do. As we raised last sitting week when we were debating this, there is a consultation group, but the feedback we have received is that all the representations from the community sector are being ignored. They are being heard but not being acted upon in relation to particularly community health and community mental health. I put to you that there is a great concern from the community health sector and others associated with it that this will have dramatic ramifications. Has the government factored in or had any expectation of a reduction in service as a result of the introduction of this bill?

Ms MIKAKOS — Thank you for that question. As part of the modelling work that I referred to in the last sitting week, the advice that I have is that there was consideration given to these types of issues. We do not anticipate that there will be an impact on service provision. The Victorian government is of course the biggest funder to this sector, the community sector, and as I indicated already, we will be monitoring the implications of this change for the community sector.

Ms WOOLDRIDGE — Thank you, Minister. Could you please outline how you intend to monitor that impact in terms of whether it will be formal structures, including the committee you have set up, or other ways or informal structures. What will that monitoring entail? I ask that question because I am exceptionally concerned, given the representations I have had — and I am happy to go through a few of them in a moment — in relation to the expected impact of this bill. I think it is very important that there are mechanisms in place to be able to hear the impact, because it potentially could have some significant ramifications very quickly.

Ms MIKAKOS — I have already indicated to the house that the Department of Health and Human Services has convened a working party comprising stakeholders from across the community services sector as well as the subsector groups to work on sector-specific issues that the regulations will cover as well as other implementation issues such as coverage and double dipping. I referred to this last sitting week specifically in the context of the community health sector, Ms Wooldridge. As we go forward in developing these regulations, these regulations will be informed by the input of the working party that I have already mentioned.

Obviously there is a process that has been established in relation to the regulations that is a more, I guess you could say, pressing matter that needs to occur post the passage of this bill to develop those regulations and have the input of the working party, but in terms of the more long-term impact, as I alluded to, I know that stakeholders are not shy in being forthcoming to relevant ministers about issues affecting them, and I am sure that if they felt that there was some impact on them in the medium to longer term, they would certainly raise those issues with government. So there does not need to be a formalised process in that sense, because these stakeholders obviously will have the opportunity to take up those issues with ministers as time goes on.

Can I also add, if memory serves me correctly, that the bill provides for a formalised review in three years, and I know that the Greens party have also indicated amendments of theirs, which the government will support, to also put in place a review in seven years as well. So that will obviously provide the more formalised mechanism that the member is looking for in terms of providing a process by which stakeholders can have input into the implications or impacts of the legislation as we go forward.

Ms WOOLDRIDGE — Thank you, Minister. I think if we are waiting three years to respond to cuts in staff and cuts in services, we are actually in big trouble, but it seems like the feedback then to the sector is, 'Go to the working group' or 'Go to the minister', and that is the mechanism. Let me give you an example —

Ms Mikakos — There are multiple ways then for them to have input.

Ms WOOLDRIDGE — Yes, the minister or the working group, by the sounds of things, are the two ways to go about it. It is a big cash flow issue. I actually think there are going to be some ramifications directly up-front, because many of these organisations

provision. Let me quote from the then Victorian AIDS Council (VAC):

> We have a sliding scale for accruing LSL based on the likelihood that the staff member will receive it. We don't accrue anything in the first couple of years and then increase it to the point where once they are eligible we are putting aside the whole amount.

The concern is:

> This bill would have us putting aside the whole amount from day 1 and that would equate to $100k–$200k more than we currently allocate, effectively requiring us to cut 1–2 EFT.

The Victorian AIDS Council, as I am sure you know, do exceptional work. They are consistent with companies in terms of provisioning. They are consistent with other non-profit agencies and community agencies in terms of how they provision for these employee entitlements, but they are saying that because of the cash flow impact it is going to have an immediate impact of cutting one to two staff in terms of the reduction of services. That is my concern. I suppose it would be helpful to know who else the government has heard from in relation to concerns that the ramifications of this bill will be a reduction in staff and a reduction in services.

Ms MIKAKOS — Thank you for that question. I obviously support you in saying that the Victorian AIDS Council do incredibly important work in our community. But I think this really comes down to being very clear about how this scheme is going to work. The member has asserted, and perhaps the council believes, that there is going to be some double provision, and that is certainly not the case.

I think it is important that I explain that there will not be any double dipping that will be taking place. Can I just be clear on this. Where an employee accrues an entitlement under both an enterprise bargaining agreement (EBA) and the portable long service leave scheme, the bill and the regulations will prevent any double dipping from taking place. The regulations will specify that an employer will get the levy reimbursed by the portable long service leave authority for any period paid out under an EBA scheme.

Whilst an employer could have liability for the portable long service leave scheme under the EBA scheme — and that is the case for those in the community health sector, for example — even whilst paying the portable long service leave scheme how an individual employer acquits this liability will be a matter for them. Whilst the liability will accrue on their balance sheet, it is likely that an auditor would accept at least a partial offset of EBA scheme liabilities by the amounts paid to the authority for the same employees for the same periods of service. This would act to reduce the amount of employee expense recorded by the employer and against which the employer would otherwise invest. The level of acceptable offset would be influenced by any difference between the benefit payable under the EBA and the portable long service leave schemes, and the authority will create a best practice for timely reimbursement.

Over the medium term the primary additional cost for employers will be for portable long service leave for staff who are not currently entitled. Of course where the EBA scheme delivers a higher benefit than the portable long service leave scheme, the employer would continue to be responsible for the difference in cost between the two schemes.

I have put that on record because I know there have been some issues raised, particularly by the community health sector, around these types of issues. I know Ms Patten has also had some concerns about these matters and has been having considerable discussions with the relevant minister's office around these issues. I put that on record also in terms of addressing her specific concerns about these matters. In Ms Springle's line of questioning last sitting week we had a very long discussion about these issues and wanting to reassure the community health sector around these particular issues and the issue of double dipping. I give the assurance again that we are going to be working very closely with that sector and with those employers to address those concerns that they have around double dipping but also around coverage issues. Again I invite them to be active participants through the working groups as we try to address these issues.

What I have just referred to is advice that has been provided by KPMG. It is advice that we have also provided to the Victorian Healthcare Association, and there has been a lot of other advice that has been provided to them around these issues as well.

Ms WOOLDRIDGE — Minister, can I ask you to answer my question, which was: which community agencies have expressed concerns about reducing staff or reducing service levels?

Ms MIKAKOS — Thank you, Ms Wooldridge. I am in a difficult position in that obviously this is a bill that covers a range of sectors which different ministers have portfolio responsibility for. As you would be well aware, it is therefore difficult to categorically provide a list, given that different conversations may have been had with different ministers.

Certainly I would acknowledge that the disability sector employers and early childhood employers — some — have raised concerns around the implications of this legislation for them. In terms of the early childhood sector it was more around administrative costs than service provision itself, but certainly in the disability sector they have raised some concerns about these issues. That is why I have indicated to the house that as a government we are prepared to move some house amendments — and I will be seeking to move those during the course of the debate — around giving these sectors more time as they are transitioning at the moment under very sweeping federal government reforms through the introduction of the NDIS, and in relation to the childhood sector, the very significant childcare changes that have come in just in recent months. We are going to be working with these sectors.

In terms of how these amendments will work, I flagged to the house in the last sitting week that they will enable us to bring these two sectors back into scope in the legislation via regulation at a future point in time. Obviously there will be a process by which there will be consultation with those sectors. As the member would be well aware, with regulatory changes of this type there will be a regulatory impact process as well whereby they would be able to be involved as well.

I think the concerns are well-known and understood in terms of who has raised concerns around these particular issues, but I am certainly not the minister with responsibility for the disability sector. I am not in a position to outline to you a list of employer organisations, but I can certainly acknowledge that they have been very forthcoming in contacting members of Parliament across the political divide. I acknowledge the discussions that Dr Rachel Carling-Jenkins had with the government about these issues as well, which also led to the house amendments being developed by the government.

We have been very mindful of the concerns that have been raised by different organisations and by different sectors, and we have been working through these issues with employer organisations but also with employee organisations, because you have to remember here that what this fundamentally comes down to is a question of fairness — a question of believing that some of the lowest paid workers in our community, who do incredibly important work, should have access to a portable long service leave scheme. We think that we have struck an appropriate balance in considering everyone's needs, both fairness to workers but also making sure that these important sectors are adequately supported as well.

Ms WOOLDRIDGE — Thank you, Minister. You may recall my question was actually in the context of the comments from the AIDS council. I did ask the question in relation to community health and the community services sector, some of which you do actually represent. Could I ask it again, because you actually talked about disability in early childhood but you did not talk about community health and the community services sector. I have read out an example from the AIDS council saying they believe they will have to cut staff in relation to this, and there is another, and I will go to it in a minute, in relation to service reduction. Specifically in relation to community health and the community services sector, what concerns have been raised with you and what will you do to ameliorate those concerns so that we do not have the loss of staff and the loss of services?

Ms MIKAKOS — Thank you. I think we are fixated very much in our discussion so far on those who have raised concerns. I think it is also important to acknowledge that —

Honourable members interjecting.

Ms MIKAKOS — Hold your horses. Hold on for a moment. The point I am making is that this is a very large sector that has a number of peak bodies, and the concerns that Ms Wooldridge is articulating in the course of her questions are not necessarily concerns that are shared by all. I think it is important to say, for example, that the Centre for Excellence in Child and Family Welfare, as a very significant peak body representing the child and family services sector, has been supportive of this reform. I thank them for that and I applaud that support, because they have been prepared to consider the needs of their workforce. They have taken the view that on balance this is an important reform that should be supported. I know that there are many others who are employers in other sectors as well who are supportive of this reform.

The point I am wanting to make is that of course we acknowledge the concerns. We have moved to address them, but there are also many others out there, who perhaps might be the silent majority, who are not being heard in the course of these contributions and these questions. I acknowledge them for showing that leadership, putting the interests of their workforce first and being prepared to support a very important reform. I am sure that in doing so they have considered the implications for their service delivery, and obviously they do not share the anxiety that Ms Wooldridge is expressing here.

Ms Wooldridge — They do.

Ms MIKAKOS — Well, some clearly do not. I think it is important that we do have a little bit of balance in this debate, because this is an important reform. The members of the Liberal Party are seeking to give people the impression that somehow long service leave is some new entitlement that we are seeking to create here. It is an existing obligation that employers make provision for now. We had this discussion in the last sitting week.

Effectively what is happening at the moment is some employers are waiting a number of years before they make provision for an employee's long service leave entitlement, and now they will need to make provision earlier. Effectively they have been banking on a saving and banking on some employees leaving before that entitlement accrues. We think that it is a fair and appropriate thing that these workers, who are not the most generously paid workers in our community, have that protection through a portable long service leave scheme. We have seen past Liberal governments in this state support portable long service leave for the construction industry. You were prepared to do it for the construction industry, yet you come in here and rail against them all the time —

Honourable members interjecting.

Ms MIKAKOS — You were railing against them just in question time earlier, and yet now somehow the community sector is not deserving. The point that I am making, Ms Wooldridge, is — I addressed this at considerable length in the last sitting week — that we are going to work through the concerns of the community health sector. I talked about this at some length. I explained last sitting week that they already have obligations that they are providing for under these industrial arrangements at the moment, and we are going to work with them through the working groups to make sure that we address the issues around potential double dipping and coverage issues. We are not anticipating any reduction in service delivery. I made that clear. Some people might have that anxiety, but we do not think that that is a fair assessment of what is going to occur. But of course we will be monitoring the implications of this and will continue to have dialogue with these sectors. We certainly encourage the community health sector and others to participate through the working groups and work with us in the implementation of this reform.

Ms WOOLDRIDGE — Going back to the original question, I did ask you about the VAC, who said that because they will have to pay from day one they will now have to pay $100 000 to $200 000 a year more than they are currently paying, which is a cut of one to two staff. How will you ensure that the VAC, as an example of many organisations that are going to have the same cash flow problems, do not have to cut one to two staff because you are now requiring them to provision from day one rather than what they have done traditionally?

Ms MIKAKOS — We are going to go in circles, then, around this issue.

Ms Wooldridge interjected.

Ms MIKAKOS — That is one particular group's assessment. Just because they have made that assertion does not necessarily mean that that is what is going to eventuate. We are going to continue to have dialogue with these organisations around these issues. I made that clear much earlier on in relation to these issues. We encourage them to participate in the working groups and have dialogue with the relevant portfolio ministers around these issues. But I have also made it very clear that the experience we have seen in other states is that the levy reduces over time. We have seen that in other states. I explained last sitting week how the levy in the community sector has come down in the ACT. I think it is now at 1.2 per cent, if I remember correctly, and that was just very recently in the ACT. We can talk about this until the cows come home, Ms Wooldridge, but I do think that we have addressed this issue now a number of times.

Ms WOOLDRIDGE — Clearly there is no satisfaction here on the issue in relation to cash flow, which is actually about day, week and month one. I have also had communications from Wellways — as you will know, the former Mental Illness Fellowship — a very highly respected and very important community health organisation. They said in their letter of 28 August to me:

> An additional cost impost is not sustainable and we are concerned that this will undermine the financial viability of organisations like ours.
>
> Should the bill pass, this may lead to the withdrawal of a number of community mental health services not covered by the NDIS, exacerbating the shrinking pool of community-based services available for Victorians with mental illness and disabilities.
>
> Additional costs will also further squeeze the provision of supervision, education and training across the community mental health and disabilities sector, already under pressure from the NDIS pricing structure.

So the carve out that you are doing for disability will not apply. It will apply for some of their services but not for community mental health. I ask: what representations have you had from community mental

health — and here is a very clear one from Wellways — and, at a time when this government has already cut by 17 per cent the community mental health funding over the last two years, how will you make sure that community mental health services do not further diminish?

Ms MIKAKOS — Thank you for that question. I think we have already addressed the issues around the community health sector.

Ms Wooldridge — Community mental health.

Ms MIKAKOS — Yes, it is different, but they are broadly the same issues around particular organisations' anxiety, concerns that they might have. I have acknowledged that there are some organisations that do have some anxiety around these issues. We would certainly encourage them to participate in the consultation process and the working groups around the regulations and continue to have dialogue with government. But I have to say — I do not want to get into a lot of argy-bargy here — that it is a bit galling to be asked about these issues given that the member herself did the recommissioning of the mental health sector.

Ms Wooldridge interjected.

Ms MIKAKOS — You had so many services that lost workers. There was a massive impact on service delivery in the mental health sector as a direct result of the process that the member put in place. We can have people come in here and cry crocodile tears for the community health sector and the mental health sector —

Mr Ondarchie interjected.

Ms MIKAKOS — Our record speaks for itself, Mr Ondarchie.

Mr Finn — On a point of order, Deputy President, the minister is clearly debating the issue. The second-reading debate, as I am sure you are aware, is well and truly over. We are now in the committee stage and we are examining the various clauses of the bill. I would suggest to you most respectfully that you should direct the minister or indeed just request the minister to address the question before the committee.

The DEPUTY PRESIDENT — Thank you, Mr Finn. You know very well that I cannot direct the minister on how to answer. I do not uphold your point of order, but Minister, please come back to the question.

Ms MIKAKOS — We are going over the same ground. Ms Wooldridge is wanting to make a political point and I am wanting to make the point that our government has done more for these sectors than what we saw from those opposite. This is why we do have the confidence that we have about how these issues are going to work in practice as we go forward, because we have seen a 69 per cent increase in the child and family services investment. We have got significant growth in the community sector during our four years of government. I just think we should move on. We have covered these issues. We have really been on the same issue now for some time, and I have responded to those questions. It might not be to the member's satisfaction, but I do think I have put this on the record, as I did in the last sitting week as well, inviting those who have some concerns about these matters to work through the working groups and make sure that the implementation issues can be as smooth as possible.

Ms WOOLDRIDGE — Minister, I do hear you saying we are asking the same questions, but these are different parts of the sector who are saying there are different types of ramifications. I know it is very disappointing to them to have a blanket, 'It'll be all right, mate. Trust us. And by the way, we've got a working group' — which they already know did not consult before the bill was put and, secondly, is not listening to them along the way anyway.

I want to ask you something definitively. This from the Victorian Healthcare Association, who have said very clearly about community health:

> The portability entitlements under the multiservice agreement for community health services are no different to those enjoyed by staff of hospital-based community health services (known as integrated services). Integrated services have been clearly excluded from the bill.

On a fundamental question of equity, with one group that is exactly the same as another group — one of which is community-based and one of which is hospital-based — if hospital-based community services are excluded because of the portability they already enjoy, why have registered community health services been excluded, because they have exactly the same portability already? This is a fundamental equity question.

Ms MIKAKOS — Thank you for that question. The bill seeks to cover those performing community service work, whether it is in the community health sector or the broader community sector. The majority of employees of registered community health centres are employed to deliver health-related services which are outside the scope of 'community service work' as

defined in the bill. These health workers are not included within the scope of the scheme; however, community workers employed within community health are. Just to give you some examples, doctors, dentists and nurses employed in community health centres are actually outside the scope, whether they are in a hospital or they are in a community health centre setting. In terms of the types of work that will be included within the scope of the community health sector, those that do come within scope include such things as counselling services, homelessness support services, immigrant and refugee support services and community fundraising activities.

We have asked registered community health services for their assistance to more precisely identify which workers should be covered to provide further clarity for the sector. The subgroup working on community health has explored whether the appropriate descriptor for who would be covered by the scheme is those covered by the social, community, home care and disability services industry award.

Coming to the precise question of the member, I guess the fundamental difference here is that we have set upon, following the reference to the parliamentary inquiry, establishing portable long service leave for the community sector. Very clearly it is not for government employees or those employed in the hospital system who have the benefit of this portability when moving around government. But we are providing portability for the community sector that currently does not have it. I explained to Ms Springle in the last sitting week that there has been this industrial arrangements practice whereby those moving from one community health centre to another community health centre have that portability now, but those moving outside a community health centre lose that portability.

So this is giving the benefit to those workers — whose peers and colleagues doing identical work in a community sector organisation would get the benefit of this scheme — who because they happen to be employed by a community health centre would be outside of the scheme if we were to take the proposition that the member is advancing. If you are a homelessness worker, for example, why should you get the benefit of portability because you work for a housing organisation and not have it because you happen to work for a community health centre? I think that is probably a good example to give.

Ms WOOLDRIDGE — Thank you, Minister. The equity I was asking about is between two types of community health centres — one run by a hospital and one standalone. Can I just go back to Friday, 24 August. You took a question on notice for me in relation to further information, and I quote:

> I can get further information around dates and so forth, as I do not have all the dates at hand.

That was about the consultations prior to the bill being tabled. Have you been able to get that answer for me?

Ms MIKAKOS — I got very extensive advice around this issue. I am happy to read some of this into the record or, if it is easier, to provide you with this advice later, because it is an extensive list. I need to just make sure it is in a form that could be tabled. Perhaps I might just quickly touch upon it. That might be the quickest way to do it.

The advice that I have is that significant consultation was undertaken with the community services sector over the period from 2003 to 2010 in relation to the proposed Community Services Long Service Leave Bill 2010. The inclusion of the community services sector in the 2018 bill is based on the 2010 bill. In 2015 the Andrews Labor government commissioned the Victorian Parliament's Economic, Education, Jobs and Skills Committee to investigate employer schemes that provided portability of long service leave entitlements for workers who maintain continuity of service in a particular industry. Significant consultation occurred with a range of industries, including the community services sector, as part of this process.

On 8 June 2016 the final report of the committee was tabled in Parliament, which supported the expansion of long service leave in the community services sector and foreshadowed future reforms. In November 2016 the government announced its acceptance of the committee's findings and recommendations, including revisiting the case for a portable long service leave benefits scheme for the community services sector. Formal consultation with peak stakeholders and work to refresh the 2010 bill's approach commenced in early 2017. As part of two significant pieces of work undertaken by the Department of Health and Human Services towards new draft legislation, selected key stakeholders were consulted. This included both employer and employee representative organisations. It was made clear on both occasions that the 2010 bill, including its approach to scope, was a starting point for the new draft legislation. Some informal consultation was also undertaken with sector stakeholders during this period and leading up to the introduction of the 2018 bill into the Parliament.

Broader sector consultation with the community services sector, particularly the early childhood subsector, on the current proposal commenced at

around the time the 2018 bill was being considered by cabinet — that is, earlier this year, and of course the bill was cabinet in confidence at that time. There were a number of other both informal and formal consultations, which I will quickly outline to the house. Between March and June 2017 there was informal contact with a range of key stakeholders. In June 2017 letters from the Department of Health and Human Services to a selection of peak bodies invited them to participate in interviews with consultants reviewing and refreshing the feasibility study that supported the 2010 bill. This included, just to give a sample, organisations such as the Victorian Council of Social Service (VCOSS), the Victorian Chamber of Commerce and Industry, the Australian Services Union, the Australian Nursing & Midwifery Federation and the Health and Community Services Union.

Between June and July 2017 consultant interviews with invited peak bodies occurred. Between July and December 2017 informal contact with various stakeholders occurred, including consultation by consultants conducting actuarial analysis. Between June 2017 and March 2018 there was again informal contact with various stakeholders. Around mid-March 2018 there was informal contact by the Department of Education and Training with organisations such as Early Learning Association Australia and Community Child Care Association to discuss the proposed bill. Then we have got the introduction of the bill in the lower house on 27 March. I made a point of outlining that because the member had specifically asked about consultations prior to the bill's introduction into the Parliament. Obviously since that time there have also been further consultations, and I can quickly run through those again if that is of any assistance to the committee. But I think I did that last time anyway. I think I have put all of that on the record.

Ms SPRINGLE — I suspect that most of my questions have been asked, but I am going to ask them anyway. There might be a slightly different slant to them. I would like to go back to the issue of what everyone is calling the double dipping. I think Ms Wooldridge has probably hit the nail on the head in that I do not think the issue is necessarily double dipping from the employees' perspective, because there are provisions in the bill that are written to overcome that. But it is really around that issue of cash flow and budgeting for organisations where they will have employees that are bound up in potentially two schemes.

Now, I understand from what the minister has already answered that it is a matter for the employer to deal with. However, from my perspective I have some, I suppose, concern around particularly community health in that we want to see those organisations flourish. We do not have enough of them already. We actually need them to be expanded, in my view, rather than diminished. I am really only acutely aware of the community health organisations that fall under this category, although I do understand that there are potentially other industries that do also, or sections of the community services sector.

Those organisations clearly will face this new additional financial and administrative burden over and above the introduction of the scheme as it stands, and other employers will not necessarily need to manage that because they do not have that intersection between federal and state schemes. My follow-on question now pertains to that I suppose. I would like to know if you are able to tell us: are there other organisations outside community health that are going to fall into this category?

Ms MIKAKOS — I think it is important I just reiterate some comments around the double dipping issue, because we did address this some time ago.

Ms Springle — My issue is not the double dipping, because it is taken into account in the bill.

Ms MIKAKOS — Exactly, it is. I will come to the specific question, but just again to reiterate: clause 17 of schedule 1 of the bill establishes the principle that a worker is not entitled to long service leave under a fair work instrument and payment of a long service benefit under the proposed scheme in respect to the same period of service. So the government does not intend for any employer to pay twice for the long service leave of one employee. I think it is really important that I just stress that. This principle is supported through regulations which will prevent this double dipping from occurring. It may take the form of an employer being reimbursed by the authority where they pay under a different scheme, such as an entitlement to portability contained in an enterprise agreement, which is the issue we identified in the last sitting week around the community health sector. So, for example, where a worker has qualified for a benefit under both the fair work instrument and the scheme but elects to take a benefit under the fair work instrument, where there is overlapping service the employer will be reimbursed by the authority the levies paid with respect to the overlapping period of service.

Now, I think the question Ms Springle has asked is a good one, because it goes to what other types of sectors might be impacted by this type of issue. I think it is useful to touch upon this. I did talk about this in my

summing up in the second-reading debate, where I mentioned that in the early childhood sector — although I accept, as I flagged, that we are taking them out through the house amendments, but just to put it on the record — there is currently a practice arrangement in relation to portability of long service leave in the community-based kindergarten sector, and this has operated since 1984. At that time the Pre-school Teachers and Assistants (Portability of Long Service Leave) Act 1984 was passed by the Victorian Parliament, but the list of kindergartens covered by this act was never gazetted and the legislation never became operable. However, kindergarten employers have largely honoured the intent of the legislation through various locally agreed administrative arrangements. This has meant that through this custom and practice the community-based kindergarten sector has provided for many teachers and educators to have the benefit of this informal portable long service arrangement since 1984. It is important to stress that, because members came in here in the last sitting week and were talking about these changes being a new thing for the early childhood sector that would have some implications for families. The important thing to stress is that the community-based kindergarten sector has already had this custom and practice for decades.

Ms Springle — But they are being scoped out of the bill.

Ms MIKAKOS — They are. But the question you asked me was who else has this potential issue, and I just want to address your question in explaining that we have had this custom and practice in the community-based kindergarten sector for many years. When they come back into scope via regulation at a future point in time we will work with that sector to again address these issues through any proposed regulations to make sure that there is no double dipping problem for employers through the mechanisms that we will be able to put in place through those regulations.

Ms SPRINGLE — Thank you, Minister. What I am trying to get at in my understanding of the issues for these organisations is that it is a cash flow and budgetary issue. I understand there is a reimbursement model for the portable long service leave, but it still means that the money needs to be theoretically in the bank for potentially two different schemes, and that is their issue.

Ms Mikakos — I have addressed this before, but I will do it again.

Ms SPRINGLE — I think it is really important to be clear about it, because there still is this anxiety out there. I think they cannot see how it is not going to mean they have got to accrue this money so that they can cover not necessarily both schemes but potentially both schemes for a time even if there is a reimbursement. In their minds the only repercussion for them is to let go of staff because they cannot afford the cash flow anymore. You say you are going to work with them, and that is great, but how? What will be the measures that will be put in place to actually make sure that these organisations that are vital to our community's wellbeing do not go under? Their viability is really the essence here, I think.

Ms MIKAKOS — I did address the issue around cash flow in response to Ms Wooldridge's question earlier, and I did refer to advice that KPMG had provided and that we have also provided to the Victorian Healthcare Association around this specific issue. I talked before about how they are effectively not going to have to put aside the money twice. If that is the anxiety that people are expressing to you, then it is important that I reiterate that that is in fact not the case — that they will be able to offset the reimbursement amount against the EBA entitlement when assessing their balance sheets.

Can I just again go to what I specifically referred to earlier. I explained that when an employee accrues an entitlement under both an EBA and a portable long service leave scheme the bill and the regulations will prevent any double dipping from taking place and the regulations will specify that an employer will get the levy reimbursed by the portable long service leave authority for any period paid out under an EBA scheme. This is the community health sector we are talking about here. Whilst in this case an employer would have a liability for portable long service leave under the EBA scheme even while paying the portable long service leave levy, how an individual employer acquits this liability is a matter for them. Whilst the liability will accrue on their balance sheet, it is likely that an auditor would accept at least a partial offset of EBA scheme liabilities by the amounts paid to the authority for the same employees for the same periods of service. This is important to understand, because it effectively means that you can offset it on your balance sheet; you do not need to actually account for it twice. This is how this scheme is going to change what occurs now. Currently an employer, yes, holds onto that money. Unfortunately many employers are not making provision for long service leave very early on. They are waiting until very late, closer to when the employees' entitlements are going to accrue, before they start making provision for that if they are putting that money aside themselves. Now that payment will be sent to the authority, and the authority, by collecting all these

payments in respect of employee entitlements, will bring the levy down for all employers over time. This will benefit the entire sector because this funding will be held by the authority rather than being, I guess, dispersed across different employer organisations.

I said last sitting week in response to your questions, Ms Springle, that we will work with the community health sector around these issues. We are going to work with them specifically on the regulations to address this potential issue of double dipping so that does not occur — that is our very clear intent here — and also to address the coverage issues in response to Ms Wooldridge's questions as well.

Ms SPRINGLE — Thank you, Minister. In Victoria community health services are provided through two different services: integrated community health based within a hospital service and registered community health services, which are standalone entities. The services provided across the two types of community health are similar. Both provide integrated care and service, particularly to vulnerable people. The government has excluded integrated community health through this legislation, despite the similarities in staff mix and services. Can you explain why that has happened?

Ms MIKAKOS — Thank you, Ms Springle. This is the exact question that Ms Wooldridge asked me just 15 minutes ago, so clearly the community health sector has raised these issues with a number of parties and a number of members. Thank you for raising that issue again. I did address this issue and explained that dentists and doctors, for example, employed by a community health centre are out of scope as they are out of scope in a hospital, but a homelessness worker working in a community health centre is intended to be within the scope of this bill. If they work in a community health centre or they work in a housing organisation they get the benefit of portability. We have made a very clear policy intent here that we bring a community sector scheme into place that supports community sector workers in a range of employer settings and in a number of different workplaces, because they are essentially performing the same work — maybe even identical work — to a colleague who is in another similar organisation but not a community health centre.

Ms SPRINGLE — I do have one follow-up question from my line of questioning before. We have been talking a lot about helping the organisations through the transition and trying to manage the two schemes and what have you. Would the government consider any additional support for those organisations in terms of financial support? Is that something that is on the table?

Ms MIKAKOS — Thank you, Ms Springle. Again, I spent some time responding to this same issue with Ms Wooldridge earlier. I did indicate that we are largely the biggest source of funding for the community sector. We acknowledge that, and we want to continue the dialogue with the sector around the implications of this scheme. There is an opportunity for them to do that through the working groups and the development of the regulations. The employees — if I can make the point, and it has been mentioned today — will also be represented on the authority's board. They will have the opportunity to express views about the levy through the board just by being represented on the board. The bill actually makes specific provision there for both employees and employer organisations to be represented on that board, and we have of course established a three-year review through your work. We will have a seven-year review as well, so there are going to be multiple opportunities there for the sector to put their views forward about these issues as well as to have continued dialogue with relevant ministers. We have not made a specific provision at this point in time about these matters, but of course it is open to them to continue to raise this issue should this be an ongoing concern past the regulations coming into effect.

Ms SPRINGLE — Again, I apologise if it has already been asked, but that was the purpose of me asking the question earlier around other sectors or segments of the community sector that may be impacted in this same way. I know that your answer was child care, but they have been scoped out for the time being. When we talk about representation on that board, we are talking about three sectors in particular that have been mentioned a lot in our dealings with this legislation — child care, disability and community health. Are there other organisations that should be represented on that board? I think that Ms Wooldridge's point around the mechanisms that feed into this process is important in that regard. If someone does not have a representative on the board, it can be difficult to feed into that process.

Ms MIKAKOS — I am grateful for the fact that we are moving on to a different issue in talking about the board and its membership. Can I just clarify, firstly, that when I mentioned the early childhood sector, I mentioned it because you were asking me about other sectors where there was the potential for the double dipping issue to arise, and my comments were specifically in response to that. Okay?

Ms Springle — Yes.

Ms MIKAKOS — In relation to the board, clause 38 requires that as far as possible the minister in appointing the board ensures there is a balance between the interests of workers and the interests of employers. The board will comprise up to nine members appointed by the minister. The registrar is a member of the board but has no vote, and the decisions must be agreed to by a two-thirds majority. Up to three board members represent workers in at least one of the covered sectors and up to three members represent employers in a covered sector. The chair and the deputy chair may not have an interest in any of the covered sectors — that is, they cannot represent the interests of either a union or workers or an employer group. Collectively board members should have skills or experience in legal practice, accounting and public administration.

For those who are wanting to suggest somehow that employees are not going to have a way to advocate around issues such as the levy, that is certainly not the case. There is equal representation there on the board in terms of having up to three board members representing workers in the covered sectors and up to three members representing employers in that covered sector. Obviously we are taking some parts of the community sector out through the house amendments — if they are in fact supported by the committee — so I would not anticipate that they would be sectors that would be represented on the board in the short term, but obviously there are matters for the responsible minister regarding who she will appoint to that board.

Ms FITZHERBERT — Minister, you may have covered some of this already, so forgive me if I am repeating something; it is not intentional. It is a query that comes specifically from an organisation, so I wish to raise it on their behalf. Women's Health Victoria has raised concerns regarding the administration of the requirements imposed under this bill saying that they support the bill and its objectives but just have concerns about the administration. The first comment is:

> … we would like to draw your attention to the following issues of concern:
>
> Is there a guarantee that the rate the organisation pays the authority does not cloak a payroll tax by another name?

Ms MIKAKOS — Thank you for the question, Ms Fitzherbert. I am a bit puzzled by that question. The levy that will be set by the board relates to long service leave entitlements. It is not a payroll tax; that is something set by the state's Treasurer. The levy will be set by the board and must be reviewed at least once every three years, although it cannot be greater than 3 per cent. Earlier I talked about the fact that our modelling for the community sector had an expectation that it would be set at around 1.5 per cent.

The advice that I have is that all money provided through the levy must be used for entitlements for administrative purposes; it is not for other purposes such as payroll tax. There will be separate trust funds for each of the three covered industries, as well as a central fund for administrative purposes to cover things like wages and IT costs, for example. All moneys must be used for the payment of entitlements or for administrative purposes — so clearly payroll tax is completely out of scope here — and the funds must be invested with the Victorian Managed Finance Corporation (VMFC). In other words, the governing board will not make its own investment decisions. These will be made by the VMFC.

Ms FITZHERBERT — I have another query from Women's Health Victoria. The initial impost on the cash flow of the smaller not-for-profit agencies will be cumbersome. What plans does the minister have to support these organisations to meet the quarterly bills?

Ms MIKAKOS — Thank you, Ms Fitzherbert. We have had a very wideranging discussion already around concerns that some have expressed around the cash flow issues. I think I have already put on record now a number of times the advice that has been provided from KPMG around the way liabilities will be able to be offset on balance sheets so people are not effectively paying for this entitlement twice. We have covered that ground now on a number of occasions.

In terms of the implications, we have really had a long discussion already about how we are going to have dialogue with affected stakeholders through the various working groups that have already been established as we develop the regulations going forward, and we encourage them to be involved in that process. There are review mechanisms, including some built into the bill, in three years, and Ms Springle will be moving a further amendment around a seven-year review as well. So there will be many opportunities for government to consider the implications of this on organisations and different sectors. Obviously they will be able to take up these issues themselves directly with their relevant portfolio ministers as well.

We have covered this issue at some length now. I do not know if there is anything further that you want to raise specifically. I cannot obviously comment on any specific organisation and the implications for them. All I can say is that obviously I hear the concern that has been raised. I do think that just in the course of the debate — not singling out any particular

organisations — it is very clear that perhaps some organisations have a greater understanding of their obligations under the scheme than others. We certainly need to continue to work with all employer groups affected to make sure that they are very clear in understanding how this is going to work. Clearly perhaps the knowledge base might vary across different sectors. If there are particular concerns, we would encourage them to work through the working party so we can address these specific concerns.

Ms FITZHERBERT — I have a further query, with preamble, from Women's Health Victoria. The government is imposing another layer of reporting. The smaller funded agencies are working with very limited administrative resources and funding. How can the government support these organisations to cover the extra burden and cost? Are they prepared to provide an increase in grants?

Ms MIKAKOS — Again, we have really covered these issues at some considerable length. I did explain earlier that employers are already obliged under a number of state and federal laws to maintain employee records. For example, it is a requirement of the commonwealth Fair Work Act 2009 that employers keep records during the employee's period of employment and for 70 years after employment ends. There is a similar requirement in Victoria's Long Service Leave Act 2018. Information that an employer needs to provide to the authority on registering for the scheme or registering a new employee and providing for the returns is information that the employer should already have on hand.

This is intended to be a user-friendly system. I explained earlier how this information and the quarterly returns will be done through electronic lodgement. The new authority will be establishing and managing an information exchange system. Where this has happened in other states we have seen IT systems established, and we would anticipate the authority will contract with a provider of a suitable system. This is designed to make it as easy and user-friendly as possible for employers in terms of keeping the paperwork and the record keeping they need to keep, which, as I explained, is information they already do keep and are required to keep, and providing that information through the quarterly returns to the authority. I have spoken at some length about the mechanisms through which we will continue to have dialogue with affected employers.

Ms FITZHERBERT — Minister, again, you might have mentioned this earlier. Forgive me if I am asking you to restate something. How many employees, on your estimation, will be affected by this bill?

Ms MIKAKOS — The advice that I have is that, as the bill currently stands, it is expected that this would benefit 175 000 workers. That is across the three sectors that are coming into scope under this legislation. Obviously I expressed that quite deliberately in the form of 'as the bill currently stands', because originally the bill obviously included the disability sector and the early childhood sector. I flagged to the house already that there are house amendments in relation to those two sectors that the government wishes to have the committee consider. So that is an inclusive figure as the bill currently stands.

Ms FITZHERBERT — What are the regulatory compliance mechanisms set up to ensure that all employers are compliant or will be compliant?

Ms MIKAKOS — Thank you, Ms Fitzherbert. I am always so happy when we move on to new issues that have not already been covered at length. What I can advise you is that there are a number of provisions in the bill that go to penalties and authorised officers. For example, the chair of the governing board may appoint persons to be authorised officers. Authorised officers will have the power to require the production of documents. Such documents will be subject to confidentiality requirements. Authorised officers will only be allowed to enter premises with the consent of the employer. In this respect their powers are the same as those exercised by authorised officers under the Long Service Leave Act 2018.

I put on the record here that union officials will have no powers under this legislation. I do so because I anticipate that that might well be another line of questioning that might come up.

In terms of other provisions in the bill, obviously there are some penalty provisions, and I am advised that the penalties in the bill are modelled on those in the Long Service Leave Act 2018, so there are a number of provisions there, including for prosecutions. The bill also provides for prosecutions to be heard by the industrial division of the Magistrates Court, and only an authorised officer may lay a prosecution.

Ms FITZHERBERT — In relation to employees who come to an organisation in their eighth or ninth year of working only to find that former employers have not made adequate provision, who will wear the cost if they end up wishing to take long service leave and qualify for it otherwise?

Ms MIKAKOS — Failure to register is an offence under the act, and an employer will face prosecution. Employees and contract workers will also be able to

self-register. Provided that they are able to give the authority proof of service in the industry, they will be able to access a long service leave entitlement. So basically the way the scheme is set up is to make sure that no worker is disadvantaged because of the failure of their employer. Obviously the authority can take action against that employer for failing to register and make the necessary payments, but the authority will be able to provide a worker with their entitlement through the levies that it has collected and obviously it would need to establish proof of service in the industry in order for that to occur. It might be, for example, statutory declarations, group certificates or payslips — that kind of evidence — that actually indicate that the worker did in fact work in that particular sector.

Ms FITZHERBERT — Minister, just on the scenario that you have outlined, where the authority may take action against a previous employer who has not done the right thing under the terms of this bill and made provision for long service leave payouts, does it follow that the authority might take action against a previous employer to recoup the benefits that the authority has paid out to ensure that the provisions of this bill are complied with?

Ms MIKAKOS — Thank you for that question. An employer is never needing to recoup from another employer because it is actually the authority making the payment to the worker. So if the employer has not made appropriate provision to the authority — for example, they fail to register entirely — as I explained earlier, there are provisions in the bill that enable the authority to prosecute an employer for that breach, and it is then open to the court to not only impose a penalty on that employer but also recoup effectively the missing payments, and obviously they will then go to the authority.

Ms FITZHERBERT — In relation to the authority, how much is the seed funding for this authority?

Ms MIKAKOS — Much earlier I advised that the budget this year has provided $8.2 million over four years for the establishment of the authority, and obviously that covers administrative costs of establishing the authority.

Ms FITZHERBERT — Has any of the $8.2 million been expended to date?

Ms MIKAKOS — I am getting a very vigorous shaking of the head — no — from those in the box.

Ms FITZHERBERT — And in addition to the $8.2 million, will there be further allocations for the authority in the coming budget season?

Ms MIKAKOS — Obviously there is an appropriation there for four years with the budget allocation this year. The government will consider the need for any further appropriation for the authority. We are yet to finalise today — hopefully it will be today — the exact scope of this bill and the coverage of this bill as to what sectors it will apply to, and if the government considers that there is a further need to support the authority in terms of its administrative costs, then we will consider that.

Ms FITZHERBERT — In terms of employees' gaps in their service — for example, if someone takes time out of paid work to have a child or for one of the many things that affect ongoing employment — how is that addressed on a practical level for employers in terms of record keeping so that they are complying with the obligations of this act?

Ms MIKAKOS — Thank you for that question. The member may have heard me talking before about the bill that we passed through Parliament earlier this year. That bill actually did make provision for workers going on parental leave and for that continuity of service, so that obligation on employers to keep that record already exists now through the Long Service Leave Act.

I might just go to the broader issue in terms of a break from employment for whatever reason. The scheme allows a worker to go four years without recording a day of service before they are moved to the inactive part of the register. This is comparable to a worker subject to the Long Service Leave Act taking unpaid leave. Under that act a period of unpaid leave does not break continuity of employment, although there is no time limit on the period of unpaid leave that may be taken. That is currently the case under the Long Service Leave Act. I also point out that the construction industry portable scheme that exists here in Victoria as well as the ACT portable scheme also allow for a four-year break in service.

Ms FITZHERBERT — Has there been any agreement with the federal government in relation to other schemes that may incur some form of double dipping?

Ms MIKAKOS — No is the short answer. On the issue of the double dipping, as I explained in the last sitting week in relation to the community health sector, it needs to be made clear that there is actually no national or federal scheme. The industrial arrangements that I was talking about for the community health sector are under EBAs under federal law, so it is not a national scheme as such. It is just an obligation that the sector has agreed to through its EBA process whereby it

honours portability of long service leave entitlements across the community health sector. I am not quite sure what the member is getting at in terms of her question, but I explained earlier that we are going to be working with the community health sector to address this double dipping issue through the regulations, and there is a very clear intent from the government that there will not be double dipping and double payment.

Ms FITZHERBERT — Minister, you have mentioned previously that the government has engaged consultants in relation to the work that has gone into this bill. Can you let us know which organisations they are from?

Ms MIKAKOS — Which consultancy firms?

Ms Fitzherbert — Yes.

Ms MIKAKOS — Okay. I have advice that PricewaterhouseCoopers, KPMG and ACIL Allen are the consultancy firms that have been used for various work in the development of the portable long service leave across the three different sectors. Obviously all that information is disclosed in departmental annual reports.

Ms FITZHERBERT — Minister, you indicated when we were discussing this matter previously in this place that some survey results would be released imminently. I may have missed something on that, but can you give us an update as to the results of the survey?

Ms MIKAKOS — I think I recall what this was about in the last sitting week. If I recall correctly, I believe it had to do with sharing survey results with the members of the working group. I will get further advice on that.

The advice that I have is that this survey was of the community services sector and it covered a range of questions. The advice that I have is that that survey is still open; we are still encouraging members of the community services sector to respond to that. The advice that I have here is that to date we have not had an enormous number of responses, but we would certainly encourage others to participate in that — and maybe with my mentioning it in this committee, that might happen. As I indicated last sitting week, the results of this survey will be shared with members of the working group.

Ms FITZHERBERT — I am just wondering when it is anticipated that the survey will be closing. My understanding is that it was set to be finished last week, a few days ago or similar. I am just wondering when that is going to close.

Ms MIKAKOS — The reason why it is still open is that there has not been an enormous response to date, and we would certainly like to keep it open to encourage others to participate. The key reason why we are having this survey is in the development of the regulations, and obviously that will occur with the passage of the bill. The work that is coming through that survey will help the working group to form, I guess, a more considered view of the issues that they want to see addressed through the regulations.

Mr Ondarchie — Didn't you say there were an enormous number of responses?

Ms MIKAKOS — No, Mr Ondarchie, I said that we have not had an enormous number of responses. It has been a very minimal number of responses, and that is why we have kept it open, so that others can participate as well.

Ms FITZHERBERT — Just regarding the survey, how many people have actually completed it? What is the mechanism used to let people know that it is there and to seek input through the survey?

Ms MIKAKOS — I can advise you that the survey is online. As of last Friday we had had 21 responses. Given that we have got thousands of employees in the community sector, perhaps the level of anxiety that is being shared in this debate might be slightly exaggerated, but anyway, we have had 21 survey responses to date. I would certainly encourage others to respond. The way that people have become aware of the survey is that it has been shared with members of the working group. It is largely peak bodies that are on the working group, and we have encouraged them to share the survey link with their membership.

Ms FITZHERBERT — Just on another issue, how will the eligible hours scheme be accurately tracked?

Ms MIKAKOS — Thank you for that question. Currently under the Long Service Leave Act employers have to record the number of days or part days that their staff work for them. That is an existing obligation, so obviously that will continue. For employers in the sectors that we are covering through this bill there will be a quarterly return that will be submitted to the authority, and I indicated earlier that is likely to be occurring electronically. That will provide details for that quarter.

Ms FITZHERBERT — Just a sort of transitional question I guess, getting back to the issue of the $8.2 million that you mentioned earlier, obviously if this bill passes, the scheme will commence and there will be contributions from employers. There will be some employers who do not do the right thing, and obviously there is a mechanism you can go through through the authority as an employee if you have not had those payments made in your name as appropriate. Has there been any modelling done as to what the non-compliance will be and what the financial implications of that will be? And further to that, is it anticipated that there will be a corpus of sorts given to the authority, in addition to the $8.2 million in administrative running costs, to provide an amount of funding that can be used for the authority to give out if required? Surely it is going to be some time before there is a sufficient amount in the kitty, for want of a better term, from the payments that are anticipated to be made as laid out in the scheme. Does that make sense?

Ms MIKAKOS — Yes. There are two parts to that question. I talked earlier and last week about how the government had undertaken some modelling work that was actuarial advice. We looked to other comparable schemes in other jurisdictions. We found that non-compliance levels are very low.

In terms of the question that went to the issue of a corpus, the advice that I have is that that is not required. It is important to understand that the scheme is expected to be self-funding in about five years, and I have explained that. We also anticipate that, as we have seen in other schemes and other jurisdictions, the levy will come down over time.

Ms FITZHERBERT — Just one last question. I note that the commencement date for this is 4 April 2019.

Ms Mikakos — It has been pushed back.

Ms FITZHERBERT — It has been pushed back; good. I just wanted to clarify that. I am sorry I missed that earlier. What is the suggested date now?

Ms MIKAKOS — In the last sitting week I flagged in the house amendments that I have circulated to the committee that we are proposing to amend that so it has a 1 July 2019 start. That will give employers more time to get ready and the authority more time to do all the necessary establishment work.

Mr ONDARCHIE — Minister, before I ask a question, I do not think it is reasonable that you admonish the opposition for being fixated on those who have concerns, because that is our job in here. Minister, we have taken responses after lots of consultation with lots and lots of organisations. I note that in the last sitting of this Parliament you said that you want to commend those community sector organisations that you have spoken to that are actually very positive about this reform because they see the benefits, not just for organisations but for the entire sector. Who are these organisations that you have spoken to that are so positive about these reforms?

Ms MIKAKOS — I made the point earlier that there are peaks and there are employers who are supportive of these reforms. I gave just one example, and I am sure there are many others, of the peak body in my own portfolio area, the childhood and family services system, which is the Centre for Excellence in Child and Family Welfare, which has been supportive of this scheme for its workforce. They are responsible for a very important part of our community services sector, and they support children who go into the out-of-home care system, support our foster carers, support our kinship carers, support Aboriginal children and families and support our family services that work in early intervention with vulnerable families. There are certainly organisations that are supportive. I am not going to name other organisations, but I know that there are other peaks — and I can think of one in particular — whose position has changed over time. This peak was supportive and then had one very vocal member and has therefore expressed some concern.

I think it is just important that we have this debate in a way that is fair and balanced in that it represents the broad breadth of views that might exist out there. I am not in any way wishing to diminish the concerns that anyone has raised, Mr Ondarchie — not for one minute. I have acknowledged the concerns that have been raised by various sectors, and in fact I addressed that very, very early on in my remarks last sitting week when I talked about how, because we acknowledge these concerns particularly around two sectors facing enormous federal government changes, we are prepared to move some house amendments to give those sectors more time to make this transition. So far from downplaying the concerns, we have actually moved to address those concerns. We have moved to address the concerns raised by members of this house, and we will continue to work with all employer groups around any ongoing concerns that they might have, in particular the community health sector, which has made its concerns very clear to members of this chamber.

I am not in any way wanting to diminish the concerns. I think it is great that we have got supportive organisations. I think VCOSS might be another one that has been supportive as well, from memory. I think it is

important just to say that there is a range of views about these issues. We have got some peaks who are prepared to back in their workforces, and I commend them on that, because all change is difficult and we have got lots of changes happening through redress and a lot of other changes all around the country and in our state. When they are prepared to back in their workforces, when they acknowledge that this is a good way for them to keep people in their sectors and when they see it as an incentive for their workers to stay for the long haul in their sector, then I commend that. I think that shows the vision that those peak bodies and those employers have in wanting to retain good staff in their sector for longer.

Mr ONDARCHIE — Minister, I just want to pick up your comments about VCOSS and your suggestion that they are supportive of the Long Service Benefits Portability Bill. Minister, I have in front of me some correspondence from VCOSS dated 20 April 2018 which says:

> Whilst supportive of the portable long service leave intent, it is important that government, in the implementation of the scheme, does not financially disadvantage community service organisations.

They went on to say that they recommend work is completed to estimate the net cost of the scheme to community service organisations, that such an assessment needs to be completed before the scheme's implementation and that any additional expense incurred by community service organisations must be compensated by the Victorian government in its funding arrangements. Minister, how do you respond in terms of completing an assessment before the scheme's implementation?

Ms MIKAKOS — Mr Ondarchie, I have on numerous occasions referred to previous actuarial work that the government has undertaken and modelling work that the government has undertaken in relation to the establishment of this scheme. We are continuing to talk to peaks through the working groups, as I have alluded to now on a number of occasions. It is no surprise to anyone, I think, that peak bodies, whether it is VCOSS or the Centre for Excellence in Child and Family Welfare, or any other peak for that matter, would continue to argue for more funding. That is them doing their job as peak bodies, advocating for the best interests of their members as well as the vulnerable Victorians that they work with and support. There is no surprise that of course people would make those points, and I have already addressed these issues at some length in response to your earlier questions around our expectation around service delivery. I think we have covered all those issues at some length earlier.

Mr ONDARCHIE — So, Minister, do you support your claim that VCOSS in fact supports the long service leave portability bill?

Ms MIKAKOS — I am not backing away from what I said, Mr Ondarchie.

Mr Ondarchie — This correspondence suggests otherwise.

Ms MIKAKOS — Well, I do not have the correspondence in front of me, but my understanding and the advice that I have is that they have indicated in-principle support for this scheme, as have many others who may have expressed some concerns around its implementation. Just because a peak body or an employer has raised some concerns may not necessarily mean that they oppose the establishment of the scheme in principle. Some may well do that. I am not saying that there may not be any out there who may outright oppose this scheme altogether, but I think you would find that in the community services sector, whilst there might be some concerns around implementation issues — there are a range of concerns, and I am not going to summarise them all now; we have heard what they are — that does not necessarily translate into outright opposition to this scheme being established.

Mr Ondarchie interjected.

Ms MIKAKOS — I have addressed that point, Mr Ondarchie.

Mr ONDARCHIE — Minister, whilst you are reluctant to name some of the so-called supporters of this bill, I am more than happy to name those who have raised concerns with us — Women's Health West, for example. You know of Women's Health West. I know you do —

Ms Mikakos — Yes.

Mr ONDARCHIE — as I do. Even prior to joining the Parliament I had some things to do with them. They talk in the correspondence with us about the overall cost of long service leave as a result of that administrative complexity and the loss of funds to a central model — that is, as I explained to you last sitting week, rather than just having an accrual on the balance sheet, it becomes a cash payment quarterly into a central fund, whereas the current model allows Women's Health West to invest the funds they set aside for long service leave entitlements and use those funds and their returns to support service delivery. When an employee leaves a sector prior to becoming eligible for long service leave, those funds are returned to support programs, which for a not-for-profit business model

makes a lot of sense. Are you confirming today, should this be implemented the way the government wants it to be, that Women's Health West will not have those funds available to be returned to support programs if an employee leaves the sector prior to becoming eligible for long service leave?

Ms MIKAKOS — Mr Ondarchie, I think we have covered this issue at some length both last week and today. There are thousands of employers in the community services sector, and you can no doubt find a number of examples to refer to today. I am certainly familiar with Women's Health West, and I commend them for the important work they do in our community, but I do think we have already addressed these issues. I think you well understand that there is a payment to the authority that benefits all employers and employees within the scope of this scheme because it will bring the levies down over time. As you understand, employers are already required to make provision for their employees' long service leave entitlement. They are already required to do that. What will change is that the payment will be made to the authority and then those funds will be invested with the advice of the Victorian Funds Management Corporation, so all participants will benefit as the levies come down over time.

We have talked about cash flow issues at some length, we have talked about funding issues at some length, we have talked about our government's strong record of support for the sectors at some length, and yet whilst you are expressing concern around the community services sector, I am very pleased that you are supporting the scheme for the cleaning and security industries. I noted at the outset that the Liberal Party also supported portable long service leave for the construction industry, so I do not understand —

Mr Ondarchie interjected.

Ms MIKAKOS — Mr Ondarchie, you are covering the same issue over and over. I think we have gone over this issue multiple times, and I am yet to understand why you support portable long service leave for some sectors and not for the community services sector.

Mr ONDARCHIE — That last comment is as outrageous as the one that asked why we are fixated on those who have concerns. It is as outrageous as that.

Ms Mikakos — Isn't it in your amendments?

Mr ONDARCHIE — You did not even answer Ms Springle's question when it came to this.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — Order!

Mr ONDARCHIE — You failed to answer. If you do not want to keep going round and round again, here is an idea: answer the question.

The ACTING PRESIDENT (**Mr Melhem**) — Thank you, Mr Ondarchie. I think this is turning into a debate, and the whole issue here is not about having a debate but asking questions about matters relating to the bill and the clause. I ask members to get back to the issue and refrain from debate.

Ms MIKAKOS — Mr Ondarchie, I have amendments in front of me in your name where you are seeking to take out the entire community services sector. Are you saying that that is not the case? You do not want to have a portable long service leave scheme for anyone in the community services sector. That is a fact. Can we move on to some new issues and new ground?

Mr ONDARCHIE — Minister, while you may be reluctant to name those who support the scheme in its entirety, I am not reluctant to name those who have some issues with it. I have piles and piles and piles of letters here and correspondence from various groups, various sectors and various individual community service providers who have some concerns with this. I think the message they are getting from you today is: this is the way it is going to be and bad luck for you. Merri Health, for example, are currently party to seven separate multi-employee enterprise agreements which provide long service leave entitlements in excess of the minimum standards set out within the state Long Service Leave Act, which we seek to amend today.

There is a fair bit of work to be understood here about who falls into your scheme and who does not. In order to ascertain whether a worker is undertaking work in accordance with the definition of community service work provided in this bill, there is a whole review, Merri Health tells us, that will need to be done on each individual position across all 400 roles within the organisation to make a determination as well as to seek further advice from their industrial adviser to confirm their decision-making, and this would require a significant amount of resources and have financial implications for them in the initial review and ongoing maintenance of any job redesign or new roles being introduced into the organisation. This is an onerous process for the not-for-profit sector, and I am not sure you are fully grasping that in your responses both on the previous sitting day and today. A significant cost is going to be incurred by these small organisations that

run on very, very skinny margins, if at all. The data and commentary provided to us by people like VCOSS indicate that we are getting further and further away from the cost base year on year. So I ask you by way of this example, Merri Health, who have to engage some significant body of work to understand whether people fit into that definition of community service worker or not: will the government provide a grant to these organisations to help them get through the cost impost of understanding who fits in and who does not?

Ms MIKAKOS — Mr Ondarchie, we have now spent — I have lost track of how many — hours going over this issue. You might nominate a specific organisation, but that does not change the fact that you have already asked this particular question before on multiple occasions. We have covered this issue before. We have covered the issues around the community health sector at considerable length today and in the last sitting week. I have really got nothing further to add. This is becoming filibustering now. We are now going over the same issues.

Mr Ondarchie interjected.

Ms MIKAKOS — I think it has been a good committee stage so far. Members have raised issues of importance to them. We have hopefully helped to advance people's understanding of the provisions of the bill. But when it comes to a debate about the same issues I think we are just not making any progress here in the committee stage. So I really would encourage you to address your questions to new issues that we have not already discussed.

Mr ONDARCHIE — Minister, whilst you are keen to avoid answering these questions and you want to move on to something that relieves you from having to deal with this tough question, the reality is that your responses to the additional cost impost to the not-for-profit sector in the community services area has been, 'We're giving you enough money now. You should be able to deal with that'. If that is your answer, there is a stack of correspondence I have here from various organisations, many more than you are prepared to mention today, that would not accept that. Whilst you are keen to move on from this line of questioning, you simply have not answered the question, other than to say that the government has provided enough funding for these organisations to operate. But what you are doing is adding another cost impost to them now and you are saying to them, 'You should be able to manage that within your current resources'. They are saying — and I am happy to name every one of them, if you choose — they cannot manage that in their current cost line. So what are you going to do for them? They are saying that, A, to understand the scheme; B, to understand if their employees are part of this scheme; C, to manage the administrative costs associated with this; and D, to manage the cash flow implications of this is going to hurt them. Your response today has been, 'Well, we've just given them good funding'. Further to that, you have said, in your response to Ms Fitzherbert, that if the government considers there is further need to support authorities then it will consider that in upcoming budgets. Are you prepared to accept today that these organisations have legitimate concerns about the cost implications you are now imposing on them?

Ms MIKAKOS — Well, we are just going over the same issues here, Mr Ondarchie. You are now seeking to verbal me around responses I have given during the course of the debate. I do not know whether you are now advocating for — perhaps this might be your position — scrapping long service leave altogether and saving employers some money.

Mr Ondarchie interjected.

Ms MIKAKOS — I have addressed the point that the community health sector and others who have concerns have the opportunity to raise these issues through the working groups. I have talked about the scope of the community health sector and how we are going to be working with them around scope as well as potential double dipping issues through the working groups. So we have gone through these issues at some length. I know you just want to debate this now, but I do think it is important that we move on because we have now covered this issue on numerous occasions.

Mr Ondarchie interjected.

Ms MIKAKOS — Well, we actually have, Mr Ondarchie. You might not like the answer. We are still on clause 1. We have got a very lengthy bill to consider still. I look forward to your asking me a question about something different.

Mr ONDARCHIE — This is getting somewhat tedious, Acting President, because the minister just fails to recognise what the issue is here. If her response is, 'If these organisations have got issues, they should raise them with the working group', well, they are not raising them with the working group alone, they are raising them with the Parliament, Minister. They are raising them with people in this chamber to advocate on their behalf. I note that you did not answer Ms Springle's question at all. You dodged right around it, as you are doing with these. In the sector — if you want, I will name them, but it will take up more time and just

frustrate you — there are organisations, and I have got lists of them here, who are having trouble with understanding how they reconcile the added costs you are giving to them to run this scheme through their businesses when they are already saying, 'We don't have any spare money to play with'.

It is a very simple question. You can deal with this right now. I will give you a question that will provide you with an opportunity to say yes or no and then we can deal with it. If not-for-profit organisations in the community service sector are able to demonstrate to you that they cannot afford to take on the administrative costs of this scheme under their current remit, will the government provide them with any financial support to deal with that?

The ACTING PRESIDENT (**Mr Melhem**) — Before I ask the minister to answer the question, I think the questions are becoming a bit more repetitive and long statements have been made in relation to the same question today and on the previous sitting day. I want to caution members to stop repeating the same questions that have been dealt with, and I want to caution the minister as well, because you are not helping me in relation to answering these questions over and over again. I can see your frustration. So if the question is answered, I think it should be a short, sweet answer as to whether or not it has been answered. To Mr Ondarchie and other members who might be listening: please let us not keep repeating the same question again and again.

Ms MIKAKOS — We have addressed this issue before. I have got nothing further to add.

Mr ONDARCHIE — Welcome back, Deputy President. I put to you that, given the Acting President's ruling just now in relation to the question I asked, in fact the minister has not done what the Acting President asked her to do and I ask you to bring her back to answering the question.

The DEPUTY PRESIDENT — You know very well, Mr Ondarchie, that I cannot force the minister to answer. Minister, would you like to add anything or are you happy with that?

Ms MIKAKOS — Deputy President, I know you have just come back into the chamber. We have covered the issue that Mr Ondarchie has been debating for a considerable period of time. We have covered this issue on multiple occasions both last sitting week and today. I do think we should move on. I think Mr Ondarchie is now turning this into a debate.

Mr ONDARCHIE — I wish to make a statement in relation to the responses I have had today. We have sought, as have others in the chamber, including the Victorian Greens and other members of the opposition, to seek a response on behalf of the community sector, many of whom have met with us or had correspondence with us in relation to the administrative burden that is going to be placed upon them through the enactment of this bill. I talk of organisations like Berry Street, Connexions, Bestchance, Early Childhood Management Services, TRY, Goodstart Early Learning, Uniting, KU Children's Services, Early Childhood Australia Victorian branch, Early Learning Association Australia, National Disability Services, Women's Health West, Merri Health, VCOSS, Women's Health Victoria — all of whom, plus many more, have corresponded or met with us in relation to the additional administrative burden.

I want to note for the record today that Ms Mikakos has failed to indicate whether the government will support these organisations with the additional financial burden that is before them. We have had responses — I am willing to have *Hansard* read back to us if that is what it will take — in which the government claimed that they have provided enough money for them to operate. I think at one point Ms Mikakos called it 'record funding'. But we have not addressed the issue of the additional administrative burden and the cash flow implications that all of these organisations, including Wellways, have said will affect the operations of their businesses. It is either going to affect the cost line or they are going to have to reduce service levels to deal with it. We have not had an appropriate response from the minister today. My message to the sector is: the government are going to try and ram this bill through and leave you high and dry. I have no further questions on this clause.

Ms MIKAKOS — Thank you for that verballing of everything I have said over the course of the two days. My message to the sector is: the Liberals have already announced a commission of audit and we know that under the Liberals the community services sector is always worse off.

Clause agreed to.

Clause 2

Ms MIKAKOS — I move:

1. Clause 2, line 10, omit "April" and insert "July".

This is pretty straightforward. This is just seeking to push back the commencement date from April 2019 to July 2019, and I urge all members to support this. This

will give everyone involved more time to prepare for this scheme.

Mr ONDARCHIE — The Liberal-Nationals opposition will not be opposing this amendment.

Ms SPRINGLE — The Greens will be supporting this amendment.

Amendment agreed to; amended clause agreed to.

Clause 3

The DEPUTY PRESIDENT — I know there are a few amendments, but I will ask Minister Mikakos to move her further amendment 1, which is a test for her further amendment 2 to clause 3.

Ms MIKAKOS — I move:

1. Clause 3, page 4, line 25, omit all words and expressions on this line.

This relates to the other lot of more technical amendments that I have standing in my name. Effectively what it does is it seeks to remove the definition of 'industrial action' from the scope of the bill. I have already explained during the short procedural debate that we had much earlier around the instruction to the committee what this is seeking to do, and I do not propose to cover that ground again.

The DEPUTY PRESIDENT — Mr Ondarchie, I know you have a few amendments to this clause as well. Do you want to move them now?

Mr ONDARCHIE — I think it is probably the most efficient way to do it if I move them now, otherwise we will be back and forth. I move:

1. Clause 3, line 15, omit "Schedule 2" and insert "Schedule 1".

2. Clause 3, lines 16 to 19, omit all words and expressions on these lines.

3. Clause 3, line 21, omit "Schedule 2" and insert "Schedule 1".

4. Clause 3, lines 22 to 31, omit all words and expressions on these lines and insert—

   "***contract worker***, for a covered industry, has the meaning given by the covered industry schedule for that industry;".

5. Clause 3, page 3, lines 5 to 14, omit all words and expressions on these lines and insert—

   "***covered industry*** means—

   (a) the contract cleaning industry; or

   (b) the security industry;

   covered industry schedule means—

   (a) for the contract cleaning industry— Schedule 1; or

   (b) for the security industry— Schedule 2;".

6. Clause 3, page 6, lines 17 to 29, omit all words and expressions on these lines and insert—

   "***registered active contract worker***, for a covered industry, means a contract worker registered under section 19 who is in the active part of the workers register for the industry;".

7. Clause 3, page 7, lines 5 to 18, omit all words and expressions on these lines and insert—

   "***registered active worker***, for a covered industry, means a registered active employee or a registered active contract worker for the industry;".

8. Clause 3, page 7, line 21, omit "Schedule 3" and insert "Schedule 2".

9. Clause 3, page 7, line 22, omit "Schedule 3" and insert "Schedule 2".

10. Clause 3, page 7, lines 23 to 30, omit all words and expressions on these lines and insert—

    "***service period***—

    (a) for a worker for the contract cleaning industry— see clause 8 of Schedule 1; or

    (b) for a worker for the security industry— see clause 8 of Schedule 2;".

11. Clause 3, page 8, lines 2 to 13, omit all words and expressions on these lines and insert—

    "***worker***, for a covered industry, means an employee or a contract worker for the industry;".

These amendments remove references in schedule 1 to omit community services workers and the sector because, as I have put to the house both on the last sitting day and today, there is significant concern from the community sector about how this has been mismanaged.

Ms MIKAKOS — The government will be opposing Mr Ondarchie's amendments. I think this is a red-letter today in Victoria where the Liberal Party has in fact supported in the past a portable long service leave scheme for the construction industry. It supports a portable long service leave scheme for the CFMEU, but it does not support a portable long service leave scheme for the community services sector. There is just no logic in this. They support in this bill a portable long service

leave scheme for the cleaning sector and for the security sector, but those working to support the most vulnerable people in our community are going to get dudded by the Liberal Party, and this is why we will oppose this.

Ms Mikakos's further amendment 1 agreed to.

The DEPUTY PRESIDENT — Mr Ondarchie has moved his amendments 1 to 11, which are a test for his amendments 12 to 26 to clause 3.

Committee divided on Mr Ondarchie's amendments 1 to 11:

Ayes, 15

Atkinson, Mr
Bath, Ms
Dalla-Riva, Mr (*Teller*)
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr (*Teller*)
Wooldridge, Ms

Noes, 23

Bourman, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms (*Teller*)
Eideh, Mr
Elasmar, Mr
Gepp, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Ratnam, Dr
Shing, Ms
Somyurek, Mr (*Teller*)
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms
Young, Mr

Amendments negatived.

Amended clause agreed to.

Clause 4

Mr ONDARCHIE — I move:

12. Clause 4, line 20, omit paragraph (a).

Ms MIKAKOS — The government will oppose this amendment for the same reasons as I outlined on the previous amendments from Mr Ondarchie.

Committee divided on amendment:

Ayes, 15

Atkinson, Mr
Bath, Ms (*Teller*)
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms (*Teller*)
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 23

Bourman, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Gepp, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms (*Teller*)
Purcell, Mr (*Teller*)
Ratnam, Dr
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms
Young, Mr

Amendment negatived.

Clause agreed to.

Clause 5

Ms MIKAKOS — I invite members to vote against this clause. This relates to removing the definition of 'industrial action' from the scope of the bill. It relates to the technical amendments that I have spoken about already.

Mr ONDARCHIE — The Liberal-Nationals opposition will not be opposing this.

Clause negatived.

Clauses 6 to 21 agreed to.

Clause 22

Mr ONDARCHIE — I move:

13. Clause 22, page 22, lines 22 to 28, omit subclause (4) and insert—

"(4) However, subsection (3)(b) does not apply if the person is entitled to payment in lieu under—

(a) clause 15 of Schedule 1; or

(b) clause 15 of Schedule 2.".

Ms MIKAKOS — The government will be opposing this amendment.

Committee divided on amendment:

Ayes, 15

Atkinson, Mr
Bath, Ms
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms (*Teller*)
Lovell, Ms
Morris, Mr
O'Donohue, Mr (*Teller*)
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr (*Teller*)	Purcell, Mr
Dunn, Ms	Ratnam, Dr
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr (*Teller*)	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr
Patten, Ms	

Amendment negatived.

Clause agreed to; clause 23 agreed to.

Clause 24

Mr ONDARCHIE — I move:

14. In the heading to clause 24, omit "**Application and relevant day**" and insert "**Meaning of *relevant day***".

15. Clause 24, lines 26 and 27, omit subclause (1).

16. Clause 24, line 28, omit "(2)".

17. Clause 24, line 31, omit "Schedule 2" and insert "Schedule 1".

18. Clause 24, line 34, omit "Schedule 3" and insert "Schedule 2".

Ms MIKAKOS — The government will be opposing these amendments.

Committee divided on amendments:

Ayes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (*Teller*)
Davis, Mr	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr (*Teller*)	Purcell, Mr
Dunn, Ms	Ratnam, Dr
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr (*Teller*)	Young, Mr
Patten, Ms	

Amendments negatived.

Clause agreed to; clauses 25 to 55 agreed to.

Clause 56

Mr ONDARCHIE — I move:

19. Clause 56, line 30, omit "Schedule 2" and insert "Schedule 1".

20. Clause 56, line 31, omit "Schedule 3" and insert "Schedule 2".

Ms MIKAKOS — The government will be opposing these amendments.

Amendments negatived; clause agreed to; clauses 57 to 74 agreed to.

Clause 75

Ms SPRINGLE — I move:

1. Clause 75, line 9, omit "The" and insert "A".

2. Clause 75, lines 10 and 11, omit "after the 3rd anniversary of the commencement of this Act" and insert—

"after—

(a) the 3rd anniversary of the commencement of this Act; and

(b) the 7th anniversary of the commencement of this Act".

3. Clause 75, line 13, omit "the" and insert "each".

These amendments insert a seven-year review into the scheme on top of the existing three-year review.

Ms MIKAKOS — The government will be supporting these amendments.

Mr ONDARCHIE — These amendments are strong ones that add value to this bill, and the Liberal-Nationals coalition will not be opposing them.

Amendments agreed to; amended clause agreed to; clauses 76 to 79 agreed to.

Clause 80

Mr ONDARCHIE — I move:

21. Clause 80, page 63, lines 5 to 16, omit subclause (3).

Ms MIKAKOS — The government will be opposing this amendment.

Amendment negatived; clause agreed to; clause 81 agreed to.

New clause

Ms MIKAKOS — I move:

NEW CLAUSE

3. Insert the following New Clause to follow clause 81—

"**AA Amendment of Long Service Leave Act 2018**

(1) Section 3(2) of the **Long Service Leave Act 2018** is **repealed**.

(2) In section 12(1) of the **Long Service Leave Act 2018 omit** "even though in a strict legal sense it could be said that the employee's employment was interrupted".

(3) For section 12(7), (8) and (9) of the **Long Service Leave Act 2018 substitute**—

"(7) An employee's employment is taken to be continuous despite the employer standing down the employee—

(a) during industrial action if the employee cannot be usefully employed because of the industrial action; or

(b) because of a breakdown of machinery or equipment for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the breakdown; or

(c) because of a stoppage of work for any cause for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the stoppage.

(8) An employee's employment is taken to be continuous despite any interruption arising directly or indirectly from an industrial dispute.".

(4) In section 12 of the **Long Service Leave Act 2018**—

(a) in subsection (10), for "(10)" **substitute** "(9)";

(b) in subsection (11)—

(i) for "(11)" **substitute** "(10)";

(ii) for "(10)" **substitute** "(9)".

(5) In section 14 of the **Long Service Leave Act 2018**—

(a) in paragraph (c), for ", (8) or (9)." **substitute** "(a), (b) or (c);";

(b) after paragraph (c) **insert**—

"(d) an interruption described in section 12(8).".".

I spoke about this at some length earlier. Essentially these are technical amendments. They relate to employees being stood down during employment interruptions and ensure that where that occurs or during industrial action, employees do not lose their continuity of service entitlement.

Mr ONDARCHIE — Here is an example of the 'We'll try and get it right next time around' amendment by the government. This relates to a complete botch of the initial act, and we will not be opposing it.

Ms SPRINGLE — The Greens will be supporting this amendment.

New clause agreed to.

Clause 82

Ms MIKAKOS — I invite members to vote against this clause. Again this relates to these technical changes to the Long Service Leave Act 2018. I explained them at some length much earlier. I do not propose to do that again.

Clause negatived.

Clause 83 agreed to.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Schedule 1

Ms MIKAKOS — I move:

2. Schedule 1, page 66, lines 18 to 20, omit all words and expressions on these lines and insert—

"(2) ***Community service work*** does not include—

(a) an activity that is funded by the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth, unless such an activity, or class of activity, is prescribed to be community service work; or

(b) a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law

(Victoria), unless such a service, or class of service, is prescribed to be community service work; or

(c) an activity, or class of activity, prescribed not to be community service work.".

Essentially what this seeks to do is to change the scope of community service work to exclude activities under the NDIS and licensed children's services under the Children's Services Act 1996 or the Education And Care Services National Law (Victoria). As I explained during the course of the earlier debate, the way that this amendment is framed enables these sectors to be prescribed through regulation at a later date. I have explained to the house the reasons why we are proposing to do this.

Mr ONDARCHIE — Minister, in the briefing that was afforded to us by the minister — and we thank the departmental representatives and the advisers that afforded us that briefing — there was a discussion that these entities in fact could be, by regulation, re-included at a later date. Minister, the advice that we were given at the briefing was that if these entities in the sector wanted to, they could come back in or, if the NDIS worked, then the quote was, 'We may decide to bring them back in'. Under what criteria will the government determine if the NDIS is working for these entities and that they should come back into the scheme?

Ms MIKAKOS — Thank you, Mr Ondarchie. I made very clear last sitting week the government's intentions in relation to these matters. I indicated to the house then, and I reiterate on those issues again this evening, that our government has been very mindful of the concerns raised by both the disability sector and the early childhood sector around what is a very significant period of reform and transition. I specifically referred to both the NDIS transition and the childcare changes, both changes that the federal government has been driving, and I explained to the house at that time that we decided that now is not the right time to implement additional reforms on these sectors. This is why we have sought to exclude these particular sectors in this manner through this particular amendment.

However, I also did indicate to the house that it is the government's intent to have all employees in the community sector benefit from a portable long service leave scheme, and this is why the way that the amendments have been drafted enables changes to be made through regulation in the future. I also indicated to the house that a re-elected Andrews Labor government will work at adding these additional parts of the community sector workforce at appropriate times in coming years once the authority and the scheme are up and running.

I also did indicate to the house — and I put on the record at that time and I reiterate — that further consultation will be undertaken with the early childhood education and care and disability sectors to minimise any cost to employees and to families beyond what they are already required to allocate to long service leave entitlements. So I have already made it very clear what the government's intentions are in relation to these matters.

I have also indicated to the committee on numerous occasions that we have got working groups that have been established. That is providing a mechanism to have ongoing consultation with the sector. In terms of how we are going to work with them in respect to the regulations, I referred earlier to how we are doing some immediate work with various community services sector stakeholders around some of those immediate implementation issues that go to issues of coverage and double dipping, and these regulations will be informed by the working party.

Obviously there will be different regulations. We will need to address the regulations in terms of the implementation issues for the sectors that are within scope and remain in scope more immediately. That work will be the priority of the working group and the government at this time. But we have clearly articulated, and I reiterate that this evening, that it is certainly our intention to bring all employees in the community services sector into scope to benefit from the portable long service leave scheme. We will work with these sectors in a re-elected Andrews Labor government to work through the timing issues.

Mr ONDARCHIE — I am thankful for the advocacy of Ms Wooldridge, Ms Crozier and Ms Fitzherbert in this sector and for advocating for the children's services in particular. I guess in terms of the business planning for entities that are within this sector — and I draw you back to the comments made at the briefing, one of which was 'If the NDIS is working, then we may decide to bring them back in' — how will you determine if the NDIS, which is a challenge for all participants right at the moment, is appropriately working for them now to be brought back in under regulation?

Ms MIKAKOS — I was not at that briefing. I cannot comment on the language that you are using there. I do not know whether that is an accurate representation. I certainly made it very clear on behalf of the government during the last sitting week, and I

have reiterated that this evening, that our government has an intent to bring these sectors into scope and that a re-elected Andrews Labor government will work to add these other parts of the community sector workforce into scope at an appropriate time in coming years once the authority and the scheme are up and running. Obviously that will occur through consultation with the sector. I have made it very clear that it is our intention to do so. And of course when regulations of this nature occur, a regulatory impact statement (RIS) would go with that, and that would obviously provide another mechanism by which these sectors would be able to be consulted and have input into that process.

Mr ONDARCHIE — I think it somewhat unreasonable that the government offers the opposition a briefing and then says, 'Well, we weren't at the briefing, so I can't confirm what actually happened there'. Like, are you kidding me? 'I wasn't there, so I don't know what really happened, so anything you admit by way of that briefing is not necessarily admissible into this discussion today'.

Mr Finn — Dodgy as.

Mr ONDARCHIE — I pick up your interjection, Mr Finn, that there is something suss about this.

Ms Mikakos — Well, Mr Ondarchie, you've got a habit of verballing people.

Mr ONDARCHIE — I invite you to check with those in the advisers box if you like. You can check with them. They were there.

Ms Mikakos — You've verballed me in the course of this afternoon, so I know your track record.

Mr ONDARCHIE — So go and check.

Ms Mikakos — Let's just keep going.

Mr ONDARCHIE — We have the Artful Dodger here. Minister, I note that you said an RIS will be done prior to those workers being brought back into the sector, and to give the sector some indication about when that is likely to occur, can you give us some sense of the timing of when that could be? Are we talking two, three, five or 10 years — what it could possibly be — noting the government is keen to bring all those workers in?

Ms MIKAKOS — I have already indicated to the committee that certainly the intention of a re-elected Andrews Labor government is to work on adding in these other parts of the community services sector workforce at appropriate times over coming years once the authority and the scheme are up and running. Certainly we do not take that intention likely. We acknowledge the aspirations of those workforces in those very important sectors to get the same coverage as their colleagues in other parts of the community services sector. But I have indicated to the committee that we will be working with both employer and employee organisations around this matter and seeking to do so in an appropriate time frame.

Mr ONDARCHIE — Minister, thank you for the broad response to my question. It was indicated at the briefing — and I was there; I acknowledge you were not, but I am more than happy for you to check with your advisers — that these entities within the sector could be re-included by regulation at a later date. Given there has been so much concern about the challenges with the NDIS, the challenges for children's services and how they are working their way through that, hence the reason that this amendment does not include it, why would you choose to do it by regulation and not by legislative change?

Ms MIKAKOS — We have been very up-front about the fact that we want to go forward in bringing these sectors into the scope of the portable long service leave scheme; we flagged that intention by the fact that we have brought a bill to the house that actually includes these sectors. We think it is important not to make this an overly complicated process. Obviously there is a process that is required in order to have a change of this nature occur through regulation, and that involves an RIS process, as you have acknowledged and as you are familiar with. That does involve consultation with affected stakeholders, and we think that that is an appropriate way to deal with this as we see how employer organisations settle in with the NDIS transition and child care reforms.

We obviously want to be able to monitor the implementation of these two significant federal reforms and the implications for these particular organisations. I have acknowledged the concerns that have been raised by these sectors. I have also acknowledged that they have been raised by members of the crossbench.

We have been having dialogue with these sectors. We have heard the concerns that they have raised, particularly those from the disability sector around the pricing issues of the NDIS. I would certainly encourage all members here who have an interest in disability issues to go forward and engage in some advocacy to the commonwealth around the pricing issues. It is very difficult to give a precise time frame around these issues given that we have this significant transition happening for the sectors, but we will obviously

continue to have ongoing consultation with both sectors as we go forward.

Mr ONDARCHIE — Minister, in relation to this amendment and the ongoing application of the bill should it pass, post implementation will the government look to expand the participants in the working group, particularly those who have had experiences post implementation?

Ms MIKAKOS — The advice that I have is that we have in fact offered the Australian Industry Group an opportunity to participate. They have not taken up that invitation to date. We operate as an open-door government. We have no problem with other groups wishing to participate through the working groups, and if they would like to be involved, we can certainly accommodate that. As I indicated earlier, we have been doing the surveys through the peaks to their member organisations, so there are numerous opportunities for employer organisations and employee organisations to have input into this process as we go forward.

Mr ONDARCHIE — I move my amendments 1 to 3 to Ms Mikakos's amendment 2:

1. In proposed subclause (2) omit paragraph (a) and insert—

   "(a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or".

2. After paragraph (a) in proposed subclause (2) insert—

   "( ) a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or

   ( ) an employment service within the meaning of section 7 of the Disability Services Act 1986 of the Commonwealth; or".

3. In paragraph (b) in proposed subclause (2), omit ", unless such a service, or class of service, is prescribed to be community service work".

I do that because we do not think that Ms Mikakos's amendment goes far enough. These amendments looks to expand the scope of NDIS exclusion to include services that could be funded under the NDIS. We understand — all of us understand, particularly the participants — how complex the NDIS scheme is right now. I note Mr Finn is acknowledging that, and I note the great work he is doing in the autism sector and how challenging it is going to be trying to integrate that. They just do not need another level of complexity added to the way this is being run as well. There has to be greater discussion between the Victorian government and Canberra about how they do this. We are looking for much more of a collaborative approach between the two governments to settle the sector, which has a level of uncertainty at the moment.

These amendments also insert new subclauses that exclude disability services under the Disability Act 2006 and employment services under the commonwealth Disability Services Act 1986 provision. They also remove prescribed community service work from non-inclusion in the exclusion clauses in terms of children's services licensed under the Children's Services Act 1996. We in fact think this takes Ms Mikakos's amendment further and makes it much more usable and palatable for the sector, and we encourage all those in the chamber to support our further amendments because it is the right thing to do.

Ms MIKAKOS — The government will be opposing Mr Ondarchie's amendments because they seek to exclude these sectors forever. We think it is important that we bring these sectors into scope of portable long service leave, and I have outlined the process by which the government proposes to do that.

The DEPUTY PRESIDENT — The question is that amendments 1, 2 and 3 moved by Mr Ondarchie be agreed to.

Committee divided on Mr Ondarchie's amendments:

Ayes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr (*Teller*)	

Noes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Purcell, Mr
Dunn, Ms	Ratnam, Dr (*Teller*)
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr (*Teller*)	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr
Patten, Ms	

Amendments negatived.

Ms Mikakos's amendment agreed to.

Ms MIKAKOS — I move:

3. Schedule 1, page 66, lines 24 to 31, omit all words and expressions on these lines and insert—

> "(a) a non-profit entity that employs one or more individuals to perform community service work; or".

Again this relates to the more technical amendments to the bill. I have flagged that essentially this changes the definition of a non-profit community service employer to one that employs at least one individual to perform community service work.

Amendment agreed to.

Ms MIKAKOS — I move further amendments standing in my name:

5. Schedule 1, page 70, line 11, omit "15" and insert "14".

6. Schedule 1, page 70, line 13, omit "clause 16 specifies".

7. Schedule 1, page 71, lines 21 and 22, omit "worker's service period is taken to be continuous" and insert "period of absence is taken to be a day of service for crediting service".

8. Schedule 1, page 75, lines 3 to 33, page 76, lines 1 to 35 and page 77, lines 1 to 22, omit all words and expressions on these lines.

9. Schedule 1, page 77, line 25, before "The" insert "(1)".

10. Schedule 1, page 77, line 26, omit "referred to in clause 14".

11. Schedule 1, page 78, line 25, omit "assets." and insert "assets;".

12. Schedule 1, page 78, after line 25 insert—

> "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
>
> (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the community services sector.".

13. Schedule 1, page 78, lines 26 to 35 and page 79, lines 1 to 18, omit all words and expressions on these lines.

These amendments also relate to schedule 1. Effectively what they do is omit clauses 14 and 16 and insert new subclauses. They are again technical changes. They remove examples of situations where a worker's employment will be considered continuous and of absences that mean it will not be considered continuous, and they relate again to technical changes to the Long Service Leave Act.

Mr ONDARCHIE — Minister, in relation to this in schedule 1, these requirements are already covered in the Long Service Leave Act. Why it is therefore necessary to move that in this bill?

Ms MIKAKOS — Thank you, Mr Ondarchie, for your question. What we have done with these technical changes, as you are well aware, is move amendments to clarify the position as it relates to the Long Service Leave Act to ensure that people who engage in industrial action or who are stood down do not lose their continuity of service. We have done that in relation to the Long Service Leave Act. Effectively what these particular amendments do is replicate this in relation to the portable long service leave scheme, because it has become apparent that this particular clause is unnecessary. Effectively we are wanting to mirror what we have done in the Long Service Leave Act with what we are doing through the provisions of the portability scheme. So, effectively the intent will be that someone will not lose their continuity of service when they are engaging in industrial action.

Mr ONDARCHIE — Thank you. I am just trying to understand the necessity of this, given parental leave, carer's leave and annual leave will all count towards service and are currently covered under the Long Service Leave Act. I am just trying to understand — albeit you had to make some other changes to this bill — why it was necessary to do this in the first place as it is already covered by the Long Service Leave Act.

Ms MIKAKOS — Thank you. There is no change in relation to parental leave and those examples that you have given because, as I explained earlier, the earlier bill that passed the Parliament inadvertently removed some longstanding protections that workers had in relation to being stood down and industrial action. We have had to address that issue, and now what we are doing is effectively replicating that in the portable long service leave provisions as well. I know it is quite a technical matter, but unless we omit this clause we will have a discrepancy in how the two parts of the legislation work together. So this clause is effectively unnecessary and would be potentially confusing if it were not to be omitted effectively. The intent is that for both purposes, both the Long Service Leave Act and under the portable long service leave scheme, there will not be a break in continuity of employment due to industrial action.

Amendments agreed to.

Mr ONDARCHIE — I move:

22. Schedule 1, omit the Schedule.

Ms MIKAKOS — The government will be opposing this amendment.

Ms SPRINGLE — The Greens will be opposing this amendment.

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 1:

1. Schedule 1, page 65, line 12, omit "subclause (2)" and insert "this clause".

Ms MIKAKOS — I just indicate that the government will be opposing this amendment.

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 2:

2. Schedule 1, page 66, after line 20 insert—

"( ) ***Community service work*** also does not include a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law (Victoria).".

This relates to schedule 1, clause 2(2), of the bill and excludes licensed children's services under the Children's Services Act 1996 or the Education and Care Services National Law (Victoria) from the scope of community services work.

Ms MIKAKOS — The government will be opposing this amendment. We have addressed these issues through my house amendments.

Committee divided on amendment:

Ayes, 15

Atkinson, Mr
Bath, Ms
Dalla-Riva, Mr (*Teller*)
Davis, Mr (*Teller*)
Finn, Mr
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 23

Bourman, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Gepp, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms (*Teller*)
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Ratnam, Dr
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms
Young, Mr (*Teller*)

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 3:

3. Schedule 1, page 66, before line 21 insert—

"( ) ***Community service work*** also does not include—

(a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or

(b) a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or

(c) an employment service within the meaning of section 7 of the Disability Services Act 1986 of the Commonwealth.".

Substituted further amendment 3 inserts new subclauses under subsection (2). It excludes NDIS activities and disability services under the Disability Act 2006 from the scope of community service work.

Ms MIKAKOS — The government will be opposing this amendment. My house amendments have addressed the issues in relation to the disability sector.

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 4:

4. Schedule 1, page 66, lines 24 to 31, omit paragraph (a) and insert—

"(a) a non-profit entity that employs one or more individuals to perform community service work; or".

The substituted further amendment inserts a substituted subclause 3(1)(a) to change the definition of a non-profit community service employer to one that employs at least one individual to perform community service work.

Ms MIKAKOS — The government will be opposing this amendment. We have already addressed this issue.

Mr Ondarchie interjected.

Ms MIKAKOS — Because we have already addressed it. You are duplicating something that we have already addressed.

The DEPUTY PRESIDENT — I have to rule it out because it has already been agreed to.

Mr ONDARCHIE — I move my substituted further amendment 5:

5. Schedule 1, page 68, lines 13 to 22, omit paragraph (a).

Ms MIKAKOS — The government will be opposing this amendment.

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 6:

6. Schedule 1, page 68, lines 23 to 28, omit paragraph (b) and insert—

"( ) if the employer is a community health centre registered under section 48 of the **Health Services Act 1988**— an individual employed by the employer, unless—

(i) the individual's role is to carry out community service work at the community health centre; and

(ii) the individual does not have a long service leave entitlement under a fair work instrument or an applicable award-derived long service leave entitlement within the meaning of the Fair Work Act;".

My substituted further amendment 6 inserts additional wording into subsection 4(2)(b) and adds exemptions for employees of health centres under the Health Services Act 1988 if they do not have long service leave entitlements under the Fair Work Act. This in the view of the Liberal-Nationals coalition adds further value to this bill.

Ms MIKAKOS — The government will be opposing this amendment.

Ms SPRINGLE — The Greens will not be supporting this amendment. I have to say that this has probably been the amendment that we have had deepest consideration and contemplation of because the community health sector have been very vocal in their representations around this. I have sympathy for it, Mr Ondarchie. However, when we went back to our basic principles, our first principles, as Greens on this bill, they are that we want to scope as many people into this bill as possible. It is an underlying principle of how we have approached this bill that we want as many people as possible to be able to access portable long service leave.

When we looked at the intersections between the federal instruments and the state scheme, it appeared that workers who have access to the federal scheme are only able to move between certain sorts of employment to actually maintain that portability. If they leave those classifications of employment, they forfeit their portability completely and they fall out of both schemes, and that is a problem for us. As a consequence we cannot support the amendment the way it is drafted here. As I said, it is not that we do not have sympathy for the principle of what you, Mr Ondarchie, are trying to achieve with that amendment; it is just that we cannot support it the way it is drafted here.

Ms MIKAKOS — I just want to add further. Thank you, Ms Springle. During the committee stage both last sitting week and today I have spoken at some considerable length around the intention of the government to work with the community health sector around these issues of scope and any potential double dipping, particularly through the regulations, and I have indicated that they will be able to do so through the working groups that we have established. It is certainly our clear intention to address the concerns that relate to the scope of the community health sector. So we think that there is a way forward here that will address the community health sector's concerns.

Ms PATTEN — I do support this amendment because I really do support the community health sector, and I support the fact that they have had a portable long service leave program for a number of years. This bill — and I think it was unintended — does overlap that and does give them a quite incredible level of extra work that money needs to be put aside for. These are organisations that have very slim budgets, and they do remarkable work for our community. Certainly the ones in Northern Metropolitan Region and around Victoria do remarkable work in primary health and in prevention in primary health. I take some assurance from the minister talking about the regulations, but I know that the sector did not take that same assurance. Certainly you spoke at length during this process, Minister, and I appreciate that.

Again, in the sector seeking advice outside this place, the advice was that they would still be stuck with two systems for those workers. They also indicate, just to add to Ms Springle's comments, that no-one is going to fall out of the system by ensuring that those who are in the system are not covered twice by this bill. I know that the sector tried very hard to work with the government here. I support this amendment.

Ms MIKAKOS — I just really want to respond to Ms Patten around her concerns on this issue, and I did acknowledge her concerns earlier. I am aware that she has been having discussions with the minister's office around these issues. I have made it very clear that clause 17 of schedule 1 of the bill establishes the principle that a worker is not entitled to long service leave under a Fair Work instrument and payment of a long service benefit under the proposed scheme in respect to the same period of service. The government does not intend for any employer to pay twice for the long service leave of one employee. I have made it very clear that this principle be supported through regulations to prevent any double dipping from occurring.

We are well aware of the concerns that relate to the community health sector being subject to federal instruments, effectively an EBA, whereby they have had longstanding practices for portable long service leave making sure that employers are not disadvantaged. We have a very clear intent to work through this issue with the sector. I have reiterated that now on a number of occasions, and I certainly hope that allays Ms Patten's concerns. Certainly we will be working to allay the sector's concerns.

Ms WOOLDRIDGE — I just want to say how disappointing it is that neither the government nor the Greens will be supporting this amendment from the community health sector. What we have seen with this bill is that because of poor management of the issues, the government have been prepared to exclude the disability sector; that because of poor management and inappropriate targeting of the bill, they have been prepared to exclude the early childhood sector; and that because of the same poor management, they have decided to not exclude the community health sector, which has an equivalent set of arguments in relation to the complexities that have been created by two schemes for the vast majority of the workforce and the inequity of integrated community health employees being excluded but registered community health organisations being included.

The government could not even answer the most basic questions in relation to how many of their workforce will actually be transitioning or have transitioned in the past to jobs in other parts of the community services sector where this scheme will apply. The sector thinks it is a very small number, probably somewhere in the order of maybe 5 per cent. I think it is very disappointing that the Labor Party and the Greens cannot apply the same principles that they have applied to the disability sector and the early childhood sector to the community health sector, with representations very clearly saying this is going to result in job losses and this is going to result in a reduction in services that are able to be provided, which will have a damaging impact.

The fact is the Auditor-General did a report on community health just in June this year that very clearly laid out that this government has had no interest in the community health sector. They have had no plans. There has been a dearth of investment, and it is the community health sector that has absolutely struggled. This bill will only add further pressure onto the community health sector when so many vulnerable families desperately need their services. It is very disappointing, as I have said, that the Labor Party and the Greens refuse to acknowledge and support the exclusion of this group as it has done for others.

Ms MIKAKOS — I am just going to briefly respond to Ms Wooldridge, because we have addressed this issue now on a number of occasions. If Ms Wooldridge is referring to poor management, I would refer her to that of her federal Liberal colleagues, because I made it very clear at the outset that we were responding to the concerns of the disability sector and the early childhood sector as a result of NDIS transition and federal pricing issues set by the federal government, as well as the childcare changes introduced by the federal Liberal government. We have worked with members of this house to address these issues that have come about directly as a result of your federal colleagues, Ms Wooldridge.

In relation to the community health sector, they are not facing the same level of federal changes that those other two sectors are. In fact many workers in the community health sector already have access to portable long service leave through industrial instruments or informal arrangements. We do not accept that there is a parity of position across those three sectors. We have worked through a way that we can give the disability sector and the early childhood sector more time before they come into scope.

Mr ONDARCHIE — To speak to my amendment, I acknowledge the contribution by Ms Patten today. I acknowledge the contribution by Ms Springle today, albeit that I am somewhat surprised by her response given how important this is for the sector. I pick up

Ms Wooldridge's point. The evidence is overwhelming. Here it is, Minister. I am more than happy to table this if the minister wants to read these before consideration of this amendment. But the community health —

Mr Dalidakis interjected.

Mr ONDARCHIE — It's okay, Sir Les. We'll get to you. The evidence is overwhelming from the community health sector that they need some support in this bill. You have done something for disability and you have done something for early childhood, but you have deliberately left this sector awry and it is inappropriate.

If Ms Mikakos would like, I can read every single submission that we have from this sector where it deals with this matter. But it seems to me that the only people concerned about this are the opposition and members of the crossbench. It reinforces the point that Victorians should be well and truly aware that the watermelon coalition is alive and well in this state. It is well and truly alive in this state. They have choices on 24 November. They can either have a Liberal-Nationals coalition or a Greens-Labor coalition. It is pretty simple; if you are voting Greens, you are voting Labor. It is just gobsmacking that we get to this point in this debate and the Labor Party and the Greens choose deliberately to leave the community health sector out of this. It is a deliberate decision and one that should be reflected across our community. I commend my amendment to the chamber.

Ms MIKAKOS — Just to add very briefly, Mr Ondarchie, your position is gobsmacking because you have supported some sectors to stay in — the cleaning and security industries. As a Liberal Party, you have supported the construction industry to have portable long service leave — a red letter day. In fact you have tried to take out the entire community services sector, so really this is crocodile tears on your part to now seek to move for another carve-out of the community services sector.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Ondarchie, Mr
Bath, Ms	O'Sullivan, Mr
Dalla-Riva, Mr	Patten, Ms (*Teller*)
Davis, Mr	Peulich, Mrs
Finn, Mr	Purcell, Mr (*Teller*)
Fitzherbert, Ms	Ramsay, Mr
Lovell, Ms	Rich-Phillips, Mr
Morris, Mr	Wooldridge, Ms
O'Donohue, Mr	

Noes, 21

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Ratnam, Dr
Dunn, Ms	Shing, Ms
Eideh, Mr (*Teller*)	Somyurek, Mr
Elasmar, Mr	Springle, Ms
Gepp, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr (*Teller*)	Truong, Ms
Mikakos, Ms	Young, Mr
Mulino, Mr	

Amendment negatived.

Amended schedule agreed to.

Schedule 2

Ms MIKAKOS — I move:

14. Schedule 2, page 85, line 22, omit "22" and insert "21".

15. Schedule 2, page 85, line 24, omit "clause 23 specifies".

16. Schedule 2, page 86, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".

17. Schedule 2, page 94, lines 19 to 34, page 95, lines 1 to 35, page 96, lines 1 to 35 and page 97, lines 1 to 17, omit all words and expressions on these lines.

18. Schedule 2, page 97, line 21, omit "referred to in clause 21".

19. Schedule 2, page 98, line 22, omit "assets." and insert "assets;".

20. Schedule 2, page 98, after line 22 insert—

> "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
>
> (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the contract cleaning industry.".

21. Schedule 2, page 98, line 23, omit "(2)" and insert "(3)".

22. Schedule 2, page 98, lines 30 to 36 and page 99, lines 1 to 21, omit all words and expressions on these lines.

23. Schedule 2, page 100, line 23, omit "24" and insert "22".

Effectively this is a very similar provision to what we were discussing just a short time ago in relation to schedule 1. Again it relates to technical amendments.

We are removing examples of situations where a worker's employment will be considered continuous and absences that will not be considered as continuous. This again relates to the issue of industrial action and making sure that workers retain continuity of service.

Mr ONDARCHIE — The Liberal-Nationals coalition will not be opposing this, but this is another example of catch-up policymaking.

Amendments agreed to.

Mr ONDARCHIE — I move:

23. Heading to Schedule 2, omit "**2**" and insert "**1**".

24. Schedule 2, line 1, omit "22(4)(b)(i)" and insert "22(4)(a).

Amendments 23 and 24 standing in my name remove community service work from the scope of the bill.

Ms MIKAKOS — The government will be opposing these amendments.

Committee divided on amendments:

Ayes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (*Teller*)
Davis, Mr	Peulich, Mrs (*Teller*)
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Purcell, Mr
Dunn, Ms	Ratnam, Dr
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms (*Teller*)
Mikakos, Ms	Truong, Ms (*Teller*)
Mulino, Mr	Young, Mr
Patten, Ms	

Amendments negatived.

Amended schedule agreed to.

Schedule 3

Mr ONDARCHIE — I move:

25. Heading to Schedule 3, omit "**3**" and insert "**2**".

26. Schedule 3, line 1, omit "22(4)(b)(ii)" and insert "22(4)(b)".

These amendments remove community service work from the scope of the bill.

Ms MIKAKOS — The government will be opposing these amendments, and I just point out that this is consequential renumbering as was the previous division.

Mr ONDARCHIE — Yes, we know.

Ms MIKAKOS — Okay, I am just making the point.

Amendments negatived.

Ms MIKAKOS — I move:

24. Schedule 3, page 106, line 22, omit "22" and insert "21".

25. Schedule 3, page 106, line 24, omit "clause 23 specifies".

26. Schedule 3, page 107, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".

27. Schedule 3, page 115, lines 14 to 34, page 116, lines 1 to 34, page 117, lines 1 to 34 and page 118, lines 1 to 15, omit all words and expressions on these lines.

28. Schedule 3, page 118, line 19, omit "referred to in clause 21".

29. Schedule 3, page 119, line 18, omit "assets." and insert "assets;".

30. Schedule 3, page 119, after line 18 insert—

"(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.

(2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the security industry.".

31. Schedule 3, page 119, line 19, omit "(2)" and insert "(3)".

32. Schedule 3, page 119, lines 26 to 31 and page 120, lines 1 to 21, omit all words and expressions on these lines.

33. Schedule 3, page 121, line 25, omit "24" and insert "22".

These relate to schedule 3, effectively. They replicate technical changes that we have made to the previous two schedules already as they relate to removing examples of situations where a worker's employment will be considered continuous and absences that will not be considered as continuous. They relate to the

technical changes that I have already alluded to in relation to workers engaging in industrial action and not losing their continuity of service.

Mr ONDARCHIE — Minister, in regard to schedule 3, how many employees in the security industry will be affected by this?

Ms MIKAKOS — Thank you for that question, Mr Ondarchie. That would have been a good question for clause 1, but I am advised that an estimated 35 000 people in the security industry will come within the scope of this scheme. I acknowledge that the Liberal Party is supportive of this sector coming within the scope.

Amendments agreed to; amended schedule agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) (19:46) — I move:

That the bill be now read a third time.

The ACTING PRESIDENT (**Mr Melhem**) — I am of the opinion that the third reading of this bill requires to be passed by an absolute majority, and I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — I am in a situation where I understand the opposition wishes to have a division, which effectively we are dealing with now, so that the names of members voting are recorded, but I also need to proceed to an absolute majority. On the basis that the Acting President put to the house that there would be a section 85 absolute majority, I will now take that one first, because that is the question that was put to the house and that you have divided on. Would all of those people supporting the bill stand in their place so I can determine that there is an absolute majority.

Required number of members having risen:

The PRESIDENT — I am of the opinion that there is an absolute majority that satisfies section 85. Mr Rich-Phillips has asked for a division in respect of the vote on this matter, so I will proceed to ring the bells for 1 minute and then it would be my intention to put the motion on the basis of a division to establish the names of people voting on this particular proposal.

Mr Leane — On a point of order, President, on that absolute majority vote was the bill declared passed?

The PRESIDENT — No. Ring the bells for 1 minute, please.

Bells rung.

The PRESIDENT — I will just clarify for the house that in the past we have had a precedent, and what I would normally have done would have been to call the division first and then go to the section 85 statutory majority. However, as I indicated, the reason I have done it in this order is because the Acting President at the time put a question about the statutory majority and therefore I needed to follow through on that question in terms of the vote. As we proceeded to that vote, after the Acting President had sought to do that, Mr Rich-Phillips asked for the division. Therefore this is why I have had to do it this way. In the usual precedent — and Mr Leane might actually have recall of the previous precedent — in fact I would have done it the other way. That is the explanation I make to the house on this occasion.

House divided on motion:

Ayes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Purcell, Mr
Dunn, Ms	Ratnam, Dr
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms (*Teller*)
Mulino, Mr	Young, Mr (*Teller*)
Patten, Ms	

Noes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr (*Teller*)	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms (*Teller*)	Wooldridge, Ms
Morris, Mr	

Motion agreed to by absolute majority.

Read third time.

The PRESIDENT — As I have previously indicated to the house, I am satisfied that we have met the requirements of section 85 with an absolute majority.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

Debate resumed from 24 August; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) (19:58) — I am pleased to rise on behalf of the opposition and speak on the Residential Tenancies Amendment Bill 2018. It is a significant bill running to many hundreds of pages and nearly 400 clauses — 389 clauses. I note in one of the government media releases in relation to this bill that there is reference to further reforms to the VCAT and appeals processes in future legislation, which the government says will be done next year — of course they are making assumptions about the outcome of the impending election. I make the point first that this is a voluminous bill. It deals with a range of issues, some of which the opposition would support but many of which the opposition takes some considerable issue with. I take this opportunity to thank my colleague the member for Bayswater in the other place, Heidi Victoria, who has carriage of this bill for the opposition, for the work she has done consulting stakeholders and analysing, as I say, what is a voluminous and at times quite technical piece of legislation.

I must note too that the announcement of these reforms was some time ago now. The 'Rent Fair' reforms, as the government has termed them, were announced just prior to the Northcote by-election last year. Clearly the issue of housing affordability and the rights of those who lease properties and the like was a significant issue in that by-election, or at least it appeared to be in the reporting. The government announced these reforms prior to Ms Thorpe winning that by-election for the Greens last year. Here we are and it has taken nearly a year for the bill to come before this place to be debated. Forgive me for being a little bit cynical, noting the timing of these reforms that the government flagged with much fanfare on the eve of that by-election, a by-election that this government ultimately lost. If I am correct, the election of Ms Thorpe was the first time the Labor Party had lost a Victorian by-election since 1948, so it was quite a significant event in the history of the Labor Party and in the history of by-elections.

I will run through some of the key points of the bill, but before I do, let me just make the point that these issues around the rights of property owners and the rights of those who lease a residential property are very important, and they are very important for many reasons. Those who own property need a secure, regulated environment in which they can lease their premises or their property and have confidence in an income stream, which they can then use to support themselves — self-funded retirees, for example — or to invest in a business. For example, many people use a property to then leverage that property based on the security of that income stream to then grow a small business and employ people in our economy. So from that perspective the certainty of that regulatory environment is very important.

On the other hand people who are renting a premises — and that is their home — have an expectation that they can enjoy the quiet comfort of that home without undue disruption or undue interruption to their quiet enjoyment of that premises during the period of that lease, and this place during the previous sitting week considered legislation to lengthen the period of time over which residential tenancies can apply. I think we had a debate about that.

This bill and the issues that we are dealing with are important to the rights of people who are renting residential premises. They are important to those who are looking for an income stream to grow jobs and to use capital from borrowings against that asset. So from the rights of individuals and the importance to the economy this bill is significant, and the issues that it deals with are significant.

Turning to the second-reading speech of the minister, the minister at the start of the speech makes the point that:

> The Residential Tenancies Amendment Bill is the culmination of a four-year, broad-based review of the Residential Tenancies Act 1997 …
>
> The review represented a once-in-a-generation opportunity to revisit the regulatory settings that have been in place since 1997, and to ensure they meet the needs of participants in today's modern rental housing market.

I do not know who the government has consulted with as part of this review — I am sure there are many — but I must say that I have in the last week or so received representations from different sectors that feel they have been excluded or have not had the opportunity to participate in that review process, particularly student accommodation providers and others, and representations have been made to Ms Victoria in the Assembly and to me about that. So it is disappointing that for a four-year review process there appear to be important stakeholders who have not had the opportunity to have a proper input into this process.

The second-reading speech makes note of the language change from landlords and tenants to residential rental providers and renters. As a number of the government's

media releases make the point and the second-reading speech also says:

> … the reforms are framed around the reality that a growing proportion of Victorians are priced out of home ownership and likely to rent for longer periods of time.

That is a statement of fact, but it is a statement of failure as well when more people are — using the minister's terms — priced out of home ownership. The aspiration to own one's own home has been a cornerstone of successive generations, and the fact that that aspiration has become more and more difficult under the term of this government, as I say, is an admission of failure by the minister and by the government.

The second-reading speech refers to the Rent Fair campaign of October 2017, which came just before the Northcote by-election in November 2017. Some of those reforms include allowing animals to be kept in rented premises. I will flag at this time and move at a subsequent time that the opposition will have amendments in relation to allowing animals to be kept in rented premises to provide what we say is an appropriate balance. Reforms also include allowing renters to make prescribed minor modifications to a rental property. Again, I will move at a subsequent time amendments to clarify some of those points around minor modifications to a rental property.

The reforms also include bolstering security of tenure by ending no-fault evictions by removing the 'no specified reason' notice to vacate and restricting the use of 'end of the fixed-term' notices to vacate to the 'end of an initial fixed-term agreement'. They also include establishing a non-compliance register, blacklisting residential rental providers and agents who fail to meet their obligations.

In any large group there will always be some who do the wrong thing, but we should not let the actions of some characterise the many who abide by and comply with the rules. From the language in the second-reading speech and in this debate it could be perceived that the government has a view that investors and those who are residential providers do the wrong thing, when in fact the vast majority of both renters and residential rental providers, I would suggest, do the right thing, comply with the rules and act in good faith.

The bill also seeks to provide for the early release of bonds with the consent of both parties to the tenancy agreement. It restricts solicitation of rental bids by residential rental providers and agents, and again that issue has grown as a result of the tight rental market, the limited supply of rental properties and the ever-increasing competition for residential providers, which has had an impact all the way through the different segments and different aspects of the housing market.

The bill seeks to provide for yearly instead of six-monthly rent increases. The opposition is of the view that the current status quo is preferable to that change, and I will move amendments to that effect in the committee stage.

The reforms include providing for faster reimbursement where tenants have paid for urgent repairs. My colleague Ms Victoria, the member for Bayswater in the other place, has drafted some very sensible amendments around that aspect.

The bill seeks to increase the number of properties to which the statutory minimum cap of four weeks for bond and rent in advance applies. It will enable automatic bond repayments, which will be available to a renter within 14 days where the parties are not in dispute over the apportionment of the bond. It also includes requiring mandatory precontractual disclosure of material facts, such as an intention to sell the rental property or the known presence of asbestos. I think in a different context there has been some media attention of a particular property in recent weeks which was the subject of an investigation, and that does raise legitimate questions about disclosure regarding material issues associated with a property. The bill also deals with prohibiting misleading or deceptive conduct inducing a person into renting a property, which arguably is already an offence under a different statute.

The second-reading speech says these changes also come with other changes aimed at improving the state of rented premises and ensuring that renters have a safe and sustainable living environment, including mandatory condition reporting, mandatory safety-related obligations, such as electrical and gas appliance services, and compliance with regulations such as those dealing with pool fences and smoke alarms. That is sensible.

The bill provides for the power to prescribe in regulations minimum standards for residential rental properties. Again, there is merit in that idea or that notion, and the previous government introduced minimum standards in other parts of this space. People who are renting a property have an expectation of and are entitled to have certain minimum standards, but we think there should be a transition period to enable that to occur. An example is a self-funded retiree who does not have much surplus income, who lives on a very modest means and who relies on the rental stream that a property provides to live and to pay bills, including

increasing electricity and gas prices. There should be a transition to enable those minimum standards to be achieved, and again I will have amendments to that effect for the committee stage.

I note the bill implements recommendation 116 of the Royal Commission into Family Violence, which deals with supporting family violence victims living in residential rental housing. Again, there has been bipartisan support from the Liberal-Nationals coalition when it comes to the family violence royal commission. My colleague Ms Crozier has said that on many occasions, and this relates to the work she has done previously and the policies she has announced to further reform in the family violence space. We, in a bipartisan sense, support the implementation of those recommendations.

The impact of this tightening of the rental market has flowed through to different parts of the market. The second-reading speech cites:

> Specialised reforms … included for alternate tenure types such as rooming houses, caravan parks and residential parks.

We have seen in recent years, as land values have increased, particularly in coastal areas, that caravan parks have been sold for housing units and other development, which has reduced the amount of accommodation available in caravan parks. We have also seen that in englobo infill sites in the metropolitan area. I can think of a site in Wantirna, for example, with escalating land values and proximity to major transport. Those caravan parks or residential parks have been sold for housing units and other styles of development, which has constricted supply in those parts of the market, creating real challenges, and similarly with the conversion of rooming houses. No doubt that has placed real pressure on that element of the market and made things very difficult for many people.

There has been much debate about the increasing homelessness in Victoria and in Melbourne in particular. I suppose I would make the point, given the minister has identified these areas, that no matter how well-intentioned reforms may be we need to be careful not to make it more difficult or less attractive for investors, because we do not want to restrict or constrict supply, which will have a negative impact on those seeking to rent in the marketplace. So that is a concern that the opposition has. As I say, no matter how well-intentioned elements of these reforms may be, what will be the impact on the marketplace? Again, I have received feedback and representations from stakeholders — or Ms Victoria has — which I will cite later in my contribution.

Whilst specialised reforms have been included for different tenure types — rooming houses, caravan parks and residential parks — there is no specialised reform for student accommodation. As the second-reading speech says in its introduction, when this legislation was drafted 20 years ago student accommodation was much less prevalent. The international education market was much, much smaller and the issue of student accommodation really was not the issue that it is today. Perhaps in 1997 when the residential tenancies legislation was passed by the Kennett government traditional university accommodation in on-campus halls of residence was the main form of accommodation available. That has changed and evolved and grown enormously in recent years, and the failure to identify or to have a separate part of the bill to deal with student accommodation and the different regulatory environment that is needed to appropriately deal with student accommodation, both for those who are living in those premises and for those who run those premises, is a missed opportunity, and, as I say, it seems to flow in part from the refusal to consult appropriately with those stakeholders.

When talking about the importance of overseas students to the Victorian economy it is worth noting that after the US and the UK Australia is the third largest study destination in the world, with 627 000 students in Australia as at the end of May 2018. International education is a $32 billion per annum business to our nation's economy according to the Australian Bureau of Statistics. It is the third largest export industry and is now the number one industry in Victoria. Of the 627 000 overseas students in the country, 203 000 were studying here in Victoria as at May 2018 — a national market share of 32 per cent. That is an enormous number of people, 203 000 students from overseas, presumably the vast majority of them living in some form of student accommodation.

As I say, it is a missed opportunity. It is unfortunate that there are not separate provisions to regulate this important sector — this sector that is important to our economy and important to our relations with our neighbours and other countries from where these students come to study in Australia. The accommodation that is available — its provision, its regulation — is an important part of that entire sector. It is a driver of 45 000 jobs in Victoria in total, plus all the added consumption benefits through retail, tourism and visitation of family members from overseas and the like. So I suppose I cannot overstate the importance of that sector. It is a missed opportunity for the government to have that carved out with separate regulation, given the change in that sector since 1997.

Turning to the points made by the minister in her second-reading speech, I mentioned the issue of park closures, which has been a growing issue for some time. The minister said:

> Residential rental providers will now be able to terminate a tenancy if a renter or any other person occupying or jointly occupying the rented premises has seriously threatened or intimidated the residential rental provider, their agent, or a contractor or employee of either.

That is an important clarification.

The termination process for repeated non-payment of rent is proposed to be a much more structured process pursuant to the bill. Whilst structure to that process is welcome, the opposition does not believe the bill gets the balance right. The minister said:

> Tenants who receive four notices to vacate for being 14 days or more in arrears in any 12-month period risk being evicted the next time they receive another notice to vacate …

So it is not until they receive the fifth notice. If you are a self-funded retiree or a single parent, perhaps living with family members, relying on income from a sole asset to pay the bills and provide for dependants, having five notices of arrears before action can be taken could significantly impact on cash flow for someone who is of modest means and who relies on that income to pay their own bills. Again, I will have amendments to that aspect.

The speech says:

> Rights of entry have been significantly clarified to ensure that inspections can be conducted in an orderly manner, while avoiding undue interference with renters' daily lives.

This is something which we can all relate to. I know I can, from times in share houses and the like. Finding the right balance can be difficult, between access — understanding one's property is being respected and looked after — and allowing people living in the premises the quiet enjoyment of the property.

> The bill … modernises the process for dealing with goods left behind by a renter, and empowers the director of Consumer Affairs to issue guidelines clarifying the operation of the RTA.

So there is still more work to be done if this bill indeed passes. On the issue of the process of dealing with goods left behind by a renter, student accommodation providers have made representations to the opposition about the ability to have pets as of right, with some regulation, and the impact that may have on student accommodation, where there are many, many people living in the same premises in a situation that is very different to a house or a flat. Examples have been provided by the student accommodation providers working group, which represents the Asia-Pacific Student Accommodation Association, UniLodge, Urbanest, Scape, Student Housing Australia, Trinity College, Journal Student Living Pty Ltd, Iglu student accommodation, the Student Housing Company, Asian Student Accommodation, Goliath Housing, Madre Nazarena Student's House and —

Business interrupted pursuant to standing orders.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

> That the house do now adjourn.

Shepparton Sports Stadium

Ms LOVELL (Northern Victoria) (20:30) — My adjournment matter tonight is for the Minister for Sport and relates to the first stage of the redevelopment of the Shepparton Sports Stadium, estimated by Greater Shepparton City Council to cost $37 million. The action that I seek from the minister is for the minister to commit funding of $15.5 million, being the state government's share of the $37 million for the first stage of the Shepparton sports and events centre redevelopment.

Greater Shepparton is the sporting mecca of regional Victoria and the home of wonderful sporting facilities that host international sporting events. Last year saw the opening of the Shepparton Sports City, a first-class sporting precinct housing soccer pitches, tennis and netball courts, hockey pitches and a top-grade athletics track. The final piece of the sporting infrastructure puzzle in Greater Shepparton is the badly needed redevelopment of the Shepparton Sports Stadium.

The Shepparton Sports Stadium opened in 1972 as a two-court facility, with the only major upgrade being an additional two courts added in 1994. The stadium hosts over 230 000 players and visitors each year and injects an estimated $6 million into the Shepparton economy. Greater Shepparton City Council's vision is that the redevelopment will transform the unfit-for-purpose stadium into a Shepparton sports and events centre. Basketball Victoria has nominated this project as their number one infrastructure priority.

Subject to funding availability, the Shepparton sports and events centre project will be delivered in three stages. Stage 1 includes the design and construction of three new multipurpose courts, a 3000-seat retractable grandstand, new wet area amenities and an

administration hub and car park. The total cost of stage 1 is $37 million, funded jointly by the state and federal governments, Greater Shepparton City Council and Basketball Victoria. A full cost-benefit analysis has been completed, which found the project will have a total regional benefit output of $68 million and create 235 jobs in the local community. The state government contribution for stage 1 of the project is set at $15.5 million.

The minister has repeatedly refused to provide any commitment to the redevelopment of the Shepparton Sports Stadium. The Shepparton community badly needs the Shepparton sports and events centre to become a reality, and I urge the Andrews Labor government to provide financial support for the project. The action that I seek from the minister is for the minister to commit funding of $15.5 million, being the state government's share of the $37 million first stage of the Shepparton sports and events centre redevelopment.

Northern Metropolitan Region small business

Mr ELASMAR (Northern Metropolitan) (20:33) — My adjournment matter tonight is for the Minister for Small Business, the Honourable Philip Dalidakis. The Andrews Labor government is supporting Victorian small businesses at every stage of their journey to ensure they have the resources they need to grow and create local jobs. In Northern Metropolitan Region we know that small businesses are the heart and soul of many local communities. It is therefore vital that these businesses, regardless of the industry they represent, have the capacity to take advantage of the digital economy. Advances in technology are changing the way that business is done, and it is vital that businesses in my community remain competitive in the rapidly expanding market.

The action I seek from the minister is that he join me in the coming months in my electorate to meet with local businesses to discuss pathways to increase their digital footprint not only locally but also in emerging global markets.

Destination Queenscliff

Mr RAMSAY (Western Victoria) (20:34) — My adjournment matter is for the Minister for Regional Development, the Honourable Jaala Pulford. The action I seek from her is an explanation of how a minister in another place, the Honourable Lisa Neville, can break a contract with the Borough of Queenscliffe with respect to a budget commitment of $3.1 million without any substantive reason being given. In doing so, I seek an explanation of which aspects of Destination Queenscliff are still funded.

Elements of Destination Queenscliff are jointly funded by the state and federal governments to capture the 1.3 million tourists a year who pass through Queenscliff by ferry and encourage them to stay. Only approximately 2 per cent of the tourists going through Queenscliff choose to stay in Queenscliff and spend money. Extending their stay means spending money in the town, something everyone benefits from. The Destination Queenscliff project includes three-phase power, public toilets, an upgraded kiosk, boardwalks and 10 new 5-star eco-cabins. The eco-cabins, replacing six currently, represent an integral part of support funding for the borough to help it finance the management of Crown lands.

I want to make this point though: I do not question the state's support of the Queenscliff hub project, to which this money was redirected. The hub is an important project and well supported by the community. My angst is not with the supporting of that project — it is well-conceived, needed, welcomed by the community and supported by the coalition. My question here does not refer to that project. It refers to a decision by the member for Bellarine in the Assembly, the Honourable Lisa Neville, to pull $2.5 million out of the $3.1 million committed funding for Destination Queenscliff in favour of the hub, a less controversial project in the town.

I am very concerned that this action to divert committed regional tourism infrastructure funds from a jointly supported project sets an ominous precedent for the state just weeks from an election. Clearly Ms Neville has made this decision because of a degree of local angst about the impact on current traders of the Destination Queenscliff development. I also note that there are others in the town, including the council, who regard it as a mechanism to stimulate the town, not to divide and conquer current traders.

The council stands by its position that it consulted widely and progressed the project with the state government's involvement. In fact the council was actively encouraged to apply for this funding by Ms Neville herself. However, the decision by her to remove $2.5 million of the state contribution clearly leaves many of the key elements of this project unfunded. What council in Victoria would now be feeling safe about any joint project it has with the state? This decision is telling them that at any moment the state could withdraw its funding and support. Too bad for years of planning and consultation; too bad for local

funding already invested and more committed; too bad for future joint projects.

I call on the minister to explain what parts of Destination Queenscliff remain funded after this removal of the $2.5 million, and why it is that Victorian councils — or indeed any other project partner — should not be worried about this pre-election precedent set by the member for Bellarine, the Honourable Lisa Neville.

Sturt Street, Ballarat

Mr MORRIS (Western Victoria) (20:37) — My adjournment matter is for the attention of the Minister for Roads and Road Safety and relates to the magnificent heritage boulevard of Sturt Street in Ballarat.

Members may be aware of concerns that I have expressed on a number of occasions about the planned destruction of Sturt Street by this government, which intended to place a bike path — whether it be orange or any other colour — down the centre of Sturt Street and close a number of crossings across Sturt Street. Traders, local residents and indeed cyclists were adamantly against this plan. They realised that it was an absolute disaster, which forced the minister into an embarrassing backflip on this particular matter. However, the fact remains that Sturt Street has seen a significant number of car accidents of late, and it was partly this issue that drew this plan from the government. The real issue here is that closing these intersections was going to have a significant impact upon the local businesses, and they were vehemently against this.

The issue is that it has been some time since the concerted campaign by the community to stop the government's plans to destroy Sturt Street, but the government has not come back with an alternative plan that would not only preserve the heritage of our magnificent heritage boulevard and not destroy it but also keep motorists and the community safe. The action that I would seek from the minister is that with significant urgency — extreme urgency even — he detail what the government's plans are to address the concerns about road safety on Sturt Street.

Bulla bypass

Mr FINN (Western Metropolitan) (20:39) — I wish to raise a matter this evening on the adjournment for the Minister for Roads and Road Safety. This is a matter that I have raised in this house, and indeed the other house, for a number of years now. I am hoping — I am just going to give it one last shot before the election — that common sense will prevail. I will not put a huge amount of money on it, but I am very hopeful that we might be able to get somewhere with this. I point out once again to the minister the need for the Bulla bypass. The Bulla bypass is something that is long overdue. We have been talking about the Bulla bypass for the best part of 40 years. Long before I even entered the other place they were talking about the Bulla bypass and here we are all these years later still talking about the Bulla bypass. We do not want to talk about it anymore. We would like to actually see some action. That would be a marvellous thing.

Sunbury itself, as I am sure the minister would be aware and I have no doubt the house is aware, is predicted to grow by about 75 per cent in population over the next decade or 15 years. That is going to make travelling on Sunbury Road nigh on impossible as things stand at the moment. It is very obvious, very clear to anybody who even looks sideways that the Bulla bypass is urgently needed. This bypass would go from the top of Bulla hill at Bulla-Diggers Rest Road and Loemans Road and would work its way right through to the beginning of the Tullamarine Freeway at the airport. As I say, this is common sense. This is something that the local community desperately needs.

I am constantly told by locals as I move around Sunbury and surrounds that they want the Bulla bypass built, they need the Bulla bypass built. For the life of themselves, or anybody else for that matter, they cannot work out why the Bulla bypass has been put on hold by this government. We have been confident a couple of times over recent years that we might have got it up and running, but at this point in time we are still waiting. It is just not good enough. It is bad enough now but, as I say, in a few years time it is just going to get worse. The traffic on Sunbury Road is going to be intolerable, and we need the Bulla bypass built and we need it built now. I asked the minister to do just that: to put the long-awaited Bulla bypass into effect and to start the building of the bypass as soon as humanly possible.

Electronic land transfer

Mr DAVIS (Southern Metropolitan) (20:42) — My matter for the adjournment tonight is for the attention of the Minister for Planning. It is a matter I have raised with him before in some detail but there are further details and further particulars that relate to this matter. Whilst we have the commercialisation of the titles office proceeding, we also have the mandated use of Property Exchange Australia (PEXA). PEXA is a private organisation that will have the central role in electronic conveyancing. I am aware of correspondence that has been provided to me and to the Premier from

the Law Institute of Victoria dated 8 August which points to this issue around PEXA.

I have already brought to this chamber's attention my concern that the PEXA-mandated electronic movement of titles on 1 October concurrent with the titles office commercialisation is a significant risk. In terms of PEXA, the law institute makes broad comments in relation to the scenario where a scammer obtained access to a conveyancer's email and was able to fraudulently alter the account destination details in a settlement transaction. Whilst PEXA has publicly stated that technically its own system is not compromised, this incident demonstrates that there are substantial security weaknesses. The law institute points out that all combinations of transactions available to PEXA are to be lodged electronically by 1 October.

PEXA has relied upon email, which is fraudulently insecure, for its communications. There is no verification process in PEXA to ensure funds are directed to the correct account. There is no means of stopping a transfer once it has been made. At the time of the cybersecurity incident PEXA only employed a simple password reset, and it goes on.

There is a genuine risk to our titles transfer system. Our historically important, respected and loved titles system, the Torrens system, is at risk, and the security of it is at risk. I met with a group of conveyancers and others today, and there is genuine fear that our system is under threat and that the government has not got the right security arrangements in place. The Australian Competition and Consumer Commission (ACCC) has had a lot to say. The ACCC has said that there is only one electronic lodgement network operator available, and that is the PEXA group. We know that there are others in the wings who will come forward. So the risk is there. Also private arrangements and singular people being able to convey is being blocked by the mandate. I say there is a real risk to our system. We need to stop this until all of the details are worked out, and I need to ask the minister if he will hold off on the 1 October mandated date.

Responses

Ms TIERNEY (Minister for Training and Skills) (20:46) — There were a number of adjournment matters tonight. The first was from Ms Lovell to the Minister for Sport seeking a state contribution to stage 1 of the redevelopment of the Shepparton Sports Stadium. The second was from Mr Elasmar to the Minister for Small Business seeking the minister's availability in terms of meeting local constituents to expand digital footprints. The third was from Mr Ramsay to the Minister for Regional Development seeking an explanation about the remaining funding for Destination Queenscliff. The next was from Mr Morris to the Minister for Roads and Road Safety in relation to addressing road safety issues on Sturt Street, Ballarat. Mr Finn also raised a matter for the Minister for Roads and Road Safety in relation to the construction of the Bulla bypass. The final matter was raised by Mr Davis to the Minister for Planning in terms of issues around Property Exchange Australia.

I also have written responses to adjournment debate matters raised by Ms Fitzherbert on 21 June 2017; Ms Wooldridge on 23 May 2018; Ms Patten on 20 June 2018; Ms Wooldridge on 22 June 2018; Ms Bath, Mr Davis, Mr Finn and Mr Morris on 24 July 2018; Mr Morris on 25 July 2018; Ms Fitzherbert on 26 July 2018; Ms Dunn, Mr O'Sullivan and Ms Patten on 27 July 2018; Mr Leane and Ms Lovell on 7 August 2018; Ms Fitzherbert on 8 August 2018 and Mr Ondarchie on 9 August 2018.

The ACTING PRESIDENT (**Mr Purcell**) — The house stands adjourned.

House adjourned 8.47 p.m.

Wednesday, 5 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

Following petition presented to house:

Keilor Park Primary School site

To the Honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned residents of Victoria, call on the Legislative Council of Victoria to note Premier Daniel Andrews' and planning minister Richard Wynne's arrogant and high-handed plans to force densification and inappropriate overdevelopment on the site of the Keilor Park Primary School at 46 Eliza Street, Keilor Park.

We call upon the Andrews Labor government to stop its plans to achieve super profits from the inappropriate overdevelopment of the site and instead listen and respond to the legitimate needs and aspirations of the local community for the site.

By Mr FINN (Western Metropolitan) (304 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

The Work of the IBAC Committee of the 58th Parliament: A Reflection

Mr RAMSAY (Western Victoria) presented report, including appendices.

Laid on table.

Ordered to be published.

Mr RAMSAY (Western Victoria) (09:37) — I move:

That the Council take note of the report.

In doing so, I would like to make some remarks in respect of the report. I am pleased to present the seventh and final report of the Independent Broad-based Anti-corruption Commission Committee in the 58th Parliament. It provides an overview of the committee's work under the Parliamentary Committees Act 2003 in monitoring and reviewing the performance of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate (VI).

Effective performance measurement and reporting systems are an essential component of transparent and accountable government. This is no less true for IBAC and the VI than for any other public institution, especially given IBAC's robust investigative powers. From the outset the committee has appreciated the significant role it plays on behalf of the people of Victoria in providing robust oversight of IBAC and the VI to ensure they fulfil their legislated functions and use their powers lawfully and appropriately.

The committee has worked conscientiously to undertake a comprehensive, transparent and ambitious program of oversight. The committee has sought not only to carry out effective oversight during its term but to lay the foundations for rigorous and systematic oversight of IBAC and the VI into the future based on best practice. This report provides an overview of the committee's oversight work, which included reviewing IBAC's and the VI's annual and other published reports, addressing performance matters brought to the committee's attention, and developing a framework for the ongoing systematic monitoring of the performance of IBAC itself.

With the assistance of Professor A. J. Brown of Griffith University, the committee developed a framework, and in November 2017 tabled a report entitled *A Framework for Monitoring the Performance of the Independent Broad-based Anti-corruption Commission*. This was a first for a parliamentary oversight committee in Australia.

The committee self-referenced three inquiries during the term, which resulted in three reports being tabled. They were, one, *Strengthening Victoria's Key Anti-corruption Agencies?*; two, *Improving Victoria's Whistleblowing Regime: A Review of the Protected Disclosure Act 2012 (Vic);* and three, *Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria*. In each report the committee made important recommendations to improve specific aspects of anti-corruption systems. The committee also identified a number of areas that it recommends the committee responsible for the oversight of IBAC and VI in the 59th Parliament should consider.

The committee further fulfilled its function under the Parliamentary Committees Act 2003 to consider any proposed appointment of an IBAC Commissioner or a Victorian Inspector. Since the terms of Mr Stephen O'Bryan, QC, IBAC Commissioner, and Mr Robin Brett, Victorian Inspector, expired on 31 December 2017 the committee has systematically considered and

supported the government's recommended candidates for the positions. I would like to acknowledge both the former IBAC Commissioner, Mr Stephen O'Bryan, QC, and the former Inspector, Mr Robin Brett, QC, for their important work in establishing their organisations as essential parts of Victoria's anti-corruption integrity system. I would also like to thank the Honourable Robert Redlich, QC, IBAC Commissioner, and Mr Eamonn Moran, PSM, QC, Victorian Inspector, for their ongoing cooperation and assistance.

The committee is most appreciative of the valuable contributions a broad range of individuals and organisations have made, particularly the complainants, who had the courage to provide important insights into problems in the system. I would also like to thank my committee colleagues for their ongoing cooperative and bipartisan approach to the committee's inquiries and oversight during the work of the Parliament: Assembly members the Honourable Kim Wells as chair, the Honourable Marsha Thomson as deputy chair, Mr Sam Hibbins, Mr Danny O'Brien and Mr Tim Richardson; and Ms Jaclyn Symes, MLC.

Finally, I would also like to thank the secretariat for their hard work: Ms Sandy Cook, executive officer; Dr Stephen James, research officer; and Ms Justine Donohue, administrative officer. Before I commend this report to the Parliament — I did rush; I never thought I would get through it all — in my 49 seconds left I would dearly like to thank the secretariat. A lot of work went through in this term of Parliament in respect of this committee, and I think that the work has been particularly valuable and will make an important contribution to the next Parliament. I very much congratulate the staff for their very fine work in this committee's work. I commend this report to Parliament.

Ms SYMES (Northern Victoria) (09:41) — I too would like to commend the report to the house. It rounds out as the final report that I will be speaking on out of, I think, the five committees I have been on during this term. This committee has been particularly productive. I have enjoyed the work we have done. I think it is important work, and I concur with Mr Ramsay's comments about the recommendations we made to improve the integrity system. In particular the staff have been just fantastic to work with. The work that Stephen, Sandy and Justine have done is a testament to the Parliament, so thank you for your efforts. I would also like to say that Kim Wells in the Assembly was a very good and efficient chair, and all members worked very collegiately together on the important topics that this committee looked at.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Crime Data, September 2018 (*Ordered to be published*).

Follow Up of Oversight and Accountability of Committees of Management, September 2018 (*Ordered to be published*).

Police Management of Property and Exhibits, September 2018 (*Ordered to be published*).

PARLIAMENTARY PRIVILEGE

Right of reply: Mary Faraone

The PRESIDENT (09:44) — I make a statement in regard to a right of reply from Ms Mary Faraone, chief executive, Holmesglen Institute.

Pursuant to the standing orders of the Legislative Council, I present a right of reply from Ms Faraone, chief executive, Holmesglen Institute, relating to comments made by Ms Melina Bath, MLC, during questions without notice on 27 July 2018.

During my consideration of the application for the right of reply I gave notice of the submission in writing to Ms Bath and also consulted with her prior to the right of reply being presented to the Council.

Having considered the application and determined that the right of reply should be incorporated into the parliamentary record, I remind the house that the standing order requires me when considering a submission under the order to not consider or judge the truth of any statements made in the Council or the submission.

In accordance with the standing orders, the right of reply is hereby ordered to be published and incorporated into *Hansard*.

Reply as follows:

> On Friday, 27 July, Ms Melina Bath, member for Eastern Victoria, made the following statement in the Legislative Council as part of her questions to the Minister for Training and Skills:
>
> > Last week the chief executive of Holmesglen and the chair of TAFE Directors Australia, Mary Faraone, told the VET Policy Forum that your free TAFE policy was policy on the run in an election year. The Australian Council for Private Education and Training (ACPET), the peak body for private providers, has said that they were not consulted about free TAFE. Adult and Community Education Victoria (ACEVic), the peak body for community education providers, was not

> consulted, and now the chair of TAFE Directors Australia says that it is policy on the run.

The statement made by Ms Melina Bath is incorrect. A member of the audience at the end of my presentation made a comment that the free TAFE policy is policy on the run and went on to elaborate that it had been tried before and TAFEs did not benefit greatly. In response I said I understood her position but speaking from a TAFE perspective that I was appreciative of the policy. At no time did I say that the free TAFE policy is policy on the run. In addition my comments about the impact of the free TAFE policy on potential midyear enrolments was made in the context of unintended consequences of policy.

As stated I have a recording of the event which clearly supports my position. I formally request a right of reply and the opportunity to incorporate the following as an appropriate response in the parliament record.

> Mary Faraone, chief executive of Holmesglen Institute and chair of TAFE Directors Australia did not say that the free TAFE policy is policy on the run. In fact Ms Faraone stated that from a TAFE perspective she was appreciative of the policy.

The misquoting by Ms Melina Bath, MLC, has impacted on my reputation as the chief executive of a large TAFE institute and as chair of TDA. The Victorian TAFE Association of which Holmesglen is a member and the TAFE Directors Australia support policies that promote participation in vocational education, and which support TAFE.

Mary Faraone
Chief Executive
Holmesglen Institute

Laid on table.

Ordered to be published.

NOTICES OF MOTION

Notice of motion given.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notice given.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Early Childhood Education) (09:49) — I am very pleased to rise on Early Childhood Educators Day to make an announcement to the house. The Andrews Labor government will be providing $8 million towards more than 400 scholarships to help more people pursue a rewarding career as an early childhood teacher. Early Childhood Australia Victoria will deliver the early childhood scholarships program, with eligible recipients receiving up to $26 250 towards a bachelor qualification and up to $16 000 towards a postgraduate qualification, which will include existing teachers wanting to upskill. This funding will help students starting studies in 2019 with course fees, study materials and course-related expenses.

Our government is supporting the demand for qualified early childhood teachers in regional areas while providing an additional payment for those who find work in regional and rural locations. Also, more Aboriginal Victorians will be given the opportunity to become early childhood educators and teachers, with available scholarships to support certificate III through to postgraduate levels. Increasing the number of Aboriginal Victorians working in the early childhood profession supports our 10-year *Marrung Aboriginal Education Plan*. School leavers, people wishing to change careers, bilingual speakers and those already working in early childhood are invited to apply. These scholarships will continue to build a highly skilled early childhood teaching workforce to meet growing enrolments in the kindergarten program in Victoria.

Given that it is Early Childhood Educator Day, I do want to give a special shout-out to our wonderful early childhood educators and kindergarten teachers here in Victoria for the important work that they do. They are giving children right across our state the best start to their education and the best start to their life. As a government, we are very proud of our support for them and for their sector. I certainly would encourage them to take up the opportunity to pursue these new scholarship opportunities to further enhance their qualifications.

Geelong city deal

Ms PULFORD (Minister for Regional Development) (09:51) — I rise to update the house on the progress towards delivering a city deal for Geelong and the Great Ocean Road. As members are aware, the Geelong city deal is focused on the many strengths and opportunities in the Greater Geelong region's economy. It is expected to inject an additional $1.1 billion annually into the local economy and deliver nearly 1000 Victorian jobs.

The Acting Premier, James Merlino, and the former Prime Minister, Malcolm Turnbull, signed a memorandum of understanding, committing to a partnership on Victoria's first city deal back in January of this year. The 2018–19 Victorian state budget allocated $153.2 million towards the Geelong city deal, with funds going towards building a new convention

centre for Geelong, progressing the Shipwreck Coast master plan and advancing the strategy to revitalise the city centre. Four months and one Prime Minister later we are still yet to see the federal government's share of the funding, yet media reports on the weekend stated that the money has already been approved by the federal government's expenditure review committee and is in the federal budget. It seems that it has been sat on for political benefit. The *Herald Sun* reported that within a $7.6 billion infrastructure package, included in the federal budget under the dubious heading 'Decisions taken but not yet announced', is $150 million for the Geelong city deal, yet Geelong has not seen it.

While Victoria is set to get less than 2 per cent of this rescue package for Liberal Party MPs, the very least the federal government could do is declare the funds available to the Geelong community so that we can get on with delivering these projects for Geelong and the Great Ocean Road. Our government is focused on delivering for all Victorians and getting things done, and we would very much like the federal government to get out of the way.

FReeZA

Ms MIKAKOS (Minister for Youth Affairs) (09:53) — I rise today to update the house on how the Andrews Labor government is helping young Victorians to build their confidence and explore creative careers. FReeZA is an innovative youth program providing opportunities for young Victorians aged 12 to 25 to enjoy gigs, dance parties and other cultural, recreational and artistic events that are drug, alcohol and smoke free. Importantly these grants support young people to put on hundreds of free events in their local communities, ensuring a variety of activities across our state specifically designed for young people.

Seventy-seven local government and community organisations from Victoria will receive funding which formed part of a recent announcement that I made. As part of the $7.2 million FReeZA program that will be delivered over the next three years a number of existing and new organisations will now benefit from this funding. New organisations that provide a range of new activities to young people include YouthFest in Stawell, which develops the leadership and event management skills of local young people while celebrating youth culture through live music, art, skate and dance; Fluke, across Greater Geelong, which allows like-minded young people to work collaboratively on projects and learning and sharing skills such as marketing, promotions, event and activity planning, risk management and evaluation; and FReeZA 'Big Upz', which helps showcase and elevate central Victorian hip-hop culture by enabling young people from marginalised or vulnerable backgrounds and young hip-hop artists to plan, deliver and perform in live youth-friendly hip-hop events.

More than 150 000 young people from a diverse range of backgrounds across Victoria typically attend more than 400 FReeZA events every year. We are putting young Victorians at the centre of our policy and decision-making, giving them a voice and the skills that they need to create the best events led by young people for young people. We are very proud as a government to be supporting young people through these FReeZA grants to now have more opportunities to build their confidence and explore creative careers in the future.

MEMBERS STATEMENTS

Brendan Dover

Mr LEANE (Eastern Metropolitan) (09:55) — Last week I was really honoured to meet returned veteran Brendan Dover, who was deployed in Afghanistan. Unfortunately during that active duty Mr Dover stood on an explosive device, which caused him to lose his leg and sustain really bad damage to his left arm as well, which meant that he had to undergo many surgeries until eventually he was well enough to be discharged from the army.

After leaving the army unfortunately Brendan struggled to get employment in Melbourne, which led him to move to Queensland to find employment, which he did not particularly want to do as it involved uprooting his family. Some of the comrades he worked with in Afghanistan actually gained work on the sky rail project via the priority list of workers that the Victorian government has implemented on infrastructure projects. They alerted the main contractors on that project that Brendan was actually looking for work. Brendan was qualified as a contract manager, and that company looked at his resume and offered him a job straightaway due to his qualities and qualifications, so Brendan was delighted to come back and work with a major contractor in Melbourne on one of the major infrastructure projects that are going ahead as we speak.

He is an amazing man, it is an amazing show of resilience and I am really happy that he is working on one of the Victorian government's projects. I am sure he will be an asset for a number of years.

Dargo Landcare venison workshop

Mr BOURMAN (Eastern Victoria) (09:57) — On 26 August I went out to the Dargo Landcare group's venison expo, unsurprisingly out in Dargo, along with Ricky Muir. I had never been to a venison expo, to be honest, but it was a workshop on what to do with the deer after it has been killed, and it included very interesting ways of how to butcher it, what to do, how to make the sausages and this sort of thing. It was a lot bigger than last year's apparently; about 300 people attended. Along with attendees such as me there were also the Australian Deer Association and the Game Management Authority, and I just want to give them a well done on, A, having such a good expo, and B, bringing a lot of people into the area.

Justin Trotter

Mr RAMSAY (Western Victoria) (09:58) — I attended the Bethany 2018 Geelong Father of the Year breakfast last Friday, and Jelena Dokic was the guest speaker at the event. It was interesting to hear of her struggles and highlights on the tennis court, but more important was the story of her life as a refugee dealing with poverty, bullying, discrimination, injury, depression and the abuse she suffered over 20 years at the hands of her father and coach.

In total contrast was the winner of the Geelong Father of the Year, Justin Trotter, a widower father whose 10-year-old son wrote in his nomination:

> Our Dad is more than just a dad, he's a hero!
>
> He looks after us three boys and he does a very great job. He looks after us on his own after our mother passed away in June 2015.
>
> He encourages us to play sports and does his best to get us to training three nights a week and matches on weekends. He also takes the time to kick the footy with us after work and always makes sure there is a yummy meal on the table.
>
> He makes us happy when we all have a loving wrestle in the lounge room.
>
> He is very thoughtful of others and helps out friends and family whenever they call.
>
> …
>
> He never has the chance to sit down and relax because he's always cleaning and looking after us boys.
>
> We think he deserves this award because he always puts others before himself and we'd like him to know how much we love him.

Will Crozier

Mr RAMSAY — Today a memorial service for Will Crozier will be held at the Geelong Grammar School chapel. My thoughts and best wishes go out to Digby, Annabel, John, Georgie, Sara, Charlie and Tom. Finally Will will be laid to rest after many years of struggling with poor health. I thank the government for allowing the family to be together at this time.

West Footscray factory fire

Ms TRUONG (Western Metropolitan) (09:59) — Last Thursday morning we in the west woke up to plumes of black smoke billowing over West Footscray and stretching for kilometres. Over the radio and across our social media feeds we learned that neighbours had been hearing explosions from just before 6.00 a.m. The air was filled with the chemical smell of acetone, and we were horrified to be told that huge amounts of asbestos was being burned up in this ferocious fire. My first thoughts were for the residents living near the burning factory and in surrounding suburbs. I worried for my family and friends and for my staff heading into our Seddon office that morning.

Chemicals used in controlling the blaze ended up devastating our Stony Creek, with eels, birds and fish washing up dead as far as Albert Park. We do not know how the fire got so out of hand. We still do not know what we have been breathing in. What happens to asbestos when it is burnt at those temperatures? How airborne and dangerous are those fibres? Are we still at risk? Is it even possible to clean up this mess? Will the landowners be found and held accountable? Where are our local representatives on this? Where is the crisis hotline for us to get answers? Many of us in the west live next to industrial areas storing who knows what. We have seen complacency and neglect cost us many times before. These questions were raised at a community meeting last night in West Footscray. Stop dumping on us in the west and give us answers now.

Theresa Jacobs

Mr GEPP (Northern Victoria) (10:01) — I rise today to congratulate Theresa Jacobs, who has been short-listed for the 2018 Premier's Volunteer Champions Award and who will be celebrated along with other nominees at the awards ceremony at Government House this weekend. Theresa is a lifelong resident of Echuca and has been a member and leader of many volunteer organisations over the past 40 years. Her commitment to the people of Echuca, to cancer research and to the Echuca Regional Health oncology

unit has been an inspiration, and I thank her sincerely for her dedication and strong sense of community.

Private Robert Mactier, VC

Mr GEPP — I was delighted to be invited to attend the 100th anniversary plaque unveiling ceremony for Private Robert Mactier, VC, in Tatura on the weekend. The exploits of Private Mactier are well-known throughout the community. As a runner in France, when his unit was under attack he was sent out by his commanding officer and single-handedly took on the responsibility of taking out three machine-gun garrisons. Unfortunately he was killed by the fourth one, but his acts of bravery certainly paved the way for many other lives to be preserved. It was a great honour to meet members of the Mactier family, including his great-nephew Andrew, as well as Jack and Hamish, along with the great Keith Payne, VC, AM, from Queensland.

Field & Game Australia

Mr YOUNG (Northern Victoria) (10:02) — Today I would like to congratulate Field & Game Australia for another very successful politician clay target shooting event. The event took place last Friday at Field & Game's facility at Willowmavin, nestled among rolling hills and calming scenery. While the weather looked dreary to begin with as people were huddled under cover, the excitement to have some fun shooting quickly outweighed the fear of getting wet. After all, it was good duck weather. Members of Parliament, councillors, staff and friends were able to have a crack regardless of previous experience and a good time was had by all. The addition of gourmet foods such as wild boar and camel created another level of interest, thanks to chef Riccardo Momesso. I am often encouraged at these events when seeing someone new to shooting having a go, as hands-on experience is essential to anyone in this place when understanding firearms use.

I would like to congratulate the team from Mitchell Shire Council for their win on the day and say well done to everyone who participated in the competition. Further, I thank Winchester Australia for supplying ammunition, targets and a couple of good-looking blokes to help out, and also the Shooting Industry Foundation of Australia for their sponsorship of the day. These days would not happen without an enormous amount of work. I would really like to say a sincere thankyou to Daryl Snowdon in particular for the effort that he puts in — he does a lot of hard work, and I have seen that firsthand — as well as all of the board members and volunteers who were there to help out on the day. Your contribution is enormous — except for Nigel, and he will know why.

Federal government ministry

Mrs PEULICH (South Eastern Metropolitan) (10:04) — I just wish to congratulate the new Prime Minister, Scott Morrison, as well as Victorian federal members of Parliament on their promotions to senior cabinet positions, including Josh Frydenberg, Dan Tehan and Alan Tudge. Victorians are going to be well represented in the new cabinet.

Hampton Park Progress Association

Mrs PEULICH — I would also like to give a shout-out to the Hampton Park Progress Association on their very successful gala dinner the other night and in particular mention Vanessa Gerdes and Erika Maliki, who did a phenomenal amount of work, along with their teams, to make it a successful night.

Taxi and hire car industry

Mrs PEULICH — In addition to that I would also like to congratulate the taxi licence families and hire car families for a wonderful turnout on Father's Day to be addressed by Jeff Kennett, who will hopefully lead us through the quagmire that this government's policy has made of those taxi licence owner families' lives and the enormous number of financial and health and mental wellbeing problems that have been caused. I want to commend all of those who attended on Father's Day for doing so because they wanted to stick by their families.

I also want to make special mention of Assembly candidates Maree Davenport, candidate for Mulgrave; Geoff Gledhill, candidate for Mordialloc; Asher Judah, candidate for Bentleigh; and Andrew Edmonds, candidate for Oakleigh, who attended, and a number of other candidates who were regrettably apologies due to either work or family commitments. Across the south-east this particular issue touches many families, and we are certainly right behind a better solution and a fairer solution for all of them.

Mirka Mora

Ms PENNICUIK (Southern Metropolitan) (10:05) — Mirka Mora has left us aged 90. She is survived by her partner, Ross; her three sons, Philippe, William and Tiriel; eight grandchildren; three great-grandchildren; and her sisters, Marcelle and Salomé. I extend my condolences to them and to her many dear friends.

Mirka changed the cultural life of Melbourne, from the salon and soirees she established with her husband, Georges, in the 1950s to Mirka Café, The Balzac and Tolarno in St Kilda.

She was a world-renowned artist whose work is unique and accessible, and she inspired so many other artists and lovers of art, but she was much more than an artist. Mirka touched everyone who was lucky to meet her or to know her, and it was always a pleasure to spend time with her. Mirka's son, Philippe, described her as a humanitarian who made it a thing in her life to help anyone who needed help. She was famous for her joie de vivre, and he said that was not a cliché with regard to her but that she also had a serious side. He said her art was based on the study of archetypes and medieval art, from which she derived the iconic mythical creatures that featured in much of her work. Her library is an encyclopaedia of art and philosophy. Mirka's dear friend Serge Thomann described Mirka as like his 'other mum'. He said she opened his eyes and taught him about art, life, love and beauty, and that meeting her changed him.

Mirka loved Melbourne, and we loved her. She will remain amongst us for many years to come, especially in St Kilda, where she lived most of her life and where her art is everywhere. Au revoir, Mirka, et merci pour tout.

Euroa Health

Ms SYMES (Northern Victoria) (10:07) — I wish to use my members statement today to congratulate the CEO, board, staff and volunteers at Euroa Health, as well as the Euroa community, who were ecstatic to learn on Monday that the Andrews Labor government are providing the private Euroa hospital with ongoing access to public beds. This follows a successful trial between Goulburn Valley Health and Euroa Health that facilitated public —

Mr Davis — That was our policy in 2014.

Ms SYMES — Well, you did not deliver it as Minister for Health, Mr Davis. In fact I sat there talking to the Euroa Health board about what you guys did in your four years of government — nothing. You came on the eve of an election and promised them something you were going to do —

Mr Davis interjected.

The PRESIDENT (10:08) — Mr Davis, 15 minutes.

Mr Davis withdrew from chamber.

Ms SYMES — There was no process set up for Euroa Health. I had to sit down with them and learn that nothing had been started under your government. We had to set up a trial. They successfully passed the trial in terms of safety and competency, and we are now able to fund ongoing beds. In fact when I said to them, 'Hey, you've done very well with your trial; let's go about getting your permanent funding', what the board said to me was, 'How do you do that?', and I said, 'Well, I go and ask the minister'. They said, 'We're used to politicians standing out the front for photo opportunities to get what they want'. I said, 'No, actually, I just go and get it done for you', and that is what I did.

Vietnam Veterans Day

Ms LOVELL (Northern Victoria) (10:08) — It was an honour to recently attend the Shepparton Vietnam veterans commemorations held at the Shepparton cenotaph memorial. The ceremony was organised by the Goulburn Valley Vietnam Veterans Association, a wonderful local organisation that looks after the welfare of and supports local Vietnam vets and their families. I was joined at the ceremony by the mayor of Greater Shepparton, Kim O'Keefe; the former federal member for Murray, the Honourable Sharman Stone, the patron of the Goulburn Valley Vietnam Veterans Association; as well as the member for Shepparton, Suzanna Sheed.

Vietnam Veterans Day is held annually on the anniversary of the Battle of Long Tan, and this year's marked 52 years since that horrible battle. This year's celebration also recognised the 50th anniversary of the Battle of Coral-Balmoral, which became one of the most famous battles fought by the Australian Army during the Vietnam War. The Battle of Coral-Balmoral involved the 1st Australian Task Force, which was tasked with obstructing the withdrawal of the North Vietnamese 7th division and the Viet Cong forces from the capital of Saigon. The battle raged for 26 days, and the Australian troops were successful in repelling the repeated attacks of the enemy.

The guest speaker at the Shepparton commemoration was Brian McInney, a highly respected RSL board member and Vietnam veteran. Brian spoke of his time in battle and described the actions of the Australian soldiers in the Battle of Coral-Balmoral as follows:

> Not only did these diggers display and reform the Anzac spirit, they also wrote their own chapter, which is now added to Australia's military history.

Victorian Protecting Children Awards

Ms MIKAKOS (Minister for Families and Children) (10:10) — On Monday night I had the privilege of speaking at this year's Victorian Protecting Children Awards. The awards recognise and celebrate the achievements of our child and family services sector, our child protection workers and our foster and kinship carers, who do so much amazing work.

Thirteen awards were handed out, including the Robin Clark Making a Difference Award, which went to Bendigo and District Aboriginal Cooperative (BDAC) for their work on the section 18 As If pilot. The pilot saw up to 15 children on Children's Court protection orders successfully managed by BDAC, acting in the legal capacity of the secretary of my department. Section 18 is an Australian-first initiative, formally called Aboriginal Children in Aboriginal Care, which gives Aboriginal community-controlled organisations greater responsibility for the case management of children subject to protection orders, and it is now being implemented in other parts of Victoria.

The Carer Award of the night went to foster parents Leonie and Doug Tate. This amazing couple have opened their home to children for as little as one night and as long as nine years over the past three decades. Leonie and Doug's first foster child is now 43, and they still consider her a daughter. They work incredibly hard, and their support is indispensable. I cannot thank them and all other carers enough.

The Minister's Award for Innovation in Protecting Children was won by the Gatehouse Centre at the Royal Children's Hospital for the work that they do supporting children who have experienced sexual abuse. The Gatehouse Centre's Our Space initiative is a resource designed to build resilience in young women and girls. The success of the pilot has led to the development of a resource kit comprising education and training modules.

There were many other award winners that evening, and time does not permit me to mention each one of them, but I want to take this opportunity to congratulate each and every one of the award winners again. I would like to also mention our dedicated child protection workers. I am extremely proud of all the award recipients. There can be no greater responsibility and no greater calling than to create better, happier and more productive lives for vulnerable children in Victoria. We are very fortunate to have such dedicated and committed individuals who dedicate their time to this task every day.

Labor Party election candidates

Mr O'SULLIVAN (Northern Victoria) (10:12) — With just 80 days to go until the election and just 55 days to go until caretaker mode commences, the arrogance of the Labor Party in regional Victoria is extraordinary. Most of the seats in regional Victoria still do not have Labor candidates so close to the election. In the Assembly, Mildura does not have a Labor candidate. Lowan does not have a Labor candidate. Murray Plains, Shepparton, Euroa, Ovens Valley, Narracan, Gippsland South and Polwarth still do not have Labor candidates so close to the election.

This government absolutely ignores regional Victoria at every opportunity. Daniel Andrews and the Labor Party are city-centric. They only care about what happens inside the tramlines. They do not care about what happens outside in regional Victoria. There is the cost of living, they are soft on crime, regional transport is ignored and country roads are an absolute disgrace through underinvestment by this government. They are trying to rip up the Country Fire Authority (CFA) and disrespect volunteers in the CFA. The great forest national park, which they certainly want to instigate with the Greens —

Honourable members interjecting.

The PRESIDENT — Order! Mr O'Sullivan from the top.

Mr O'SULLIVAN — With pleasure. With just 80 days to go until the election and just 55 days to go until caretaker mode commences, the arrogance of this Labor government is absolutely extraordinary when it comes to regional Victoria.

Honourable members interjecting.

The PRESIDENT — Order! Mr O'Sullivan from the top.

Mr O'SULLIVAN — With much pleasure. With just 80 days to go until the state election and just 55 days to go until caretaker mode commences, the absolute arrogance of this Labor government when it comes to regional Victoria is absolutely unbelievable. Most of the regional seats in country Victoria do not have Labor candidates. The seat of Mildura does not have a Labor candidate. Lowan does not have a Labor candidate. Murray Plains, Shepparton, Euroa, Ovens Valley, Narracan, Gippsland South and Polwarth still do not have Labor candidates endorsed by the party.

This government absolutely ignores regional Victoria in every sense. They are a city-centric government. Daniel Andrews is a —

Mr Gepp interjected.

The PRESIDENT — Order! Mr Gepp, there is a reason why I asked for the member to start from the top a couple of times. I do not want interjections during 90-second statements, as I have said on a number of occasions and as you are aware. It is just unnecessary to make those remarks. And one of the remarks I heard I was not particularly happy about either, but I have let it go.

Mr O'SULLIVAN — Even when Labor does finally get a candidate in regional Victoria, they get one from Brunswick. Jane Garrett, the current member for Brunswick, has been preselected by the Labor Party to go into Eastern Victoria Region down in Gippsland, which is an absolute disgrace. Brunswick is about 1 kilometre from the CBD, yet she is going to be installed as a regional member of Parliament by this government.

Daniel Andrews does not care about regional Victoria; he only cares about what happens in Melbourne. Everything he does ignores regional Victoria, particularly when it comes to what they are going to do next, which is kill off the native timber industry, which will kill thousands of jobs.

CORRECTIONS AMENDMENT (ADULT PAROLE BOARD) BILL 2018

Statement of compatibility

Mr O'DONOHUE (Eastern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Corrections Amendment (Adult Parole Board) bill 2018 ('the bill').

In my opinion, the bill, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill strengthens the parole system in Victoria by reasonably requiring that a division of the Adult Parole Board consists of at least 4 members, of whom at least one must be a Judge, retired Judge, Associate Judge, Magistrate or retired Magistrate and at least one member must be a victim of crime or who represent the interests of all victims of crime. The bill thereby ensures victims have a voice in relation to Adult Parole Board decision making.

Charter rights that are potentially relevant to the bill

Section 8 — Recognition and equality before the law

Section 8(1) of the charter act provides that every person has the right to recognition as a person before the law.

Section 8(2) provides that every person has the right to enjoy his or her human rights without discrimination.

Section 8(3) every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Section 8(4) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

Victims should have the right to ensure their views are taken into account at all levels of the justice system including decisions on parole. The bill will help address any real or perceived imbalance between the rights of victims compared to offenders and prisoners by ensuring victims are represented on the Adult Parole Board. This is a measure taken to positively advance the human rights of victims.

Section 21 — Right to liberty

Section 21(1) of the charter act provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds and in accordance with procedures established by law.

It is well established that the right to liberty of the person in section 21 is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The bill does not increase in any way, that limitation caused by the court's sentence.

Further, this bill does not alter the head sentences of imprisonment imposed by the Court under which these offenders are detained.

The bill does not any way impinge on the rights of prisoners to apply for parole or to receive a fair hearing.

I therefore conclude that the bill is compatible with the rights set out in the charter act.

I consider that if there are any limitations of charter rights, those limitations would be reasonable and demonstrably justified pursuant to section 7(2) of the charter act.

Hon. E. J. O'Donohue
Member for Eastern Victoria Region.

Second reading

Mr O'DONOHUE (Eastern Victoria) (10:17) — I move:

That the bill be now read a second time.

The Victorian justice system needs to be reoriented so that the views and perspectives of victims of crime are considered at every available opportunity.

The purpose of the Corrections Amendment (Adult Parole Board) Bill 2018 is to ensure that the perspective of victims is considered every time a decision is made to grant a parole order by the Adult Parole Board of Victoria.

The bill does this by amending the Corrections Act 1986 to: (a) provide for the appointment of members of the adult parole board who are victims of crime or who represent the interests of all victims of crime; and (b) further provide for the constitution of a division of the adult parole board.

The bill increases the number of adult parole board division members from three to four, with at least one being a community member who must be a victim of crime or who represent the interests of all victims of crime. Further, meetings of a division of the adult parole board must be attended by at least three members, up from two currently. In doing so, the bill allows for victims or those who represent the interests of all victims, to bring their unique, often difficult and traumatic experiences and perspectives of the justice system, to widen the specific skills and experience base of the pool of board members and thereby assist the decision-making processes of the adult parole board.

Wideranging reforms to strengthen Victoria's parole system were implemented under the previous coalition government to ensure community safety would be the paramount consideration in all parole decisions, and to implement the 23 recommendations made by former High Court judge, Mr Ian Callinan, AC, in his report, *Review of the Parole System in Victoria*, otherwise known as the Callinan review. This was supported by more than $84 million of additional funding by the former Napthine government to strengthen the operation of the parole system here in Victoria.

Mr Callinan in his review recognised the importance of considering the views of victims of crime. Mr Callinan said at page 81 of his report:

> … something does need to be done to ensure that victims' voices are heard and taken into account.

While the reforms to the parole system have strengthened and improved it, whether there is a victims voice depends on appointments to the adult parole board made by the Governor in Council.

Until recently, Ms Carmel Arthur, the widow of Senior Constable Rodney Miller who was tragically murdered, along with his colleague, Sergeant Gary Silk, 20 years ago, served with distinction as a community member on the adult parole board until the statutory maximum term of nine years was reached.

This bill will remove the uncertainty of whether the voices of victims are heard and enshrine it in legislation that they must be heard.

When it comes to parole and the justice system, as a community and as a Parliament, it is time that the interests of victims be appropriately and permanently represented at the heart of parole decision-making processes.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until Wednesday, 12 September.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (10:22) — I will just take this opportunity at this time to indicate that Mr Rich-Phillips has written to me in respect of a number of questions that he does not believe were satisfactorily answered and he has requested reinstatement of them. In respect of those questions, I and the clerks have had a look at them and we are of the view that the answers do not respond adequately to the questions that were asked by Mr Rich-Phillips. Therefore I reinstate the following questions: 11 478, 11 479, 11 482, 11 500, 11 501, 11 504, 11 523, 11 524, 11 527, 11 545, 11 546, 11 549, 11 567, 11 568, 11 571, 12 723, 12 724, 12 727, 12 728, 12 735, 12 736, 12 740, 12 741, 12 745, 12 747, 12 748, 12 765 and 12 766.

Mr Rich-Phillips has also requested the reinstatement of questions to the Treasurer relating to human resources issues and other matters in the Department of Treasury and Finance and the State Revenue Office. These also have not been answered adequately in my view in terms of responsiveness to the questions, and therefore I reinstate the following questions: 12 814, 12 817, 12 820, 12 822, 12 823, 12 824 and 12 825.

CRIMES AND SENTENCING AMENDMENT (BUS DRIVERS) BILL 2018

Statement of compatibility

Mr DAVIS (Southern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act.

The proposed amendments introduce appropriate sentences to effectively protect, punish and deter violence against bus drivers performing their professional duties and do not unreasonably limit charter act rights.

The bill balances the rights of individuals with the right to maintain the safety of bus drivers and the community.

The bill amends the Sentencing Act to introduce statutory minimum sentences for offenders who murder, cause injury or serious injury to bus drivers in the course of performing their duties. Specifically, the bill requires a term of imprisonment to be imposed and the following minimum non-parole periods to be fixed by a court:

thirty years for the murder of a bus driver;

five years for the offences of intentionally or recklessly causing serious injury in circumstances of gross violence;

three years for the offence of intentionally causing serious injury;

two years for the offence of recklessly causing serious injury.

The bill also introduces a six-month sentence of imprisonment for the offences of intentionally or recklessly causing injury.

These amendments are clearly confined by law to apply to offenders convicted of the violent offences specified in the bill and only in respect of a clearly defined class of victims, namely, bus drivers on duty.

I consider that the bill does not limit or does not unreasonably limit key sections of the charter act: section 24 — right to a fair trial; section 10 — human rights; section 21 — deprivation of liberty, except on grounds and in accordance with procedures established by law; and section 27 — prohibition or retrospective criminal penalties.

Given the significant impact of increased violence on bus drivers and the risks to community safety of violent actions and threats on buses, I believe the bill strikes a fair balance between the rights of the individual and the protection of a class of at risk employees undertaking duties on behalf of the public.

David Davis, MP
Member for Southern Metropolitan Region

Second reading

Mr DAVIS (Southern Metropolitan) (10:26) — I move:

That the bill be now read a second time.

The Crimes and Sentencing Amendment (Bus Drivers) Bill 2018 amends the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966 in relation to offences committed against bus drivers and for other purposes.

The main purposes of the bill are to:

amend the Crimes Act 1958 to fix baseline sentences for the murder of a bus driver;

amend the Crimes Act 1958 and the Sentencing Act 1991 to provide a custodial sentence for certain offences committed against bus drivers; and

amend the Crimes Act 1958 and the Summary Offences Act 1966 to expand certain existing assault offences to include bus drivers.

These reforms recognise the very special role played by Victoria's bus drivers, and the need to ensure they receive the full protection of the law when providing services essential to the welfare of the Victorian public, often at the risk of personal harm and thereby harm to the travelling public.

The bill defines 'bus drivers' as bus drivers who are on duty at the time of the commission of an offence, to ensure higher sentences apply to offenders who perpetrate violence against bus drivers in operational settings where both bus drivers, their passengers and other road users are at heightened risk.

By contrast, trains and trams operate on rails and not the open road. Their drivers perform their duties from the relative security and safety of enclosed cabins, making the likelihood of an assault that endangers their passengers much more remote than unprotected bus drivers. One can only imagine the potential for catastrophe in terms of injury to the travelling public were a bus driver to be assaulted and lose control of a bus moving at speed.

This bill sends a clear message to perpetrators of these acts that violence against bus drivers will not be tolerated and will be met with strong penalties.

Since Daniel Andrews has been Premier, total crime including assaults and other violent offences are up 9.5 per cent. In the nearly four years of the Andrews government, attempted murder and manslaughter is up

42 per cent and assaults are up 17.2 per cent. This increased violence in the community is spilling over onto our public transport system.

BusVic's June 2017 *An Investigation into Abuse and Assault of Route Bus Drivers: Statistics, Triggers, Risk Reduction, Training, and Opportunities* reviews:

> … the extent of verbal abuse and physical assault of Victorian route bus drivers, which increased significantly over the past three years. It explains why the official data dramatically understates the extent of aggression, essentially because it was never set up to capture it, and provides a sound basis to realistically estimate the extent of aggression to drivers. This shows that physical assault is some 20 times, and verbal abuse some 4000 times, higher than TSV data suggest.

One of the great successes of the previous period of government was the installation of protective services officers on all suburban railway stations and key regional stations from dark until the last train.

Our plan for PSO squads on trains is a further sign of our commitment to the safety of the public transport workforce and the travelling public.

Bus drivers who have been victims and those who continue to serve the community deserve our support, and it is important to send the strongest and clearest signal to those who would commit offences on our buses.

Bus drivers provide an essential service to the Victorian public at considerable risk to their person. They are exposed directly to threats and in some cases violence as the upswing of violent crime across the Victorian community spills over onto our buses.

This bill increases penalties for those who assault bus drivers and does so unashamedly, imposing mandatory custodial terms.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until Wednesday, 12 September.

GOVERNMENT PERFORMANCE

Ms WOOLDRIDGE (Eastern Metropolitan) (10:30) — I am pleased today, although I must say I do it with a touch of sadness, to move:

> That this house notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor government and Victorians are now faced with:
>
> (1) the highest crimes against the person offence numbers in Victoria's history;
>
> (2) sentences and a bail system that do not meet community expectations;
>
> (3) a youth justice system in crisis;
>
> (4) rising electricity prices due to Labor's forced closure of Hazelwood power station;
>
> (5) increasing traffic congestion on our freeways and in our suburbs;
>
> (6) a $1.3 billion bill for not building the east–west link;
>
> (7) the betrayal of 60 000 Country Fire Authority volunteers and their communities;
>
> (8) six ministers and six Labor members whose actions are under police investigation;
>
> (9) 74 cancer beds axed at a cost to taxpayers of $100 million;
>
> (10) a broken education system and a vocational education and training system with ongoing cuts and reduced enrolments;
>
> (11) watered down planning protections;
>
> (12) sporting organisations and community clubs forced to take out loans;
>
> (13) farmers and regional communities being ignored and funding cuts for local country roads;
>
> (14) an ice injecting room;
>
> (15) blowouts in public housing waiting lists and dental waiting lists;
>
> (16) 14 straight negative Sensis small business index results;
>
> (17) no plan to manage Victoria's population;
>
> and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

This motion goes to catalogue the very extensive list of failures of Daniel Andrews and the Labor government over the last four years. It is fair to say, in thinking about how to characterise this government, that it has been absolutely plagued by infighting, rorting, misusing money and favouritism. For many who I talk to, and I talk to a lot of people across a lot of walks of life, Daniel Andrews is a disgrace and this government is an absolute disappointment. It is failing the people of Victoria and it has failed to live up to the rhetoric and the promises that it made back in 2014.

I went through an exercise of talking to people and just saying, 'How would you characterise the work of the

government over the last four years — the work of Daniel Andrews, his ever-changing ministerial team and the Labor Party as a whole?'. There were five key themes that kept coming up in terms of what everyone said, and I want to spend some time in my contribution today talking through those five themes.

The number one thing that people said in relation to Daniel Andrews is that he has a 'whatever it takes' attitude. He will do anything to win the election. He will stop at nothing, he is lacking in morals and he is prepared to push the boundaries — to go beyond the boundaries. He is untrustworthy, and this 'do anything to win the election' attitude and culture within the government pervades everything. While I think this has probably been in place and inherent for many years, there is no doubt that this started in 2014 with what we now call, and call widely, the red shirts rorts. That was the basis, begun in 2013, which was concocted by the then Leader of the Opposition in this place, John Lenders, but absolutely with no doubt the full imprimatur and support of Daniel Andrews to rort the taxpayers of taxpayer money to fund Labor's efforts to get elected.

We have seen the extraordinary efforts over the last four years of the Labor Party to do anything they could to hide what happened through using taxpayer money to fund staff to run the Labor election campaign and grassroots efforts. Once it was referred, sensibly by this house, to the Ombudsman — the appropriate person to undertake the investigation — we saw legal challenges. We saw the Ombudsman challenged in terms of her authority to undertake that investigation. We saw it challenged in the courts. We saw it appealed in the courts. We even saw the Labor Party and Daniel Andrews go so far as to try and stop the Ombudsman undertaking this inquiry into their rorting of taxpayers money by going all the way to the High Court. Sensibly the High Court threw that out. The High Court saw through the efforts of this government to try and stop the truth being told. When the Ombudsman was able to undertake the inquiry, what she found was that the scheme was an artifice.

The scheme had been purposefully developed so as to hide from the Parliament and the Department of Parliamentary Services that the money was being used — in her estimation, $388 000, but I suspect and there is evidence to say that it could be even more than that, nearly $400 000 of taxpayers money — to fund Labor campaign field organisers to try and help Labor win the election.

The Ombudsman very clearly found that that was false and was a concocted scheme. Clearly there was rorting and dishonesty that was perpetuated in that time and since to try and hide that Daniel Andrews was prepared to go to any lengths, including using taxpayer money to fund Labor Party staff to try and win the election. To say that there was no benefit, though, to the members of the Labor Party is absolutely wrong. There were hundreds of thousands of dollars of benefit to those who became ministers and those who became parliamentary secretaries. There were the appointments to committees and just the benefit of being in government and being able to make the decisions in that position. There was clearly a personal benefit to the individuals as well as to the party as a whole of being in government.

So 2014 set the scene for how far the Labor Party and Daniel Andrews were prepared to go in terms of the win-at-all-costs attitude that he has. It has taken four years for that artifice to come to light because of Daniel Andrews's repeated attempts to keep that hidden from Victorians. It is a good thing that that light has been shone through a very detailed Ombudsman investigation. Of course what we know now is that ministers and members of the Labor government are under active police investigation by the fraud and extortion squad. The research was done; the police did not rush into this. They made a sensible decision that it was worth the fraud and extortion squad undertaking further work to identity the fraud that has potentially been committed by ministers and members of this Labor government.

This win-at-any-cost attitude pervades in so many ways. What we keep seeing is policy for preferences, this so-called — and to potentially be formalised if Labor has the opportunity at the next election — coalition between the Labor Party and the Greens. Once again we have seen this, whether it was the Animal Justice Party in Northcote and the preference arrangements and the policies that were put in place in order to attract those votes or, more importantly and more significantly, things like the closure of Hazelwood. It is a very dramatic impact that that closure has had on our electricity prices, and there are ramifications for all Victorians as we see our electricity bills go up and up and up. Labor tripled the coal excise tax, which forced this premature closure of the Hazelwood power station, and as we know, power bills have skyrocketed since.

Of course we have the 40 per cent renewable energy target stifling investment in our remaining baseload power generation and threatening the ongoing viability of key power stations, such as at Yallourn. Labor is not happy to stop at just making sure that Hazelwood closed. This attitude not to pursue coal and sensible,

reliable baseload power sources for Green preferences in inner-city seats, to the detriment, in many cases, of regional communities and Victorian communities as a whole, particularly vulnerable Victorians who are paying the higher power bills as a result, is once again part of this 'do anything to win an election' and 'policy for preferences' attitude that this government has.

We have seen this in so many other ways. Just consider the leaks on the weekend in relation to the impact on our native timber industry and that this Labor government is potentially looking to close that down within the next 10 years, once again to satisfy a small number of inner-city seats where Green voters are expressing an interest in changing the members of those seats. They have already done it twice, and there are two more seats to go. This government will stop at nothing to get those preferences, get those votes and hold those seats, to the detriment of hundreds, and in some cases thousands, of jobs across regional Victoria, with ramifications for the whole of the state as a result. It is incredibly concerning.

What we are seeing time and time again is that Daniel Andrews claims to put people first, but what is clearly happening each and every time is the people he is putting first are himself, his cabinet and the Labor government. He prioritises their survival over anything else. We see it time and time again with the attitudes and the approach that he has. Just in these last few days the fact that Daniel Andrews ordered his Secretary of the Department of Premier and Cabinet to breach constitutional conventions in order to pay back his political opponents with 80 000 pages of documents just shows how far this Premier is prepared to go.

Let us not forget that back in 2015 when there was a former government cabinet-in-confidence document, this process was followed: the then Leader of the Opposition was asked for permission to release it, and that was not given. Well, that was not an option in this case. Chris Eccles, the secretary of the department, said he was ordered by the Premier to release these documents, defying constitutional conventions that are long held in terms of cabinet in confidence. The coalition has never sought to overturn cabinet-in-confidence requirements. We have been consistent for many, many years in relation to that. This government is prepared to go wherever they need to go to win the vote to try and keep themselves in government. They will stop at nothing. They will turn away from any convention or requirement. They will push any boundary — not only push it but step well over it in terms of this whatever-it-takes attitude. The fact is that Victorians know it; this is the number one piece of feedback I have in relation to the performance of this government.

The second thing that comes up very clearly time and time again when you talk to Victorians in relation to this government is that it is absolutely soft on crime. Through the policies, the legislation and the approaches that they have had, they have been so soft on crime that we have seen crime spiral significantly. It is not just regular crime, which as a whole has gone up 9.5 per cent over the four years; it is the very significant crimes against the person where we see the massive increases: attempted murder and manslaughter are up by 42 per cent, burglary and break and enter are up by 33 per cent and assaults are up by 17 per cent. The Crime Statistics Agency tells us that in the last 12 months of data the largest age cohort for alleged offenders committing crimes against the person is 15 to 19-year-olds.

Some may say, 'This is just where things are happening', but the fact is these things are not happening in other states; this is specific to Victoria in terms of these massive increases — a very significant, scary and worrying trend in crimes against the person. We have seen this under Daniel Andrews in so many different ways. It is not just the statistics, it is actually the people behind the statistics. It is —

Mr Gepp — On a point of order, Acting President, on a number of occasions Ms Wooldridge has referred to the Premier by name and without title. There have been plenty of rulings in this place that it is appropriate to refer to members by their title. He has earned that as the Premier of this state.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Mr Gepp. Ms Wooldridge, I think it is a fair point. If you could please refer to the Premier, Mr Andrews, by his title — the Premier.

Ms WOOLDRIDGE — Thank you, Acting President. I know that the other side might want to worry about the formalities of whether I say Daniel Andrews or Mr Andrews, but what I am talking about here is victims of crime — people who have actually suffered violent assaults and crimes against them and who are suffering as a result. The consequences are significant, whether it is the teenage girl who was dragged from her car and beaten by thugs in Frankston in January this year, whether it is the woman in February who was carjacked by a man who was armed with a crowbar and wearing a dish cloth over his face in my community in Donvale, whether it is the woman in July who had a gun put to her head and was pistol-whipped in a carjacking in Narre Warren South — and the list goes on.

I actually think in politics we argue a lot about the facts and figures and the details, but you know something is really having an impact when people change their behaviour. So many times people tell me that they are actually nervous, they are concerned, they are locking their houses in a way that they have never done before — they are checking that their windows and their back doors are locked every night when they get home — they are locking their cars when they drive and they are scared to go out on their own and now go out in groups in the evenings. People have changed their behaviour because they are now nervous about the crime wave that has hit our city and our state. People are advised, 'If someone bumps your car, don't get out and swap licence numbers, keep driving; lock your doors and drive on'. That is because of the extent of the carjackings that are happening in this state. There is a lawlessness that we have never seen before and that other states are not seeing across the country in relation to crime.

And why is it? Certainly the advice I have had is that it is because the police are advised to hold back. We saw even in something as extreme as the Bourke Street tragedy that police had multiple opportunities and asked multiple times to be able to apprehend the driver and they were told, 'No'. The police are no longer given the confidence from their leadership to take action when they see circumstances happening in front of them. I do nothing but commend the police for their work, but their oversight and direction from this government is meaning that the police hesitate where normally they would not. Even recently in riots in the western suburbs, where masses of gangs were fighting, the fact that they stood there and said 'You can't touch us' to the police is a reflection of the attitude of the community to the policies and the laws of this government and how those who are seeking to defy them are acting in the face of police. We need stronger laws; we need to reinforce and empower our police to make decisions and take action. We have seen consistently, again and again, from this government an absolute failure in the laws that have been put in place and in the support for police, and that has translated to people fundamentally changing their behaviour and how they feel about their safety in their homes and their community. That is a very dramatic impact.

The third area that people consistently speak of in relation to this government is the fact that it wastes money. This ties in to the first point in terms of doing anything to win the election. They are prepared to throw money at anything in terms of trying to create an impression and to get the outcome that they want. Sometimes that is ideologically based, and nothing is more stark on that front than the $1.3 billion spent not to build a road. The east–west link, according to every agency and every adviser, is clearly an absolutely critical part of our road infrastructure that is needed for this state, for those of us who travel in on the Eastern Freeway every morning and for everyone who feels the ramifications of it. We see the traffic slowing; we see it banked up further. The recent RACV survey said it is the number one bottleneck in this city. It cost us $1.3 billion — and let us not forget that this happened under a Premier who said this was not going to cost a cent because it was not worth the paper it was written on — to not build a road that actually must be built, will be built and certainly will be built under a Liberal-National government. I believe it will be built at some time in the future by any government, because it is a critical part of the infrastructure. That this government thinks they can build a north-east link without the east–west link is just a joke. It is absolutely ridiculous to think that we can channel 100 000 cars onto the Eastern Freeway and just leave the Eastern Freeway with the bottlenecks that it has got.

In terms of spending money this government is prepared to say one thing, make up a number and then wing it afterwards, and that is exactly what we have seen on many fronts. In my area of health the Premier proudly said he was going to build Victoria's first heart hospital. It was going to cost about $300 million and the government was going to put in $150 million. He even knew at the time he was making the promise in 2014 that it would never be that amount. He clearly knew that he was not telling the truth, even on the day he promised it. And what have we seen? We have seen a massive blowout. It is a $540 million hospital now, with $470 million coming from the state government. We have gone from $150 million to $470 million. My advice is that even that is tight. It is probably going to need even more money. It is like it is someone else's money — well, it is someone else's money; it is taxpayers money — and this government does not care, because they just keep making up the figures and then catching up afterwards.

The West Gate tunnel was promised for $500 million. What have we got now? We have a $6.7 billion tunnel. The Metro Tunnel was promised for $9 billion. Now it is $11.07 billion, an over $2 billion blowout for the tunnel — and they are just the figures we know so far. For level crossing removals $5 billion was the promise. Now it is $8.3 billion, according to the Auditor-General earlier this year — a $3.3 billion blowout. Then of course I have to come back to this statement again: 'Zero dollars; it's going to cost us nothing to cancel the east–west link contract', and here we are, $1.3 billion later.

The list goes on. It includes the Hoddle Street upgrade, the Seaford stabling project, the Casey Hospital extension, the Ballarat line upgrade, the Yan Yean road upgrade, the Frankston station upgrade, V/Line fleet maintenance and so on. This government wastes money — an exorbitant amount of money — sometimes for zero outcome. They are prepared to say anything and do anything.

One of mine, once again in my shadow portfolio area, is the cancelling of Peter Mac Private at the top of the Victorian Comprehensive Cancer Centre. There have been a lot of bad decisions made by this government. I have to say that from my perspective this is one of the worst decisions. Peter Mac has got 96 beds. There were going to be an additional 42 beds and four operating theatres on the 13th floor of the Victorian Comprehensive Cancer Centre. The Premier, showing his true colours about how he feels about the private sector and particularly private hospitals, said, 'There will be no greedy profit-making at the Peter Mac'. These were absolutely outrageous comments. Those 42 beds and the outpatients clinics would have provided treatment, each and every year, for somewhere in the order of 10 000 Victorians who have cancer.

We know Peter Mac is now full. We know that about one-third of all patients are private patients. A good proportion of these private patients could have gone into those private beds on the 13th floor, freeing up more public beds for public patients. Instead the Premier said, 'No greedy profit-making at the Peter Mac'. The fact is that it has cost the government somewhere in the order of $100 million, both in expenses and in lost income opportunities, to cancel those 42 beds. Not only are 10 000 patients missing out each and every year, but $100 million has been lost in the ideological cancellation of something which would have really expanded access to world-class cancer treatment for so many Victorians. It is an atrocious decision, and one that we still live with today.

The hypocrisy of it all is that I understand the only way that the heart hospital, the Premier's pet project, can stack up is if they have somewhere in the order of 60 or 70 private beds in the hospital. So it is okay to try to make the Premier's pet project stack up — and I understand the figures are still not even close to matching — but it is not okay for Victorians with cancer to get access to the world-class treatment of the Peter Mac through Peter Mac Private at the Victorian Comprehensive Cancer Centre.

Of course not only does this government waste money but they also break their promises in relation to money. The night before the last election the Premier said, 'There will be no new taxes and charges under my government'. Well, what have we seen? We have seen quite the opposite. Let me go through the list of the additional state taxes, which have increased by $7.9 billion under this Labor government. The Premier said, 'I make that promise to every single Victorian'. There is a new city access tax for the West Gate tunnel; the tripling of brown coal royalties; the introduction of Uber and taxi fare taxes; increased stamp duty on new cars; new stamp duty on off-the-plan purchases; a new so-called 'vacant home' tax; new annual property valuations to increase land tax; new stamp duty on property transfers between spouses; a new point-of-consumption gambling tax; a new land tax surcharge, which has subsequently been tripled, for absentee owners; a new stamp duty surcharge, which has been subsequently increased, for foreign purchasers; and the increased fire services property levy. This list does not even include the changes to the growth areas infrastructure contribution levy, the $140 million increase in property transfer fees and a host of other fee gouges that we have seen under Labor.

The third area is so common and people understand it — this government wastes money. They treat taxpayers money as their own to play with. They break their promises when it comes to money in relation to the taxes and the increased charges that have been introduced under this government, in direct contrast to the promise that Daniel Andrews made to each and every Victorian.

The fourth area that sends a very clear message to Victorians and that Victorians know about is in relation to the dominance of the union movement and how this government is union controlled, particularly by Peter Marshall. Who could have imagined that? This government pretended to support the volunteers in the Country Fire Authority (CFA). Frankly, every Premier in my living memory has supported the amazing work that our CFA volunteers do — 60 000 of them who put their lives on the line for their community and for their fellow citizens. This government has done everything it possibly can to destroy the CFA, and all at the bidding of Peter Marshall.

There are serious questions, and it is really so hard to understand why this Premier has gone to the extent he has to undermine the former minister, to undermine all the senior management of our fire services and to undermine 60 000 CFA volunteers. What is it that Peter Marshall has got on him? What is it that he feels he owes Peter Marshall to such an extent? It is actually unfathomable. It is impossible to understand why the Premier would want to do what he has done. This dispute has now been running for 2000 days. It was

actually back in June 2016 that Daniel Andrews claimed:

> This dispute had to come to an end, and I ended it.

Well, it is not. It is now September 2018 and we are on the brink of another fire season, which, with limited rain in many parts of Victoria, could be quite dramatic. We still do not have settled fire services that have clear, unequivocal leadership, given the loss of decades of fire experience through the leaders that have been sacked and have left because of the work of this Labor government and what has happened. There have been allegations of bullying and sexual harassment, obviously so many senior personnel have resigned and there was a Senate committee inquiry. Even the commonwealth have had to amend the Fair Work Act 2009 to try to moderate the very dramatic and devastating impact on the CFA and the volunteers that this government was trying to achieve. There has also been civil litigation in the Supreme Court challenging the enterprise bargaining agreement.

The CFA volunteers that I meet at fire stations just cannot understand the motivations of this Premier. They cannot understand why this Premier would go to such lengths to try to undermine what is one of our most respected and proud institutions in this state — the volunteers of the CFA.

Ms Shing — What a joke!

Ms WOOLDRIDGE — Ms Shing might call the CFA volunteers a joke, and I think that is very disappointing. They are not a joke.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — Order! Are we done?

Ms Shing — On a point of order, Acting President, Ms Wooldridge has verballed me in saying, 'Ms Shing might call the CFA volunteers a joke', and I take offence. I would ask that that be withdrawn.

Honourable members interjecting.

Ms Shing — I was indicating that Ms Wooldridge's comments and the coalition were a joke. I ask her to withdraw.

The ACTING PRESIDENT (**Mr Melhem**) — I could not hear a thing. There is too much noise. Ms Shing, do you want to repeat your point of order?

Ms Shing — Yes, thank you. Ms Wooldridge has made the assertion that Ms Shing might claim that volunteers are a joke, and I take offence to that because that is in fact absolutely not what I have claimed. She has misrepresented me, and I ask that she withdraw.

Mr Finn — On the point of order, Acting President, you would only have to be in here 5 minutes to know that that is not a point of order. That is a debating point, and if Ms Shing wishes to get the call at some stage, she can reply to Ms Wooldridge, but it is certainly not a point of order.

Ms Shing — Further on the point of order, Acting President, verballing is unparliamentary. I have taken offence at the way Ms Wooldridge has sought to mischaracterise what I said, and I ask that she withdraw.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — The clock is still running, so do you want me to rule on the point of order or do you want to keep talking?

I think there is a fair point made by Ms Shing in relation to the verballing about misrepresenting her view. She has made her point clear that that is not her position. Ms Wooldridge, can I ask you to perhaps withdraw that and you can continue your contribution.

Ms WOOLDRIDGE — I withdraw. What we do know, though, is that the entire Labor Party think the CFA are a joke or they would not undermine them in the way that they have done. They would not have sacked the minister who stood up for the CFA. They would not have sacked Lucinda Nolan, the very competent, capable CEO. They would not have sacked the board because the board would not do what this Labor government wanted them to do. It is clear that every single member of the Labor Party and this Labor government thinks that the CFA are a joke, or others would have stood up, like Jane Garrett did, to the Premier in relation to what has happened to our CFA.

You can play all the games you like in here. The fact is every single CFA volunteer knows that every Labor Party member has undermined them, has sought to destroy the fantastic institution that exists in relation to the CFA and that their objective is to have Peter Marshall run the entire fire services rather than uphold the wonderful institution that has saved so many lives and protected so much property and livestock over decades. The CFA volunteers and the rural communities know exactly what this Labor Party and Labor government think of the CFA and what they have sought to do consistently over 2000 days in relation to the CFA.

People know it. People actually know what has gone on, and they know that this government is completely controlled by the unions that they owe. Not only did they rort taxpayers money in relation to getting elected, but they owe the union movement in many ways for those hours spent doorknocking, those actions on the polling booths and the fake uniforms that they put on. Now this is all payback. This is payback for this government getting elected. That is what people know and people see through it, and they can see through the hypocrisy and the attitudes of this government.

The final area that is so very clear is that this government has been absolutely dysfunctional within as well. It has been an absolutely dysfunctional government from within. They are untrustworthy, they are lacking in morals — as I said at the beginning — and their dysfunction has translated into what we have seen in terms of the constantly revolving doors in relation to ministerial and leadership positions within the Parliament appointed by the Labor Party.

It started with then minister Adem Somyurek in relation to alleged bullying charges. Of course once again the public was not allowed to hear the details of those. Certainly the financial settlements that have been made to those staff that were allegedly bullied by the then minister amount to very significant amounts, and of course they have never been made public either. He was the first minister to go.

We then had an issue with a second minister in this house, Steve Herbert, the then minister for TAFE and corrections, in relation to ferrying his dogs between his Melbourne residence and his country residence. This is once again an example of this government enjoying the spoils of office and going to extremes, which are well beyond public expectations of the actions and behaviours of a minister. Then he had to go as well because of it. That was two ministers down.

We had Jane Garrett sacked by the Premier because she dared to stand up to him. A strong woman with the convictions of her beliefs and representing her portfolio was sacked for daring to defy this Premier. She was the third minister to go. That was another significant change and a reflection not only of what the Premier thinks about people who stand up to him but also of what this Premier thinks in relation to women. Ms Garrett is just one of many casualties of women who have fallen by the wayside of this Premier, who tries to talk up a good game but whose practice has been quite the opposite.

We then saw the performance in relation to the former Speaker and Deputy Speaker in the other place, rorting very significantly their allowances to the tune of $130 000, saying they were living within their electorates when in fact they were living miles away at different locations. We know Labor Party members do not like to live within their electorates, and this was an absolute manifestation of that. So the former Speaker and Deputy Speaker in the other place had to go. That is more Labor appointments and more reflection on rorting and misappropriation of funds in relation to those members.

Then of course unfortunately in this house we had the former Deputy President having to stand down because of an investigation by IBAC in relation to printing, and I understand his electorate office is still closed and still unavailable to his constituents for this extended period of time. So there have been three Labor appointments to three out of the four presiding officer positions in this house and the other chamber in this Parliament, and all three have had to stand down because of serious questions about their behaviour and rorting.

This is a reflection of this government being dysfunctional. They are extreme in terms of the extent that they will go to to take advantage of taxpayers money for their own personal benefit, and we have seen the result of that. It is no wonder that so many Victorians think that they are untrustworthy in relation to their behaviour.

We see time and time again how two-faced this government is. There is this consistent message that they promise one thing and then absolutely deliver something else. We have seen it in so many ways, some of which I have already touched on. We have seen it in relation to the Country Fire Authority. They say, 'Yes, we support our volunteers', but when it comes to it they do everything they possibly can to undermine those volunteers and the work that they do. They make promises of, 'Yes, we're really very concerned about the drug epidemic, the ice epidemic and what is happening there', and the biggest solution to that has been the opening of an ice injecting facility in Richmond. The view it puts is, 'We are so supportive of women. Yes, we promote women', but as soon as women stand up to the Premier, those women are sacked, moved aside and moved on. They say, 'Yes, there'll be no new taxes for this state', but what have we seen? Tax after tax, charge after charge and more impost on Victorians.

What do we see? 'Yes, we'll support rural and regional Victoria' — except if it comes at the cost of Greens preferences. 'No, we're going to close Hazelwood', with a massive tax put on. 'No, we're going to undermine our native forest industry'. It is very

significant undermining from a government and a minister, who have completely focused on metropolitan Melbourne to the detriment of regional Victorians. The fact is that they do know it; they experience it.

The fact is that this government does not have a plan for the future of this state. There is no doubt that population is the most pressing issue. How do we think beyond? This Premier thinks over the next 80 days. He thinks about how to get himself re-elected. That is the focus for this state from this Labor Premier. What we are putting forward is that we actually need to think about 30 or 40 years ahead for this state. How do we actually manage the population that we —

Ms Shing interjected.

Ms WOOLDRIDGE — It does not matter how many times you yell across the chamber. The fact is that Victorians know very clearly that there is not a plan for the future of this state. There is not a plan to deal —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — Ms Shing, I believe your name is on the list, so can I ask you to stop your interjecting. And Mr O'Sullivan, the same comment applies to you.

Ms WOOLDRIDGE — This state is growing significantly and proudly. People want to come to live in Victoria. Melbourne used to be the most livable city in the world, and we know regional Victoria is a wonderful place to live as well, but there is no plan. Last year Victoria grew by 143 000 people, and we do know that Melbourne is going to overtake Sydney in the next four or five years in relation to being the largest city in this country, so we need a plan for how we manage that population. We need a plan for how we grow this state. And it is the whole state; it is not just Melbourne. It is about not just trying to bring more people to Melbourne but how we grow this state as a whole, and we have not seen that in any way, shape or form from this Labor government. Victoria is taking disproportionately more of the population growth that Australia is having, and we need to be able to manage that. Once again what we see from this government is a plan for 80 days, not a plan for 30 or 40 years for this state.

The motion I moved today lays out the full range, and I have covered a number of them. There are many more to add to them — the challenges, the disappointment and the disgrace that we have seen from this Labor government — whether it is the highest crimes against the person offence numbers in Victoria's history, and I have talked about the crime wave that we are facing and this government's repeated soft-on-crime approach, or whether it is our sentencing and bail systems, which do not meet community expectations.

I met with a very significant victim of crime just last week, and their feedback on the murder of their son was that the perpetrator had been sentenced to just six years. This is a story told by victims of crime again and again and again — that the ability to enforce expectations in terms of sentences for very serious and significant crimes is not being upheld by our justice system and that we are setting expectations in terms of things like bail where people, especially young people, know that they can commit crimes and they will be back out again in no time at all. Our youth justice system is in crisis. The number of riots that we have seen in our youth justice system is just a reflection on this broader crime issue as well, and the inability to get that under control, to actually deal with the issues, is an absolute failure of this government.

We have seen rising electricity prices due to Labor's forced closure of Hazelwood power station — and further ramifications for rural communities — with that translating into bills each and every quarter in relation to it. Agency after agency has made it very clear that undermining our baseload power and taking Hazelwood, which supplied somewhere in the order of 20 per cent of the power to Victoria, out of the system has had absolute ramifications in terms of the increasing of the electricity prices that we are seeing across the board.

I have talked about the betrayal of the CFA volunteers. There are six ministers and six Labor members whose actions are under active police investigation by the fraud and extortion squad. Cancer beds have been axed. And it is not just at Peter Mac Private; it is the further 32 beds that were part of the Victorian Comprehensive Cancer Centre that have now been taken for a stroke unit. We need stroke units — we need that work — but this is 32 of the 160 beds for the Victorian Comprehensive Cancer Centre that are gone, so in total 74 cancer beds have been axed by this government.

We have an education system that has not got the focus on the core elements of reading, writing and arithmetic — the core fundamental elements that young people need in terms of being able to complete their schooling and be equipped for the workforce for the future. There is a focus on so many areas other than those core principles. And of course we have seen thousands upon thousands deserting the vocational education and training system in relation to the training that is being provided under this government.

There are planning protections — and this has been very significant in Eltham in my electorate — where this government is seeking to intensify and increase height limits and put more dwellings on single blocks. This is something which the community is very unhappy about and is pushing back on significantly, and that is happening across the board.

Sporting organisations and community clubs have been forced to take out loans. There was $225 million for Australia's richest sporting organisation, the AFL. Small community clubs run by volunteers, equipping our young people with the skills of teamwork, sporting expertise, fitness and health and wellbeing, are required to take out loans while there is this windfall gain of $225 million for the AFL.

Farmers and regional communities are being ignored. There have been funding cuts for local roads. The wonderful program of country roads and bridges has been used for bridges in Mulgrave, the Premier's electorate. That was a reflection, I suppose, on how this government really feels about investing in our country roads and bridges.

There have been blowouts in public housing waiting lists — those numbers are ever-increasing — and dental waiting lists. There are tens of thousands of Victorians on the dental waiting list waiting to get the most basic of dental care reflected under this government.

Small businesses have walked away from this government, and nothing has characterised that more than the public holiday for the grand final. The Friday the day before a football match was made a public holiday, and that has been found to be a billion-dollar cost to the state. There have been 14 straight negative Sensis small business index results. It is very clear that small businesses know that this government have not had their best interests at heart and have not acted for them and the work that they do as the backbone of our economy. In fact they say that the government being very beholden to the unions and this extra public holiday are the two things that have had a dramatic impact on the effectiveness and the ability of their business.

And of course there is no plan to manage Victoria's population into the future. So this government is a disgrace. They are a disappointment, and this is very clearly reflected by the dysfunction that we have seen day in, day out, in relation to the ministry, in relation to the members of the government, in relation to those they have appointed to leadership positions, in relation to the rorting and the moral corruptness that we have seen right from day one with the red shirts rorts and all their behaviours since and in relation to the favouritism they have for the unions and people who agree with them.

This is a government that picks winners and losers. If you are one of the winners, then that is great, but if you are not, you are excluded, you are sacked and you are removed from any sort of support. That is seen time and time again, portfolio across portfolio, by the favouritism that this government shows each and every day and the crises that it has had to deal with.

There is no doubt, as James Campbell said yesterday, that this is a government that has the equivalent of a Ventnor every six months. It was a characterisation of the crises that this government has on a regular basis. Whether it is ministers having to resign or being sacked because of inappropriate behaviour, whether it is the rorting of taxpayers money or whether it is police investigations into the behaviour of some of the most senior members of this government, time and time again this government has been crisis-wracked and has had to defend the positions that it has taken or has tried to duck and weave to avoid scrutiny. This is a government that promised to be transparent and in fact has been the opposite. Time and time again it has said that it wants to shine a light on what is going on, but what we have consistently seen time and time again is the hiding of key information and the avoidance of transparency. It is another example of where this government has consistently said one thing and done quite the opposite.

Victorians will have a clear choice in just 80 days. They can choose a government which has been shown to be prepared to push any boundaries, step over any line and do whatever it can to further itself and its own interests rather than acting in the interests of all Victorians. They can choose a government that has been completely soft on crime to the extent that people have changed their behaviour and no longer in many cases feel safe in their homes and in their communities, and that has wasted tens of billions of dollars and at the same time taken billions more in taxes, despite promising to do otherwise. This is a government that is controlled by the unions as payback for the political benefit that it has delivered to them, and it has been completely dysfunctional and untrustworthy in terms of its behaviour.

I have got to say that in contrast I think there is a very clear choice of a team that has been quite the opposite — a team that has been absolutely united and working to express and communicate a clear vision for this state, not just for the next 80 days but for the next 20, 30 and 40 years. Whether it be in health, in

education, in crime or in population growth particularly, there has been a very clear articulation of the contrast between this disgraceful government and an alternative Liberal-Nationals Matthew Guy-led government. I think Victorians know that this government has not been acting in their interests. I think they know this is a government that acts in its own interests first and in the interests of Victorians well down the track. On that, I commend this motion to the house, reflecting on a disgraceful and disappointing four years of the Andrews Labor government.

Mr GEPP (Northern Victoria) (11:23) — I have got to say that sometimes you just wake up and you think, 'I've been kissed on the forehead by an angel'. I have cleaned that up a bit. Generally Wednesday is a wasted day where you do not get the chance, really, in this place — certainly in my experience in the last 12 months —

Honourable members interjecting.

Mr GEPP — It is going to be longer if the first 6 seconds gets that sort of response. Smoke them if you have got them. Kick back, because there is a bit more to come. It has been my experience in the 14 months I have been in this place that Wednesday has really been in this place probably the greatest wasted day of taxpayers money, because what we hear from the mob over there is nothing more than, 'We want more documents; we want this; we want that'. You cannot believe some of the things that come out of their mouths.

I thought today finally we were going to get the chance to have a bit of an economic debate. I thought we were going to hear from those opposite about some of the things they would do if Victoria had the misfortune of them being in government again following the election on 24 November. But of course what did we get? We did not get any of that. We got the usual whingeing, whining, carping bucket of mess that we normally get from this mob when they jump to their feet.

Can you believe that they actually lead with their chin? Ms Wooldridge's opening gambit was about the misuse of public funds. Can you believe it, given what we have learned in the last few days about the so-called alternative Premier in this state, the Leader of the Opposition, who against the advice of his own department and lawyers spent $3.5 million of Victorian taxpayers money — he ordered the release of that money, and public servants were running around because they could not quite work out what head of power they actually had to strike that cheque — that they come in here and they want to talk about the misuse of public funds. My goodness! I wonder whether he did it just after his lunch with the mobster — just after he had washed the lobster down with the Grange. I just cannot believe that they come in here and lead with their chin.

It is really interesting when you go through Ms Wooldridge's list of 17 things — and I will not get to the 17, because I am going to leave some fun for my friends over here. I should not be the only one who gets to enjoy the opportunity to smash some of these things out of the park. I will touch on a few of them during the course of my contribution, but I will leave plenty of room for my friends to take aim and fire at the bucket of mess that we have been presented with today. What does strike me, though, in terms of Ms Wooldridge's contribution is that it certainly fits with what I have observed in the last 14 months. When you are up in the electorate what you hear from those opposite is completely different to what you hear from them here, and vice versa. So it is either a lie here or it is a lie there, but in any case it is a lie. What they tend to do is make things up. They like to just make things up. They are good at fabricating things. Anyone would think that they were in manufacturing the way they manufacture things.

Ms Wooldridge talked about conventions. She came in here and actually talked about conventions.

Mr Mulino interjected.

Mr GEPP — Can you believe the irony, Mr Mulino. And then she started on the firefighters. Perhaps we need to jog the memory of those opposite about what took place on Good Friday in this very chamber, where we had two people who sought a pair from this government. Two people from the opposition benches sought a pair so that they did not have to sit here on Good Friday. What did they do? They were given a pair, and what did they do? They skulked in the back door. It would be interesting for those opposite who actually knew what was about to take place to put their hands up and admit who knew. Who was aware of the ruse? Who was aware of the convention that was about to be trashed by those opposite? And yet Ms Wooldridge wanders in here and starts to give a lecture about conventions and about ethics — and where is she? She is gone. This is like the 1950s: get down low and go, go, go. That is what they do. They come in here and just throw mud, and then they run out of the chamber. She has left her phone, so I am tipping she will be back very, very soon.

And then she wants to talk about regional Victoria. I am going to go through a few things that they have done. I

will go through a few things that they have talked about in terms of regional Victoria. They want to talk about regional Victoria. Can I remind the house of one of the first acts that the coalition did, not long after I came into this place. What do you think they did with the regional development portfolio in the shadow ministry? They axed it. They got rid of it. It was only after about three weeks of shaming them in this place and publicly that they suddenly thought, 'Oh, gee. We've forgotten about regional Victoria. We'd better reinstate it into the shadow ministry'. Yet they run up there and talk about what a city-centric government et cetera we are. I will go through a few things that they did when they had their hands on the wheel from 2010 to 2014.

Ms Wooldridge is absolutely right: the Victorian people will get to make a decision on 24 November, and when they consider the facts I am very confident about which way they will come down in terms of the election. Of course Ms Wooldridge also talked about energy prices. I will tell you what, you have got to give it to them. They have just necked a Prime Minister because they could not land on an energy policy. They have just destroyed a federal government because they did not have a coherent energy policy. They have necked a Prime Minister elected by the Australian people. They took it into their own hands in the stealth of night to neck a Prime Minister. Of course we learned overnight, apparently, that that same Prime Minister was willing to do a deal with the bloke who was coming after him. He was actually going to neck his own deputy. What a bizarre mob they are. It is macabre.

Of course the coup de grace in terms of this contribution from Ms Wooldridge was about women. If you are a middle-aged white bloke with the name of David, you are more likely to get a seat under the Liberal and National parties than you are if you are a woman. That is just a fact. Of course we had last week the opportunity where the federal Liberal-National parties could have actually elected the second woman Prime Minister in this country. What did they do? They necked her. They tossed her out to the back bench — 'Off you go. Anybody but!'.

Mr Mulino interjected.

Mr GEPP — Sometimes you just wake up, Mr Mulino, and you cannot believe this mob. You think you have seen most things come from this mob opposite, and then they just give you a gift. So it is no longer a wasted day; it is now gift Wednesday. I thought that finally after 14 months we were actually going to get to have a bit of economic debate in this place — that they were going to put forward —

Ms Wooldridge interjected.

Mr GEPP — Oh, you're back. You forgot your phone, so you're back. That's right; you remembered that.

I thought we were going to get the chance to do a bit of economic debate. Finally we were going to have some economic debate, but no, none of that. We have got no ideas coming from the other side of the chamber — no ideas whatsoever. Instead what they do is resort to type. Let me remind those opposite about some of the things that the Andrews Labor government has done over the last four years and will continue to do when it is re-elected on 24 November.

Ms Shing — Do we start with regional Victoria?

Mr GEPP — Well, we should start in regional Victoria, but let's start from the top. Let's not spoil the fun.

After four years of a Liberal-National government what we saw was just year after year of cuts — cuts to investment, cuts to services and cuts to programs. And when we came to government —

Mr O'Donohue — Lies!

Mr GEPP — No, it's not lies, Mr O'Donohue; it's fact. And that is why the Victorian people turfed you out, because you did nothing but cut. All you did was cut. All you ever do is cut.

Mr O'Sullivan interjected.

Mr GEPP — That is of course when you forget to include regional development in your own shadow ministry. So you either forget things or you cut them. That is very clear.

When we came to office the state was clearly falling into disarray because when those opposite had their hands on the economic levers of this state they drove it into the ground. Today of course things could not be more different. And they do not like it, because we have had a positive plan for this state that we outlined to the Victorian people prior to the election and then in our first 100 days. We set out the plan. We talked about jobs, we talked about health, we talked about education, we talked about infrastructure and we talked about getting this state back on the map and moving again — and we have done it. We have achieved it and we have achieved it in spades.

Not even your scriptwriters, those at the *Herald Sun*, from where you get all your questions every day for

question time or where you read out the editorial — Ms Wooldridge quoted Mr Campbell before — agree with you in terms of your characterisation of this government. Even they, begrudgingly, say, 'Oh, gee, it's a government that gets things done. They actually do things. They don't just talk about them; they get things done'.

Mr O'Sullivan — Not in regional Victoria.

Mr GEPP — We'll come to regional Victoria, Mr O'Sullivan. We'll come to your neck of the woods, don't worry, and we will continue to tell regional Victoria about the charade that is the National Party today and the ruse that you pull on the Victorian people in regional Victoria. Don't worry about that.

Our investment in infrastructure this year will peak at $13.7 billion. Contrast that with the expenditure of those opposite when they were last in government. That is almost double the long-term average before this government came to power. For example, all those opposite were about were cuts, cuts, cuts.

Mr Ramsay — What did we cut?

Mr GEPP — Good question. What did you cut? Oh, my goodness. The gift just keeps on giving today.

Mr Ramsay interjected.

Mr GEPP — Mr Ramsay, I am going to let you keep going because you have got only a handful of days left in this place, as we all know. One billion dollars out of TAFE —

Mr Ramsay interjected.

Mr GEPP — You can protest all you like, but of course what gives you away is the budget papers. The budget papers actually give you away. When we go back and have a look at the expenditure and the cuts by the previous government, they are there in black and white.

Mr Ramsay interjected.

Mr GEPP — You can protest all you like, but the reality is that all you did was you got out the machete and you went bang, bang — $1 billion to TAFE. You closed 22 campuses. What have we done in contrast? Good question.

Mr Mulino — Lilydale.

Mr GEPP — Lilydale. We have reopened TAFEs. We have announced 30 new free TAFE courses.

Mr Ramsay — They come at a cost.

Mr GEPP — Oh, 'They come at a cost'. So there it is. They say, 'We're going to grow TAFE', but when we grow TAFE they say, 'Oh, yeah, but it comes at a cost'. Yes, it does, Mr Ramsay. Very elementary of you. It is a shame that in your last couple of weeks as a member of this place you suddenly realise that these things do cost. That is right. I am not sure why it has taken you so long to reach that conclusion, but I am glad that you have arrived at it nonetheless. It is an important thing that you will be able to take with you when you leave this place in a little while.

I want to talk about schools. Not only did you just gut education in terms of TAFE; you also had a crack at schools as well, didn't you? You could not help yourselves in education. You stand up in this place — and earlier in my contribution I talked about how you say one thing here and do another thing out there or vice versa — or you run out there and tell the world that you are the champions of education, but it is not backed up by your actions, because all you do is impose cuts. You close things, you cut services and you cut programs, and that is the experience that Victorians had under the government of those opposite when they were in power in 2010 to 2014.

However, what have we done? What has the Andrews Labor government done? We have invested more than $3.8 billion to build 70 new schools and upgrade 1300 schools across the state since coming to office in 2014. That means that thousands of kids, just like the kids in the gallery here today, now go to school every day and learn in new classrooms with better technology and better facilities like new gyms and science labs.

But what else have we done? We have also created in excess of 5000 construction jobs for Victorians right around the state. So we do not just talk about it; we do it. We have created in excess of 5000 construction industry jobs through our infrastructure programs. Of course when you look at our performance over the last four years in terms of job creation, we have created 234 000 full-time jobs. Let us contrast that with what happened when they were in power. What did they create? When they were in office they created 38 000 jobs — four years, 38 000 jobs.

Where is the state's unemployment rate today? The state's unemployment rate is 5 per cent. It is the lowest rate in Victoria in more than six years. What was it when they were in office? How does it compare? Well, when they were there, when they had their hands on the economic levers, unemployment was at 6.7 per cent and going up. It was not coming down; it was going up.

Why was it going up? It was going up because they could not create jobs. They did not have a plan. They were a sit-on-their-hands government who did nothing except cut programs and cut services. Of course they want to talk about regional Victoria.

Mr Elasmar — That's foolish.

Mr GEPP — It is very foolish. The regional unemployment rate in Victoria today is 4.9 per cent, and the youth unemployment rate of 12.5 per cent is the second lowest in the country, and they say, 'What are you doing for regional Victoria?'. Can you believe it? I was up in Shepparton last weekend, and prior to that I was in Inglewood on the Friday. I was talking to locals about the unemployment rate, and they were marvelling that in regional Victoria there is a 4 in front of the unemployment rate. Their response was, 'Well done, government. Well done. You've got the place jumping. You've got the place topping. You've got the place moving. The best thing that you can do for our kids, as well as giving them good hospitals and good health care and education, is create jobs'. And guess what? That is what we are doing, and they were very, very appreciative.

Mr Eideh interjected.

Mr GEPP — Of course there are other things we have done for regional Victoria. Thanks for asking, Mr Eideh. We have cut payroll tax — not once, but twice — providing local regional businesses with the lowest payroll tax in the whole country, and that is leading to record investment. These are policies that those over there can only dream of.

The National Party call themselves the party of regional Victoria, but where are their economic policies that back this up? Of course they have not got any. They fall back on the same arguments again and again and again, but none of them actually generate any jobs, and people in regional Victoria are starting to wake up to this mob. They are starting to wake up to this mob, particularly the National Party. They are a wake-up to them. They are a wake-up to the fact that they say a lot but do nothing. What they do is run around now, as an election is nearing, and they make all these false promises to try and tie in their mates at the federal level, because they know that their mates at the federal level cannot deliver because they will not be in office either following the next election. The people of regional Victoria are a wake-up to them.

Mr O'Sullivan interjected.

Mr GEPP — They are a wake-up to you, Mr O'Sullivan. They call you 'Carnie Luke' out there. Every time there is a sideshow from the Nats, Carnie Luke gets wheeled out. That is what they do — 'Let's wheel out Carnie Luke'. He is the bloke who is given the job. You see Peter Crisp in the Assembly seat of Mildura; he does not move unless Carnie Luke is standing next to him. Then Carnie Luke bobs up somewhere else — in Shepparton. He just runs around the place. Wherever there is a National Party sideshow, Carnie Luke is there.

Mr Ramsay — On a point of order, Acting President, I know Mr Gepp thinks he is very funny. I am not sure who Mr Gepp is referring to in respect to 'Carnie Luke', but I suspect it may well be the member Mr Luke O'Sullivan. That is not his proper name, Acting President. In fact it is Mr Gepp trying to be funny but actually being very rude and disrespectful. I ask you to ask the member to call the member by his proper name.

The ACTING PRESIDENT (Ms Dunn) — There is no point of order, but I remind the member that we should use members' names in the chamber if we are referring to them.

Mr GEPP — I want to turn now if I can to our health system, where this government has invested more than $2.1 billion. We have delivered an additional 86 000 hospital admissions, 49 000 emergency treatments and record low elective surgery wait lists. That is so important. It is so important when you talk about health that you actually deliver, and we deliver in spades on this very, very important service to the Victorian community. I recently announced some additional money for Goulburn Valley Health. The funding for Goulburn Valley Health this year is more than 20 per cent more than those opposite funded this hospital in regional Victoria. Goulburn Valley Health, one of the biggest hospitals, received more than 20 per cent more than they tipped into that hospital, and yet they say, 'What're you doing for regional Victoria?'. Other than that, you are right — we do not do anything! You are right; you are spot-on! You have caught us out!

And of course we ended the war on paramedics. We all remember those very sad days when you would follow an ambulance around and on the back would be all the stuff from the ambos — those people who go out and perform an extraordinary service for the Victorian people and who should be appreciated by absolutely every one of us in this place, but alas that was not the case for those opposite. They went to war with the paramedics. They did not want our paramedics in this state to have good pay and conditions. Well, we brought that to an end. We brought that to an end because we engaged with those people and we worked

closely with them. Go and talk to a paramedic now and see what they think about their pay and conditions. Go and talk to them and ask them about their conditions and how they now view themselves and the service that they provide to the community.

I was going to start on the level crossings, but I am going to leave that for somebody else because of course that should be done by somebody who has got an electorate where there have been those level crossing removals. We have got some work going on in northern Victoria on the Shepparton line, but we have got nothing like the work that is going on here in Melbourne, so I will leave that to others.

Ms Wooldridge also said, 'They've got no plan for the future' — wow! — except of course suburban rail. Again I will leave that to somebody else to come off the long run.

Mr O'Sullivan interjected.

Mr GEPP — Well, Mr O'Sullivan, I will take up your interjection because you were not here when your lead speaker talked about how you need to have a vision for the next 30 to 40 years.

Ms Shing — Not the next 80 days.

Mr GEPP — The next 30 to 40 years — I think they were her exact words — not just the next 80 days. What have we got? We have got a policy that actually fits that brief to a tee. In addition to that of course we have also announced that we have committed $5 million to begin construction on the airport rail link and pave the way for fast rail to Geelong and Ballarat — regional Victoria, Mr O'Sullivan. We are building a world-class metro network, as we know, with the construction of the $11 billion Metro Tunnel, and that alone will create over 7000 jobs and give hundreds of apprentices a head start, and we are sourcing 90 per cent of that material locally. That is an important point to note. Not only do we put investment into these big infrastructure projects but we also have a policy which we enact which requires the purchase of those materials locally. We keep the money in our local economy. We do not have it shipped off elsewhere to the cheapest — we actually make sure that that money is —

Mr Ramsay interjected.

Mr GEPP — I am glad you mentioned Mr Mulino, Mr Ramsay, because I do not think there has been a finer performer in this government than Mr Mulino. The work that he has done in terms of the development of these projects, on infrastructure, with an array of ministers has been magnificent. I tell you what: he is going to do an even better job in a Shorten federal government. I can promise you that.

I just want to go quickly if I can to a couple of key points. We talked about crime. Ms Wooldridge wanted to go there. I do not why she wanted to stray into the area of police and protective services officers (PSOs), but she did. Of course that paves the way for us to talk about the biggest ever investment in law and order in this state's history that the Andrews Labor government has made: 3135 additional police. The Victoria Police Academy is full, and it will be for years. We are growing the police force by 20 per cent, and that means for the first time —

Mr O'Donohue interjected.

Mr GEPP — Mr Ed is in the house, is he? 'A horse is a horse, of course, of course'. Let us talk about police and the contrast again with what those opposite did —

An honourable member interjected.

Mr GEPP — That is right; they did not fund any. They cut $100 million from the Victoria Police force and they sacked 350 support staff, including forensic officers. They walk in here and they will run out there again, and they will say one thing out there and another thing in here to suit their argument, but the stats and the facts do not back it up. The big Achilles heel that they have got is the budget papers that reveal all of the disgusting and despicable cuts and the ruse that they pulled on the Victorian people when they were in government. You should be ashamed of yourselves. But we will fix your mistakes; we have been and we will continue to do it.

Mr O'Donohue interjected.

Mr GEPP — Yes, that is right. I want to come to rising energy prices. On rising energy prices, what did they do? They just necked their own Prime Minister because they could not find an energy policy that they could land on. They ruined their own government from within, not from outside. So you want to walk in here and criticise electricity prices. Well, you and your mates in Canberra are culpable. Victorians know it, the Australian people know it, and not only will you pay that price on 24 November, but whenever your unelected Prime Minister actually calls the next election he will feel the wrath of the Victorian people and the Australian community as well.

What are their friends doing? I think they are on their fourth attempt at an energy policy. Who would know? But what are they doing compared to us? Not much.

What have we done? We have created over 2000 jobs, with six new wind farms worth $656 million. There are currently nine new wind farms under construction worth $2.6 billion, and our government continues to actively pursue all options to help Victorians struggling with their power bills, thanks to the catastrophic policy failures of the coalition at the state and federal levels.

Honourable members interjecting.

Mr GEPP — If you have got the answers, you had better ring your mates in Canberra and tell them, because they are bereft of ideas and they are cannibalising themselves and each other from within. It is actually distressing to see what government members that actually distrust each other, loathe each other and are bereft of ideas will do to each other. It is actually quite sad, and it is distressing. No-one wants to see any government rip itself apart.

An honourable member interjected.

Mr GEPP — You do. I hope that they get themselves together both at the federal and state levels so that after the elections, when the Andrews Labor government is returned and we have a Shorten government at the federal level, we actually have strong oppositions, because that is what our system relies upon. Right now we have got a bit of a rabble opposite at the state level, and goodness knows what we have got in terms of a government at the federal level, but it is distressing to see. From this side of the house we all hope that the coalition at the state and federal levels get their acts together so that the people in this country and this state actually have better policy debates, certainly better than the rubbish that we have been dished up week after week after week on a Wednesday.

It has not been Wednesday the sitting day, it has been Wasted Day, because all we have had is Mr Davis getting up and saying, 'I want this motion. I want this document. I want that document'. Not once in the 14 months I have been in here have we had on a Wednesday a decent economic or policy debate — not once. I thought today when I woke up, 'We're going to have it'. That is what I thought, 'We're going to have it today'. Finally, after 14 months, we are going to have it. But what did we get? We got the gift that is this motion, because they wander in here and they want to talk about all of the wonderful things that the Andrews Labor government has been doing — and there are far too many of them for us to mention in the 60 minutes that I have got available. But do not worry; we have got a number of speakers lined up, and between us we are going to get to cover them all. It will only be highlights. We cannot delve into detail, because if we were going into detail, we would have to extend this session until Sunday — because we get things done. We do not just talk about them; we get them done.

That is why Victoria is the economic engine room of this nation. Small business is thriving, construction is thriving — and infrastructure in general. We have got kids yearning for apprenticeships, and we are pumping them in. We have got a TAFE system that is now world-class thanks to the extraordinary efforts of the Minister for Training and Skills, Ms Tierney, and the work that she has done following the decimation of that sector by those opposite. They destroyed the TAFE sector. But fear not; we have come to the rescue. We have reopened TAFEs. We have pumped billions of dollars in, and we are making sure that the TAFE sector delivers not only for young Victorians but also for older Victorians and, importantly, for industry. We are now in a deep partnership with industry, particularly in regional Victoria.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Public land use

Mr YOUNG (Northern Victoria) (12:00) — My question today is for the Leader of the Government, representing the Minister for Energy, Environment and Climate Change. Minister, on 31 August the government released a statement in relation to the Victorian Environmental Assessment Council (VEAC) central west investigation, which noted recommendations from VEAC. In relation to the Wombat, Wellsford, Mount Cole and Pyrenees Range forests under investigation, the government said that:

> These forests and reserves have been loved over many years for walking, camping, and other recreational pursuits, and under a re-elected Labor government they'll continue to remain open for future generations to enjoy.

Minister, will the government guarantee that no recreational pursuit currently taking place will be banned as a result of the recommendations in this report?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Mr Young for his question. I know that he has actually taken some encouragement from what is clearly the government position's in relation to consideration of the VEAC report, and I will not pre-empt the responsible minister or the government determining their position in relation to this. But one of the important things for all members of the Victorian community to understand is that VEAC, and before it

the Land Conservation Council in Victoria, has had a very important role for decades under both Labor governments and coalition governments in relation to trying to ensure that there is an appropriate balance between the use of public land, access to public land, protection of environmental values, the sustainability of the public land estate and access for Victorians. It is a challenging task and sometimes leads to disputed views about recreational pursuits and productive pursuits in relation to economic activity across Victoria, but it has done it for decades. Many of the benefits of that work, in terms of applying environmental scientific analysis and community input, impact upon the economy and opportunities for people who want to pursue an economic livelihood in regional Victoria or pursue recreational opportunities.

Despite the conflicts that come up when there is consideration of those reports and with the recommendations that come to the government of the day, there has been a remarkable success of ultimately achieving a balance, which has seen great access by the public to public land estates over decades. So the inbuilt assumption that every time VEAC looks at something there may be an adverse result some people may argue for, but overwhelmingly the community continues to benefit from the scrutiny that they have applied and the government response to it. Our great challenge is in fact to get the public policy settings right to maintain the integrity of access and opportunity for our citizens to participate in public land values.

It would be wise for VEAC to conclude its work and for the government to respond to it, and I would be unwise to pre-empt it, so I will get my colleague to provide you with an additional response if she can add to what I have already said.

Supplementary question

Mr YOUNG (Northern Victoria) (12:04) — I thank the minister for his answer. Yes, understandably it is a very difficult task trying to grasp that balance, but the fact remains that every time a national park is created recreational activities suffer. That is just a fact. So how can the government claim to support recreational use of public land and the creation of new national parks?

Mr Jennings — That was a statement, I think.

The PRESIDENT — Yes, Mr Young, where was the question?

Mr YOUNG — The question, President, is: how can the government claim to support recreational activity and the creation of national parks?

Mr JENNINGS (Special Minister of State) (12:04) — I think my substantive answer actually demonstrated that I do understand and appreciate those issues. Even in its ancient history the coalition has supported national parks. Even in its ancient history the coalition has stepped up to be able to support the process of the Land Conservation Council, now the Victorian Environmental Assessment Council, and the consideration of government establishing the —

Mr Young — But two wrongs don't make a right.

Mr JENNINGS — In fact if two wrongs do not make a right, I will let you and Ms Dunn sort it out. The government will take some responsibility to try to get that balance right.

Victorian Energy Compare

Mr PURCELL (Western Victoria) (12:05) — My question is for the Minister for Energy, Environment and Climate Change, represented by Minister Jennings. The Victorian government has established the Energy Compare website for Victorians to compare energy prices and obtain the best deal. While I commend the government on this initiative, I have been approached by many who have had trouble accessing the website to obtain the $50 power saving bonus. Many people in rural areas do not have access to or have difficulty using the internet. I note constituents are able to visit their local MPs, but this may not be possible in rural and remote areas. Therefore my question to the minister is: what other options do people have to access the website and obtain the $50 bonus without using the internet or visiting their local MP's office?

Mr JENNINGS (Special Minister of State) (12:06) — I thank Mr Purcell for his question, and I do thank him for recognising the value of this program that the government announced in the budget earlier this year, which has proved very popular.

Mr Leane interjected.

Mr JENNINGS — As Mr Leane has actually said, it is very popular. Indeed I am mindful that somewhere in the order of 420 000 Victorian households have accessed the site to make a claim for their $50 reimbursement for this, so in fact it has been widely used and has created a great opportunity for people across Victoria in relation to checking out energy prices. Not only do they get the $50 bonus but seven out of 10 of those people who have visited the website have been able to find a better deal for themselves in relation to energy use, leading them to have a savings on average of about $330 a year. So it is well worth

your while, because in fact there is potential for you to get the $50 by just going to the website and you are likely to get information that is likely to save you $330 a year just by exploring your options in relation to a better energy deal. That has been very popular.

I do understand that Mr Purcell is concerned for people who do not have internet access or a computer at home, and that is at the heart of his question, and the government has to be mindful of that in terms of trying to make sure that we grow that program even further. So in the first instance I am aware that a number of his constituents and other people in communities across the state could access their library, they could access their local neighbourhood house or they may have friends or family who may be able to assist them in this matter. But the government, whilst we can rely on people being a little bit creative about that or being able to access either their neighbourhood house or their library, may have some additional work that we need to do to try to have an outreach program to encourage people about how they can exercise their opportunities.

I am certain my colleague the Minister for Energy, Environment and Climate Change will be very receptive to the need for outreach to actually achieve that outcome and to support your constituents or other constituents across Victoria in relation to getting access to this Victorian Energy Compare website and program but most importantly how they can empower themselves with the knowledge that the website gives you about changing your electricity plan and receiving a financial return to your household. We will take on notice from Mr Purcell's question the importance of trying to create that outreach opportunity.

Aboriginal child removal

Ms SPRINGLE (South Eastern Metropolitan) (12:09) — My question is for the Minister for Families and Children. Yesterday I stood on the steps of Parliament and listened to members of the stolen generation tell deeply saddening stories about the trauma of what they endured and the loneliness and abuse they suffered when, as innocent babies and children, they were stolen from their parents and put in orphanages and foster homes. It is outrageous that 21 years on from the *Bringing Them Home* report and 10 years on from the apology, Victoria is the only state in Australia that has not provided some kind of redress scheme to survivors of the stolen generation. My question for the minister is: will the Andrews government, after years of ignoring this incredibly important issue of justice, finally step up and provide compensation and restitution for Victorian members of the stolen generation and their families?

Ms MIKAKOS (Minister for Families and Children) (12:10) — I thank Ms Springle for her question. Of course the matter that she has raised is in fact a matter for Minister Hutchins as the Minister for Aboriginal Affairs. Nevertheless, I do want to acknowledge that the impact of past policies and practices — the forcible removal of Aboriginal children from their family, land, language and culture — is a very profound one, and the Andrews Labor government acknowledges that members of the stolen generations have in fact been profoundly impacted by these practices.

In its 2002 response to the *Bringing Them Home* report the then Bracks government supported a nationally coordinated stolen generations redress scheme in line with the report's recommendations, and our government supports this approach. I note that the federal opposition has in fact said it will implement a national redress scheme if elected, and we certainly look forward to working with it on this issue. I also point out that in the budget this year our government has provided $2.6 million over four years to support the work of the Koorie Heritage Trust and the Koorie Family History Service, which helps Aboriginal people, including members of the stolen generations, trace their family history.

Just recently Minister Hutchins announced funding of $975 000 for Connecting Home Ltd to deliver a range of services for stolen generations survivors. This funding increase will enable Connecting Home Ltd to deliver case management services, family reunion and counselling services and coordination of support groups.

Our government is committed to self-determination as the guiding principle in Aboriginal affairs, and as a government we will continue to listen to and be guided by the Victorian Aboriginal community on this important issue.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:12) — I thank the minister for her answer. At the time of the apology the Rudd government said that members of the stolen generation should subject themselves to the substantial trauma of a time-consuming court case in order to get compensation. From your answer to the substantive question I am wondering where the Andrews government sits with that in terms of support for a national redress scheme over and above court action as a response.

Ms MIKAKOS (Minister for Families and Children) (12:12) — As the member would be well aware in relation to the redress scheme that our government has signed up to for those who have experienced institutional child abuse, that is in fact designed to exactly address the concern the member has raised — that is, avoiding people having to go through a lengthy court process. As I indicated in my answer to the substantive question, the Bracks government in response to the *Bringing Them Home* report supported a nationally coordinated stolen generations redress scheme in line with the report's recommendation. As I indicated, our government supports this approach, and we look forward to working with a Shorten Labor government to implement it.

Crown Casino

Dr RATNAM (Northern Metropolitan) (12:13) — My question is for the minister representing the Minister for Consumer Affairs, Gaming and Liquor Regulation. It was reported over the weekend that Crown Casino and possibly others in the gambling industry are applying for licences for so-called skills-based gaming machines. Apparently Crown and others are looking for new ways to get people hooked on gambling and are turning their sights on the new generation of young people who find computer games more interesting than repeatedly pressing a button, although we have discovered that you do not even have to do that at Crown. Can the government confirm, as was reported, that the Victorian Commission for Gambling and Liquor Regulation is working secretly with Crown to trial the new video-game-style gambling machines at Crown Casino in Melbourne?

Mr DALIDAKIS (Minister for Trade and Investment) (12:14) — I thank Dr Ratnam for her question. I do not agree with the premise that somehow this is some kind of secret collusion between the state government and Crown, nor do I accept the premise of her question that somehow Crown is engaged in some behaviour that is contrary to the legislation under which it operates. Nonetheless, I will accept the question on behalf of the minister in the other place and seek a response within the allocated time line under standing orders.

Supplementary question

Dr RATNAM (Northern Metropolitan) (12:15) — Minister, given what we know about gambling and the harm and destruction it causes our community, what we know about the gambling industry and its predatory nature and what we know about video games and their addictive qualities too, will the government finally stand up to Crown Casino, stand up for the community and particularly stand up for young people who will be targeted and rule out any introduction of these so-called skills-based gaming machines in Victoria?

Mr DALIDAKIS (Minister for Trade and Investment) (12:15) — I thank Dr Ratnam for her further supplementary question. Again, it gives me no pleasure to refuse to accept the premise of her question. She has attacked gamers; she has attacked people who choose to undertake legally provided opportunities to gamble in the state of Victoria. I appreciate and understand that there are people with addictive natures and personalities out there. It is not left alone to gaming of course. People can suffer from substance abuse and a range of issues that we as a government need to support and provide assistance to to ensure that they do not suffer in an egregious way. That does not necessarily lend itself to the construct of Dr Ratnam's question, but again I will ask the minister in the other place to respond accordingly.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:16) — My question is to the Leader of the Government. The Secretary of the Department of Premier and Cabinet (DPC) wrote to the Leader of the Opposition advising that he was required to ignore constitutional conventions regarding the documents of a former government because, and I quote:

> I was directed by the Premier in accordance with my employment contract to produce to him all relevant documents.

Did the secretary of DPC express any concerns regarding the documents being produced in contravention of the constitutional conventions?

Mr JENNINGS (Special Minister of State) (12:17) — I thank Mr Rich-Phillips for his question and for his potential concern in relation to this matter. The Secretary of the Department of Premier and Cabinet did discuss this matter with me. He acknowledged his obligation under the Public Administration Act 2004 in relation to a direction being issued to him by the Premier as part of his responsibilities. He did not take that opportunity to express a view about the appropriateness of the particular information that was distributed. We did discuss the nature of the release of information in circumstances involving the usual recourse that was available under circumstances where a Parliament had asked for documentation from a previous administration. It had involved a release being provided by the leader of the party who then would be in opposition.

So in the circumstances that I have just described, earlier this term the Secretary of the Department of Premier and Cabinet — the head of the public service — when asked by the Legislative Assembly for the release of documents and indeed in circumstances where this chamber had asked for a release of documentation that related to the previous administration, wrote to the Leader of the Opposition, Mr Guy, who not only refused access to the information but indicated that he thought the request was impertinent and inappropriate. In those circumstances the secretary recognised the futility of embarking upon that course again and acted in accordance with the direction that was provided by the Premier.

If the Leader of the Opposition has the slightest interest in the appropriateness or inappropriateness of the release of information that relates to this term of office or the previous term of office, I think it would have been wise for him to express a view and to recognise his obligations or his responsibilities in relation to information. He missed that opportunity. I think he may regret that he missed the opportunity to recognise his role in the release of information that you sought of me and then punished me for not releasing, when the Leader of the Opposition could have released that information and chose not to.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:20) — I thank the minister for his answer, but I note the minister did not mention the fact that on a third occasion where the Secretary of the Department of Premier and Cabinet sought the approval of Mr Guy to release documents of the previous government that approval was given. So there is a precedent, as was reflected in the letter from the Attorney-General to the Clerk in response to a previous documents motion. So there have been instances where both outcomes have been the consequence of a letter from the Secretary of the Department of Premier and Cabinet to the Leader of the Opposition.

In this instance the letter from Mr Eccles to Mr Guy very clearly indicates that he was acting under the direction of the Premier, and that was the reason he sidestepped the constitutional conventions. Given that the nature of your conversation with Mr Eccles related to his obligations under the code, what are the ramifications for the secretary of DPC in not complying with the Premier's direction given that appears to be the basis on which he has avoided the constitutional conventions?

Honourable members interjecting.

Mr JENNINGS (Special Minister of State) (12:21) — Look, it is not a bad question. Just because I do not accept the premise of it does not mean it is a bad question. The issue is, as I did indicate in my substantive answer, that the secretary of the department did act in accordance with the direction, and that was the action he took in relation to that. I gave additional context in relation to the history of certain matters, and Mr Rich-Phillips has responded by talking about other aspects of the history of these matters that did not immediately come to my mind.

Honourable members interjecting.

The PRESIDENT — Thank you!

Mr JENNINGS — But in fact I do not revert or backtrack from the confirmation that the secretary acted in accordance with the direction. That was made very clear to the Leader of the Opposition, and it was made very clear to the Leader of the Opposition months ago. The Leader of the Opposition took no action in accordance with what was actually telegraphed to him many months ago.

Suburban Rail Loop

Mr DAVIS (Southern Metropolitan) (12:22) — My question is to the Special Minister of State. Minister, on 18 October 2017 you issued a media release that contained in part the statement that, and I quote:

> Infrastructure Victoria was established to take the politics out of infrastructure and give our state the long-term pipeline of projects we need. The 30-year infrastructure strategy was the result of a year-long consultation and research process.

Minister, why has the government once again sought to politicise infrastructure by announcing a Suburban Rail Loop proposal that is not part of Infrastructure Victoria's 30-year infrastructure strategy and that, frankly, would make the producers of *Utopia* blush?

Honourable members interjecting.

The PRESIDENT — Order! Thank you, Mr Davis. I had some trouble hearing that because of interjections. Please, from the top.

Mr DAVIS — My question is to the Special Minister of State. Minister, on 18 October 2017 you issued a media release that contained in part the statement that, and I quote:

> Infrastructure Victoria was established to take the politics out of infrastructure and give our state the long-term pipeline of projects we need. The 30-year infrastructure strategy was the result of a year-long consultation and research process.

Minister, why has the government once again sought to politicise infrastructure by announcing a Suburban Rail Loop proposal that is not part of Infrastructure Victoria's 30-year infrastructure strategy and that, frankly, might make the producers of *Utopia* blush?

Mr JENNINGS (Special Minister of State) (12:24) — In fact, funnily enough, with a very, very poor ending, it was not a bad question. Given the ambition and the intention of Infrastructure Victoria in terms of acquitting its responsibilities in terms of the 30-year strategy, it is a good question: why didn't this project appear in the 30-year strategy? Indeed when I met the head of Infrastructure Victoria in the days following the announcement of the Suburban Rail Loop I started off our meeting by volunteering that the best thing perhaps in relation to the response that had occurred in the last 24 hours had been that the Liberal Party had suggested that it should have been referred to Infrastructure Victoria, which is the first time they had ever given Infrastructure Victoria any credence.

In fact it was the first time that you relied on their advice, so I thought that that was a red-letter day. I thought that was a red-letter day, and I shared that in the circumstances. If you believe that Infrastructure Victoria has that standing and should have that standing in the future, then that is a red-letter day for Victoria, because at every turn up until that point in time you had not accepted the legitimacy of the establishment of Infrastructure Victoria and the quality of its advice. In fact you misinterpret or misrepresent its advice time and time again. In relation to the conversation that I had with Infrastructure Victoria —

Honourable members interjecting.

Mr JENNINGS — Funnily enough this is an interesting matter for the public to actually hear about — the connection between Infrastructure Victoria, their advice and the relationship with government — and funnily enough I am sharing it with you.

Honourable members interjecting.

The PRESIDENT — Thank you! Now, the minister I expect to listen to without this barrage of interjections. It is not on. This is a very serious issue and a serious question that is being posed by Mr Davis, and the minister is providing a response to it. I think all of the house is interested in that response, and I do not think that we need to have all that interjection on the matters that he is canvassing.

Mr JENNINGS — Thank you, President. What I was actually about to go on and volunteer is that in fact I talked through with Infrastructure Victoria why this project had been developed within government and why this had not been shared with them. I expressed some degree of disappointment that in fact they may have been blindsided by this project, given the quality of their work.

The reason why I expressed that to them, in fact in terms of the 30-year strategy, is that the brief they received in relation to their 30-year strategy was based upon the configuration of land use, the prevailing conditions in *Plan Melbourne*, other considerations about the existing infrastructure and the demand pressures, and whilst they had a very, very extensive brief, they worked for a year within those parameters. They had not appreciated or taken or afforded themselves the opportunity to actually have a look at what might be the nature of a public transport investment that changes the nature of the city. It will fundamentally change the nature of the city.

Not only is the value of this project to connect every radial train line — and in fact it has already been demonstrated through the considerations that there may actually be as many as 400 000 passengers that would use this line — to connect rail systems across the city, but it will create opportunities for precinct development; for linking our institutions, whether they be shopping centres or whether they be university sectors; and for providing access from the south-eastern suburbs to the airport or from the western suburbs to the airport. This is an opportunity which is beyond the aspiration and the parameters that Infrastructure Victoria believed that they were operating in. Now they will be very excited about this project.

Supplementary question

Mr DAVIS (Southern Metropolitan) (12:29) — A very weak response, but Minister, I therefore ask a very simple question: what age will you be when Victorians will travel from Cheltenham via the Suburban Rail Loop to Tullamarine in 45 minutes?

Mr JENNINGS (Special Minister of State) (12:30) — Thank you, Mr Davis. Some people look at me and they think that I am very old. In fact when you get to my stage of life and somebody that you are travelling with on a train who is older than you by about 20 years offers you a seat, you have a sense of your own mortality. That has occurred to me. That has actually happened in my life — I just want you to know — in Melbourne. I did not realise people were that polite, but apparently they are. They are polite, and they were concerned about my wellbeing.

But in this situation I look forward to a longevity that will enable me to complete that trip. I am optimistic that I will be able to complete that trip. In fact I think citizens across Victoria, regardless of how old they are, are pretty excited about the potential for this connection and for this once-in-a-generation, if not beyond, transformational project in Victoria.

Suburban Rail Loop

Ms WOOLDRIDGE (Eastern Metropolitan) (12:31) — My question is to the Leader of the Government. Minister, the Premier detailed that Development Victoria worked up the Suburban Rail Loop project. Why does the government consider it appropriate for public servants to work on Labor's election promises?

Mr JENNINGS (Special Minister of State) (12:31) — The construction that Ms Wooldridge has put on this question is completely wrong. This project has been identified by the government as a priority.

Ms Wooldridge interjected.

Mr JENNINGS — Ms Wooldridge, I think you actually said that in next year's budget there will be a budget allocation for the business case and the planning development in relation to this.

Ms Wooldridge — If you're re-elected.

Mr JENNINGS — Well, clearly, or we wouldn't be able to do next year's budget. In fact this is actually a fairly pathetic entry to the story. In relation to these matters, have a look —

Honourable members interjecting.

Mr JENNINGS — Do you believe that the federal government earlier this year agreed to support $5 billion of investment in the metropolitan link between the city and the airport? Do you believe that that occurred? How many dollars appear in the federal budget from May? How many dollars were allocated in the federal budget towards the $5 billion commitment to supporting the airport rail link in Melbourne? How much appeared in the forward estimates in the federal budget? Nothing like $5 billion. Nothing like $1 billion. It is something in the order of $180 million, from memory, for a $5 billion announcement by the federal government.

So what we are actually saying is that the government of Victoria is committed to this project to acquit a responsibility, to get the business case away and to do the planning away. When we were in opposition we announced a similar funding envelope to do the business case and the preparation for the work of the new metropolitan rail loop, the metro link. We announced that. In fact during the course of our first and second years in government we started allocating additional money for that project. That project is now away and is running one year ahead of its scheduled construction time frame.

So in terms of what is the history of announcements in the lead-up to an election, our ability to fund them in a budget and our ability to get those projects away, we have a track record. We announced 50 level crossing removals over two terms. We said we were going to do 20 in one term. We are going to do 29 by the end of this term. We have actually got the metro link rail loop away, where we only allocated $300 million in our election commitments to get that acquitted.

In terms of government agencies working on this matter, my answer to Ms Wooldridge regarding Development Victoria relates to my answer to Mr Davis in terms of the way in which the city will change comprehensively through the nature of precinct and civic development across the metropolitan landscape in relation to opportunities for economic activity, housing opportunities and linking institutions across the state — commercial, academic, business and housing opportunities. That is the reason why Development Victoria was the agency that looked at this matter. It brought together the policy mix of the reasons why this project will be transformational, because not only is it a public transport connection between every rail line in the metropolitan rail system — with the exception of Alamein; every other rail line — but it will change the nature of this city forever.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:35) — Minister, along with Development Victoria, the Premier also detailed that PwC worked on this election commitment, and there were clearly advertising agencies to do the promotional material. So I ask: what is the total cost to date to the taxpayer of external agencies engaged to work on the Suburban Rail Loop policy and to create and publish the promotional material?

Mr JENNINGS (Special Minister of State) (12:36) — I do not know the answer to that question, because in fact that is not part of my responsibility. However, I am happy to take some advice on that subject if I can ascertain it. But what I totally refute is that it is an election commitment as distinct from a government announcement.

North Richmond supervised injecting facility

Ms FITZHERBERT (Southern Metropolitan) (12:36) — My question is to the Minister for Families and Children, representing the Minister for Mental Health. Minister, the government's media release states that staff at the Richmond medically supervised injecting room have responded to 140 overdoses. Noting that clients may have had multiple overdoses since the centre has been operating, how many — in terms of unique individual clients — do those 140 overdoses relate to?

Ms MIKAKOS (Minister for Families and Children) (12:36) — I thank Ms Fitzherbert for her question. As she has indicated in her question, it is in fact a question that relates to Minister Foley's portfolio. What I can say to her is that the medically supervised injecting room in Richmond, which members will be aware opened on 30 June, is seeing positive early results. We know that every single death due to drugs is a terrible tragedy for the families and friends affected and for the wider community.

The advice that I have is that in the two months that the medically supervised injecting room has been operating over 140 overdoses have been safely managed by the medical team there. There have been more than 8000 visits, and this is 8000 instances of drug use that would have occurred in an unsupervised environment, with no medical assistance available. Those 140 overdoses that have been carefully managed would otherwise have resulted in people losing their lives and obviously family and friends being affected by the loss of their loved one.

In terms of the specific data that the member has asked about, obviously that is not information that I have available to me, but I can seek further advice from the responsible minister and provide further information to her if that information is in fact available.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:38) — Minister, noting that only a handful of clients have received drug counselling or rehab services since the centre began operating, as revealed on 3AW on Sunday, can you detail: of the unique clients identified in the substantive question who have had an overdose, how many are currently in drug rehab services, or is this pathway and service not tracked by the centre?

Ms MIKAKOS (Minister for Families and Children) (12:38) — Again, I thank the member for her supplementary question in relation to this matter. This is not information that I have readily at hand, but I will seek some further advice from the responsible minister and see if that is information that is able to be provided.

Child beauty pageants

Ms LOVELL (Northern Victoria) (12:39) — My question is for the Minister for Families and Children. Minister, in this house on 17 August 2011 in reference to child beauty pageants you said:

> We —
>
> Labor —
>
> believe it is necessary to regulate these types of … pageants.

You went on to say:

> It would be appropriate to see a code of conduct developed …

On 31 July 2011 you also told the ABC that competitive pageants for children should be regulated. You have now been the minister for almost four years — a full term — and I ask: given that in opposition you called for regulation and a code of conduct for child beauty pageants, why have you not acted to implement any regulation of child beauty pageants during your term as minister?

Ms MIKAKOS (Minister for Families and Children) (12:40) — I want to thank the member for her question. I think it is a demonstration of how the opposition is really scraping at the bottom of the barrel that they have sought to raise an issue that came to light in the first year that in fact Wendy Lovell was the responsible minister. I recall that at the time there was some community concern directly in response to some beauty pageants that had occurred at that time. I have not had advice that this is in fact a current issue, but if in fact there are such beauty pageants that are occurring at this time that are causing concern to the community and to parents then I would be happy to look at this issue further.

What I can say to the member is that I as minister over the past four years have been undertaking wide, sweeping reforms to keep children happy, healthy and safe, ensuring that we have had unprecedented investment in expanding our child protection workforce, funding and implementing the biggest ever expansion of our child protection workforce. We have seen significant reforms in our out-of-home care system. We have seen record investment in early

childhood education — something that the member actually failed to deliver during her time as minister.

Ms Lovell interjected.

Ms MIKAKOS — Ms Lovell, you delivered nothing in early childhood education. You were launching documents just a month out from the election I seem to recall. There was no substantive plan for reform. This is why early childhood educators are excited by my announcement with the Premier just this morning that we are going to ensure that every maternal child health nurse in Victoria gets trained in early detection of autism and make sure that we can support children and families across this state.

The other thing I announced today on Early Childhood Educators Day was that we are providing $8 million in scholarships for early childhood educators to upgrade their qualifications. We are doing a range of things to ensure that children are happy, healthy and safe in this state, and I am very proud of our record. Our record stands in huge contrast to your failure, Ms Lovell, and Ms Wooldridge's failures as the responsible ministers to actually put in place significant investment and significant reform in this space. In fact you even acknowledged as much last night during the committee stage of the Long Service Benefits Portability Bill 2018, when you acknowledged that I have done pretty well in delivering to the child and family services system —

Honourable members interjecting.

Ms MIKAKOS — absolutely — a 69 per cent increase in funding in child and family services compared to your time as minister, Ms Wooldridge.

Supplementary question

Ms LOVELL (Northern Victoria) (12:44) — Minister, clearly you have done nothing, yet in Shepparton today a competition based on beauty will be held for children up to the age of seven. The same company will hold 12 more competitions throughout Victoria before the end of October, and a Follow Your Dreams pageant was held in Victoria on 27 May this year. Also, an article from the *Sydney Morning Herald* which talked about pageants claimed that pageants held in Victoria are not advertised to the public, nor can you find details on the internet. Minister, clearly you have dropped the ball and are oblivious of the fact that pageants and beauty contests are still occurring under your watch. I ask: what actions have you taken to ensure all people involved in both advertised and clandestine pageants comply with Victoria's working with children laws?

Ms MIKAKOS (Minister for Families and Children) (12:45) — First of all, the working with children checks actually sit with the Attorney-General, not with me, but the point that I would make to the member is that if she actually looked at the context in which these issues came to light in 2011, they were actually in the context of pageants that were portraying very young children in a sexualised way. It was not about beauty pageants per se; it was about very young children being portrayed in a particular manner. I am very happy to have a look at the example that the member has referred to, but she certainly has not suggested that that is the case in relation to this particular instance. The member needs to be very clear when she is coming in here and raising this that she is not seeking to misrepresent what I actually did say seven years ago.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:46) — There are four written responses to questions on notice: 12 742, 12 754–5, 12 767.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:46) — Order! In respect of today's questions, Mr Young's questions on environmental matters, the substantive and supplementary questions, were to a minister in another place, so I seek a written response in two days; Ms Springle's question to Ms Mikakos, the substantive question, two days; Dr Ratnam's questions to Mr Dalidakis, both the substantive and supplementary questions, two days; Mr Rich-Phillips's question to Mr Jennings, just the supplementary question, one day; Ms Wooldridge's question to Mr Jennings, the supplementary question, two days; and Ms Fitzherbert's questions to Ms Mikakos, the substantive and supplementary questions, two days.

CONSTITUENCY QUESTIONS

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:47) — My question is to the Minister for Agriculture. Farmers in East Gippsland and parts of central Gippsland are suffering from chronic drought conditions and are struggling to feed their stock and keep their breeding stock in good condition. Supporting our farmers certainly requires a multi-agency, multigovernment

approach. My colleague the Honourable Tim Bull in the Assembly recently raised the need to expedite permits to control on-farm wildlife. I am hearing that the farm household allowance (FHA) scheme and interest-free loan applications are taking up to 6 hours to complete. I have raised the issue —

Honourable members interjecting.

The PRESIDENT — Order! There is way too much hubbub, and I cannot hear Ms Bath. If there are conversations to be had, please take them outside the chamber. Ms Bath, you must start again because, frankly, I did not hear any of it.

Ms BATH — My constituency question is to the Minister for Agriculture. Farmers in East Gippsland and parts of central Gippsland are suffering chronic drought conditions and are struggling to feed their stock and keep their breeding stock in good condition. Supporting our farmers requires a multi-agency and multigovernment approach. My colleague the Honourable Tim Bull in the Assembly has recently raised the need to expedite permits to control on-farm wildlife. I am hearing that the farm household allowance scheme and interest-free loan applications are taking up to 6 hours to complete. I have raised the issue with my local federal minister, and I ask that on behalf of my constituents the Minister for Agriculture contact her federal counterpart and raise the urgency of faster processing of FHA and interest-free loan applications and offer any state government assistance possible.

Northern Victoria Region

Mr GEPP (Northern Victoria) (12:49) — My constituency question is to the Honourable Martin Foley, the Minister for Mental Health in the other place, and it is about the expansion of the hospital outreach post-suicidal engagement (HOPE) initiative. In August this year the minister announced that the HOPE program will be rolled out to six new hospitals and health service sites, including Bendigo Health, which will extend to Mildura. The initiative provides practical support and follow-up for people leaving hospital after a suicide attempt. Assertive outreach workers also work with families, friends and carers so they can better support their loved ones during this critical time. More than 500 people have been assessed and supported through this great initiative so far. Some $18.7 million has been allocated in the 2018–19 budget to expand the program to new sites.

I have been asked about the progress of this roll-out. Can the minister inform my constituents about how it is progressing and what it will mean particularly for my constituents in Mildura?

An honourable member interjected.

The PRESIDENT — I know it was, and I am not sure it should have been, frankly, because essentially what you have now asked about is new sites, and then you have tied it back to what it means for people in Mildura, who already have the program. The issue that you are raising in your constituency question is actually about new sites and really ought to be targeted at somewhere else that was a new site rather than a program that is already running.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:50) — My constituency question is for the Minister for Roads and Road Safety, and it is in relation to correspondence between the North East Link Authority (NELA) and the Resolve Rosanna Road community group. After some time that group did receive a response from NELA; however, they highlight concerns in relation to the current safety improvement works on Rosanna Road being considered a 'complementary project' to the north-east link. The works on Rosanna Road were approved and funded before the north-east link even started looking at pedestrian and bike links. Resolve Rosanna Road worked hard to get these works, and now they have been labelled as a north-east link improvement project. The group highlight that they are very disappointed with the response, which fails to respond to their issues. My question is: will the minister bring NELA into line and insist they respond to the issues identified by Resolve Rosanna Road in a timely manner?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:51) — My constituency question is for the Minister for Planning, and it is in relation to the highly controversial attempt by developers and ISPT to rezone Kingswood golf course. Currently over 7000 objections have been received from the local Dingley Village community in which I live. All local members of Parliament, including the federal member for Isaacs, Mr Dreyfus, and Mr Pakula, who do not live in their electorates, object to this proposal and are standing shoulder to shoulder with the local community. The proponents and the Labor-dominated council are now looking to see whether they can defer the consideration until after the election to bury it during caretaker mode. I ask the minister whether he will make sure that it is actually brought forward so the decision is made within a prompt time frame?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (12:52) — My question is for the Minister for Public Transport. The 792 bus route from Cranbourne station to Pearcedale runs through the Settlers Run Golf & Country Club estate on a narrow, winding road with multiple blind spots. The road is shared with golf carts, presenting additional safety risks. Whether or not golf carts can travel on the footpath instead of the road is completely unclear. Locals have received conflicting advice from VicRoads and Victoria Police on whether it is legal. On top of all of this the golf course is home to the endangered southern brown bandicoot, and there are two wildlife crossing corridors on the bus route. Local residents have proposed alternative routes for the 792 bus that would alleviate these problems. Minister, will you investigate the safety concerns and propose alternative options for this section of the 792 bus route, and in doing so address the safety and environmental concerns of local residents?

The PRESIDENT — I might just mention that Mr Gepp has given me the courtesy of showing me the item that he raised in his constituency question. It was in regard to an announced but yet-to-be-established program extending to Mildura. In that context the constituency question was in order and it will be advanced.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (12:54) — My matter in this constituency question section today relates to the activities of the Level Crossing Removal Authority (LXRA) with respect to the Mentone and other important level crossing removals that are occurring in the City of Kingston — in Cheltenham in particular. The council has advanced a proposal to see better connectivity, with parkland, more car parking and a better urban design framework around the level crossing removal, which is generally supported by people and the community, including many in the business community in that area. I ask: will the minister and the LXRA comply with the Kingston council proposals, or will the minister ride roughshod over the council and community, as she and the LXRA have on so many of these level crossing removals?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:55) — My constituency question is directed to the Premier, and it relates to a matter that he has very kindly addressed for me in the past but one that I am seeking new and further information on. It relates to car parking in Ballarat. We know that Labor made a commitment to have over 4000 free car parking spaces in the Ballarat CBD; however, I remain concerned —

Ms Pulford — That's actually not true. You know that's a lie.

Mr MORRIS — No, it is on Development Victoria's website. You can read it for yourself. I will send it to you, if you like.

What I am concerned about is that we may see that this commitment that the government gave could potentially be broken and these 4000 car parks that the government said were going to be free may indeed become paid car parks within the Ballarat CBD, which is causing great concern in the community. The question I ask of the Premier is: will the Premier reaffirm his commitment to have these 4000 free car parks?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:56) — My constituency question is to the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio. It is on behalf of a constituent in Geelong and it is in regard to the solar homes scheme, which was announced by the government in August. My constituent's concern is in relation to those who live in rented properties. She believes they are excluded from any energy savings. My question to the minister is: has the government given consideration to providing a similar scheme to investors so renters can benefit from the lower energy costs?

The PRESIDENT — Thank you. It is not a constituency question. It is a broad issue for the state. It is a matter of state policy. The fact that you happen to mention a resident in your electorate does not make it a constituency question.

Mr Ramsay — Do you want me to name a name?

The PRESIDENT — No, I want you to be specific to the electorate. It is a policy question that you have raised.

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:57) — My constituency question is to the Premier. On 24 July this year I raised on the adjournment the issue of gangs in Melbourne's west. I invited the Premier to join me to meet victims of gang violence in Truganina, Tarneit, Point Cook and Werribee, although I could have easily added Caroline Springs and Taylors Hill. In his

response not only did the Premier ignore my invitation; he failed to even mention the word 'gangs'. It is like the bad old days when Christine Nixon refused to utter what she called 'the g-word'. The Premier's ongoing refusal to as much as acknowledge the gang problem is a massive slap in the face to victims and residents in the western suburbs generally. What will it take for the Premier to accept Melbourne's west has a major problem with gang violence and for him to actually do something to fix it?

The PRESIDENT — Thank you. That is also not a constituency question. These matters are better as adjournment items. It is not a constituency question.

Mr Finn — How do you work that out?

The PRESIDENT — When is he going to do something? When will he admit something? That is not a constituency question.

Mr Finn — On a point of order, President, I have raised an issue here which is a significant issue in the western suburbs of Melbourne, which is gang violence. If you would like to come with me, I will introduce you to victims in the suburbs that I have mentioned in the western suburbs of Melbourne. If this is not a constituency matter, I am not sure what a constituency matter is. This is talking about gang violence in the west of Melbourne. I represent the west of Melbourne. That is clearly, in my view, a constituency matter.

The PRESIDENT — As with Mr Ramsay's question, you raised an issue. The issue is relevant, but your question was not a constituency question. It did not go to a point of seeking a response to that issue in a way that really addressed that issue. It was a question about: when will the Premier admit that there is a problem and do something about it? That is not related back to a constituency matter. It would be better in terms of that to be an adjournment item. I am happy to come with you to the western suburbs. I go there frequently myself. I actually meet with some of the African community there, and I am also aware of their concerns about these issues.

Northern Victoria Region

Ms LOVELL (Northern Victoria) (13:00) — My question is for the Minister for Public Transport. I recently called on the minister to ensure general —

Mr Finn interjected.

The PRESIDENT (13:00) — Order! Mr Finn, 30 minutes for reflecting on the Chair in a way that really is just not acceptable. I have issued guidelines on constituency questions. Maybe members might read them.

Mr Finn withdrew from chamber.

Ms LOVELL — My question is for the Minister for Public Transport. I recently called on the minister to ensure general maintenance and cleaning is carried out on train carriages on the Shepparton line while they are idle during track upgrades. A Facebook post by one of my constituents on 22 August confirmed the disgusting condition of our trains. It reads:

> Shepp train. Dirty, smelly carriage D. Toilet not working in carriage C. Let conductor know about D. Said he'll pass it on … to who I wonder. Been on about 10 trains in the last 2 days and this is the grossest, smelliest trip yet. Just a dust and a vac would make a world of difference but obviously the Shepp line mustn't even have enough funding for a cleaner. Cheaper than driving, but really off-putting. What is that white stuff everywhere? Eeewww!

Will the minister give a commitment that the currently idle train carriages on the Shepparton line will receive a thorough cleaning and general maintenance will be carried out to improve the experience of Shepparton rail passengers travelling to and from Melbourne?

The PRESIDENT — I am happy that is a constituency question, but isn't this a repeat of something you said the other day?

Ms Lovell — It is a different constituent raising an issue similar to one I raised the other day, yes.

The PRESIDENT — It is exactly the same question.

Ms Lovell — It is still a different constituent.

The PRESIDENT — I will let that stand, but again you have just come up and said, 'Oh, well, another constituent has come to me'. The question has already been put to the minister, and we do not need to have a repetition.

Sitting suspended 1.02 p.m. until 2.03 p.m.

GOVERNMENT PERFORMANCE

Debate resumed.

Mr GEPP (Northern Victoria) (14:03) — I am trying to remember exactly where I was. I want to talk about a couple of issues. As I said prior to lunch, I will not be covering all 17 issues in Ms Wooldridge's motion; I will leave some of the fun to others.

Mr Ramsay interjected.

Mr GEPP — On cue. Every time I get to my feet it takes Mr Ramsay 6 seconds, and true to form — I do not know what I am going to do next term when he is not here, but I am sure somebody else will take up the mantle. I wish you all the best in your new endeavours, Mr Ramsay, whatever they are. Can I perhaps suggest you go to Canberra. Your mates up there could use a hand. They are in dreadful strife. But I digress from the motion.

I want to talk a little bit about education, but before I do I will come to some planning protections.

Mr Leane interjected.

Mr GEPP — Largely an uncontroversial area, I would have thought, Mr Leane, in most instances, but it is not necessarily the case. What I can advise the house is of course that under the Andrews Labor government we have not watered down planning protections. In fact we have done the opposite, and we have strengthened them. We now have far more protections for the community in terms of better central city controls, ensuring that there are not forests of high-rise towers cheek to cheek but appropriate setbacks et cetera between buildings and better interaction for people at street level. Of course we have improved apartment design standards to ensure families live in great spaces with enough light, good ventilation and storage.

Again, you have got to contrast that with what might perhaps have occurred previously. We know, for example, that people were living in dogboxes with tiny rooms and no windows. That was the sort of apartment living that was approved under those opposite when the current Leader of the Opposition was the planning minister. We on the other hand have moved to provide greener spaces in established suburbs through our residential zone changes and ensuring that houses cannot be built to the very edge of blocks. We think that on balance we have treated all suburbs much more fairly and that planning controls do not depend on your postcode. That is very, very important.

Of course those opposite when they were in office were perhaps not as diligent with their work. When the current Leader of the Opposition, the former planning minister, had his hands on the controls he of course rezoned land overnight so that his developer mates could make a quick buck, without any planning for schools, for hospitals or for community facilities.

Mr Davis interjected.

Mr GEPP — I thought, Acting President, that one had to be in one's place rather than just meandering around the chamber taking cheap shots, but as we know, for those opposite convention in this place is not something that particularly bothers them.

Mr Davis interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Gepp, before you continue, Mr Davis, as you know, it is disorderly to interject and certainly even more disorderly to interject when you are not in your place.

Mr GEPP — One would not mind if they were decent interjections.

This government is doing proper planning for the future so that people have a choice of where to live and the array of circumstances that surround their environment.

Mr O'Sullivan asked me on many occasions prior to the lunch break about what we have done for farmers and regional communities et cetera. I hope he has got his notepad and his popcorn. He should sit there and take copious notes — not wait for *Hansard* but take copious notes — so that he copies down some of these policies and hopefully encourages his party, the National Party, to adopt these positions and indeed do something positive for the communities that the National Party say that they represent. We on this side of the house know that Victoria's regions power our state, furnish our homes and feed our families. Supporting local businesses, workers and students is the path to prosperity and the key to our future. Regional and rural communities matter. Over the last four budgets our government has invested $13.6 billion in rural and regional Victoria.

Again, what I have been at pains to do through this contribution is contrast what we have done in the past four years with what those opposite did when they were in power in the four-year period between 2010 and 2014. When you look at what they did in terms of their investment for rural and regional Victoria, this government has almost doubled their investment: $13.6 billion worth of investment from this side and $7.2 billion in the previous four years from those opposite. Our regions deserve the support of a government that works hard to encourage growth and create jobs. It beggars belief that they are the people who go out there every day and say, 'We're the party for regional Victoria; we're the ones', and when they have the opportunity all they do is implement cuts. They do not actually invest; they abandon regional Victoria.

Under the Minister for Regional Development, Ms Pulford, we have established new regional partnerships, with representatives from community,

business and government to represent each area. Thousands of people are coming along on a regular basis talking to government about the priorities of their regions and the projects and issues that matter to them and working proactively with the government. Ministers turn up, staff turn up, departmental officers turn up and local members of Parliament turn up. They engage with the local community, engage with local business, engage with local industry and directly tackle the issues that matter to that local community. They have been a roaring success. Our very, very simple but very strong message in putting that program in place is that local communities are best placed to determine their priorities and best placed to advise government on how to deal with them.

More than ever before our government is working for regional communities — not for those with the loudest voices, because we all know that those with the loudest voices can attempt to drown out those that have not got a voice, but closely with the families, workers and communities that are at the heart and soul of regional Victoria.

What do the Liberals and The Nationals have? What did we have to deal with a few months ago? We have got this regional partnership plan that we put in place some years ago and it is working very well. All they want to do is have a cabinet meeting somewhere in Shepparton on 12 June 2019. That is their plan. On 12 June 2019 let us have a regional cabinet —

Mr Ramsay interjected.

Mr GEPP — The whole Parliament? Oh my goodness, it gets worse. Goodness me, I am sorry for short-changing you. As we discovered during that debate, the modus operandi behind that particular proposition was just about photo opportunities. We are not interested in those things. What we are interested in is working every day with regional communities, identifying the issues that are important to them and that are priorities to the local communities and working out the best ways for us to deal with those issues.

What we also know from regional Victoria is that regional Victorians want services that they can rely upon. Again, that is what we are doing. But what is the legacy of those opposite? Again, it is important that we contrast. What did they do when they had the opportunity? Well, we know that between 2010 and 2014 they imposed cuts to hospitals, they sacked public servants, they closed regional offices —

Ms Symes interjected.

Mr GEPP — and they imposed cuts to V/Line. Thank you, Ms Symes, absolutely. They closed country schools, and we could be here for a month of Sundays if we wanted to talk about their action on TAFEs. They decimated the TAFE sector, particularly in regional Victoria. They took a meat axe to it and then the very next day, after they got tossed out of office, they wanted to stand up and talk about job creation. How do we create jobs? Well, you do not do it by denying young people in regional and rural Victoria the opportunity to develop their skills and training through the TAFE sector. What you do is you invest heavily in that sector and you work with the local industry on the jobs and skills needs moving forward. You tailor your course provisions to those jobs and skills, ensuring that the training young people are doing in the TAFE sector in regional and rural Victoria means that when they come out of it they have a job, they stay in the local region and they build that local regional economy. We are very proud of the work we have done in that space.

We are also very, very proud of the $941 million — and they will not like this, because they like to go out there and perpetuate the myth that there is no money being spent on roads — in the budget for better regional roads across the state. It is important that we actually itemise a few of those things: $333 million for regional road restoration; $26 million for road upgrades in regional Victoria; $229 million for continuing Towards Zero, providing safety upgrades to our regional road network; $100 million for grants to rural councils to undertake local road remediation projects; $17.4 million to establish Regional Roads Victoria; and $308.8 million to create, as I said earlier in terms of TAFE, an additional 30 000 training places. We have pumped in $188.7 million for regional rail infrastructure and new regional trains, $180.8 million to build or upgrade 60 regional schools and it goes on and on and on and on.

To answer your question from before lunch, Mr O'Sullivan, if you discount all of those things, you are right that we are not doing anything. If you actually forget about all of those things — the $13.6 billion that we are spending on investing in regional and rural Victoria — you are right. You are spot-on in terms of your analysis.

I will not use up the remaining time. I think there is plenty left to be said by my colleagues. But as I began my contribution I talked about Wednesday normally being a wasted day because it is the day when we come in here and we hear motion after motion —

Ms Dunn — That's a bit harsh, Mr Gepp. You make a very valuable contribution.

Mr GEPP — No, I am talking about those opposite, Ms Dunn. I am not talking about you. Heaven forbid! I would never talk about the Greens in that fashion.

Mr O'Sullivan interjected.

Mr GEPP — Yes, we saw the coalition and the interaction between the Liberal and National parties. That was great work last week, Mr O'Sullivan. Didn't that go a treat? Didn't that just work a treat?

Mr Ramsay — I thought you were finishing.

Mr GEPP — I am inspired to keep going now. I have got a few more things that have just popped in.

Mr Ramsay — You talked about nothing for 55 minutes.

Mr GEPP — You might think it is nothing, Mr Ramsay, but when you are talking about $13.6 billion of investment in regional Victoria as just one of the very small things that the Andrews government has done —

Mr Ramsay interjected.

Mr GEPP — Others will talk about the level crossing program.

Ms Symes interjected.

Mr GEPP — How many?

Ms Symes — 39 700 new jobs in regional Victoria.

Mr GEPP — Wow, 39 700 jobs and an unemployment rate in regional Victoria that has a 4 in front of it. That is something that those opposite can only dream about. You cannot conjure the policies that will even go remotely close to an unemployment rate such as that. When you left office and we inherited the mess that you left behind the unemployment rate was 6.7 per cent with a bullet. It was going up, and there was nothing in the pipeline to slow it down or indeed reverse that trend.

Whilst you might think it has been 55 minutes of nothing, I am confident the Victorian people will judge this government very much differently to the way that you have judged us. I am confident that our record will prove to the Victorian people that we do not just talk about things but actually get things done. This is the most progressive government in the history of this state. When we say we are going to attack infrastructure, when we say that we are going to outline a plan for all Victorians in our first 100 days, we get on with it and we have delivered it. We have delivered it in spades again and again and again. We are the engine room of this nation's economy. We are growing jobs at a faster rate than anywhere else in this country. We have created more full-time jobs in our term of office than any other state in this country. We are very, very proud of our track record. We have a good story to tell. We have got an even better one to tell moving forward. We do dream big in terms of what is on offer for this state. We do have big, ambitious plans, there is no question about that. We are unashamed in our —

Mr Davis interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Davis!

Mr GEPP — We have big plans for this state, big ambitions, and we are very confident that the Victorian people will see —

Mr Davis interjected.

Mr GEPP — On a point of order, Acting President, I draw to your attention that the member has been warned on two occasions, and anyone else would have been punished.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Gepp. I do remind Mr Davis once again, for the third time now, that interjections are disorderly, and they are even more disorderly when he is not in his place.

Mr GEPP — Everyone knows he has been here longer than the furniture, and he should know better. Perhaps he should take Mr Ramsay's lead and move on.

We are very, very proud of our record. We have got a great story to tell about what we have done. We have got a great story to tell about what we are proposing to do. We are not about coming up with half-baked policies like those opposite. Those opposite are all about getting into the next photograph — seeing the next photo opportunity. We are talking about real policies for real people to keep this great state moving. I do not support the proposition from Ms Wooldridge. I think it is misguided, ill-informed and completely and utterly inaccurate.

Debate adjourned on motion of Mr RAMSAY (Western Victoria).

Debate adjourned until later this day.

FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2018

Second reading

Debate resumed from 22 August; motion of Ms DUNN (Eastern Metropolitan).

Mr LEANE (Eastern Metropolitan) (14:21) — I am very pleased to be able to speak on Ms Dunn's bill, the Forests (Wood Pulp Agreement) Repeal Bill 2018. Because of the lack of work that may have been done in forming this bill, as far as there being a transition from the industries that will be affected by this bill being passed —

Mr Davis — Do you know what you're talking about?

Mr Gepp — On a point of order, Acting President, this is the fourth time in 25 minutes; the member keeps flouting your ruling. There is a reason for standing orders in this place. You have spoken to him on three previous occasions, and he continues to flout your ruling. I am not sure why he is still here.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Gepp. You are quite correct. Mr Davis, please, if you are going to interject, from your place. Mr Gepp, as you well know, I do not have the power to suspend anybody from this house. I ask Mr Leane to continue.

Mr LEANE — No, that is all right. I think Mr Davis just needs to externalise every one of his thoughts, unlike most other people. Maybe he can get some help with that; I do not know.

With Ms Dunn's private members bill, I understand where Ms Dunn's aspirations are coming from. Unfortunately I think that there needs to be a lot of work done on how certain industries and certain workforces would transition over a period of time before the government might be in a position to be able to support a bill like this, as put forward by Ms Dunn. In saying that about not being in a position to support this bill I might be giving Ms Dunn exactly what she wants: a political point of difference shortly before going into an election period. As a government representative speaking on this bill I might not be able to say the government will be supporting the bill, but on behalf of the Labor government I think I can say we could be delivering Ms Dunn something that she might be after anyway, so I congratulate her on that.

I probably would not be doing Ms Dunn a favour in saying that I personally respect her passion and her commitment. I am probably not helping Ms Dunn politically in this way, but having been on committees with her and having worked closely with her in Eastern Metropolitan Region I would never question her commitment to and her belief in what she strives for and what she tries to achieve. As I stated, with this particular bill we have concerns that there are industries that are actually reliant on forestry offcuts, particularly Australian Paper, which is one of the biggest employers in the Latrobe Valley, and the Latrobe Valley is an area where employment is a concern to everyone who lives and works in that particular region. As I said, we need to be doing a lot of work as far as what can be transitioned and what can be done into the future before a bill like this, without any safeguards and without any work done in that area, can be supported.

As a Labor government we are not shy and we are not backwards in saying that we are happy with the record that we have set for the environment this term.

Honourable members interjecting.

Mr LEANE — One of the things that we have implemented — and people can find this amusing — is we actually banned fracking in the state. I know that for some people you can never do enough, but we are a government that actually —

Honourable members interjecting.

Mr LEANE — No, I am actually saying that we are proud of our environmental achievements as a government in this term. I am happy if people find that amusing. As I said, we are a government that actually banned fracking against a lot of resistance from a lot of quarters, and it is something that we are actually proud we have achieved.

Mr O'Sullivan interjected.

Mr LEANE — They were granted, and then they were taken away. It has been banned. The other thing that this government did was boot the cows out of the High Country, out of the national park, which I know was a big thing close to the heart of the two squatters that are interjecting now. I know that was close to your heart, but we actually did that. We legislated to establish the Canadian Regional Park, as it was known, in Ballarat. That is something that we are proud of.

Mr O'Sullivan — What's that got to do with pulp?

Mr LEANE — If you are listening to my contribution, Mr O'Sullivan, what I am saying is in response to Ms Dunn's private members bill. In opposing this bill at this stage, as I said, I do not think

we are completely disappointing the Greens political party, because the way they framed the bill put the government in a position where it was nearly impossible for it to support it. So congratulations. All is fair in politics. Good for you.

Ms Dunn interjected.

Mr LEANE — None of the old parties are divorced from playing politics, and the Greens party has been around a long time, so good for you. As I said, I do not know if I am completely disappointing the Greens party MLCs at this point in time.

Mr Ramsay interjected.

Mr LEANE — I am responding to their interjections. I want to keep going on about our government's great environmental credentials, because there is quite a bit to go through. Our achievements include, as I mentioned, banning fracking — we do not get much credit for that; establishing the Canadian Regional National Park as the Woowookarung Regional Park — we do not get much credit for that, but I think that was a pretty good thing for us to be able to do as far as environmental concerns go; the new marine and coastal act; the reforms to the Flora and Fauna Guarantee Act 1988; investment in the biodiversity plan —

Mr Ramsay — What has this got to do with the bill?

Mr LEANE — Mr Ramsay, I am not too sure if you have actually been listening, but I am saying that the government is quite proud of its environmental record in this term. We have built on a long record of the Labor Party implementing national parks and a number of environmental initiatives that have been good for the environmental health of this state.

Ms Pennicuik — Just not with regard to the forests.

Mr LEANE — In taking up the interjection, I actually think that we have taken forestry in Victoria very seriously.

Ms Dunn interjected.

Mr LEANE — I think that is a —

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Leane, just before you continue, I am concerned at the number of interjections that are occurring. I would not want you to be inviting interjections at any point, nor responding, because they are quite disorderly and you can encourage others. So I might encourage you, Mr Leane, to make your contribution, and I encourage other members not to interject.

Mr LEANE — I am sorry, Acting President. I kind of get sucked into it in the friendly conversation that we are having over this particular bill. As I stated, I think this government stands on its record in terms of what it has done in protecting Victoria's environment and its beautiful national parks. We will have more to say around this as we get closer to the election, but I think we will keep our powder dry for that in coming weeks, rather than responding to this particular bill. I congratulate the member for bringing this bill to the house, but the government is in no position to vote for this bill because of the concerns around transitioning from the workforce. It is actually quite important to people who work in this industry as far as their livelihood is concerned. I think there needs to be a lot of work done on transition before we can support a bill like this, but I do congratulate Ms Dunn for maybe achieving what she was after.

Mr O'SULLIVAN (Northern Victoria) (14:34) — I am very pleased to be able to speak on this bill before the house today. I will start at the outset by saying that this side of the house — the Liberals and Nationals — will absolutely be opposing this bill as much as we possibly can. Of all the discussions we have had in relation to pieces of legislation as to whether we will support them or not support them, I am happy to say that with this bill it was probably the easiest decision that we have ever come to in terms of our absolute opposition.

In terms of Mr Leane's contribution, I just want to take up a couple of points in relation to that. In some ways I feel sorry for Mr Leane having to get up on behalf of the government and speak to this issue. Clearly it is not an issue that he is very familiar with, and I would suggest to Mr Leane that he keep well away from any timber industry-type debates in this place for the rest of his time in Parliament, because clearly he had no idea what he was talking about. From my point of view what he did say certainly let the cat out of the bag in a few different areas, and I will take up some of those.

It was interesting to note that Mr Leane said in his interjections — and it seems that the government will also be opposing this bill — that this would create a point of political difference between the Labor Party and the Greens. I thought that was interesting, because Mr Leane went to great lengths to say that this would be 'the one point of difference' that the Greens and the Labor Party would have in relation to their policies as they go closer to the election. Mr Leane, I tend to agree

with you that on just about every other policy initiative the Greens and Labor are very similar — very, very similar indeed. I will be interested to see, as we get closer to the election, the further convergence of the policies between the Greens and the Labor Party to the point where I do not think there will be much difference whatsoever.

One of the things that we certainly talk about on this side of the house in terms of the coalition is that we know that the relationship between the Liberals and The Nationals, in my experience in politics, has never been closer. The relationship between our leaders — Matthew Guy for the Liberal Party and Peter Walsh for the National Party, both in the other chamber — has never been closer in terms of the relationship between two leaders, and they will make a fine Premier and Deputy Premier in 81 days.

One of the things that is certainly a real concern for people as I go around regional Victoria, particularly in the northern part of regional Victoria — and I know Ms Bath has had conversations with me about eastern Victoria too in relation to some of the comments that she hears, as I know other people certainly do too, and Mr Ramsay certainly hears it down in his part of Western Victoria Region as well — is about how close the policy ideals are between the Greens and the Labor Party at this point in time. One thing is absolutely certain if the Liberals and Nationals do not form a government at this election: Labor will not have the numbers in their own right to form government, so they will need to form a coalition with the Greens party beyond the next election. That is if we do not form government on this side, which I am very confident we will do. That is absolutely horrifying. People in regional Victoria are absolutely horrified that the Labor Party may be in government beyond 2018. The only thing that scares them more than that is that it will be a coalition between the Greens and Labor. I take my hat off to the Leader of the Greens, Dr Ratnam, who has positioned herself very well to be the next Deputy Premier of this state if there is to be a coalition between the Greens and Labor.

Mr Leane also made a comment that the government would be opposing this bill at this stage. 'At this stage' I thought was an interesting phrase, because what that is saying is that there is every chance that the government's position on this particular issue is likely to change due to the pressure of the Greens as those negotiations in relation to forming government occur —

Mr Davis — They'll be demands; they won't be negotiations.

Mr O'SULLIVAN — Mr Davis is right. They will not be negotiations in relation to forming government; they will be demands that the Greens will place upon the Labor Party to guarantee their support as a part of a coalition arrangement. No doubt the Greens will drive a pretty hard bargain. That is what scares the daylights out of anyone who lives in regional Victoria particularly, but I think that is also starting to occur in metropolitan areas as well.

Interjection from gallery.

The ACTING PRESIDENT (**Mr Morris**) — Order! Members of the gallery cannot interject in the proceedings of the house.

Person escorted from gallery.

Mr O'SULLIVAN — Acting President, I am sorry that outburst occurred while you were in the chair. Going back to the particular bill that we have in front of us, what the Greens are trying to do here is absolutely shut down the timber industry in Victoria. Where they are coming from in relation to this, as this bill particularly points to, is the shutting down of the wood pulp agreement as part of the repeal bill that they are pushing forward for the timber industry. That would be an absolute disaster in relation to the timber industry, jobs in regional Victoria and also jobs in the metropolitan area. Effectively Australian Paper, which has the mill at Maryvale and the current contracts in relation to the wood pulp agreement, have a huge workforce down there at their plant, as Mr Leane acknowledged. It is really essential for many, many jobs down there and the families those jobs support. The Greens are trying to completely shut down that industry, which is where we currently obtain our pulp and make it into the paper that many of us use in our everyday lives in our offices and wherever else.

The Greens will probably not be successful in their endeavour today, but the Greens are very tenacious. They will certainly be putting this option forward to the government in years to come. We know the Greens never stop; they keep chipping away, trying to get what they want.

The industry here in Victoria is very sustainable. A lot of work goes on through the government, VicForests and a whole range of other groups to ensure that we have a sustainable timber industry.

Interjections from gallery.

The ACTING PRESIDENT (**Mr Morris**) — Order! Members of the gallery, you cannot make any contributions or any noises that interfere with the

running of the house. It is quite clear that if you are going to be in the gallery, you need to remain silent during the debate. It is critically important that this occurs.

Mr O'SULLIVAN — What concerns me is that if this goes ahead and the industry is closed down, that will mean that timber products and paper products will have to be sourced from somewhere else, because they will not be able to be sourced here in Victoria. When we talk about having to source them from somewhere else, you have to ask, 'Where would they come from?'. In reality they would come from the rainforests in Indonesia and the rainforests in South America. As we know, those countries have an unsustainable practice. I do not think we would support in any way, shape or form sourcing timber products and paper-based products from an unsustainable system in another country. I think that is highly irresponsible and something that we should not be forcing on those other areas.

Ms Springle — Plantations?

Mr O'SULLIVAN — Ms Springle talks about plantations. Yes, there is no doubt that there is room for plantation forestry agreements and particularly products in the future. They are going to be part of a good mix, but that is not the only solution for this particular industry. The native timber industry is sustainable. We all know the biggest threat to the native timber industry in this state is bushfires. We need to make sure we do everything we can to ensure that bushfires do not occur. A lot of work goes into our native forestry. It plays a huge role not only on the environmental side but also on many other sides, in a sustainable way, through timber products and paper products, as we know.

One of the concerns I have is in relation to the great forest national park, and we have already had some discussions on this. It is something that the Greens have been very demanding about, and I am sure they have had and will continue to have many conversations as we get closer to the election in relation to the establishment of the great forest national park. We all know what that will do to the timber industry. That will be another nail in the coffin of the timber industry. Again, that would mean that we would have to go to other areas to source those particular wood products.

In terms of plantations, we know that plantations certainly can be used for a whole range of things, but for a whole range of furniture products they cannot be used. They are just not fit for purpose in terms of what we are trying to achieve in this state.

There is another thing I am concerned about with the Greens. There is an agreement in place with Australian Paper for quite a few years to come. The Greens want to rip up that contract — absolutely rip it up.

Mr Finn interjected.

Mr O'SULLIVAN — Mr Finn, that is very good. That goes to the point I am heading towards. What you cannot do is just go around ripping up government contracts whenever it suits you. We have seen what happened with the east–west link when the Premier said that it was not worth the paper it was written on and that it would not cost one cent to tear up the contract for the east–west link. We are at a point now where we are at about $1.4 billion. That is not $1.4 million; it cost $1400 million to rip up that contract. What we also saw after that was that many businesses from elsewhere which were looking to invest in Australia, invest in Melbourne and invest in Victoria said, 'Oh, I don't like the look of that. A contract with that particular government is not necessarily guaranteed, so if they're not guaranteed' —

Ms Dunn — On a point of order, Acting President, this debate is about the Forests (Wood Pulp Agreement) Repeal Bill 2018. At no point does the bill reference the east–west link, and I would ask you to draw the member back to the bill.

Mr Finn — On the point of order, Acting President, in fact I was listening to Mr O'Sullivan very carefully. He was making a parallel between the east–west link contract and the contract that the Greens are proposing to rip up if they are in coalition government with the Labor Party after the November election, so it is very, very much apposite to the issue at hand.

The ACTING PRESIDENT (Mr Morris) — Thank you, Mr Finn. Thanks, Ms Dunn, for your point of order. I will certainly encourage Mr O'Sullivan to come back to the substance of the bill. I can understand the comparison that was being made there. I will not uphold the point of order, but I will encourage you, Mr O'Sullivan, to come back to the bill at hand.

Mr O'SULLIVAN — Thank you, Acting President. The point I was making — and I will go back and make it deliberately in relation to this particular bill that we have in hand — is in relation to sovereign risk about the threat of governments just tearing up contracts that have been established with the people who have invested, whether that be in the roads sector, as the east–west link was, or whether that be in the timber industry or the pulp industry, as we are talking about here today.

You cannot just go around ripping up government contracts because you do not like them. Contracts are there for a reason. They are entered into in good faith. Businesses come here and they invest their hard-earned money knowing that they can get a reasonable return on their money but also that they can do so and create jobs and create wealth for the state and pay taxes to the state, knowing that the contract that they entered into will be fulfilled and the government will play its role in holding up its end of the bargain. Surely that is not too much to ask for. If that is not the case, people will not come here and invest, and that will cost the economy billions of dollars and it will cost a lot of jobs as well, and I do not think anyone would want to see that occur, certainly not on this side of the house.

What I want to do now in relation to the timber industry is go to someone who I think has got a reasonable amount of knowledge in relation to this space: someone who has got a good understanding of the timber industry, worked in the timber industry and is probably someone who I think is worth listening to in this space on this particular occasion. That person is a member of this house, Mr Dalidakis.

Mr Dalidakis in a previous life was the CEO of the Victorian Association of Forest Industries (VAFI), so he worked in the industry and had a fairly reasonable understanding of the industry. I thought what I would do is just make reference to some of the words that Mr Dalidakis had to say, because sometimes you are better off to use someone else's words to help make your own point. So I want to do that. Mr Dalidakis on 15 November 2010, in a press release that he put his name to, said this, and I quote:

> Since the party's inception, the Greens have held a range of views that are fundamentally anti-industry, anti-prosperity and anti-employment …

I also want to go on to quote:

> A Parliament in which the Greens controlled the balance of power would likely enact legislation that would endanger the 24 000 jobs in Victorian forestry, as well as the approximately 50 000 jobs indirectly supported by the industry.

I actually concur with Mr Dalidakis on that. Mr Dalidakis went on to say that:

> … in particular, the Greens policy on forestry was contradictory and dangerous.

I agree with that too. He went on to say a whole range of other things about the sustainable industry that we have here in Victoria, and he mentioned something about plantations as well, but he certainly went on to say that if we do not use the products that we have got here in Victoria that are sustainable, then we will have to have an increase in 'imports of forest products from rainforests in Sumatra and Brazil'. They are not my words; they are Mr Dalidakis's words on 15 November 2010.

There is one last sentence in the press release that I would like to also read into *Hansard* because I think it is pretty reasonable, and I quote:

> The Liberal and National parties have clearly seen the true cost of the Greens ideologically driven policies and have put the needs of Victorians first …

So I thought it was worth just mentioning Mr Dalidakis's comment. I am disappointed that he is not here to be a part of this debate. I am sure he is listening in his office, and I am sure that he would dearly love to be here to make a contribution as well. He probably will not on this occasion, although I think he will agree with most of what I am saying.

What we are seeing here is that the Greens are anti-industry, anti-jobs and anti-country Victoria, and their policies are becoming more and more extreme. When Mr Barber was here we used to see a level of reasonableness about the actions of the Greens, but what we are seeing now is that the Greens have lurched far to the left and we are seeing those policies come through in a whole range of areas. Some of the areas in which we have already seen it are where the Greens have obviously convinced the government to shut down Hazelwood, and as a result of that we have seen electricity prices go through the roof. The Greens are certainly pushing for a ban on intensive farming, which would be devastating for a whole range of industries —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, members. I cannot hear Mr O'Sullivan.

Mr O'SULLIVAN — We have seen the establishment of an ice and heroin injecting room in North Richmond, and I suspect that after this election, if the Greens-Labor coalition comes to fruition, we will see some of those heroin and ice injecting rooms spread to other areas. I think the member for Geelong, if I remember correctly, let the cat out of the bag and suggested that there would be one down in Geelong.

We have certainly seen expansion of national parks, and we know that is already happening with their ideas in relation to the great forest national park. We know that duck season would certainly end. We know that any access to public land would be further restricted. We know that they would certainly want to ban any sort

of genetic modification in relation to grains. We know that they would certainly split the Country Fire Authority (CFA) and support the government; they have already done that, but they will certainly continue to do that.

One thing that I thought was rather interesting, which the Greens are now pursuing, is that they want to release dingoes into state and national parks in Victoria. I thought that was a rather interesting policy that they have come up with. I am not sure why they would want to do that, because we know the terrible impact that they have on —

Ms Springle — I think Mr O'Sullivan's writing Greens policy on the run.

Mr O'SULLIVAN — I would be happy to source that and get back to you on that one, but that is certainly another policy that has been floating around. The problem with the Greens in terms of how extreme they are is they do not even realise some of the things that they are saying themselves and the policies they are releasing. They have a whole range of people, who may not be sitting in this chamber, who are out there making policies on their behalf and announcing policies on their behalf as well.

Honourable members interjecting.

Mr O'SULLIVAN — Well, certainly they are making those statements as facts on behalf of the Greens party. Perhaps it is not the case from you guys sitting in this chamber, but certainly you have people outside this chamber who are saying those sorts of things very regularly. One of the things they say particularly — and Dr Ratnam herself has said it — is that there is no chance that the Greens would form a coalition with anyone on this side of the chamber. I think that is quite reasonable. I think we would probably have a few objectors to that on our side as well. But Dr Ratnam said that an alliance with the Labor Party would be something that they would consider if the time came, depending on what the numbers were after the next election. Hopefully that will not occur, but we will have to wait and see.

The Greens are playing a very interesting game in the lead-up to the election. They are just slowly raising the high jump bar in terms of some of the extreme policies that they want to see get up in this Parliament and in this state. They know that the government is on the nose and is probably likely to fall short of the 44 members required to form a government in its own right, so the Greens are probably playing the long waiting game. Certainly they are hoping that the Labor Party fall short and require the Greens to form a government, which would see Dr Ratnam become the Deputy Premier of this state. I am sure she would very much like to add that title to her name.

That is certainly one of the concerns that we on this side of the house have in relation to the Greens going forward, but in relation to this particular bill, this side of the house absolutely cannot and will not support any sort of bill that would decimate the pulp industry here in Victoria, which would lead on to the broader timber industry and wood use industries in Victoria.

I was on a committee that reported earlier this year in relation to VicForests. One of the things that came through very clearly there is that the timber industry does not just stop out in the bush or out in the forests. It extends well beyond that in terms of employment. One of the things that I learned during that inquiry is that most of the timber-related jobs are actually in Melbourne, and those timber jobs are not overly visible unless you start looking for them. They are involved in the flooring that you put in houses, the framework that goes into building houses, the doors that go into houses, the doorframes and the window frames. They are the sorts of jobs that would be absolutely under threat if this sort of bill was to get up.

There are a lot of people who depend on the timber industry. One of the things we are fortunate to have here in Victoria is a sustainable industry, and we absolutely want to keep it that way. There are at least 50 000 jobs involved. Mr Dalidakis seemed to think there were more than that. I do not know how many there are exactly, but from the evidence that we received during the inquiry into VicForests, 50 000 is a number that was used, so I am happy to use that figure as the number of jobs that are relied upon. That is not just 50 000 people affected. They have all got families and so forth too, so that number starts to expand very quickly in terms of the number of people who would be impacted by a shutdown in the timber industry.

There is no doubt in my mind that the Greens will not stop until they see the timber industry closed down in Victoria. That would be a sad occasion in terms of the jobs that that would affect. I also fear to think where we would source the timber products that we need. They would have to be imported, and I do not have anywhere near as much confidence in overseas industries as I do in the Victorian industry. I fear that the wood sourced in a destructive and unsustainable manner in other countries could end up here in Victoria, and that would be a tragedy. On behalf of the Liberals and The Nationals, we absolutely will not be supporting this piece of legislation.

Mr O'DONOHUE (Eastern Victoria) (14:59) — I am pleased to rise following the contribution of my colleague Mr O'Sullivan just to make a few very brief remarks in relation to this private members bill from the Greens and to reiterate that the opposition, the Liberal-Nationals, are opposed to this bill.

We have heard some discussion about the issue of sovereign risk, and of course this bill will introduce further sovereign risk into a jurisdiction that previously has enjoyed bipartisan support for honouring contracts and for the absence of sovereign risk. It is a very important issue. We saw the consequences of that following the tearing up of the east–west link contract and the uncertainty that that created and the cost to taxpayers of over $1.4 billion to $1.5 billion.

Mr Melhem interjected.

Mr O'DONOHUE — I note the interjection from Mr Melhem, who as a union official supported the east–west link. We all remember Mr Melhem's letter supporting the east–west link when he was a union official. He is a bit like Mr Dalidakis. They say one thing before they enter the Parliament and have a completely different view when they enter Parliament. The issue of sovereign risk is a very important one.

Mr O'Sullivan also talked about the jobs that are generated by this industry, an industry that is sustainable. To pick up the point Mr Finn made before, Daniel Andrews tripled the coal tax royalty and then Hazelwood closed. The sequence of events was that he tripled the coal tax royalty and Hazelwood closed, 22 per cent of the power generation in Victoria was removed and power prices went up. That is the sequence of events. We are now paying much higher power prices because Hazelwood closed because Daniel Andrews increased the coal tax royalty. He tripled it.

Mr Leane interjected.

Mr O'DONOHUE — I take up Mr Leane's interjection. Mr Leane is happy to privatise the land titles office and his colleague the Minister for Corrections is happy to exercise an option to turn on the 300 extra beds at the privately operated Ravenhall prison, but somehow privatisation in other industries is bad. They will bank the $2 billion-plus from the privatisation of the land titles office, but other privatisations that happened 25 years ago were bad; they were very bad. I mean, consistency please.

Ms Dunn — On a point of order, Acting President, today we are debating the Forests (Wood Pulp Agreement) Repeal Bill 2018, which relates to repealing the wood pulp agreement. There is absolutely no reference to privatisation of the port of Melbourne, to the east–west link or to any of the other matters that Mr O'Donohue has strayed into, and I ask that you direct the member back to the bill.

The ACTING PRESIDENT (**Ms Patten**) — Thank you. Again, it is not really a point of order, but please refer back to the bill, Mr O'Donohue.

Mr O'DONOHUE — Thank you, Acting President. One of the key consequences of this bill would be to increase sovereign risk in Victoria, and I was citing the example of the east–west link and the consequences of tearing up the east–west link contracts, not just in terms of the cost to the taxpayers and not just because a key piece of infrastructure is now not being delivered, but because of the issue of sovereign risk. If this legislation was passed, it would create further sovereign risk issues in Victoria.

I mentioned Hazelwood, and of course the Carter Holt Harvey plant in the Latrobe Valley has also closed under the Andrews government. We have seen more than 1000 direct jobs go but also several thousand direct and indirect jobs lost in the Latrobe Valley as a result of the actions or inactions of the Andrews Labor government. That takes me to the point that the industry is very important to the valley and to Maryvale, and hundreds of indirect jobs rely on Maryvale as well.

More broadly, as Mr O'Sullivan said, the industry is sustainable. A very small proportion of Victoria's native forests are able to be harvested, and they are harvested in a long cycle or long rotation. The industry is sustainable. Things can always be improved and reviewed, but in a general sense the industry is sustainable and it is very important for economic activity and jobs in Gippsland, the Latrobe Valley and the broader Gippsland region.

The final point I want to make — and again, Mr O'Sullivan sort of touched on this in his contribution — is that this bill is an example of what will come if a Labor-Greens coalition is elected to government. We have seen that Daniel Andrews is prepared to change any position, sell out any stakeholder and do anything to maintain power. We saw that during the Northcote by-election campaign, where Labor lost their first by-election since 1948 in Victoria to the Greens. A Labor-Greens coalition would see legislation like this and similar legislation that would be job destroying and particularly damaging in electorates such as mine, Eastern Victoria Region. This is a taste of what would be coming. So the Liberal-Nationals will oppose this bill. I call on

Minister Dalidakis to stay true to his previous convictions. As I say, this is a foretaste, a warning, about what may come down the line if a Labor-Greens coalition is successful at the November election.

Mr RAMSAY (Western Victoria) (15:06) — I do not wish to make a long contribution in relation to this bill. In fact I would much rather cut to the chase and put it to a vote as quickly as possible, because it appears that the numbers will float on the side of those in the chamber that will oppose the bill, and my view is that there have been quite lengthy contributions on this bill already. We know the objective of the Greens in putting this bill to the chamber. Mr Leane seems to think that there is an underlying political agenda for the Greens to do so, and no doubt that will rattle itself out over the next couple of weeks. But there is no doubt, as has been said in contributions on this side of the chamber, that there is significant concern regarding the impact that this bill will have, particularly on jobs and economic value in the areas that will be affected.

The Greens bill, as I understand, seeks to repeal the Forests (Wood Pulp Agreement) Act 1996, and the effect of that repeal would be the termination of timber supply to Australian Paper's mill at Maryvale. Both of our keynote speakers talked about that and talked about it with some degree of understanding and experience, because Mr O'Sullivan is well experienced in the agricultural field and the forestry field, and of course Mr O'Donohue is a representative of the particular electorates that will be concerned. I also, through my work with the farming community, Landcare and the forestry association, have some understanding of the impacts of closing many of these native forest reserves.

I am actually equally concerned that the Victorian Environmental Assessment Council is proposing locking up 79 000 hectares of the region's state forests as parks and reserves. This proposal includes the state forests around the Pyrenees ranges, Wellsford Forest, Wombat Forest and the Macedon Ranges, which all cut into my region. This would preclude timber cutters, firewood collectors, hunters and prospectors, and this is something that the Labor Party has flagged it would do if re-elected. That would be devastating for the towns and small timber mills, not large ones, around Beaufort and Talbot, which both sit in my region, Western Victoria Region.

There is the prospect of losing 900 jobs around Maryvale if in fact this bill is passed. I note Mr Leane did his very best to massage the mover of this private members bill, but I have got no sympathy, I might add, in respect to that sort of massaging. He went on for about 35 minutes. The fact is, Labor also have got an underlying political agenda here in locking up more of our state forests, presumably to appeal to the Greens as we move forward to the election.

I notice there is frustration up in the gallery, and perhaps to try and give them some cause for enthusiasm, what we do not have is any significant, real commitments either from the Greens or from Labor to invest in our hardworking Landcare operators, a very successful project that started between the Joan Kirner government, actually, and the Victorian Farmers Federation. Unfortunately it has always been hampered by the fact that there has been a lack of funding, particularly for coordinators in the field. It has been mainly the federal government that has actually provided funding for those coordinators, but again many of these small Landcare groups have been frustrated by a lack of funding.

Also, I have never seen a Greens policy about investment in on-farm forestry. There is a distinct lack of investment or commitment to invest on farm. Farmers are actually willing co-sharers or partners of farming land to invest in trees, not only for commercial reasons but for diversity and environmental reasons as well, yet I have yet to see a policy from either the Greens or Labor in respect to encouraging on-farm forestry. So there are plenty of opportunities for the enthusiasm which is around that far side of the chamber to be able to invest in and support some private forestry operations, which hopefully will be profitable not only for those that are providing the land but also for the environment and the communities at large.

I used Mr Google just to find out what different environmental groups are saying in relation to sustainable timber logging, and there is no doubt there is an underlying agenda to remove all logging from our sustainable native forests. If that is the agenda, I guess it is no surprise that we have a private members bill here which is quite blatant in its objective. If I take Mr Leane's thinking, this is not the real objective of the mover but an opportunity perhaps to take a political stance and then, no doubt through the travels of the next 80 days, massage it into something else.

Ms Springle — That shows more about you than it does about us.

Mr RAMSAY — Well, you did not bother actually coming to talk to me about this bill. In fact I do not know who you actually talked to, but I would be more than happy if you wanted to put a legitimate case forward in relation to what your objective is in putting this bill to the chamber, knowing that you are unlikely to get support from either the Labor or the coalition

parties. Obviously there was not any real desire to have this bill even intellectually debated, far less supported.

From my perspective, as I said, it proposes to repeal the Forests (Wood Pulp Agreement) Act 1996. It proposes that on termination of the agreement the party would retain any right, privilege, obligation or liability. It proposes that any claim of the company against the Victorian government for non-fulfilment would be void and unenforceable, so you are taking away any sort of potential redress for liabilities and loss. It suggests consequential amendments to the Sustainable Forests (Timber) Act 2004, the Victorian Plantations Corporation Act 1993 and the repeal of the Forests (Wood Pulp Agreement) Act 1974. It is a pity that Mr Dalidakis is not in the chamber, because he has had some experience in this field, and his expertise would be useful in the debate in respect of his experiences with the forestry industry as a chief executive officer.

I honestly do not know what the Greens are hoping to achieve here except maybe to placate their membership. To me it is just a blatant blowtorch to a policy position that has been long held by the environmental groups and the Greens.

Mr Dalidakis, on cue! Unfortunately you are not on the speakers list, so you might not get the opportunity to speak.

Repealing the wood pulp agreement would terminate the supply of timber to the Australian Paper mill in Maryvale. It would send a huge shock wave through the forest industries — and I know Mr Dalidakis would say the same thing — with a direct negative impact on Australian paper. We would have to start importing Australian paper from Japan, presumably, and other countries. It would affect the 900 workers —

Ms Dunn interjected.

Mr RAMSAY — I know you do not worry about the workers, Ms Dunn, and you are more interested in the health and survival of the Leadbeater's possum, which we have nauseatingly heard about in nearly every contribution you make in this place. It would also have flow-on effects to harvest and haulage contractors and others, and it would cause immeasurable harm to Victoria's ability to attract new business and investment to the state and create valid concerns about sovereign risk. Sovereign risk, to my mind, would probably be the most important aspect of the ramifications if this bill was actually allowed to go through. I am sure Mr Ondarchie, given his corporate experience, would understand that.

I suspect one of the Greens objectives is to lobby to create the great forest national park in Victoria's Central Highlands, and they have been quite open about that fact. We know the Greens have never supported Victoria's forest industries, certainly not for logging. I have given you an opportunity now to put your stake in the ground and support our Landcare groups and our private forestry operations. It is only a small amount of logging that goes on in our sustainable native forests — a very small percentage.

Mr Dalidakis — Very small.

Mr RAMSAY — A very small percentage, I have just said, bowing to the skill of Mr Dalidakis in his previous life, and on that basis we see this more as a stunt and a farce. Nice try, Ms Dunn; it is not going to work today, though. We will oppose the bill.

Ms BATH (Eastern Victoria) (15:17) — I am pleased to rise to say a few words this afternoon on the Greens private members bill in relation to the wood pulp agreement. What I found quite interesting when I was first listening to this debate in my office was in actual fact Mr Leane's contribution. I was actually quite gobsmacked, and then on reflection I was unsurprised by it. He was apologetically saying that the government would not be voting in favour of this — saying that they would be opposing it — but it was the most softly-softly contribution I have ever heard from Mr Leane, and I know that he can get very passionate. It was like he did not want to offend his new sandpit partners. He did not want to offend the fact that if Daniel Andrews cannot govern after 24 November by himself, he will go and extend a hand to the Greens and say, 'We need to get into the sandpit together. We need to govern Victoria together'.

I thought it was quite disappointing that Mr Leane did not talk about the timber jobs and that he did not talk about the CFMEU. In fact it feels to me like the Andrews government is quite prepared on a number of occasions to take the 'F' out of the CFMEU. They have already taken the 'M' out of it, because we have lost Hazelwood mine. If we continue with the Victorian renewable energy target, we are going to end up with the early closure of Yallourn and the loss of jobs there. We see this apology of 'No, we're not going to support this bill'. I am going to apologise for nothing and say that the Liberals and The Nationals will not be supporting this bill.

This bill is a stunt, and what I find quite offensive about this is that we can be pious about certain people in our state and we can be pious about the goodwill of people who care about trees, but we cannot be pious — and

that is what they would lead us to believe — about other people who live and work in the regions, in country Victoria. They harvest — they do not log; they harvest — and the reason they harvest is that it is a recyclable, regenerative, sustainable resource. Let us be truthful about this. Trees grow in the ground. A tree is a wonderful carbon capturing device. Our trees can be grown in areas that are difficult to use for other agricultural pursuits. They can be grown in infertile and inhospitable earth. It is a great way to use a resource.

Let us also have some context about the amount of native timber that is harvested annually. We have 94 per cent of our state forests locked up not to be used. Either they are unsuitable or they are locked up in national parks — our fantastic national parks — state parks, reserves, water catchments and the like. They cannot and will not be used for any logging or for any harvesting. However, we now have 6 per cent left that can be used. It is used on a rotational basis whereby approximately 0.04 per cent is harvested annually.

We have this pervading discussion from the Greens that we are totally wiping our forests of trees, and that is not accurate. Let me give you some statistics on this: 7.1 million hectares of native forests are on public land; 4 million hectares, about 56 per cent, are reserved for conservation — as I have said, national parks, reserves and regional parks —

Ms Dunn — Do you want to log them too?

Ms BATH — I will take up that interjection. I think that is just a very silly statement to make: 'Do you want to log them too?'. I think the Greens just go on a roll. They make often ridiculous statements, and that was one of them. There are 3.1 million hectares of state forest left. Of that, 480 000 hectares is currently available and suitable for harvest, and of that 5000 hectares on average is harvested every year and replanted.

I just want to make it clear to the house that we on this side understand what happens in terms of a regenerative resource. What I found quite interesting from the government at the time was that they were apologising for voting in opposition to this.

Let us also talk about the industries that are in our regional areas. One of them is Australian Paper, which is in my electorate in central Gippsland. It has just had its 80th birthday this year, and it is Australia's only manufacturing company that produces office and printing paper. I have had a good discussion with some of the planners and innovative managers there, and they are trending away from white paper into other cardboard packaging. They are redesigning and reorientating their equipment to do that, which is very progressive and quite important. They are the largest industry employer in the Latrobe Valley, with approximately 900 people. Downstream they then support around 6000 jobs across Australia. Australian Paper contributes $900 million to the Australian economy, mainly in Victoria.

When I first came into this place in 2015 it was very pleasing to see that Australian Paper had spent millions of dollars on a de-inking plant to work in recycling. They are also wanting to do amazing things in turning waste into energy and are completing a feasibility study to do that so that we do not put our waste into landfill but turn it into energy to be used in their plant. There is innovation there, and there needs to be a supply from a sustainable industry. Part of that industry would be the native timber industry. It is interesting that I have heard commentary today around the government raising the issue in relation to plantation timber and the fact that they have had $110 million on the table to support more plantation timber. What we are not seeing is that money being spent. A press release on this came out over 12 months ago, but we are not seeing that actually coming to fruition.

The other thing that is really key to this is that there has to be a balance. I respect those fantastic farmers who plant a lot of native trees to provide shelter belts and also wildlife corridors. I think that is really important. There is potential, we know that, for those trees to be used and sold in the future. We see it happen on the western side of the state. But you cannot take a whole industry and wipe out our dairying, our beef, our sheep and our horticulture in order to plant timber. We need that highly productive area to actually feed and provide food security for our state. So there has to be this balance, and I do not believe the Greens have it.

The other point I would like to make is that I am quite concerned about the article that was in the paper on Saturday in relation to the government's secret plan to ban native timber logging across the state. Indeed it was very reassuring to see that the Victorian Association of Forest Industries have come out with a very strong statement. Mr Tim Johnston came out with some very strong words, and I am pleased to see that because I am glad they are standing up to this. This would be a disaster for our small country towns. He said, and I quote:

> I am beyond angry and disappointed if the government considers turning its back on our industry, one which generates more than $7.3 billion in sales and service income for the state of Victoria.

It is very pleasing to see that. It is also pleasing to see that a great group of people, the Australian Forest Contractors Association, and Ms Gardiner from that group, said:

> If a ban on native harvesting is forced onto forestry contracting businesses they have nowhere else to go, will be faced with serious financial burdens after years of investment and their employees will be out of work.

I find it quite frustrating that unfortunately the government seems to turn its face away from these issues. Those opposite may well be forced, as I said, to get into government with the Greens and with their agenda to shut down the native timber industry. We have heard about this agenda to cancel the wood pulp agreement before from Mr O'Sullivan and Mr O'Donohue and the problem around sovereign risk. What other country would look at our country and state and say, 'This would be a great place to invest, to put our money in and to grow jobs'. It would not, and it is a great shame. I am aware that we need to get a vote up, and The Nationals will not be supporting this bill.

Mr BOURMAN (Eastern Victoria) (15:27) — We here at the Shooters, Fishers and Farmers Party like real jobs not make-believe jobs, so we are not going to support this bill.

Ms DUNN (Eastern Metropolitan) (15:27) — I thank members for their contribution today. It is clear that there probably needs to be a bit of reflection on what is a stunt, what is a political agenda and what is a bill based on substance and evidence. What we saw this morning in motion 609 was a stunt. That was a stunt. The Forests (Wood Pulp Agreement) Repeal Bill 2018 is democracy in action and is actually about providing a future for our state — a future that no party is willing to see and support except for the Greens. Let me make it really clear what our political agenda is in relation to this bill. It is about transitioning the industry to plantations; it is about ending native forest logging; it is about creating the great forest national park and the Emerald link; and it is about protecting biodiversity, water and carbon.

Mr O'Sullivan — Will you put dingoes in there as well?

Ms DUNN — The bill does not go to dingoes. There was a range of contributions in relation to this bill. What became abundantly clear to me about all of those contributions is that the members who contributed know absolutely nothing about the timber industry in Victoria — absolutely nothing.

Honourable members interjecting.

Ms DUNN — It is always a good technique. I am going to first take up the contribution of Mr Leane and the reasons the government will be opposing this at this stage, because of the lack of work on a transition. I draw the government's attention to the work that my office has done on transition. In fact we have mapped out plantations and what is and is not available and how you can transition. It is quite possible to do it. The one thing that this chamber and you, members, need to take account of is that the wood is running out. There is no wood. You have got five years if there is not a bushfire. So it is time to face reality in relation to that.

The Greens want to see a timber industry in this state in the future, but we want to see one based on plantations. We certainly do not want to see one based on native forest logging. This bill is not about political difference, political pointscoring or political manoeuvring. This is about making a difference to the industry and to our forests. This bill is about removing an over 80-year-old contract, a favouritism to the mill in Maryvale and a preferential treatment that exists for only that mill and that at the moment guarantees the mill 350 000 cubic metres of our native forest every single year.

The repeal of the wood pulp agreement will not lead to the closure of the Maryvale pulp mill and job losses. The Maryvale pulp mill gets over 70 per cent of its inputs from post-consumer waste and plantation pulp. The remaining 30 per cent is from native forest logs sourced under the wood pulp agreement and a separate timber sales agreement that it has in place and which actually equates to 500 000 cubic metres of native forest that it is taking each and every year. There are entire manufacturing lines at the Maryvale pulp mill that have zero dependence on native forest logs as inputs. So those lines can continue to operate without change.

The native forest logs that it accepts are of course used for pulping. This source can be substituted with plantation supply. It could be done very easily. My office has analysed Nippon Paper Group's annual reports and has found that the Nippon Paper Group imported nearly 600 000 tonnes of woodchips from Australia to Japan, far exceeding its consumption of native forest logs at the Maryvale pulp mill. So they are currently making a business decision to export wood from Australia to Japan rather than sending it to Maryvale. Why wouldn't they? Because they have got a legislated supply agreement in place, there is no motivation for them to change their business model. This bill is about providing that motivation sooner rather than later.

It has been extraordinary to hear the doom and gloom about liabilities for the state and sovereign risk. The bill has been specifically drafted to extinguish all liabilities on the state or that the company would accrue under the wood pulp agreement. That is fit and proper, considering that the state is not capable of living up to its side of the agreement, because there is simply not sufficient sawlog volume available. The agreement itself has exit clauses which should have been triggered after the resource was so devastated in the 2009 Black Saturday bushfires and of course by the historic overlogging and mismanagement of our forests. The fact that these clauses were not enacted by successive state governments means it is up to the Parliament to act in the best interests of the people of Victoria. It is not about a political stunt; it is about actually doing something positive for this state.

The wood pulp agreement is a legal artefact. Its predecessors go back to the 1930s. There is no well-governed jurisdiction in the world that would allow a take-or-pay contract to be held over a resource that is in terminal decline. The risk to investment in native forest logging in Victoria lies in the fact that it has no social licence to operate. It is destructive of Melbourne's water catchments, is leading to the extinction of vulnerable species and is barely able to turn a profit. That is what has killed investment in the sector.

If there were enough wood in the forest area, then VicForests would have released a timber release plan showing how its commitments in the coming years would be fulfilled. It is now September. The timber release plan was meant to be released in January. The reason it has not been released is that there is a dearth of economically viable timber in the forest area and of course all of Victoria's state forests, due to bushfire and overlogging. The industry is in a crisis of its own making. The industry and the government that regulates it have been sleepwalking into a disaster. The only way that it is going to get out of this is if it transitions to sustainable plantation supply. The way to start that transition is to repeal the wood pulp agreement. It is bad for the industry that only one company in the wood and paper products industry in this state gets a legislated guarantee of supply. The group of six family-owned mills in regional Victoria are not afforded that security. No other business in the sector is given that security, only the Nippon Paper Group. A foreign conglomerate gets a legislated guarantee of supply for over 80 years. This is fundamentally unfair for Australian companies.

The Nippon Paper Group has sufficient plantation supply in Australia. It can simply redirect those resources to the Maryvale pulp mill. There is no need for them to log native forests in Australia. They can simply truck the chips over from western Victoria. If you can get them to Japan, you can get them to Maryvale. Furthermore, the contracts are short-term. Once they have expired, the supply can be directed to the Maryvale pulp mill.

Media reports about purported exit plans must include an exit out of native forest logging. There is no point in engaging in corporate welfare with the Nippon Paper Group for the waste-to-energy facility at the Maryvale pulp mill if it is not part of a plan to exit native forest logging. This is a huge expense of taxpayers money, it does not help the state's recycling crisis and, if it is not used as leverage to get out of native forest logging, then it is a massive missed opportunity and a complete waste of taxpayers money.

What is always extraordinary in these debates that intersect with logging is to hear how many jobs the industry has in Victoria. It is extraordinary how that number has fluctuated and ebbed and flowed in the most amazing ways that no other industry sector's has. Last month a report by a team of researchers led by Jacki Schirmer at the University of Canberra was released. It is entitled *Socio-economic Impacts of the Forest Industry: Victoria*. It was commissioned and funded by Forest and Wood Products Australia and the commonwealth Department of Agriculture and Water Resources, two organisations that are certainly not known for their environmental bias. The report shows that there are 1639 jobs in the native forest industry up to and including primary processing across the state. Of those up to 1170 are in the Central Highlands region, so these are the jobs at risk if we end native forest logging. However, it is expected that a number of these people will find further employment in plantation management, harvest and haulage of plantation timber as that sector expands. It is worth noting that at least 700 jobs at a conservative level would be created by conserving the native forests in the Central Highlands in a great forest national forest.

It has been quite extraordinary to listen to some of the points made in the debate today. I want to pick up on just a couple of them. One is that the industry is reliant on forestry offcuts. The industry is not reliant on forestry offcuts. The wood pulp agreement guarantees 350 000 cubic metres of forest to the Maryvale pulp mill every single year. That cannot be classified as an offcut.

In many of the contributions it has been said that employment in the Latrobe Valley will be affected. No, employment in the Latrobe Valley will not be affected, because if you keep the Maryvale pulp mill operating at

capacity, you will not lose any jobs. They will just be using inputs from plantation and recycled materials; they will not be using native forest.

What was extraordinary was the contributions of the National Party, who clearly have absolutely no understanding of the industry whatsoever and in fact spent most of their contributions speculating about the Greens and the government, which I think is masking the fact that they really do not know anything about this industry. They rarely go out there and look at what is going on and, quite frankly, would not know a mountain ash if it poked them in the eye.

To suggest that the great forest national park would be a nail in the coffin is extraordinarily short-sighted. National parks are a wonderful part of Victoria. They not only provide refugia for wildlife; they are beautiful places for Victorians to visit. Every single one of them is a wonderful place and should be a jewel in Victoria's crown.

To suggest that plantation timber is not viable shows a complete lack of understanding of how the plantation sector works. I would just like to correct on the record Mr Ramsay's comments in relation to Landcare and the Greens.

Mr Ramsay interjected.

Ms DUNN — Well, Mr Ramsay, the Greens secured $100 million for Landcare. Let me make it really clear: $100 million for Landcare. If you do not think the Greens support Landcare and that is not a show of support, I do not know what is. It is extraordinary.

The amazing doom and gloom — I am trying to work out who is actually having a coalition with whom at the moment, I was so confused by some of the contributions. To suggest that people who care about the environment are pious is an extraordinary allegation. It is the Greens who are concerned about workers in this industry. We are concerned about whether it has a future; we are actually concerned about those small family mills. We are concerned that Maryvale drives native forest logging, and we have solutions to that so workers can retain their jobs. We are trying to find a way forward here, unlike the government, unlike the opposition, unlike The Nationals and unlike the Shooters, Fishers and Farmers Party. We are trying to do something practical for the future.

The reality is that if the Forests (Wood Pulp Agreement) Act 1996 stays in place, it will lead to species extinction, be an axe to the small mills, threaten our water supplies, accelerate climate change and destroy some of the most amazing forests in the world. I commend the bill to the house.

House divided on motion:

Ayes, 6

Dunn, Ms	Ratnam, Dr (*Teller*)
Patten, Ms	Springle, Ms
Pennicuik, Ms	Truong, Ms (*Teller*)

Noes, 33

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Dalidakis, Mr (*Teller*)	O'Sullivan, Mr (*Teller*)
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Motion negatived.

GOVERNMENT PERFORMANCE

Debate resumed from earlier this day; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor government and Victorians are now faced with:

(1) the highest crimes against the person offence numbers in Victoria's history;

(2) sentences and a bail system that do not meet community expectations;

(3) a youth justice system in crisis;

(4) rising electricity prices due to Labor's forced closure of Hazelwood power station;

(5) increasing traffic congestion on our freeways and in our suburbs;

(6) a $1.3 billion bill for not building the east–west link;

(7) the betrayal of 60 000 Country Fire Authority volunteers and their communities;

(8) six ministers and six Labor members whose actions are under police investigation;

(9) 74 cancer beds axed at a cost to taxpayers of $100 million;

(10) a broken education system and a vocational education and training system with ongoing cuts and reduced enrolments;

(11) watered-down planning protections;

(12) sporting organisations and community clubs forced to take out loans;

(13) farmers and regional communities being ignored and funding cuts for local country roads;

(14) an ice injecting room;

(15) blowouts in public housing waiting lists and dental waiting lists;

(16) 14 straight negative Sensis small business index results;

(17) no plan to manage Victoria's population;

and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

Mr RAMSAY (Western Victoria) (15:50) — I am pleased to be able to make a contribution to Ms Wooldridge's motion. Mr Gepp provided me with a challenge to raise the bar in this debate with respect to the importance of this motion, which I am happy to do. Even with the intellectual rigour that has been missing somewhat in the contributions from the other side, I am happy to try to raise the bar in that respect.

If I deal with the dot points outlined by Ms Wooldridge in her motion in respect to the four years of the Andrews government, the first one identified is in respect to the problems associated with the crime statistics. Now, despite Mr Gepp's best efforts you cannot deny the facts, and the facts are that crime is increasing in the state of Victoria. Not only is it increasing but the actual physical harm associated with these crime attacks against the person is increasing.

Some of it is fuelled by alcohol. Some of it is fuelled by illicit drugs. Some of it is fuelled by our multicultural diversity, where we have groups or gangs — whatever you want to call them — of people from other countries that are known to socialise in groups. They obviously are coming here from very different countries and find it hard to assimilate, socialise and adhere to the laws of the land in this country. Consequently we have seen a significant increase in group or gang attacks, and many have involved people from the Pacific Islands or African-Australian backgrounds. We cannot deny that, despite the very best efforts of the Minister for Police, Lisa Neville, in not being able to say the A-word. The fact is that certainly on a number of occasions we have seen that they have been quite influential in many of the gang incidents. Sadly we saw only a few days ago at the Gasometer Hotel that there was no doubt a strong influence of gang violence in and surrounding that precinct. So we do have a problem.

I know that even in my own region of Western Victoria Region — and Mr Morris, I am sure, would substantiate this — there has been a significant increase in criminal activity around Ballarat. We know in the area that I come from — Geelong, the Bellarine and the Surf Coast — that it was unheard of before to have home invasions, sexual assaults, assault and battery, robberies, hoon driving and intimidation. In fact in Queenscliff only the other day we saw almost a gang attack at the distillery. I have to say in a seaside town like Queenscliff, as Mr Morris knows, you could shoot a gun down the main street and not hit anyone, so to actually have 20 or 30 youths running amok in the main drag was a most unusual spectacle. But unfortunately that is becoming the norm, not the unusual. I know in Barwon Heads, Ocean Grove and Drysdale — all these small seaside hamlets, where we have not seen this sort of criminal activity ever — the residents are now concerned about their own safety.

As our leader, Matthew Guy, has often said, we want to 'Make Victoria safe'. There is a reason for that slogan, because it is not safe and communities in Victoria are not feeling safe. Every day and every night we see the news. We are open to what is happening out there. We know the police are under an awful amount of pressure. We know the amount of police on leave at the moment is unprecedented, with sick leave not only for physical injury, which has dramatically increased, but also for mental stress. We know a lot of the leave now in the police force is for mental stress, and that has been caused by many of the incidents they have to deal with in relation to criminal activity, particularly around family violence and associated assaults and even murders. Obviously there is a significant impact with the frontline services they have to provide.

I also go to paramedics, who I know through previous inquiries are certainly impacted by those that are on drugs, those causing quite significant physical damage. We have seen that in the emergency departments of hospitals as well, where even the staff there feel unsafe, particularly in respect to Friday and Saturday nights, late at night, when invariably there is an increase in traffic of those impacted by alcohol and also illicit drugs. So we do have a crime problem.

Mr Gepp said, 'Yes, well, we're putting more police through the academy'. That is true, but we are also growing by 140 000 people every year, so per capita we do not actually have as many police as we did four years ago, and Mr O'Donohue has made that statement.

If the academy is full, it is because a lot of protective services officers (PSOs) are also undergoing a similar type of training through the academy. My view is, if that is the case, that the Andrews government should be looking at increasing the space or the facility — looking at an additional site — to provide that training to our police officers and PSOs, not just saying it is full. It must also be good. I will not go through all of the stats, but we know there has been a significant increase in crime and gang attacks throughout Victoria, and in most of the community's eyes it is out of control. That is why Ms Wooldridge noted that in her motion.

Regarding sentences and a bail system that do not meet community expectations, we see this every day. We know that many who engage in criminal activity and receive a punishment sometimes just get community correction orders or are incarcerated for a very minimal amount of time and invariably are back on the streets. Certainly when we talk to police, as I do through the Geelong court system, there has been a significant increase in repeat offenders. Obviously the sentencing and punishments are not deterring criminal activity, particularly for those that engage on a repeat basis, so we need to strengthen our bail system. That is why the coalition has invested in and committed to policies that present a greater deterrence for those that are considering a criminal act, and if they do, they know the punishment will be severe. We will try and reduce the number of repeat offenders that are coming through the system on an ongoing basis.

Regarding a youth justice system in crisis, we have said many times in this chamber, particularly in question time, where we have raised it with the respective minister, Minister Mikakos, that in fact the Andrews government does not have control within the youth justice system or even outside the youth justice system. There needs to be a significant change in the way we deal with our youth offenders, because whatever the Andrews government is doing at the moment it is not working. We need to change the system itself, as well as the way it is being managed.

Regarding rising electricity prices due to Labor's forced closure of Hazelwood, again Mr Gepp was in denial about this. But the fact is, if you take away 22 per cent of Victoria's baseload power by closing coal-fired power stations, you are going to impact on the continuity of electricity supply and also the price. We know wind and solar are very expensive forms of energy and also very intermittent and would never replace the reliability or even the cost-effectiveness of coal-fired power stations.

There is no doubt that that closure and the potential for other closures as well as the moratorium that the Labor government have on onshore gas exploration are having a significant impact on the price of electricity. Their 40 per cent renewables target is actually going to create a greater impost on electricity supply in the future and continue to increase the price of electricity. The cost of living and the cost of power are no doubt significant concerns in the community, and I get exposure to that experience when I go around doorknocking and talking to my constituents. Apart from crime the main concern is certainly the cost of living.

I will now talk about the increasing traffic congestion. We know it takes longer to get to our workplace and to our places of recreation. Traffic congestion is an issue even in Barwon Heads. In fact in the summertime you cannot move across the bridge to Ocean Grove. In relation to Barwon Heads Road, Labor have decided to plonk 60 000 people in Warralily and Armstrong Creek but have not provided any transport links to ferry those people back into Geelong or Melbourne's CBD. There is a lack of rail connection, there is a lack of road connection and there is a lack of ongoing investment in infrastructure to be able to move people around safely and with some degree of timeliness to get people to places of work or places of recreation.

There was the $1.3 billion bill for not building the east–west link. I think the error of judgement for the Labor Party and the Premier was that he actually said it was not going to cost a cent to the Victorian people to tear up the contract. The fact is that was an outright lie, whether he did it purposely or actually had bad advice — I will give him the benefit of the doubt — but nevertheless it was not a truth. In fact we know it cost $1.4 billion and that cost is rising.

There was the betrayal of 60 000 Country Fire Authority (CFA) volunteers and their communities. There is no doubt the proposal to shift CFA volunteers out of integrated stations and to extend the reach and boundaries of the Metropolitan Fire Brigade (MFB) and the union influence of the United Firefighters Union into the MFB is aimed at really neutering the CFA's responsibilities in outer metropolitan and rural areas. They will be virtually pushed out to areas like Nhill and those more remote and rural outposts, and they will not have any real significant impact on firefighting in the suburbs. The trouble with this of course is that most major fires in regional and rural Victoria require CFA volunteers to provide that significant firefighting base. The professional career-based firefighters only number, I think, 1200, whereas we have potentially 40 000 active CFA volunteers on tap to be able to provide that backup. Sadly with the disillusionment of many of our

CFA brigades there will not be that capacity to take on any large fires in rural or remote areas. Unfortunately the Labor Party through the Andrews government has tried to break the spirit of that volunteerism in our firefighting force.

There are six ministers and six Labor members whose actions are under police investigation. We have covered rorting many times in this chamber. There is no doubt that the Ombudsman's report, the Privileges Committee report, the minority report and the current investigation by the police fraud squad are all actually indicators that there is something wrong here.

Mr Dalidakis interjected.

Mr RAMSAY — There is something smelling here, Mr Dalidakis, and regardless of the outcome of any of those investigations, the fact is you bent the rules. You bent the rules, and there is a price to be paid.

Mr Dalidakis — I know a couple of people that broke the rules — not in this chamber.

Mr RAMSAY — That is true; some have broken the rules and some have bent the rules, maybe wittingly or unwittingly. Nevertheless they have to face the consequences, and there will be consequences regardless of the outcomes of the police investigation, which I think is the only current one now. It was a very poor process, admittedly conducted and managed by John Lenders, who is no longer here, but nevertheless his actions will have significant impacts for the current members who are in the Assembly and this chamber.

There were 74 cancer beds axed at a cost of $100 million and a broken education system. Mr Gepp carried on about cuts in TAFE. We actually increased TAFE funding by $1.2 billion and also provided career courses that would give some skills base for jobs that are currently in the marketplace. It is no good providing tertiary education and training for students in industries where there are no jobs available. You actually need to link the two together.

Sporting organisations and community clubs were forced to take out loans with the cuts in sporting ground funding. This 50-50 arrangement is not working in country sporting clubs where the clubs actually have to put up half the money. They should be provided with the funds, no strings attached.

On the injecting room, well, the jury is out on that. I have yet to see any evidence. Ms Patten might say otherwise.

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Mr Ramsay.

Mr RAMSAY — I knew Ms Patten would cut me off. The moment I mentioned injecting rooms, I knew she was going to cut me off.

The ACTING PRESIDENT (**Ms Patten**) — I am terribly sorry, Mr Ramsay, but your time has expired.

Dr RATNAM (Northern Metropolitan) (16:05) — I rise to contribute to this motion. I cannot help but reflect on what a contrast it is to go from a debate in this chamber on an actual bill, as we had after the lunch break on the bill proposed by my colleague Ms Sam Dunn, to debating an actual political stunt. It was quite extraordinary to hear others in this chamber call a debate on a bill a stunt. I just want to remind them that this is actually what a stunt is. Nevertheless I rise to make a contribution to this debate.

I am not going to join the Liberals in their ridiculous and over-the-top condemnation of the Andrews government. Yes, we have an election around the corner, but that does not mean we cannot acknowledge when a government has actually done some good things. It is important to give credit where credit is due, and I would like to begin by talking about a few of these matters.

Mr Finn interjected.

Dr RATNAM — I would say to those on the opposite side of the chamber that you might not be used to this. You might not be used to an actual positive and visionary politic, but I would encourage you to just quieten down and listen because you might learn a few things.

Let us first talk about the Royal Commission into Family Violence. It was a significant and important moment for our state and our community. The government must be congratulated for its action in calling the royal commission and in accepting the recommendations in its report and providing significant amounts of funding to support the addressing of family violence. Ending the scourge of family violence is surely a matter that we can all agree on, on all sides of this chamber. Furthermore, when a Labor government adopts and implements longstanding Greens policies we celebrate the benefits for the community.

When it comes to the climate, after a long and passionate community campaign supported by the Greens, Victoria now has its own renewable energy target to encourage the building of renewable energy, and fracking is banned across Victoria. Furthermore,

we have seen the oldest and most polluting power station in Australia finally close its doors. These are positive initiatives that go some way to addressing the crisis of climate change. They are not enough, but they are better than the climate-change-denying policies coming out of Canberra at the moment. Even the recent announcement on rooftop solar is remarkably similar to the policy the Greens took to the 2014 election. My predecessor, Greg Barber, spoke many, many times about the need for a scheme to help households get rooftop solar. Although, as my colleague Ellen Sandell, the member for Melbourne in the other place, has pointed out, renters and low-income people are left behind by the government in this policy announcement. But they are not left behind by the Greens, because our policy will assist renters to access solar and to put solar panels on public housing and public schools.

Other policies that the Greens have championed that have come to fruition in this Parliament include the safe injecting room. We are so pleased that the government finally found the courage to establish the first safe injecting room in Melbourne. Again, this was after a long campaign by the community, which was hurting from the ravages of drug use. Finally there is an evidence-based, health-focused drug response in Victoria. It is long overdue.

Let us talk about political donations reform. Finally we can start the process of ridding our politics of the corrupting influence of corporate money. Despite the government just a year ago denying the need for political donations reform in Victoria, we now have strict limits on donations to political parties and a more robust reporting regime. As I said at the time, the legislation is not perfect, but it is a significant step towards putting corporations back in their place and letting politics be redirected towards the interests of the community.

Then there is dying with dignity. The government facilitated a process to enable dying with dignity legislation to be drafted, debated and voted on, with the consequences that Victorians now have the right to die with dignity if they so choose. The Greens, and in particular my former colleague Colleen Hartland, championed dying with dignity laws for years, along with many in our community. This was an example of the Parliament enacting the will of the majority of the community on a difficult but important matter for all of us.

Let us talk about rental reforms. Hopefully sometime this week we will see the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017 pass the Parliament. The Greens have championed better rights for renters for years, only to see our attempts for reform voted down by the old parties. However, in the last moments of this Parliament we may see renters finally get the protections and rights they should have. We urge everyone here to support these overdue reforms.

With all of that, imagine what could be achieved with the Greens holding the balance of power? Not only would we hold the government to account, but so many more policies that look after people and protect the environment could be implemented.

That is not to say that the Labor government has not been a disappointment in other ways. We just saw that demonstrated in the debate on the important bill my colleague presented this afternoon. Yesterday I was present at a rally for redress for the stolen generations. It was heartbreaking to hear the stories of the stolen generations and the trauma they continue to live with. As my colleague Lidia Thorpe, the member for Northcote in the Assembly, noted at the rally, Victoria remains the only state without a redress scheme. It is now 21 years after the *Bringing Them Home* report. This is a disgrace. The fact that the government has started a treaty process does not and cannot excuse a lack of progress in providing redress for the stolen generations. This country refuses to come to terms with the past, and every act of neglect, of evasion and of not taking responsibility only adds to the trauma and hurt we continue to inflict on our First Nations people. While we absolutely welcome the beginning of the process of treaty, the government cannot keep selling off Crown land that will inevitably form part of treaty negotiations.

For this and so many more reasons they should not be logging our forests either. Not only are Labor continuing to log our magnificent native forests, but they bought a mill, so they are actually literally in the business of destroying the habitats of our native animals on the brink of extinction and putting the water catchment for Melbourne at risk. We cannot keep logging our waterways and our ecosystems. We cannot keep driving animals to extinction and bringing ecosystems to collapse. We cannot keep moving into our food bowls. This is a fundamental matter of the sustainability of this state.

Labor still sees the environment as something separate from people, something to throw some money at if enough pressure is applied, rather than understanding that we are a part of nature. We do not have anything if we do not have clean air, clean water and clean soil in which to grow our food. Protecting our forests, our rivers, our waterways and our native plants and animals

goes to the very core of caring for the state of Victoria and its people. How else can you explain Labor's opposition to a container deposit scheme, a scheme designed to remove plastic from the environment?

As we head towards the election we see Labor treating climate change as a box to tick to cover a particular voter base rather than the existential threat that it is. Being serious about addressing climate change means being serious about transitioning to 100 per cent renewable energy as fast as possible, and it means keeping coal in the ground. It also means not building massive, unnecessary, polluting toll roads. The West Gate tunnel and the north-east link are disastrous projects. The secret dodgy deals the Andrews government has done with Transurban show how much this government is in thrall to big business at the expense of our community. The Melbourne Metro project is very welcome, but the Labor government has shown it cannot be trusted, given its embrace of these terrible toll road projects.

What I cannot understand is how a Labor government is selling off public housing land when there are over 82 000 Victorians in urgent and dire need of safe, secure, affordable housing. They couch policies in terms of social inclusionary housing, but it is anything but. Right across this state they are selling our public housing land and our public parkland and pulling the wool over the community's eyes, and we will not let that happen.

What we have in the Andrews Labor government is the biggest privatisation since Jeff Kennett. They cannot look at a monopoly asset or service without flogging it off, despite all the evidence that privatisation is a bad deal for the community. Despite the experience of Victoria's out-of-control energy prices, its unreliable public transport and the mess of TAFE, and despite most social democratic parties around the world recognising the mistakes of the past, this Labor government cannot get enough of privatisation. There is nothing it will not do for a multinational corporation. It is even privatising our precious private spaces, including letting Apple into Federation Square. We Greens stand with the community when we say our state is not for sale.

One of the most disappointing aspects of this Labor government has been its embrace of the law and order agenda of the right. Building new jails is not something to be proud of; it is an admission of failure. Sitting here listening to Labor ministers boast about how many young people Labor have locked up makes me ill. This is a government that has sat by while division and hatred are sown in our communities under the guise of a law and order agenda, because it too believes in that law and order agenda. It does not seem to care that its very own policies will end up hurting our First Nations people and our migrant communities.

In just the last couple of months in the Parliament we have seen three pieces of legislation brought on by the government for which only the Greens have stood up to the old parties and their simplistic and dangerous law and order agenda. Mandatory detention has been shown time and time again to lead to unjust outcomes, including the imprisonment of vulnerable people. The Greens were the only ones to oppose further increases in power under the guise of anti-terrorism. This was legislation that our multicultural communities were very wary of. Now we have anti-association organised crime laws extended to 14-year-olds, once again targeting and scapegoating our young people and our diverse communities.

The community is not made safe by these sorts of laws. Instead we lose our humanity, piece by piece, when we facilitate the targeting of our communities through such laws. That is what will happen. We will not be standing by and letting the coming election divide our community. We will not let you pit us against each other. We will not let you put your corporate friends first and your community and the environment last. It has been just under a year since I entered this Parliament —

Mr Dalidakis — And what a wonderful year it's been.

Dr RATNAM — It has been a wonderful year, and I have learned so much. Each one of us here occupies a privileged position, and with that comes great responsibility. People look to us for support and leadership, but sadly all too often what they see is cynical politicking and pointscoring. We should all be looking for every opportunity to restore confidence and trust in our political system. Instead we hear the heckles and taunts. We hear them when we dare to speak about the critical issues that we are facing as a state, as a country, as a planet: climate change, poverty, inequality, human rights, caring for our environment —

Mr Dalidakis interjected.

Dr RATNAM — We hear the heckling and taunting, as has been very present throughout this debate. You tell us to toughen up. Well, how about you all grow up and act with the integrity and respect this place deserves? I do not think political life should be seen as a career. It is your life's work in this place, and what do you want your legacy and life work to be? Will

you watch and stand by as the planet burns, as you leave it uninhabitable for future generations? Will you let people continue to sleep on the streets because of homelessness? In one of the richest countries in the world, will you keep whipping up hysteria and fear and pitting people against each other, leaving our young people to stare at a bleak future for themselves, or will your legacy be one where you did everything you could to care for our environment and care for our future generations? Can you honestly say that you did everything you could to leave this place a better place than you inherited? Will you help us achieve a fair go for all, a safe and secure home for everyone, a community that each of us can connect to, a sense of belonging, justice for our First Nations and a safe and habitable climate for future generations to come?

Mr FINN (Western Metropolitan) (16:19) — I will just get my breath back after listening to Dr Ratnam. People wonder why the Greens are regarded as nutbags. Can I suggest that if anybody is wondering why the Greens are regarded as nutbags, they should have a read of Dr Ratnam's speech, because it started off as a sort of homage to their coalition partners in the Labor Party because we know that if things go the way that the Greens would like, they will be in a coalition government with the Labor Party come the end of November. But then the temperature changed and she turned on the Labor Party, and then she just turned on society generally. She turned on everybody, and we had just a rant from the extreme left of the Australian political spectrum.

I tell you what: if anybody wants to know why they should not vote for Labor or the Greens in November, they really should get hold of the speech that Dr Ratnam has just delivered. In fact I might actually letterbox it throughout the western suburbs. I think I will get a brochure made up and I will letterbox the key points, just pointing out some of the more outrageous pieces of ratbaggery that we have heard in the chamber this afternoon.

Of course Dr Ratnam has got a very good reason for sucking up to the Labor Party. She knows what is coming. She wants her white car. That is what she wants. As Deputy Premier of this state she will get a white car and she will be —

Mr Morris interjected.

Mr FINN — A white Prius — she probably will get a white Prius, Mr Morris. God help us. So that is something we can all look forward to — not. Dear me, I was not quite prepared for that, I have to say. I will get back to the motion at hand.

When speaking to people in Victoria — it does not seem to matter where in Victoria, whether it be in the Western District, whether it be in Gippsland or whether it be in the western suburbs or in the leafy eastern suburbs — there are certain words that resonate when one talks about the Andrews government. 'Dodgy' — that is a word that resonates; that is a word that people very easily attribute to the Andrews government. 'Crooked' is another one that they use quite freely to describe the Andrews government. 'Untrustworthy' is another one, and they are spot on the money with that. And 'loathed' — they are not just talking about the government in this particular situation; they are actually talking about the Premier.

I do not think there has been a Premier in this state — and I say this advisedly, because we have had a few who have not necessarily ended their terms high in the popularity stakes — more loathed than the current one. You just have to get out and talk to people. If you want to participate in that well-known test, the pub test — and I know that there are few members who are very fond of holding the pub test — then get out and just stand at a bar anywhere and mention —

Mr Morris interjected.

Mr FINN — Yes, where is Sir Les? I mention the pub and he is gone. If members wish to participate in the pub test, all they need to do is front the main bar anywhere in this state, mention Daniel Andrews's name and see what happens. Watch all hell break loose as people let forth on what they think of the Premier of Victoria, and it will not be pretty, what they will say.

This motion by Ms Wooldridge is a very timely one, given that this is the second last sitting week of this particular Parliament, and Ms Wooldridge has outlined a number of areas of concern that I think most Victorians have. This is a comprehensive list of matters that the government — the Andrews Socialist Left government — has completely stuffed up and made a total mess of. I know the Greens might get upset here because they do not like us saying nasty things about their coalition colleagues, but I am afraid the truth demands that we go into some detail on this today.

The motion reads:

> That this house notes that after four long years —

isn't that the truth —

> Victoria is beset with problems caused by Premier Daniel Andrews and his Labor government and Victorians are now faced with —

(1) the highest crimes against the person offence numbers in Victoria's history …

One of the main issues that we have faced particularly in the western suburbs, despite what some might have said earlier today in the Parliament, is street crime, and particularly street crime by gangs. I do not remember a situation where homes were broken into while people were at home or where home invasions occurred at 5 or 6 o'clock in the morning when people were in bed and the next thing they knew half a dozen youths were running through the place, destroying the place, pinching things and indeed lifting the car from the garage. Unfortunately this is something that is not unusual, particularly in the western suburbs, although it is not unknown in other parts of Melbourne as well.

Unfortunately we still have a Premier who refuses to admit that there are gangs in Victoria. He still says and goes along with the Christine Nixon line, 'Don't mention the g-word'. He can refuse to mention the g-word as much as he likes, but the fact of the matter is that gangs do exist, they are dangerous and they are causing enormous damage. They are causing enormous fear to many, many people, particularly in the west of Melbourne.

I have spoken to many people over the past two or three years who have been terrorised or impacted in a deleterious way by these gangs. This is not a question of wanting to lock people up for the sake of locking them up. This is a question of protecting those who need protection. This is about protecting the community. This is about community safety. Unfortunately those opposite do not seem to care too much about that. As I said, they will not even admit that there is a problem, much less do anything about it. That is the sad fact of life.

Second on the list of grievances is:

(2) sentences and a bail system that do not meet community expectations …

That is the truth. I will tell you who is more annoyed than anybody else at the so-called legal system we have in this state: it is our frontline police. They are shattered by what is happening in our courts. They are going out there and catching a lot of these crims — when they are allowed by police command. When police command is not saying, 'Leave them alone, don't touch them', they will go out, they will do their jobs, they will catch these crims and they will get them into the courts. And what will happen? The more than likely Rob Hulls-appointed magistrate or judge will let them straight out.

As a result of that we have rampant crime on our streets, and a lot of these criminals think it is a great joke. They think it is sensational. They can go out and they can do whatever they like. They can steal, they can rob. They can just walk into shops and take whatever they want and walk out again, and if they get caught they know that the magistrate is their best friend and he or she will let them out and they will be able to walk out the door of the court to do it all over again. We have a real problem in this state. The only thing that will change this particular problem is the election of the Guy government on 24 November, and I say bring that on.

Then of course we have the youth justice system in crisis in Victoria. It is good to see Ms Mikakos in the chamber. She might show some interest in this matter because she has overseen this crisis. Let me say to Ms Mikakos: they still remember you down in Werribee. They have not forgotten you down in Werribee. Let me assure you there are still a good many people down in Werribee who are waiting with baseball bats, and not just to protect themselves from the gangs: they are waiting with baseball bats to belt the living suitcase out of this government come the next election because they remember when Ms Mikakos and Daniel Andrews tried to dump a youth detention centre on them in Werribee South, without any warning and without any consultation. They just announced it, and Uncle Fester — I mean Tim Pallas — was in on it as well. We know that after the outrage in the local community — where as I recall on one particularly cold and wet Tuesday evening some 7000 or 8000 people gathered in the centre of Werribee to protest against the Andrews government — they backed away. Mind you, if they had actually done the right thing to begin with they would not have had to back away. If they had actually done the consultation, which is not something that they are big on in any regard, they would not have had to back away at all.

Mr O'Donohue — Seven thousand people were there.

Mr FINN — Yes, 7000 to 8000 people. It was massive — absolutely packed. You could not move. It was just extraordinary on a cold and wet Tuesday night in the middle of Werribee. I have to say that was one of the highlights of my last four years in this place, speaking to a crowd like that, as I did with Ms Crozier that night in Werribee.

So we had the outrage in Werribee South. Then we have what Ms Mikakos has allowed to happen at Parkville, where the place has just been ripped to pieces. There is not much left. The only place that is left

is the dining hall, where the pizza and the Coke are consumed, as delivered by the Mikakos delivery service. And what a marvellous thing it is. They say at the Parkville youth detention centre that there is nothing quite like a Mikakos pizza. I tell you what, it's got the lot.

Ms Mikakos — On a point of order, Acting President, the member is actually misleading the house because he knows I actually got rid of the takeaway that Mary Wooldridge had —

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Ms Mikakos. It is not a point of order.

Mr FINN — Thank you, Mr Acting President. Perhaps Ms Mikakos cooked them herself. Perhaps it was not takeaway; perhaps she cooked the pizzas herself. But as I pointed out at the time, we all know that if you give your kids Coke they will act up. Why would you do that? Sugar does that, and they were on the roof.

Malmsbury: we know you can just walk out of Malmsbury and you can go wherever you like. That is the way Ms Mikakos has overseen this appalling run in our youth justice system — just one of the worst ministers in the history of Victoria. I suppose we are almost blessed to be with her, aren't we? No, I didn't think so.

Sadly I am running out of time, but I would love to talk about the rising electricity prices and how the government forced the closure of Hazelwood. We remember when the minister, Ms D'Ambrosio, and the Premier said that it is not going to cost very much at all, but here we are a couple of years later and we have a 22 per cent increase. I suppose if you are on a ministerial salary, if you are on the Premier's salary, 22 per cent is not much. It is good for some, but the people of the western suburbs are copping it in the neck — not that Labor has ever worried about the people of the western suburbs. And they are doing it to us again.

I regret that I have run out of time, because I have got so much more to say. I could go for days on this. But what we can say without any hesitation at all is that this Andrews Socialist Left government has been an unmitigated disaster.

Ms SHING (Eastern Victoria) (16:34) — What we have seen from today's cavalcade of contributions is that those in the coalition are very, very good at recycling one thing, and that is tired, self-congratulatory puffed-up rhetoric. What we have seen is that week after week in this place Wednesday rocks around and it is opposition business day and we get some form of motion that sits on either side of a spectrum of being either archly self-congratulatory or inflammatory almost to the point of self-combustion. We have seen speakers in this place, those opposite here today, become so enmeshed in the drama of their contributions that their arms have flailed and their bodies have been whipping around in some sort of frenzy of excitement, and there is nothing new in what they have to say at all.

What we have also seen from the contributions of those opposite today is the very reason people think so little of politicians. What we have seen today from those opposite is a constant reminder of 'Do as I say and not as I do', because when it comes to drafting motions like the 17-point document that appears at the front of the notice paper today, we note that the only thing to have been invited through the drafting of this motion is a response that indicates that in fact Victoria has overseen phenomenal growth across the board in the four years since we were elected in terms of population, infrastructure, programs and services and the delivery of improvements to the day-to-day experiences of people in our metropolitan areas, in our peri-urban areas, in our suburban areas and throughout regional Victoria.

What we have seen in the four years since we were elected is record investment across the board in making sure that planning has taken place to accommodate the 150 000 additional people who came to or were born in Victoria in the last year, to accommodate the 5-million mark that we have just hit and passed as far as population is concerned and to accommodate the start of the growth which will see 4 million extra people born in Victoria or come here between now and 2050.

What we have seen is unprecedented spending and investment, most importantly, in the things that enable Victorians to reach their full potential and to grow and to contribute in a meaningful and positive way to their own lives, to the lives of their family members and to the lives of the communities around them. We have seen a rate of infrastructure investment that has left that of former Premier Kennett and his ministers, and indeed probably his then adviser, now the Leader of the Opposition, in the shade eating dust.

We have seen a level of infrastructure planning and a level of investment that have led to in excess of 340 000 jobs. We have seen a drop in the unemployment rate to levels which those opposite could only hope to put in an aspirational document. We have seen investment in everything from road safety through to the schools that enable kids to have a meal before they start learning. We have doubled equity

funding for regional schools. We in fact made sure that regional Victoria received nearly double the amount across four budgets that it did under the former coalition in its entire term.

And yet those opposite, despite looking at substance and despite looking at what has been delivered and looking, as a prudent opposition might, to what might be improved or what might be contributed by way of meaningful development to policy, move motions like this time and time again, and it is a great shame. It is a great shame because those opposite could have put a skerrick of that time into coming up with policy ideas that continue to improve the lives of Victorians and improve the work in industry and in the business sector by making sure that infrastructure is built not just for now but for the future, but in fact they are unable to do that. They are unwilling to do that. They are dragged kicking and screaming to even any remote acceptance of an idea from someone other than their own quarters being a good one or having any merit, and that is the great shame of those opposite, because they have had a long time now to come up with ideas that make a difference and ideas that actually contribute. We do know that in addition to being very, very good at recycling their tired old lines they are very, very good at resting on their hands when in government and they are very, very lacking when it comes to developing ideas in opposition.

Throughout the four years of the Andrews Labor government we have seen the number of women on paid boards at a government level exceed 50 per cent because we introduced quotas. We have seen legislation introduced to protect some of our most vulnerable workers in labour hire and in casual work. We have seen, despite the kicking and screaming of those opposite, legislation drafted to provide portable long service leave to some of the most vulnerable workers in our communities. We have seen an ongoing commitment to providing better access for women — overwhelmingly women — who are victims and survivors of family violence to terms and conditions of employment that do not disadvantage them while they are in arguably their time of greatest need.

And what we have seen, despite what those opposite would claim, is that when it comes to investment in preventing crime and when it comes to investment in providing assistance and real and meaningful support for victims and survivors of crime, the Royal Commission into Family Violence, all of its recommendations and those 1776 pages are yet to be endorsed and supported by the coalition, which is yet to confirm that it will fund all of those recommendations in the event that it is elected in November. And we know that family violence accounts for 19 per cent of the offences — or part of those offences — across the Victorian statute as far as the police are concerned. We know that, because that is the evidence given by Chief Commissioner of Police, Graham Ashton. We know that, because it is the evidence and the material that is provided time and time again by people in positions to do more about this. This is why $1.9 billion has been invested in family violence in the response to the royal commission's recommendations. This is why $1.9 billion in addition to that has been invested to provide 3135 additional police across the state. This is why we have family violence support workers. This is why we are providing assistance to people trying to navigate this extraordinarily difficult and challenging and often traumatic part of our justice system in an effort to access the support that will enable them to move on.

We have reformed the way in which people access support from government and government programs, and those opposite can make cheap lines that they recycle over and over again about how this government has not delivered. They can make cheap lines about everything from some correlation, or causation as they might stretch it to, that stems from the closure of Hazelwood — clearly proclaimed by Engie not to have actually had anything to do with policy settings — to our decision to provide parity as it relates to the levy. What we see here is a series of convenient lines from those opposite that amount to nothing.

We continue to act to provide people with options, including by way of the Victorian Energy Saver website, which has provided seven out of 10 Victorians with savings of upwards of $200 per year on their electricity bills. We have provided options as far as our announcements for immediate access to solar rebates. We have provided jobs through decentralisation to people at government hubs around Victoria. We have provided opportunities for first home buyers and first home owners to move to regional Victoria, and we have cut stamp duty for those who need it most at times when they are looking to get into the property market. We have reduced stamp duty for small to medium businesses and for those businesses that are in a position to access what is now the lowest payroll tax in the nation.

What we have seen is action that makes a tangible difference to people who are living, working and doing business throughout Victoria. What we have seen is the capacity for government to work well with industry for the success of small to medium enterprise. What we have seen is the embracing of opportunities that exist for a state that is flourishing to investigate new

industries as they emerge. They may relate to technology, they may relate to the work of our tech schools or they may relate to telehealth, the work of our hospitals and our health services to provide better outreach and better in-home care. They may relate to assisting people who are addicted to alcohol and other drugs.

What we did see when those opposite were in government as far as residential rehabilitation facilities were concerned was an investment that included two additional residential rehabilitation beds over their four years in government. Just for any avoidance of doubt: that was half a bed for every year that they last occupied government. What we have seen under this government is effectively an investment that will take us to more than 400 beds over the state once our policy announcements have finished. That is an increase from around 228 to around 400. What we see is a comprehensive capacity to reach into the towns and the communities that desperately need assistance. When it comes to alcohol and other drugs, those opposite are very, very quick to condemn the work associated with progressive policy — policy that actually understands the problem —

Mrs Peulich — Marxism.

Ms SHING — I will take that up from Mrs Peulich. 'Marxism' is what she says. Families with parents, children or relatives who are struggling to detox and who can access in-home detox deserve that assistance. Mrs Peulich clearly was not listening, because under the former government it was half of one bed for every year that they were in government. Under our government we are up to 400 beds.

Mrs Peulich interjected.

Ms SHING — We hear a lot of yelling from those opposite. There is so much yelling from those opposite.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mrs Peulich, you are on the speakers list. Your opportunity will come.

Ms SHING — I think those opposite doth protest too much, because in opposition when you are in the Liberals and The Nationals coalition you do not actually have to deliver very much. In regional Victoria you can say that you cannot deliver because the Liberals control the money and the purse strings. That is probably why under the last government it was only around $7 billion that was spent in regional Victoria, whereas under this government it has been in excess of $13.4 billion. You can blame the coalition for the fact that everything gets spent in Melbourne, but it does not even get spent on funding good ideas. What do we see from those opposite? They are too ashamed to actually talk about any of the ideas they have come up with because their ideas again amount to nothing. We have seen a sky road proposal that is all about creating elevated roads down here in Melbourne. We have seen a series of make-believe ideas and promises that in fact are not about creating a city of the future but are about lambasting and creating funny little videos that decry the work going into creating the Suburban Rail Loop.

What we have seen is those opposite saying in effect that because they do not like what we have done in providing free TAFE — in providing 30 courses free to people to gain the skills they need for industries and jobs in demand — they are going to gut it. They are going to cut it. What we see when those opposite have a position of authority and influence is that things are cut. What was cut under the former coalition government? To start off you had to cut the beds in half to provide half a residential rehabilitation bed every year for each year you were in office. In addition to that, $66 million was cut out of V/Line. In addition to that, $1 billion was cut out of TAFE. In addition to that, what we saw was that they closed schools, they consolidated benefits for their mates and they delivered nothing. If only those opposite were good enough to deliver the $3.5 million for property developments as part of rezoning for those who actually need and deserve it most. Do you know what? Those opposite talk a big game, but what have they delivered? The answer is nothing.

Mr MORRIS (Western Victoria) (16:49) — I rise with great pleasure to support Ms Wooldridge's motion that notes the four years that this government will have been in office come November this year and the damage they have done to our state. I thought Mr Finn had a big job following Dr Ratnam and her contribution, but after following Ms Shing's delusional contribution I am aghast and lost for words. After listening to her contribution one might have been remiss in not recognising the fact that the Labor Party that Ms Shing is a member of is under investigation by Victoria Police for rorting over $380 000 of taxpayers money. Arrests have been made of those involved in this scam and they have been interviewed by police, and this is an ongoing investigation. Those opposite may indeed try to ignore this fact, but it is very real. Victoria Police are undertaking a very real and very significant investigation into the conduct of the ALP and their red shirts affair.

It is a significant matter to have not only candidates, as we have in Ballarat with Ms Michaela Settle, who is under investigation through this investigation, but also six ministers of the Crown embroiled in this massive

scam — this theft of taxpayers money — who the Premier refuses to stand down. We know that under Westminster tradition these ministers absolutely should be stepping aside from their roles and should not be performing the tasks that they are whilst they are embroiled in this police investigation. Not only do we know that there has been over $380 000 of taxpayers money stolen, but we are not aware of the full extent, because ALP members in the other place refuse to involve themselves in the investigation. So one might say that that $380 000 of taxpayers money that has been stolen is a very conservative estimation of the true amount of taxpayers moneys that have been stolen by the ALP.

It is not just theft of taxpayers money that this government is guilty of. They are also guilty of failing the first and most important role of any government, and that is to keep their community safe. We have seen massive increases in crime across Victoria. We have seen massive increases in home invasions, in carjackings, in types of crimes that were once unthought of in the state of Victoria that are now becoming commonplace. There are police car rammings, and I certainly acknowledge Mr O'Donohue for his introduction of a private members bill to address the very dangerous occurrence of police car rammings, that have skyrocketed under this government.

We know that not only has crime skyrocketed but the dealing with criminals has not been anywhere near in line with community expectation. We know that the bail system is broken. We know that there are people who are being released on bail after the most heinous crimes and, once again, committing acts of crime while they are on bail. We know that we need to fix this, and if we are elected in November this year we will certainly ensure that if at any time police oppose bail for an offender that offender will not be bailed and they will be remanded. I do feel for Victoria Police, who do an exceptional job under various circumstances, because we have criminals who time and time again are being released into the community and commit the crimes that they were initially arrested for. I cannot imagine how difficult it must be for police to be picking up the same offenders for the same crimes time and time again just because they are released due to the soft-on-crime policies of this government.

I do note that this government thinks that if they keep lying about the Hazelwood power station people will believe them. I have a very clear message for the government: the people of Victoria are not believing their lies. They recognise that it is due to the policy decisions of this government, particularly the tripling of the tax on coal, that Hazelwood was closed down. Once Hazelwood closed down over 20 per cent of the energy generation in the state of Victoria was removed from the system. Of course once that happens we are going to see energy prices spike. What is the government's response to seeing significant increases in energy prices? They try and bribe the Victorian people by giving their money back to them and expect to be patted on the back. The people of Victoria are smarter than to be taken in by this Labor scheme. If the government wants to try to give the good people of Victoria's money back to them, what it should be doing is working to reduce energy bills rather than sending them to a website for them to do the work themselves.

We note that it was an ideological decision of this government to close Hazelwood. We will certainly see more of it if Labor and their coalition partner, the Greens, are successful at the November election. The thought of this is almost unbearable, but we know that if the Greens have the opportunity to form a coalition government with Labor they will certainly jump at the chance. Of course Labor is going to say before the election, 'No, we're not going to do it', and they are not going to do it — until they do. It is just like Daniel Andrews's view on heroin injecting rooms, which he did not support until he did, because of the Northcote by-election and the pressure that was placed on him there. We have a government and a Premier who think nothing of deceiving the people of Victoria, saying one thing before the election, giving a promise to every single Victorian not to increase taxes and charges, which of course we know the Premier has done well in excess of a dozen times since he has come to office. They are so brazen now they are not even trying to hide the new taxes they are introducing.

We note the significant waste and sovereign risk issues that this government has created for the state of Victoria by tearing up the contract for the east–west link. What type of irresponsible government tears up a contract for a vital piece of infrastructure that everyone knows that we need, and we need it now, not in 10 years time. What type of irresponsible government tears up a contract —

Mrs Peulich — One that is in cahoots with —

Mr MORRIS — With Transurban. Yes, there are some questions to be asked there, aren't there? It took $1.3 billion to tear up a contract for the east–west link, a vitally important piece of infrastructure, just to appease Greens voters in Melbourne.

We note that for decades we have had bipartisan support of the Country Fire Authority (CFA), and for good reason, because the CFA do an amazing job

protecting our community. We are living in one of the most fire-prone places in the world, as Victoria is. We certainly well know in western Victoria after the St Patrick's Day bushfire that we rely on our CFA volunteers not only to save our properties but to save lives. That is certainly what CFA volunteers do every year. Certainly without our CFA volunteers there would have been lives lost during the St Patrick's Day fire.

So the government goes to war with the CFA because Peter Marshall, the secretary of the United Firefighters Union (UFU), wields some unknown power, phenomenal power, over Daniel Andrews and the decisions that he makes. I have said in the house before that Daniel Andrews is akin to being the king and Peter Marshall is the warlord who says, 'I'll let you stay king so long as you do what I tell you to do'. That is borne out more truly than ever through the actions of this government trying to ram through legislation that would have destroyed the CFA and handed phenomenal power to Peter Marshall, a character who already has far too much power in our fire services in the state of Victoria. This is why we have committed to a royal commission into the fire services to get to the bottom of what control Peter Marshall and the UFU have and to ensure that rather than just appeasing unions our fire services actually work to ensure that our community is kept safe.

Ms Shing in her contribution was also talking about beds in hospitals. What we know about beds in hospitals is that 74 cancer beds were axed by this ideological government at a cost of over $100 million. We know that this government is more concerned with ideology than ensuring that cancer patients get the care they need. We know it is because of the ideological bent of this government that our health services are not being appropriately invested in. I note the concerns of the community around the funding of the Ballan hospital. What was the response from the Minister for Health? The minister said, 'It's got nothing to do with us. It's a private hospital'. No, it is a bush nursing hospital that deserves the support of the government to ensure they can do the important work that they do.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Privileges Committee: matters relating to misuse of electorate office staffing entitlements

Mrs PEULICH (South Eastern Metropolitan) (17:00) — I am speaking on the Legislative Council Privileges Committee report tabled last month, *Inquiry into Matters Relating to the Misuse of Electorate Office Staffing Entitlements*. I specifically want to address Ms Springle's minority report and to place on the record the disappointment at the Greens failing to stand up for accountability, transparency and honesty, something that their previous leader, Greg Barber, would not have tolerated. In fact I think he has been a real loss to this Parliament. His intellect, his integrity, his nous and his understanding of public views I think were on the money, and it is a shame that he has left the Parliament. I think he would have made a terrific contribution to this particular inquiry.

In relation to the substance of Ms Springle's report on behalf of the Greens, as deputy chair she says in the second paragraph about the red shirt rorts, which is basically theft:

> … not only has this resulted in the exploitation of the 'grey areas' as per the 'red shirts scheme', but a profoundly inequitable system, which benefits some parties over others.

Well, grey areas — I am sorry; there is no such thing as a grey area. When you are talking about falsification of documents, when you are talking about signing forms for people who have never appeared at your office, when you are talking about people who are undertaking purely political duties on behalf of your political party but not on behalf of your community, there is no grey area. Those of us who have been around this Parliament know the rules and know what is acceptable and what is not. So to call this a grey area I think is amazingly misguided or perhaps politically convenient.

Then she goes on to talk about why this system needs urgent reform. I am sorry; whatever rules you have, they can always be cheated and rorted, because if you are a cheat and a rorter, that is what you do. It does not matter what the rules are.

She goes on to say:

> The committee's endorsement of recommendation 1 of the Ombudsman's report is indeed welcome. However, while deemed by the committee to be outside the scope of the terms of reference … Without systemic reform of this nature, the potential for similar exploitations of the rules remains a very real risk.

Unfortunately when you are in cahoots with the union movement and with big business and you are more focused on looking after your mates and putting in place rorts and scams in order to steal votes and derive benefits, and even, for example, what is going to happen tomorrow, when we are going to hear a debate in the lower house where the Premier, Daniel Andrews, is going to try to throw out Matthew Guy for the remainder of the sitting, this is not just about theft of money. This is about theft of democracy and the

democratic right of people to cast a vote, to do so honestly and, as I said, out of respect for our democratic institutions. This government — and Labor — has no respect for our democratic institutions.

We know what the rorts are, the red shirt rorts, and then the benefits which I have certainly made mention of many times over. There are a million and one rorts. If your memory is short, I am more than happy to provide you with my flyer.

Ms Springle goes on to talk about current pooling arrangements needing review. I am sorry; pooling arrangements are a very different proposition. Mr Jennings in his evidence to the Privileges Committee said it was an extension of the pooling arrangements. No, it was not. Pooling arrangements are pooling arrangements. Signing and falsifying documents for people who do not work in your electorate is cheating, rorting and breaking the rules. It does not matter what rules you have; if you are a rorter, you will rort.

She talks about how we need to establish a clear investigative capacity. Well, the Ombudsman actually does that. Members of Parliament are elected as a way of being representative but also accountable. Ms Springle talks about all of these other structures. I am sorry; as I said, nothing can make us immune from the rorts and lies of the Labor government.

Independent Broad-based Anti-corruption Commission Committee: external oversight of police corruption and misconduct in Victoria

Mr RAMSAY (Western Victoria) (17:05) — My statement is on the very important *Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria* report. I want to congratulate particularly the chair, Kim Wells, who navigated a quite sensitive inquiry into the role of police command dealing with complaints against police and also the potential misconduct of police as part of their internal investigations, the bulk of the cases usually conducted through police standards command.

There has been a lot of criticism from outside stakeholders about having police investigating themselves. Certainly in regional Victoria, where one-man stations or one-police-officer stations are under investigation by a regional police officer with some seniority, it was felt that those investigations may well be compromised because of the interrelationship of the senior officer with a serving police officer in a one-man station having had a complaint raised against them.

That aside, there were few cases that in fact IBAC dealt with in respect of investigations of police misconduct being referred to it. That raised concerns particularly from legal services but also from some others who are anonymous who wanted to raise their concerns about police through the standards command not fully investigating complaints of misconduct and serious misconduct through the system. Having said that, we do recognise that police play a critical role in society; preventing and combating crime, enforcing the law and protecting, assisting and engaging with the community in a whole lot of ways. The job of a police officer is a demanding one, and I do appreciate that. It is also done often in stressful and dangerous circumstances.

In 2016 the Independent Broad-based Anti-Corruption Commission Committee's *Strengthening Victoria's Key Anti-corruption Agencies?* report identified that there were a number of concerns among stakeholders about the impartiality and effectiveness of the current police complaint-handling and oversight system in Victoria. I have mentioned that.

We did go across to Northern Ireland to look at what they call PONI, the Police Ombudsman for Northern Ireland, which is a specific investigative body with a police ombudsman looking at complaints against police. When we undertook this inquiry we carried out wideranging research into past Australian and international inquiries, we examined a range of best practice models across the world, in fact, and the principles that were applied, and sought and received extensive evidence on the strengths and weaknesses of the present Victorian system.

The committee's research and evidence received during this inquiry demonstrate that the complaints and police oversight system needs significant improvement. The committee therefore made 69 recommendations to improve the transparency, impartiality, effectiveness and efficiency of the system. In particular the committee considers that IBAC needs to give greater priority to its functions of handling, investigating and oversighting complaints about police. For example, IBAC investigates only about 2 per cent of the allegations it determines warrant investigation, referring the rest back to Victoria Police, including a range of serious police misconduct matters. This has raised considerable concern within the community. Further, the committee has recommended that unless there are exceptional circumstances IBAC rather than Victoria Police should investigate serious police misconduct. In order to assist IBAC in carrying out these important functions, the committee has recommended the conferral of selected additional investigative and oversight powers on it.

The recommendations address the need for significant improvements in the complaints system. The committee made recommendations from a complainant-centred perspective to improve the public information about the complaints system. We see a need for IBAC to play a stronger role within the complaints system but also recognise the importance of Victoria Police continuing to play its distinctive part in taking responsibility for addressing misconduct. The committee has also been struck by the strength and diversity of contending views amongst stakeholders. We do appreciate the effort of many people who fronted the committee.

In finishing, I want to congratulate the committee and the secretariat. There is a very big volume of work here — 69 recommendations — and we look forward to the government's response to this report.

Privileges Committee: matters relating to misuse of electorate office staffing entitlements

Ms BATH (Eastern Victoria) (17:10) — I would like to make some comments in relation to the report tabled in August on the inquiry into matters relating to the misuse of electorate office staffing entitlements. I will be brief. Even though there is much to say, I think that much of it has been said before. But I want to just reflect on some of the issues that brought us to the point where this inquiry needed to be undertaken in the first place, some of the flaws in relation to the committee's ability to investigate the matter and then also the minority report.

This report has come out in effect because back in 2014, under the mastermind, Mr Lenders, the then opposition, now Labor government, and 21 members of Parliament —

Mr Davis interjected.

Ms BATH — You are correct. I take up your interjection, Mr Davis. There may well be far more. Twenty-one have been identified by the Ombudsman, and in fact six of those members of Parliament who are now ministers in this place were found to have misused and misappropriated taxpayers electorate office funds. Those funds are there to be used to support our work as MPs, to work through our constituent issues, to run our offices, to answer our phones and to meet our obligations. But what this group of people — and there may have been more, Mr Davis — chose to do was sign off on papers that enabled the red shirts, another group of campaigners solely for the Labor Party, to be paid. Did they know them? No, they did not. Did they know where they went? Maybe, but maybe they did not. They chose to sign off on a matter that was clearly not the work of an electorate officer in their office.

Indeed as life evolved, the red shirts rorts became apparent and the Ombudsman, Deborah Glass, an outstanding human being who conducts her jurisdictional work to the letter of her requirements and does so with expediency but also with a huge level of professionalism, was asked by members of this place to investigate, and she did. But what did the Attorney-General do? He chose to put up not one, not two but three court appeals to have her silenced and to not have the matter addressed. The sum involved is around $1 million, but it could be far, far greater than that. With respect to the Ombudsman's report she found, and I quote:

> … the arrangement to employ field organisers as electorate officers was an artifice to secure partial payment for the campaign out of parliamentary funds, and was wrong.

We go forward and this house sought to have a proper and complete select committee investigation of the matter. What did Labor and the Greens do? They shut down the fact that there should have been a fulsome and complete review of the situation. The only way forward that the Greens would commit to was to have a Privileges Committee inquiry. Unfortunately the terms of reference for this committee in no way enabled that committee to investigate this to a thorough degree.

I turn to the minority report. I thank the Honourable Mary Wooldridge, Gordon Rich-Phillips and Luke O'Sullivan for their work on that committee and commend the minority report to this house and the key fact that this minority report identified, which we all know because it has been widely publicised. The Victoria Police fraud and extortion squad is now investigating these people who still sit in our Parliament, who still operate out of our Parliament, and have had a huge increase in their income because of it —

The ACTING PRESIDENT (**Mr Purcell**) — Thank you, Ms Bath.

Department of Treasury and Finance: budget papers 2018–19

Mr DAVIS (Southern Metropolitan) (17:15) — Today I want to talk about the state budget, and in particular the public transport output. What we have seen is that targets set in the state budget for our country rail have not been met again. Performance has been terrible in Gippsland, which I will come to in a moment. I watched question time in the lower house today and I saw Emma Kealy, the member for Lowan,

refer to the case of a woman who is a regular commuter on the line from Ballarat. Ms Kealy pointed to the fact that she had received 273 messages via SMS in recent periods on train delays. It is good that there is an SMS service. Fifteen of the messages in a day covered problems with track faults, signal faults, congestion and other numerous failings and breakdowns. The truth of the matter is that this is a case study in how the performance of V/Line has fallen. It has declined seriously.

Our country rail services are relied on by country communities. If you look at the punctuality across our services, it has declined to 85.9 per cent in the most recent July figures. It was at well over 90 per cent when the coalition was in government in its last set of figures in November 2014. But if you look for example at the Ararat and Maryborough lines you see they were on 98.2 per cent under the coalition and have fallen to 83.1 per cent; and Bairnsdale, from 86.4 per cent under the coalition to 49.3 per cent. It is an absolutely hopeless performance by Daniel Andrews and his Minister for Public Transport, Jacinta Allan.

In Ballarat punctuality has fallen from 92.3 per cent to 85.9 per cent; in Bendigo, from 95 per cent to 85 per cent, and that is a very poor performance; in the case of Gippsland, as was pointed out by Ms Bath, it has fallen from 82 per cent to 74.4 per cent; in Shepparton, from 94.3 per cent to 84.8 per cent; and in Warrnambool, from 90.6 per cent to 81.8 per cent.

If you look at cancellations statewide, they have increased from 36 in November 2014 to 283 in the period of July 2018. On the Ballarat line the number of cancellations has gone from seven to 63, and that is what Ms Kealy's constituent was pointing to. I know that Louise Staley, the member for Ripon in the Assembly, has also been complaining about and has had complaints made to her by commuters who are unhappy with the performance of V/Line, and they have every right to be unhappy. On the Bendigo line the cancellations have risen from six in November 2014 to 48, and on the Geelong line from nine to 97 in the most recent period, July 2018. On the Gippsland line cancellations have risen from zero under the coalition in its last period to 20 in July 2018; Seymour, from four to 24; Shepparton, from two to five; and on the Warrnambool line from zero cancellations to eight cancellations. It is very clear that statewide punctuality is down on V/Line and the cancellation rate has risen from 0.6 per cent under the coalition to 3.3 per cent.

People expect clean, reliable, safe railway performance. In country Victoria our community is incredibly dependent on the ability to move on the trains. I say that under this government the performance has fallen very badly. People have every right to be very angry. Jacinta Allan appears to have her head in the sand on this matter. She appears to be very unconcerned that people from Warrnambool, Ballarat, Bendigo and up into the north-east and down to the state's south-east too are not getting the performance that is required.

I say this is a clear measure of Daniel Andrews's failure. This is a city-centric government. It is a government that does not care about country Victoria. It is a government that has turned its back on country government, and nothing typifies this more than the V/Line fall in performance. People say, 'Well, there's more people', and yes, there are. But having said that, the government could at least run the services as well as they were run in November 2014. That would be a very simple, moderate and modest benchmark, but Daniel Andrews and his government have failed on V/Line and failed very badly.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Taxi registration

Ms LOVELL (Northern Victoria) (17:21) — My adjournment matter is for the Minister for Public Transport, and it relates to the current unacceptable delays experienced by Victoria's taxi operators in transferring their taxi registration when they purchase a new vehicle. The action that I seek is that the minister, as a matter of urgency, review the current procedures of Commercial Passenger Vehicles Victoria regarding the transfer of registration to new taxi vehicles to eliminate the delays currently experienced by taxi operators, which are negatively impacting on the income and financial viability of these important small business operators.

Since being in office the Andrews Labor government has introduced legislation that has decimated the taxi industry. Deregulation of the industry saw the worth of highly valued taxi licences drop to virtually nothing. Many taxi operators have been left with large debts after borrowing large amounts of money to purchase licences that are now virtually worthless. Operators have lost life savings, and many have had to postpone retirement because of industry changes forced upon them by deregulation. Every taxi operator is also a small business owner, and the actions of the Andrews

Labor government are yet another attack on small business in Victoria.

The creation of a new regulating body, Commercial Passenger Vehicles Victoria, means that taxi operators are now faced with draconian procedures that are affecting their businesses. I was recently contacted by a constituent, a long-time taxi operator from Shepparton, who had purchased a new car and wanted to transfer the taxi numberplates from his old taxi to his new car. Previously this entire process could be completed in one day, ensuring the vehicle was not off the road and the business was not affected. Commercial Passenger Vehicles Victoria has informed my constituent that this process will now take between three and five days. This needless delay will mean my constituent is forced to shut down his business for up to five days, and he estimates a loss of income of approximately $3000 during this time. He has also already lost so much because of this government's treatment of the taxi industry and the negative impact that has had on the value of his licence.

The action I seek from the minister is that as a matter of urgency she review the current procedures of Commercial Passenger Vehicles Victoria regarding the transfer of registration to new taxi vehicles to eliminate the delays currently experienced by taxi operators, which are negatively impacting on the income and financial viability of these important small business operators.

Assisted reproductive programs

Ms PATTEN (Northern Metropolitan) (17:24) — My adjournment matter today is for the Minister for Health, and the action I seek is a review of the requirements under the Assisted Reproductive Treatment Act 2008. Under this act all patients that are accessing assisted reproductive programs, or IVF, are required to undertake a Victorian criminal police record check prior. They are also required to fill in police form 820B, 'Consent to check and release national police record'. They then have to fill in another form applying for a child protection order check, and if they are from overseas, they have to then go back to their native country and apply for a police check in that country.

Now, as many of us are well aware, the process of IVF is quite a roller-coaster for many people, and many people do not have a lot of time. This process takes up considerable time that many couples seeking IVF just do not have the luxury of. Of course no-one requires a police check to conceive naturally, so this application process really is discriminatory. It implies that somehow people seeking IVF are criminals or cannot be trusted. I certainly think this is very misguided.

I could not find any reasoning for this requirement when this was raised by a constituent. I did find that the Victorian Law Reform Commission back in 2007 said that we certainly do not want any violent sex offenders from accessing IVF, and I fully agree. We could certainly work out a way that people on the sex offender list did not qualify for IVF. But to say that anyone seeking IVF must undertake a police check I think is really based on prejudice. I think it is clearly misguided, and there is no basis in evidence for this. There are the normal preconditions: financial stability and functional relationships. People who are seeking IVF do so because they very, very, very much want a child, and this is different quite often from people who conceive naturally. Melbourne IVF and many others do not support these requirements. So the action I seek from the minister is: could she review this policy position and see if we can work out a fairer framework for those couples that are actively seeking to bring a child into their family?

Sunbury car parking

Mr FINN (Western Metropolitan) (17:27) — I wish to raise an adjournment matter this evening for the attention of the Minister for Local Government. It concerns the issue of car parking in Sunbury and the role, firstly, of Bulla council, which has since left us, and now Hume City Council. As I have gone around with Cassandra Marr, the next member in the Assembly electorate of Sunbury, speaking to a number of people in the Sunbury township, it has become very, very clear and it has certainly been reinforced in my mind that the major issue in the CBD of Sunbury is parking. The opposition leader has been to Sunbury and made an announcement on contributing $1 million to finding a resolution to that, and that is a very, very good thing indeed.

The point that I make is that it seems to me that there is somewhat of a fraud being perpetrated here. According to a document called *Sunbury Town Centre Database: Edition 2 — December 2011* from Hume City Council, a separate rate number 1 was commended by the Shire of Bulla in 1976–77 to in fact build a multilevel car park in Sunbury itself, and that separate rate was imposed on traders in Sunbury and continued for many years. The Hume council had the money — indeed it purchased the land for the car park — and quite extraordinarily it did not build the car park but in fact leased the land back to VicTrack, so it is winning both ways. Hume council has the levy money from the traders, and it is also receiving money from VicTrack.

This stinks, to say the very least. This is a fraud that has been perpetrated on the traders of Sunbury. The council is committing an outrage, in my view, against the people that it is supposed to be providing for and representing.

I am asking the minister to conduct an inquiry into this particular incident to establish the facts as to how much the levy raised and when and what the council's attitude is to that now. This seems to me to be an outrageous scam that the Hume council is perpetrating, and I am asking the minister to conduct an inquiry with a view to ensuring that the Hume council actually does the right thing by the traders and the people of Sunbury and provides that much-needed car parking.

Environmental water

Ms DUNN (Eastern Metropolitan) (17:30) — My adjournment matter is for the Minister for Water. On Thursday, 23 August, the Minister for Water, Lisa Neville, put out a bizarre media release. It said the minister had written to the commonwealth minister, David Littleproud, urging him to look at ways the Commonwealth Environmental Water Holder can sell off environmental water allocations. Minister Neville then went on the ABC *Country Hour* radio show and took credit for the release of 20 gigalitres of water by the Commonwealth Environmental Water Holder.

Yet things quickly went south for the minister during that interview. She was forced to admit that 20 gigalitres was a mere 1 per cent of the allocation for irrigation in the Goulburn-Murray water region. The minister then admitted it was only a tenth of the inflows to water storages in the Goulburn-Murray that past week. The minister finally admitted that there was no way of ensuring that this water would actually get to the dairy farmers and graziers that require water. Indeed with prices expected to be between $300 and $400 per litre, it is likely they would be outbid by almond and citrus growers downstream.

If the ABC reporter had a chance to dig further, he would have found that the Commonwealth Environmental Water Holder had been planning a sale of environmental water in the Murray-Goulburn for months. Furthermore, he would have found out that the reason the environmental water was sold was that it could not be used because of the spurious constraints to overbank flows in what are naturally flood plains. Meanwhile, river red gum forests in the Gunbower, Barmah and Murray-Sunset national parks and the Nyah-Vinifera state park are water stressed. Old gum trees are surrounded by young saplings and thistles that would normally be culled by overbank watering. Traditional owners have a strong connection to country and are saddened to see the further decline of these river red gum forests.

The Minister for Water has abused her ministerial position to politically interfere in a statutory authority and its management of environmental water holdings. These holdings could be used to save our riparian ecosystems and the communities that depend on them. It is irresponsible of the minister to push for the sale of environmental water when there is a high risk that Victoria is entering a drought. We may need that water to keep our river red gum forests on life support; for the minister to celebrate its sale is sickening. The action I seek is that the minister desist from politically influencing the use of environmental water, stop undermining the Murray-Darling Basin plan and work to save Victoria's riparian ecosystems.

The PRESIDENT — Is this the state minister?

Ms DUNN — Yes, it is the state minister.

The PRESIDENT — Can you just explain to me what the action is?

Ms DUNN — We are asking that the minister desist from political influence of a statutory authority on the use of environmental water and, in that, stop undermining the Murray-Darling Basin plan and work to save Victoria's riparian ecosystems.

The PRESIDENT — That is not an action. Can you rephrase it into an action?

Ms DUNN — The action I seek is that the minister desist from the reallocation of environmental water, as it undermines the Murray-Darling Basin plan and has great impact on Victoria's riparian ecosystems.

Rural financial counsellors

Ms BATH (Eastern Victoria) (17:34) — My adjournment matter this evening is for the Minister for Agriculture, the Honourable Jaala Pulford in this place. I would like to put on record that I thank the minister on behalf of our shadow Minister for Agriculture, the Honourable Peter Walsh, who asked for a briefing on the state of play in terms of the drought and dry conditions in regional Victoria, and the minister facilitated a briefing for country Liberals and Nationals last sitting week, which was most helpful.

What that briefing told us is something that many of us particularly in Gippsland and East Gippsland know — that we are experiencing incredibly dry conditions and drought conditions up in the eastern and central part of

the state and that the Rural Financial Counselling Service is a really important service for on-farm communication and on-farm support for farmers who are really struggling to pay their bills and feed their stock. These are very important services. In actual fact there are 50 new cases over these last few months that have requested assistance from the Rural Financial Counselling Service, and there is a huge need for additional counsellors in that Central Gippsland and East Gippsland region.

The action I seek from the minister is to fast-track additional counsellors so that they can do the work that they need to do. In speaking with some of the farmers in that area and also the counsellors I have learned that there is now an up to three-week wait from requesting services to actually getting them — three weeks when there is a severe shortage of funds, where people are under pressure and where stock feed is low. It is really important that farmers be able to engage with all the services that financial counselling can provide. In truth, this is not around just finances. Counsellors often sit at the kitchen table and act as a conduit for other services, whether they be mental health services or other health services. It is a very important outcome.

Again, I know that it is jointly funded between state and federal governments, so it is very, very important that the minister fast-track these financial counsellors into regional Victoria so that they can do that work really well and support our farming community, who are the backbone of our rural community and who provide our food bowl and ensure that our food security is there. They need that support.

West Gate tunnel project

Ms TRUONG (Western Metropolitan) (17:37) — My adjournment matter today is for the Minister for Public Transport. If you live in Wyndham Vale in Melbourne's outer west, getting to work can be a real headache. The trains are often full before they get to your station, and by the time you get to the station car park the situation could be the same. After five years of roadworks you will be able to take the West Gate tunnel, but 10 years after it opens it will be at capacity in the morning peak. If you do not want to pay the toll, you can stick with the West Gate Bridge, but by then the commute over the bridge will be even slower than it is today. It does not help that the toll road will have swallowed up one of the untolled lanes through the ring-road interchange. The West Gate tunnel is not a solution for the people in the outer west because, as Infrastructure Victoria pointed out, every time we build a new major road in Melbourne it becomes congested, again and again and again.

Our communities want real solutions, so we Greens have looked into and developed a transport master plan for the west. We now know that so much more than polluting private toll roads is possible for the western suburbs. We know we could have more frequent and direct buses so people can get to the station without having to deal with overflowing car parks. Our suburbs could enjoy metro services for metro passengers instead of leaving people in the suburbs of the outer west to catch V/Line trains to work.

We support Melbourne Metro 2, which links Wyndham Vale to the Werribee line and quadruples the line's capacity. We could be running more trains, not just at peak hour but seven days a week so that all you would have to do is turn up to a station without a timetable and know you will never have to wait long.

It is great to see the vision the government has shown in the Suburban Rail Loop proposal, but we know that to address today's congestion problems we need to work hard to improve services now. It is also important that any proposed vision or projects occur within an integrated transport plan for Victoria, a plan that is required by law but has been missing for years. It is only through proper network planning across modes that we will get people moving across our city, suburbs and regions in ways that harmonise with efficient, connected, climate-safe freight and commuter transport systems.

I ask the minister to commit to a series of real transport solutions for the people of the outer west and cancel the West Gate tunnel toll road project.

The PRESIDENT — I am satisfied with the action, but I must point out that members need to be careful about set-piece speeches, and I would suggest that that one, given the content, was very much a set piece speech that had an action tacked on the end. The action was fine. Obviously the adjournment debate in the remarks that lead up to the action are about context and the reason for something. The reason was subsumed there by Greens policy. I make this remark tonight because obviously, with only a few days of this Parliament to go, it is likely that others may also try a similar tactic.

Housing affordability

Mrs PEULICH (South Eastern Metropolitan) (17:40) — The matter that I wish to raise is, I think, for the Minister for Planning, although it could also be for the Minister for Housing, Disability and Ageing. I would say it may be for the Minister for Planning. It is to do with housing —

Mr Dalidakis — You've been a member for a while.

Mrs PEULICH — Well, unfortunately housing is covered by three portfolios — public housing, planning and Treasury. My concern is as we approach the state election, many of us are hitting the pavements, knocking on doors, talking to people on phones, and crime, congestion, cost of living and corruption are the sorts of issues that people are raising with us. But one issue that is consistently raised with me is housing affordability. The concern is about the cost of housing in the private sector, especially for those who do not have a foot in the market, often because there is not quite the diversity of housing that people need —

Mr Davis — Bring on 290 000 lots.

Mrs PEULICH — We are going to bring on a substantial number of lots in order to improve the housing affordability — 290 000 lots, I am advised. In addition to that, there are issues with public housing and homelessness and affordable housing. There are lots and lots of terms and labels. The government is merging its public housing and its affordable housing lists. It is badly mismanaged. There is also a chronic shortage of housing for single persons and in particular cheap options such as bedsitters and one-bedroom apartments. The reason is that the private sector does not typically invest in those areas because there is not sufficient capital growth in order to justify the investment. For some weird reason there is not enough investment in that particular option in the public sector either.

So I am asking the minister to review our aversion to small accommodation, including bedsitters and single-bedroom apartments, for an increasing number of people who live on their own, because if you actually place a single person in a two-bedroom apartment or even in a five-bedroom home, which happens because people enjoy this lifetime tenure in public housing, there is a mismatch in need and available housing stock and we end up seeing more and more people sleeping in their cars in car parks and on the side of the road, because they actually cannot get a foothold into emergency housing, transitional housing or more affordable housing in the private sector.

I call on the minister to look to see how we can break down this aversion to affordable housing in the private sector and the public sector, because one impacts on the other. Typically speaking we tend to look at these things in segregation. I think that is why we have a problem.

V/Line services

Mr DAVIS (Southern Metropolitan) (17:43) — My matter tonight is for the attention of the Minister for Public Transport in the other place. It concerns V/Line performance and serious rumours that abound amongst the public transport community. There is a concern that the government is returning to a 2016 plan to dump and run passengers — that is, to short-run the V/Line trains, particularly on the Gippsland line at Pakenham, forcing people to change and move onto the metropolitan system.

I am also concerned at the rumours I have heard that in the Warrnambool corridor the government has a proposal to dump and run in the area of Geelong, or Waurn Ponds. Warrnambool passengers will be forced to change onto trains that are obviously intended to go to Melbourne from there. Instead they are coalescing them onto V/Locity trains. In the case of Pakenham I am informed there is an advance plan. In fact I have been given a date of February. The government intends to implement this in February if it is successful in its re-election.

There is also a concern that the Seymour and Shepparton lines may face the same fate, with a change introduced at Craigieburn to enable the movement of people. I hasten to add that the coalition is totally and utterly opposed to this mechanism. Clearly the government has a problem with the performance of V/Line: declining punctuality; increasing cancellations, which I have detailed in other places; and a decline in performance over three years under this government.

Well, I say that the solution is not to cut short the country lines and force people to transfer and to bring in this dump-and-run policy. Ms Bath, I know you are aware of this. I know Danny O'Brien in the Assembly is aware of it. A number are very concerned about it. Roma Britnell and Richard Riordan in the Assembly are very concerned about the impact on people in the south-west of a policy where a change is forced at either Waurn Ponds or Geelong in that case.

The action I seek from the minister is an absolute commitment, a public statement, ruling out any proposal to dump and run — any proposal either in the Gippsland corridor, in the south-west or in the north to introduce this longstanding desire of certain members of the bureaucracy to dump and run passengers.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (17:46) — This evening we have had adjournment matters from Ms Lovell to the Minister for Public Transport, asking the minister to review transfers to new taxi vehicles; from Ms Patten to the Minister for Health, asking for the minister to review police check policies for couples seeking IVF; to the Minister for Local Government from Mr Finn in relation to an inquiry into Hume City Council over Sunbury car parking; to the Minister for Water from Ms Dunn, asking her to desist from allocating water in the Murray-Darling Basin; and from Ms Bath to the Minister for Agriculture, asking the minister to fast-track additional counselling services and counsellors.

We had one from Ms Truong to the Minister for Public Transport, asking to cancel the West Gate tunnel project. President, with your indulgence, allow me to dispense with that adjournment manner. The government will not be cancelling the West Gate tunnel project. It is one that we are committed to and we have stated we are committed to on many, many occasions. I feel no need to pass that on to the Minister for Public Transport, given the amount of times that this house has dealt with revocation motions for the planning of the West Gate tunnel. I think I am on safe ground to say that we are not going to cancel the West Gate tunnel.

There were also adjournment matters to the Minister for Planning from Mrs Peulich, asking the minister to review small accommodation guidelines, and finally from Mr Davis. President, I seek your guidance because, whilst ultimately Mr Davis did indeed finally get to an action item, it was predicated on rumours, and I am not sure that we work off the basis that rumours deliver an outcome. Nonetheless, the action that he sought is a commitment from the minister to not changing services for V/Line passengers. But again, given that that was predicated on rumour, President, I seek your guidance and advice as to whether or not that is an appropriate adjournment matter.

In the meantime, President, before you rule, I do have a written response to an adjournment debate matter raised by Dr Carling-Jenkins on 26 July 2018.

The PRESIDENT — I am happy to accept the dispensing of the matter raised by Ms Truong.

I am not in a position to actually know the veracity of issues that are raised in this place and the sources that members might have of information that they seek to obtain responses on. I can only hope that in fact there is not a situation of an erection of a straw man, particularly in the context of the forthcoming election, to raise concerns if there is not some substance to the matter. I have to accept that Mr Davis has provided that information on the basis of some verifiable information that he has.

The house stands adjourned.

House adjourned 5.50 p.m.

Thursday, 6 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

AUDITOR-GENERAL

Parliament of Victoria financial statements 2017–18

The PRESIDENT (09:35) — Members, I would just like to bring to your attention that I have received a notification from the Victorian Auditor-General's Office to indicate that they have signed off on the Parliament's financial statements. The Auditor-General has indicated that:

> In my opinion the financial report presents fairly, in all material respects, the financial position of Parliament as at 30 June 2018 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of the Financial Management Act 1994 and applicable Australian accounting standards.

I also remind members — I think you have been made aware of it — that there is a briefing for members on the election transition guide, and all members are invited to attend. The purpose of the briefing is to assist with the closure of the 58th Parliament. That will be held today between 2.30 p.m. and 3.30 p.m. in the Legislative Council committee room, so members might avail themselves of that opportunity.

I also indicate that I will be circulating a note from the Victorian Electoral Commission (VEC), which is in respect of our new obligations following the recent passage of legislation — it was either the last sitting week or the one before — in regard to electoral donations and other matters. The VEC has compiled a web page with our obligations.

PETITIONS

Following petitions presented to house:

Train noise pollution

Legislative Council electronic petition:

The petition of the undersigned residents of Victoria draws to the attention of the Legislative Council the harm being done to neighbours of railways by noise from train horns. Residents and workers near railways are subjected to loud horn blasts hundreds of times a week, almost always as a matter of routine at any time of the day or night. The horns are supposed to provide safety at a low cost, but the true costs are externalised in the form of noise pollution. The World Health Organization estimates that at least 1 million healthy life years are lost every year from traffic-related noise in the western part of Europe. In Melbourne, the health and wellbeing of communities near railways are relentlessly harmed by the frequent blasting of train horns. Train drivers are forced to rely on the routine sounding of horns to keep themselves and others safe, because rail infrastructure in many parts of Melbourne lacks even basic protection such as fencing. Our railway system lags well behind the world's best practice in safety standards and levels of noise pollution, and progress is hindered by poorly designed laws and lack of investment. Unless decisive action is taken to modernise our railways and reduce the reliance on train horns, the health impacts of noise pollution in Melbourne will only worsen with population growth and expanding demand for public transport.

The petitioners therefore request that the Legislative Council holds a public inquiry into noise pollution from train horns. The inquiry should ensure that government policies put homes before horns, so that the health, wellbeing and amenity of communities are not sacrificed as a cheap way to achieve basic safety. Practical alternatives to horns should be identified and adopted without delay. We recommend that the following actions are considered.

(1) Let us sleep. Change the railway operating rules to stop the routine sounding of train horns at night;

(2) Fix the horns. Ensure that all train horns in Melbourne are designed to minimise their impact outside railway corridors, with sound levels that do not exceed Australian standards for urban warning devices;

(3) Enforce the law. Stop punishing communities with train horns. Target the offenders who ignore signals and gates at level crossings;

(4) Fence the tracks. Amend section 61 of the Rail Management Act 1996 to require fencing of railways in populated areas. Stop relying on train horns to keep people away from railway tracks;

(5) Restore our rights. Amend section 251B of the Transport (Compliance and Miscellaneous) Act 1983 to acknowledge that noise from rolling stock is a nuisance that needs regulation like other sources of noise pollution;

(6) Build safe crossings. Save lives and reduce noise pollution by investing in dedicated bridges and underpasses for pedestrians.

By Ms DUNN (Eastern Metropolitan) (553 signatures).

Laid on table.

Mills Street, Middle Park, tram stops

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to plans to relocate two tram stops on Mills Street, Middle Park, and build a super tram stop near the corner of Danks Street. Local residents and traders are concerned about the removal of parking; the impact on school traffic; access to properties; and the location of future super tram stops in Mills Street.

The petitioners therefore request that the Minister for Public Transport investigate optimal placement of future tram stops along the full length of Mills Street, Middle Park, which is expected to happen in accordance with Public Transport Victoria's stated policy.

By Ms FITZHERBERT (Southern Metropolitan) (70 signatures).

Laid on table.

Native forest logging

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that logging of Victoria's old-growth native forests by VicForests is doing irreversible damage to the biodiversity of vulnerable species in the state.

In particular, we call attention to the recent report by ABC news that VicForests is conducting an 'experiment' in the East Gippsland forest to conduct logging to determine the impact of logging on the greater glider (*Petauroides volans*), despite there being scientific consensus that logging has a detrimental effect on wildlife, and despite acknowledgement from VicForests that the experiment will kill greater gliders.

The petitioners therefore request that the Legislative Council call on the government to wind down all logging of old-growth forests in Victoria.

By Ms DUNN (Eastern Metropolitan) (192 signatures).

Laid on table.

Mickleham and Somerton roads, Greenvale

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the inadequate arterial road infrastructure, increased traffic volumes and ongoing safety issues on Mickleham Road and Somerton Road, Greenvale.

The petitioners therefore request that the Legislative Council call on the government to prioritise the duplication upgrades of Mickleham Road and Somerton Road, Greenvale.

By Mr ONDARCHIE (Northern Metropolitan) (27 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Independent Broad-based Anti-corruption Commission — Report to the Minister for Police, 1 January 2015 to 31 December 2016, pursuant to section 70N of Sex Offenders Registration Act 2004.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — No. 116.

Serious Offenders Act 2018 — No. 115.

Tobacco Act 1987 — No. 117.

Ombudsman — Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria, September 2018 *(Ordered to be published)*.

PREMIER

Mr RICH-PHILLIPS (South Eastern Metropolitan) (09:43) — I desire to move, by leave:

That —

(1) this house notes —

(a) that for purely political purposes the Premier ordered the unprecedented release of documents of a former government, overturning more than a century of convention relating to cabinet confidentiality and legal professional privilege;

(b) in his haste for political pointscoring the Premier failed to ensure the adequate assessment of more than 80 000 pages of documents;

(c) the Premier's actions have led directly to the disclosure of personal address, mobile phone numbers, date of birth, medical, psychiatric, financial, bank account and employment information of multiple Victorian citizens; and

(2) this house censures the Premier for prioritising his personal political interests ahead of his responsibility to protect the citizens of Victoria he is supposed to serve and his responsibility to uphold Victoria's constitutional conventions.

Leave refused.

MINISTERS STATEMENTS

Autism early identification

Ms MIKAKOS (Minister for Early Childhood Education) (09:45) — I rise to update the house on how the Andrews Labor government is helping parents and carers give their children the best possible start in life. Late last year the Premier and I announced a $19 million suite of inclusive early childhood education initiatives, including $1.1 million for the training of all maternal and child health nurses in Victoria in the early identification of autism. I was pleased to stand with Premier Daniel Andrews yesterday to announce that the Olga Tennison Autism Research Centre (OTARC) at La Trobe University will be the provider of that training to the more than 1250 maternal and child health nurses

that we have here in Victoria. The Olga Tennison Autism Research Centre is Australia's pre-eminent autism research centre, and I am very pleased that we are able to partner with them.

Research has shown that the early detection of autism spectrum disorder in young children and timely intervention maximises a child's developmental outcomes later in life. We know that early detection, early diagnosis and early intervention can be life-changing. A comparison study between children identified with autism early, at as young as 18 months, using OTARC's surveillance training, and a group of children who were diagnosed later in life, at around ages three years to five years, demonstrated significant results. By seven to nine years of age only 8 per cent of children diagnosed early still have an intellectual disability compared to 24 per cent of children diagnosed later. Seventy-seven per cent of children diagnosed early attend mainstream school compared to 58 per cent of children diagnosed later, and 60 per cent of children diagnosed early are receiving ongoing support compared to 90 per cent of children diagnosed later. The screening tool that OTARC has developed in fact enables children to be screened between 12 and 24 months of age. We know that, sadly, currently many children are only being identified with autism at preschool or even later on, when they have started school.

I was honoured also to meet young Ayoub and his family. Ayoub is a five-year-old boy who was diagnosed with developmental delay when he was only 18 months old. It was in fact his maternal and child health nurse that assisted in the early identification of this issue. With the early intervention and support that Ayoub has received, he no longer has a diagnosis of global developmental delay and is ready to start prep next year at his local primary school. I wish Ayoub and his family well, and I certainly congratulate the Olga Tennison Autism Research Centre on this important support to our world-class maternal and child health service.

Learn Locals

Ms TIERNEY (Minister for Training and Skills) (09:47) — I rise to update the house on the Andrews Labor government's support for Victoria's adult and community education providers known as Learn Locals. On 30 August 2018 I attended the 2018 Victorian Learn Local Awards and announced a new $5 million program to boost literacy, numeracy and language training for Victorians looking to gain the basic skills they need to succeed. The program will focus on students with high needs through an expansion of preaccredited courses, supporting them to have the best chance to get a job or undertake further training. The program also aims to build staff capacity through customised support so each Learn Local can broaden their offerings and provide greater support for more students. The program will assist more than 3000 learners over the next two years. It will be open to all 267 Learn Locals across Victoria.

The Andrews Labor government is supporting Learn Local providers to train more Victorians in the foundation skills needed to get a job or undertake further training. Learn Local providers make a huge difference in their communities by delivering adult community education programs. Learn Locals work at the grassroots to help people turn their lives around with programs for people of all ages and from all walks of life.

I take this opportunity to again congratulate Jenny Barrera, who won the 2018 Lynne Kosky Memorial Award for Lifetime Achievement at the Victorian Training Awards this year. Jenny is the CEO of Wyndham Community & Education Centre Inc. She has dedicated her professional life to education, starting her work as a teacher with Indo-Chinese migrants arriving in Collingwood and Richmond in the late 1970s.

This government, the Andrews Labor government, is making record investments across the sector to give all Victorians the skills they need to get a job.

Melbourne Tech City

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (09:49) — As the Minister for Innovation and the Digital Economy I am pleased to inform the house of the launch of Melbourne Tech City, the Andrews Labor government's major campaign to attract investment from Silicon Valley and San Francisco across the wider region. With Melbourne being an innovative and tech-ready city, the campaign promotes Melbourne's position as a leading tech hub across the Asia-Pacific region and our highly skilled tech workforce.

Our entrepreneurs and innovators are more globally connected now than they have ever been, and this government is helping them to establish valuable networks and business collaborations. Prominent outdoor advertising on five of San Francisco's trams and the rail corridors that take tech workers to business areas across Silicon Valley is being utilised to promote our vibrant start-up sector.

Listed as Australia's leading tech city by Deloitte, the Economist Intelligence Unit and A. T. Kearney, Melbourne has already attracted investments from some of the biggest names in the valley, including Square, Zendesk, Etsy, Eventbrite, GoPro, Hired, Google and Salesforce. Many of these companies feature in the Melbourne Tech City campaign, explaining why they set up regional headquarters in Melbourne and how it has allowed them to draw on Victoria's culture of innovation and to gain access to new markets in different time zones. The campaign is further supported with the launch of Qantas's first direct flights from Melbourne to San Francisco, which is set to add close to 50 000 seats each way per year.

The digital economy is crucial to Victoria's future, and that is why the Andrews Labor government will continue to support our homegrown talent to pursue opportunities both at home and abroad, as well as raise Victoria's profile as a powerhouse of innovation. As the Melbourne Tech City tagline says, tomorrow starts here.

Victorian Aboriginal Justice Agreement

Ms MIKAKOS (Minister for Youth Affairs) (09:51) — I rise to inform the house on how the Andrews Labor government is taking historic steps towards closing the gap and reducing the over-representation of Aboriginal young people in our youth justice system. While Victoria continues to have one of the lowest rates of Indigenous detention in the country, their over-representation remains unacceptably high. Recently I was proud to be a signatory to phase 4 of the Aboriginal justice agreement — Burra Lotjpa Dunguludja — with the Attorney-General, other ministers and 20 Aboriginal community-controlled organisations.

For the first time the agreement sets a milestone to reduce the average daily number of Aboriginal young people under justice supervision by 43 by 2023. In this year's budget the government has committed $10.8 million for a range of initiatives to divert Aboriginal young people from a custodial sentence and to support and rehabilitate them. In a Victorian first the government will establish an Aboriginal youth justice task force to examine the cases of about 250 Aboriginal young people in our youth justice system over the next 18 months.

Taskforce 250 will be led by the independent commissioner for Aboriginal children and young people and will examine the current care of Aboriginal young people in our youth justice system and identify issues that impact on their development and cultural connectedness. New initiatives such as in-reach elder support as well as leadership and cultural development opportunities for Aboriginal young people will also be rolled out across youth justice custodial centres to support their rehabilitation.

Together with a $1.3 million Aboriginal youth justice strategy as part of the government's response to the Armytage-Ogloff youth justice review, these initiatives will help meet the Aboriginal justice agreement milestone. After four years of cuts, cover-ups and pay-offs by the previous Liberal government, we are fixing their mess through an unprecedented $1.2 billion overhaul of our youth justice system, and we are also seeking to address the over-representation of Aboriginal young people.

MEMBERS STATEMENTS

Northern Metropolitan Region schools world record

Mr ONDARCHIE (Northern Metropolitan) (09:53) — On a sunny August winter day on Thursday, 16 August, I was proud to be a lead witness at the Marymede Catholic College, South Morang, for a Guinness World Record attempt for 'The largest gathering of people dressed as Albert Einstein'. My role as an independent witness was to act on behalf of Guinness World Records in verifying that all elements of the official attempt were conducted accordingly. Students from Marymede Catholic College, St Mary's Primary School, St Joseph's Primary School and St Paul the Apostle Primary School donned wigs, moustaches, blazers and a shirt and tie to break the Guinness World Record for the largest gathering of people dressed as the famous theoretical physicist.

It was a fantastic sight, and I am extremely proud of all the students from the four schools for their attempt and for really contributing to a great day. Five hundred and forty-one students smashed the former record of 304 look-alikes held by a Californian school. I look forward to this achievement being recognised by the Guinness World Records headquarters in London. Well done to all the students, parents and teachers from Marymede Catholic College; St Joseph's Primary School, Mernda; St Mary's Primary School, Whittlesea; and St Paul the Apostle, Doreen. In particular I wish to congratulate college registrar Matthew Luczek for his wonderful team and their coordination and organisation of the event. As Einstein himself said, 'It is the supreme part of the teacher to awaken joy in creative expression and knowledge'.

Jewish New Year

Mr DALIDAKIS (Minister for Trade and Investment) (09:54) — L'shana tovah! This Sunday, 9 September, is the Erev Rosh Hashanah New Year commemoration for the Jewish community as we welcome in a new year. Rosh Hashanah is the new year day, starting on the 1st of Tishri, bringing in the new year of 5779. Sunday is the last day of the old year, the 29th of Elul 5778.

Can I wish all my friends, my family and the members of the Jewish community, not just here in Melbourne and Victoria but indeed the Jewish community around the world, a good and sweet year. Can I also ask that for the coming year of 5779 around the world, including of course in Israel, we have a safe and peaceful year, and I wish the very best to everybody, wherever they may be and whichever religion they ascribe to. If they do not ascribe to a religion, I wish them well too.

Production of documents

Ms FITZHERBERT (Southern Metropolitan) (09:55) — Last night we had an announcement of an extraordinary data breach in this state, exposed by the *Herald Sun*. In a way that appears to be totally incompetent and absolutely reckless we have seen highly intimate details of individuals publicly published. Mr Jennings said:

> I'm concerned about this because there should be a quality assurance process to protect everyone's interests.

And I understand that Treasurer Tim Pallas has described this as a 'relatively minor breach' and said:

> We believe we have taken the right balance and the right approach in this matter.

Well, plainly that is absolutely wrong. The Premier described it as 'unfortunate' and 'inadvertent'. I disagree. I think it is devastating, I think it is highly damaging, I think it is highly intrusive and it is potentially dangerous in terms of the personal details that have been put into the public domain. We have seen home addresses and phone numbers, medical records, bank details, personal phone numbers and details of superannuation accounts.

Jacinta Allan has the nerve to criticise the opposition for looking at these documents. The government has been asking the public to look at these documents all week. They did a media stunt out the back, carting them in, and said, 'Here, let's show them to the world'. But what has been shown to the world is their utter incompetence.

There is a range of questions for Premier Daniel Andrews, who was behind this. Who was responsible for the documents? Who was collating them? Why were there no redactions? What are the legal implications, and when will he finally take responsibility for this, which has been done in his name and in his name only? He needs to take responsibility.

Father's Day

Mr PURCELL (Western Victoria) (09:57) — Last Sunday was Father's Day, and it was my pleasure to have been invited to be a guest at the Warrnambool Rotary club's Father's Day awards to discuss behaviour in Parliament. I was then invited to read out my granddaughter's entry, which finished 12th of 1200 entries, and I would now like to share part of her submission with you:

> My dad makes me feel so absolutely special he should definitely be the father of the year. Even if he doesn't, he will always be the best dad in the world to me.
>
> He's not really famous, loud or perfect but I think he's the best dad in the Milky Way. Sometimes when I feel alone he makes me feel like everyone in the world is watching.
>
> My daddy is on TV a little, but he's a little shy, just like me. One day when I was going to talk in front of the assembly he came up to me and told me that he was shy but he was on TV, and I felt better. Even though I did not talk in front of the assembly it still helped.
>
> Out of everything that we do together (probably) my favourite would be sitting on the best beanbag and giving my dad a big hug!
>
> I can always tell him that I love him to the moon and back.

That is by Helena Purcell. It is my pleasure to recognise my grandchildren, Isaac and Helena Purcell, and Patrick and Inala Hayes, who are in the gallery this morning.

The PRESIDENT — I noticed that they were here yesterday as well, and it occurred to me this morning, 'Who would put their children through such torture?'. Welcome to the Purcell family.

Production of documents

Mr DAVIS (Southern Metropolitan) (09:59) — Today and beginning last night it became clear that the Andrews Labor government has been involved in what now appears to be one of the most appalling privacy and data breaches that we have seen in this state. We have seen the Premier himself personally move a motion to ensure that documents were provided from a former government's cabinet documents and legal opinions. That is a serious breach

of convention in and of itself, but now that the Premier has brought those documents to the chamber it is clear that nobody vetted them and that thousands of pages may relate to the personal details of Victorians. It is clear that the personal details of Victorians have been compromised by Mr Andrews's own actions and by the scandalous decision of the government to breach conventions.

Well, I say that this is a window into the Premier's soul. This is a window into his attitude to Victorians, where he is prepared to put partisan political advantage over the good interests and the fair right to privacy and the fair right to protection of everyday Victorians. Nobody should have had their data released in this process. Nobody should have had their information released in that way. These are not people that were part of some public process. These are not people that were engaged in the political debate or some other aspect, even on a policy issue. These were normal Victorians, and it appears that their data has been breached by a Premier who has no moral compass.

Melbourne Museum road safety complex

Mr LEANE (Eastern Metropolitan) (10:01) — I was very pleased last week to see that the Minister for Roads and Road Safety, Luke Donnellan, opened a new world-first road safety complex at the Melbourne Museum. This complex is expected to see tens of thousands of students go through the complex and enjoy the new state-of-the-art technology in this complex to help them learn about road safety even before they get their learners permits. Unfortunately this is something that has been suggested by road safety experts because drivers between 18 and 25 are too over-represented in the deaths on our roads.

I want to compliment everyone involved in this particular complex. I was very pleased to chair a task force that delivered this, amongst other initiatives, with the $140 million young driver safety package the Andrews government has invested in this very important area. I want to thank the Transport Accident Commission. I want to thank VicRoads. I want to thank all the road safety experts that have assisted us in getting to the point that we got to last week, and also I want to thank Museums Victoria for working with us in co-locating this very important complex. I think it is the perfect location for these activities to go ahead.

Land rezoning

Dr RATNAM (Northern Metropolitan) (10:02) — While the government's pursuit of Mr Guy over the Ventnor land deal this week has all the hallmarks of a nasty political revenge attack, now with the reported unintended consequences of individuals' private information being made public it has once again highlighted the deep problems with our planning system. This is just further proof that Matthew Guy is the property developer's friend, helping his mates make millions off speculative land deals through rezonings. But he was able to do this because our planning system allows it.

Mrs Peulich — On a point of order, President, even within members statements members are expected to comply with the standing orders. The member is reflecting on a member of another chamber, and I ask that you ask her to desist.

The PRESIDENT — I listened to the term that Dr Ratnam used, and it was a descriptive term, which I might also have some disagreement with personally, but I do not believe that it actually offended the standing orders in the sense that, yes, the standing order is that if there is an accusation against a member in the other place or here, it needs to be by way of substantive motion rather than by just an allegation made in other proceedings that we have. I do not believe this has crossed the line at this point.

Mrs Peulich — On a further point of order, President, do you not believe that indeed Dr Ratnam is imputing an improper motive and therefore that is a most serious reflection on the Leader of the Opposition?

The PRESIDENT — No. I cannot accept that the statement that was made was necessarily implicating what you suggested — not at this stage. It went close.

Dr RATNAM — Mr Guy was able to do this because our planning system allows it. The ability for property developers to make speculative land deals where the developers make huge windfall gains when their land is rezoned exposes our current planning and political system to very significant exploitation when decision-makers make decisions that favour a developer or land speculator over the community.

In the ACT strong preventative measures have been introduced to reduce this. Here in Victoria the latest information about the Ventnor deal demonstrates that there needs to be a judicial inquiry into rezoning deals —

Mr Finn interjected.

The PRESIDENT — Order! Mr Finn!

Dr RATNAM — Here in Victoria the latest information about the Ventnor deal demonstrates that there needs to be a judicial inquiry into rezoning deals that create huge windfall gains for land speculation. We need to review and fix our planning and environment rules to create more accountability and transparency, particularly for ministerial powers. This happened in the same week that we heard about $62 million of untraceable donations — dark money — flowing to the Labor and Liberal parties. The Greens have long called out this cosy relationship between big developers and both the Labor and Liberal parties. It must be investigated and exposed.

Production of documents

Mr O'DONOHUE (Eastern Victoria) (10:06) — We have reached a new low in politics in Victoria. By releasing documents without vetting them, overturning long-held government conventions, the safety and security of numerous Victorians' data has been compromised for cheap political gain. It is now clear that the Andrews-Merlino Labor government will hurt anyone in their drive for naked political power. James Merlino has been the government's lead person on this issue, and he should apologise to all Victorians.

It is very concerning that the government has been collecting the private data of tens of thousands of Victorians through the Pick My Project website and many others now that they have been shown to have no regard for the privacy of Victorians in their pursuit of political success.

In two and a half months the constituents of the Monbulk electorate will have a choice between James Merlino, someone who is now defending the release of people's private bank account details, their personal home addresses, their private superannuation account details and a range of other highly confidential private information, or John Schurink, a 27-year paramedic, a local Country Fire Authority (CFA) captain and a lifetime member of the CFA.

Drug law reform

Ms PATTEN (Northern Metropolitan) (10:07) — It was International Overdose Awareness Day last week, and I was pleased to speak at a number of events held by community organisation, including Banyule Community Health and the Australian Community Support Organisation. I heard the stories of people who had tragically lost brothers, sons and daughters and also the triumphant stories of people who had overcome addiction and had gone on to a very strong path of recovery. We also noted the rise in overdose deaths. Since 2014 overdose deaths have nearly doubled in Australia. We are now reaching close to the epidemic proportions of accidental overdose deaths that we saw in the 1990s.

I just want to reflect on and report back to the Parliament the disappointment of the alcohol and drug sector in the government's response to the drug law reform report. Their response did not respond to the report at all. It spoke about their past achievements, which I would say have led to a chronic shortage of treatment services and to an ever-increasing number of accidental drug overdoses in Victoria. This report was seen as a landmark report, and the government's response to it is incredibly disappointing to all of those who worked so hard in providing submissions to it.

Benalla employment

Ms SYMES (Northern Victoria) (10:09) — I recently had the privilege of opening LS Precast employment information shop in Benalla. This project, a precast concrete facility, is delivering up to 400 jobs to my home town of Benalla. The LS Precast managing director, Ashley Day, has been awarded the contract to run the facility and to employ those people there, and it was great to tour the site with him last week. The precast facility will initially provide over 65 000 concrete products for the West Gate tunnel project, and LS Precast is expected to be well-placed to be a long-term supplier to the regional market as well as other major Andrews Labor government infrastructure and interstate projects, in particular the Suburban Rail Loop. This will create ongoing economic benefits for Benalla and surrounding communities. The site tour was really, really impressive. We are going to have three massive sheds, 300 car parks for workers, a new substation to power the site, office space, more than 20 water tanks to capture over 500 000 litres of rainwater and also a rail siding.

As we know, the Liberal and National parties tried to put a stop to this project, including the Assembly local member, Steph Ryan, who desperately tried to convince my community that the facility would be built regardless of the West Gate tunnel. No-one in Benalla is being fooled. In fact they are fuming. They stop me in the street and say, 'How can we vote out our local Nationals member at the election?'. They will be very pleased to learn that in November they can vote for the wonderful Labor candidate, Fionna Deppeler-Morton, who cares about local jobs and is a real local person. She will be a great community advocate.

Production of documents

Mr FINN (Western Metropolitan) (10:11) — Earlier this week I made the observation that the Andrews government will do anything to further its political advantage. Today I stand in this house shocked at how right I was. Could anyone in this state imagine that any government would go as far as to release private details — medical records, if you do not mind — of Victorians who have done nothing more than live their lives. Has there been any remorse shown by the Premier at all? None. He is directly responsible for this disclosure. He has no remorse; he has no shame. If I was a member of the Andrews government, I would be too embarrassed and I would be too ashamed to admit it today. In fact I would be visiting the Premier demanding that he personally contact those whose details have been disclosed by his government and apologise to them. Every Victorian should be concerned about what this Premier will do next. No Victorian is safe. Any one of us could be victims of Daniel Andrews's re-election campaign. It is a dreadfully sad day for Victoria.

Jewish New Year

Mrs PEULICH (South Eastern Metropolitan) (10:13) — I also wish to add my congratulations to our Jewish community here in Australia, abroad and in Israel on the Jewish New Year, Shanah Tovah, 5779, and wish them a year ahead that is filled with peace, prosperity and safety.

Production of documents

Mrs PEULICH — Daniel Andrews, the Premier of Victoria, despite his statesman-like appearance, has proven time and time again that he is a ruthless, politically motivated man who will stop at nothing to protect his own political interests and political hide. The latest example is what we are reading in the papers today and yesterday, resulting from a motion that he personally moved in the lower house to have thousands of sheets of documents released, compromising people's privacy in ways that have already been indicated by other members of Parliament. What this also demonstrates is that there is a massive breach of the ministerial code of conduct. He has trashed that ministerial code of conduct, and I would like to point to a number of parts of that code of conduct. They are 2.2(i); 2.2(ii); 2.2(iii); 2.6, which is about asking public servants to actually engage in something that is ultimately illegal; 2.8, in terms of the public benefit; and 9.3, which is about the misuse of public office. I urge the government to institute an inquiry and investigation and that the Premier should stand aside during the conduct of this investigation forthwith.

Production of documents

Mr MORRIS (Western Victoria) (10:14) — What a shameful, utter disgrace this government is, releasing personal information of Victorians in a grubby, desperate attempt to throw mud at a political opponent. Home addresses, medical records, bank balances, share portfolios, superannuation details and the personal details of young children have all been released by this corrupt government. Gavin Jennings, the Leader of the Government in this place and Labor's version of Baghdad Bob, should hang his head in shame. This is a shocking abuse of power and shows the government for what they are: simply unfit to govern. Daniel Andrews has said this morning that his office has apologised to a lawyer whose personal information was released. What a weak, pathetic excuse for a Premier he is.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

Debate resumed from 4 September; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) (10:16) — On Tuesday evening I spoke in some detail about this bill, the Residential Tenancies Amendment Bill 2018. It is a voluminous bill that, according to the government, is the culmination of four years of consultation around the reform of the Residential Tenancies Act, an act that has been in place with some changes since it was introduced by the Kennett government and passed by this place in 1997. I made the point on Tuesday that, despite the second-reading speech citing four years of consultation, the opposition has received representations particularly from the student accommodation sector that their views have not been reflected in the legislation and, perhaps worse, that the consultation that they have had on this bill has been extremely limited.

I make the point, which I think I made in passing but I will now make it in perhaps a bit more detail, that the government in this bill is seeking to allow as of right with certain caveats people to have pets at premises that they rent. I look forward to exploring that in some detail in the committee stage. While we can have a debate about the merits of that policy position of the government in respect of the situation of an apartment or house with a backyard, it is a very different situation in a student accommodation building where there are

hundreds of people, where overseas students may live for nine months of the year, who under this bill will be entitled to have a pet and then leave the country for perhaps three months over the summer break to return home for the summer, work elsewhere, travel around Australia or do all sorts of other things.

Representatives of that student accommodation sector have provided examples to the opposition. I think I was making the point on Tuesday afternoon that there are numerous examples of abandoned pets. One of the examples provided by a representative of the student accommodation sector identifies a pet locked in a cupboard after a student had vacated and that it was only discovered by chance by a cleaner who was doing the once-over of a vacated room.

With this bill there is an opportunity to recognise the differences — the different policy settings and also the different residential settings — for student accommodation and the need for the bill to have its own section dealing with student accommodation. Again, we will talk about this with the amendments the opposition will move in relation to the ability to have shorter term leases. In the context of a student who may reside at premises for a shorter period or who may rent for a semester and then vacate, the opportunity for the proprietor to have a rental increase at a six-monthly interval, to have a shorter term lease, should be something that is considered given the separate settings for student accommodation.

I made the point on Tuesday, and I make it again, that student accommodation is an integral part of the growing and important overseas student economy that drives so many thousands of jobs in Victoria, not just directly through attendance at Victoria's fantastic educational institutions but also through the consumption that those students drive at restaurants, supermarkets and shops and through the provision of services that generate jobs for Victorians. Whilst the minister barely mentioned this issue in her second-reading speech, it is a very important issue.

I also note that we are debating this bill today, a bill that has had an extremely long gestation in the Parliament, let alone for the consultation that has basically lasted for the period of this government, while listed on the notice paper as order of the day 8 is the Justice Legislation Miscellaneous Amendment Bill 2018, which deals with other elements of the real estate industry and is time critical for numerous reasons, as is well-known to the government, from both the perspective of the real estate industry and for the protection of emergency services workers. But that bill has been prioritised as order of the day 8, and we are dealing with this bill, the Residential Tenancies Amendment Bill 2018, today. I really question the government's priorities when, whilst these issues are very important, the protection of emergency services workers and the potential impact on the real estate industry if the Justice Legislation Miscellaneous Amendment Bill 2018 is not passed before the Parliament is prorogued is critical. I do not understand why that bill has not taken precedence over this one.

I note the views of the Victorian Council of Social Service (VCOSS), and I thank the CEO, Emma King, who wrote to me and other members of this place on Monday, 3 September. The points that she makes are important for consideration, and the opposition respects these perspectives. Ms King said in her correspondence:

> For too long, Victorian renters have been denied dignity and stability.
>
> They've been forced to live in substandard housing, tolerate inadequate repairs, forego pets and abide unfair eviction. Women fleeing violence have been condemned to lives of fear, tied to rental contracts they can't break or hiding behind doors without locks.

She urged support for the bill and said:

> This is a commonsense bill that introduces minimum rental standards, modification rights and contract adjustments. It will … help deliver safer and more secure housing for Victorian renters.

I note that she said:

> Tenants and their representatives have been calling for the changes contained in the RTA bill for decades.

In the last two decades the Labor Party has been in power for all but four years. For Ms King there has been a succession of Labor ministers who have not listened to those calls. Ms King referred to the need for balance. As I said in my introductory remarks, it is important that we find the right balance between the rights of those who own property and those who seek to rent property. Many of the reforms in the bill are welcome, but there are also many that cause us concern.

Returning to the student accommodation issue, the representations that the opposition has received are from a diverse range of providers, from individual colleges at Victorian universities to dedicated student accommodation providers for overseas students who come to learn in Victoria, and from smaller style student accommodation providers and accommodation providers with a religious affiliation to accommodation providers that are completely non-denominational or non-religious.

Having mentioned VCOSS's position, I also want to touch on the views of the Real Estate Institute of Victoria (REIV) and their perspective and that of those they represent. It would appear that they are concerned about the impact on supply to the marketplace and therefore the further impact on housing affordability for those who rent. I note that according to the REIV the highest concentrations in housing investment are in the CBD; Parkville, around Melbourne University; Fitzroy, near St Vincent's Hospital; and St Kilda and Elwood. They say that rental income for property investors has been on a downward trajectory for years and that lower mortgage rates have offset the lower yields achieved. But as we know, there seems to be a move to higher interest rates globally, although marginally it would appear that the lower mortgage rates have plateaued at least and may now be commencing to rebound. I note the comments of a bank CEO, who talked about the increased cost of offshore borrowing and how that had driven a major bank's decision to raise its variable interest rate. With lower yields, a more challenging regulatory environment and rising interest rates, it is possible the capital could transfer to other sectors — other property classes — to liquid investments like shares or cash, which could impact on the growth of the market which is needed to accommodate the growing population.

The REIV says that according to their June 2018 data Victoria's vacancy rate stands at just 1.8 per cent and in regional Victoria it stands at just 1.6 per cent. It notes that the median house price has risen significantly in recent years. The median weekly rent for units in metropolitan Melbourne is around $420 per week and is up to $275 per week for regional Victoria. The REIV makes the point that there are some inherent vulnerabilities in the market:

> While investors have derived strong capital gains it is also true that household debt to income ratio has increased significantly. This higher debt adds to the economic vulnerability and is a primary motivator for banking regulators to resist increasing property debt. Tighter lending standards and restrictions on the volume of 'interest only' loans to total new residential mortgages have pushed up rates for investors. It is also why we are seeing the market cooling with house price growth slowing.

I suppose the general point there is that the market conditions are changing. The practices of lenders have become more restrictive, which is impacting on the amount of capital flowing into the marketplace, which is having an impact on the expansion of supply. The regulatory impact that changes may make to investor decision-making, which is obviously critical for supply to accommodate the growth, should be an important consideration. As I said on Tuesday, whilst the bill may be well-intentioned, if there are reforms that have the impact of reducing investment and therefore supply, an outcome is that those who are very price sensitive, those at the vulnerable end of the market, may be the biggest losers out of such reforms.

The REIV summarises this by saying:

> Taken together with the outlook for interest rates, slowing house price growth … restrictions on lending … as well as lending to foreign investors); we expect the current upswing to peter out and enter a period of moderation.

As I said, that will be most significantly felt by those who perhaps have a more limited capacity to manage that. We are concerned that the balance is perhaps not there in the bill, and I will be moving a number of amendments during the committee stage of the bill to deliver what we believe to be that balance.

Let me conclude by again citing some of those key stats. There were 203 000 overseas students studying here in Victoria as at May this year. Victoria has a market share of approximately 32 per cent, and accommodation is a key part of attracting and retaining foreign students. Approximately 130 000 Australians work in full-time equivalent jobs associated with international education, according to the Australian Bureau of Statistics, with approximately 45 000 jobs in Victoria, but as I said, for the broader economy it would be much, much more significant.

We know too that the overseas student market is sensitive to perceptions and the reality of community safety. That is an existing challenge which is already an issue for Victoria, given the increase in crime, the types of crime and the different nature of crime. I myself have received many, many representations from foreign students directly who are anxious about the crime they have either witnessed themselves, their friends have seen or they are aware of through reports in the community, so this is even more reason to be careful about the impact of this legislation on that market. This is a missed opportunity from the Andrews government to create a separate regulatory framework for that marketplace for foreign students, because their needs and their market is different to rooming houses and different to a rental house or flat. It requires a separate regulatory framework that this bill could have provided, but regrettably it does not.

I look forward to moving my amendments during the committee stage. I look forward to articulating the opposition's view on a number of these issues such as pets and bonds and a range of other issues to find what we believe is the appropriate balance, but we have serious concerns and serious reservations about the bill as it is drafted by the government.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:36) — I move:

That debate be adjourned until later this day.

In moving this procedural motion to adjourn this bill, I do so on the basis of providing the chamber with the opportunity to debate the motion I sought leave for earlier this morning with respect to the Premier's conduct in releasing the 80 000 pages of Ventnor documents in what was planned to be a political hit on the opposition but in fact has turned out to be an assault on the personal privacy of ordinary Victorians.

We saw the stunt on Monday where the Premier or the government had a truck deliver 80 000 pages of documents — a good media piece for the government trying to have a hit on the Leader of the Opposition. The negligence of the Premier in acting in a way that is purely in his political interest to get what he perceived to be advantageous documents in the public domain for the government shows zero regard for the contents of those documents, zero regard for the precedents the Premier was overturning in relation to cabinet confidentiality and legal professional privilege and, as we have seen in the last 24 hours, zero regard for the concerns and the privacy of Victorian citizens.

We now know that among the 80 000-odd pages of documents that were released is personal information relating to individual Victorian citizens. Completely unrelated to the subject matter of the documents — the Ventnor matter that the government wanted to score political points on — we have seen personal address information of citizens, financial information, bank account details of individual citizens, medical records of individual citizens and psychiatric assessments of some citizens among the documents released, and all because this Premier wanted to conduct a political stunt.

We were advised by the Secretary of the Department of Premier and Cabinet that these documents were delivered into the custody of the Premier almost five months ago; they have been in the hands of the government for almost five months. We have had previous responses to document orders in the Council from the Attorney-General, who has declined to provide documents because in one instance he said there were 10 000 pages and it would be an unreasonable diversion of government resources to assess those 10 000 pages for release and therefore the government was not going to release them. Yet, because it suited the political purposes of the government, it was happy to dump 80 000 pages of documents in a political stunt — a truck in the driveway on Monday morning — with no regard to the contents of those documents, no regard to the impact it could have on individuals and clearly no regard to undertaking the appropriate assessment given the fact that there is personal information of Victorian citizens completely unrelated to the Ventnor matter among those documents.

What we see here is this Premier's total disregard for anything other than his personal political interests. The Premier's only regard in dropping those documents was to try and damage the Leader of the Opposition. He did not give a damn about the impact they could have on other citizens. He did not give a damn about the impact it could have on longstanding conventions in Victoria around cabinet confidentiality and legal professional privilege, and we know the Leader of the Government in this place has very strongly upheld those principles in the past. Yet when it suited the Premier in this case he was happy to wave those aside to score a political point, with zero regard to the impact on ordinary Victorian citizens.

This goes to the very character of the Premier. What are the informing principles of this man? What are the underlying character traits that lead the person who is meant to be the leader of the state to prioritise his own political interests ahead of the constitutional conventions of Victoria and ahead of, frankly, the personal safety of a number of individual Victorian citizens who have had their personal information irrevocably published on the Parliament of Victoria website? Those are now public documents. Whether they have been taken down or not, they are public documents and they have been public documents for several days — bank account details, medical records, psychiatric assessments — all because this characterless Premier wanted to make a political point.

I am moving now that we adjourn debate on this bill so that we can bring on that censure motion I attempted to move, by leave, this morning. This is an important issue for Victorian citizens; it goes to the way in which this government and this Premier are treating Victorian citizens with contempt, and I would urge the house to support this adjournment of the bill so that we can debate a matter that goes to the very character of this Premier.

Mr JENNINGS (Special Minister of State) (10:41) — Mr Rich-Phillips is very happy to talk about character and to make that a test in relation to this matter. The real character that is actually being tested in terms of the material that has been released relates to a very tawdry example of poor ministerial decision-making and the inappropriate actions that

came from a reversal of very, very poor ministerial action that led to potential private gain associated with a planning decision for somebody who was related to the Liberal Party. That is the real character test that is really at the heart of the information that has been released in the Legislative Assembly and is subject to this controversy today.

We will be opposing the adjournment of the business of Parliament today in the Legislative Council. We do not support Mr Rich-Phillips's intention for this chamber to censure the Premier. In the Legislative Assembly today at this moment they are debating a motion which is designed to try to provide protections to citizens in relation to the matters that Mr Rich-Phillips is drawing attention to —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn!

Mr JENNINGS — I understand that the opposition do not want me to be afforded the opportunity to say that the Assembly is acting at this moment to provide protections to citizens in relation to the potential disclosure of information in circumstances that there may have been not only the inappropriate release of information but the inappropriate inclusion of material that has been provided by people relevant to the case. In fact they provided information inadvertently themselves that has actually led to this circumstance.

Mr O'Donohue — Oh, it's their fault?

Mr JENNINGS — No, in fact it is not their fault. What I am actually saying is that there were contributing actions. Mr Rich-Phillips said that we do not care a jot about this — that the Premier does not care a jot about it and that I do not care a jot about it. I can tell you that I do care a jot about it. The government does care about it. The Premier does care about this matter. The Premier on the steps of Parliament before expressed his apology in relation to this matter, because there is an ability for the community to be concerned about the inappropriate release of information.

Of course our citizens should be protected. But there is an unfortunate consequence of driving to the heart of a fundamental truth which relates to character. The fundamental truth of character is whether a former minister of the Crown, a person who is now Leader of the Opposition, three months out from the election tries to convince the Victorian community that he did not act in a fashion that was potentially corrupt or potentially a criminal matter that relates to the inappropriate use of public money, the withholding of information from public office holders and the lengths that people will go to to cover their tracks in relation to these matters. In fact —

Honourable members interjecting.

Mr JENNINGS — Yes, I can hear what I am saying. I appeared before the Ombudsman. I complied with any requests from the Ombudsman. The then Minister for Planning, now Leader of the Opposition, did not. In fact I participated fulsomely in the investigations of the Ombudsman. I did not withhold any information. I did not actually mobilise any resistance in terms of the release of information or participation in the Ombudsman's investigation, but the then planning minister did. The then planning minister, Mr Guy, then directed his department to not comply with material that should have been provided to the Ombudsman, and that is a very significant matter.

It may actually suit your purposes to say that that is irrelevant and the only matter of public interest in the state of Victoria today is in relation to the unfortunate release of confidential information to the Legislative Assembly. The Legislative Assembly now is acting in a way to provide greater protections for any citizen who may have information that may or may not be connected to this case to be removed from the public record and not be available in the future, but the real test of character today is the one that Mr Guy has failed and will continue to fail.

Mr O'DONOHUE (Eastern Victoria) (10:47) — We can hear in the Leader of the Government's voice that he does not believe what he is saying. He could barely mount an arguable case. I support wholeheartedly the motion of Mr Rich-Phillips to adjourn debate on this bill to debate his important motion. The Leader of the Government said that it was an unfortunate consequence that people's private details — people's private residential addresses, bank account details, superannuation details — were made public, potentially compromising the safety and security of innocent Victorians. He also seemed to characterise it as partially their fault — Victorians who in good faith engaged in government and who trusted in the processes of government that their privacy would be kept private.

That beggars belief when you consider that in his private office Daniel Andrews has more staff than the Prime Minister. He has grown his private office to be so much larger than was the case under the previous government to the point where he now has more private staff than the Prime Minister, yet the Premier, Minister Jennings and all the others over at 1 Treasury Place did

not bother to check those 80 000 documents. They were wilfully blind to their consequences in the pursuit of their political objective to smear the Leader of the Opposition, to smear the opposition, to try and throw mud and to muddy the waters following the red shirts rorts debacle that is now being investigated by the fraud and extortion squad of Victoria Police.

Mr Jennings has made the point several times now that he is on high moral ground because he spoke to the Ombudsman, but he is part of a government that wasted hundreds of thousands of dollars of taxpayers money trying to stop the Ombudsman from undertaking her report. They went through the court process in Victoria, even all the way to the highest court in the land, the High Court of Australia, trying to avoid scrutiny, trying to shut this down and trying to avoid the facts coming out. He has absolutely no credibility when talking about this issue.

I ask Mr Jennings whether he was ever familiar with the term 'exclusive cognisance' prior to the red shirts rort. What a fig leaf it was used by the Attorney-General, the first law officer of Victoria, to try to avoid scrutiny, to avoid speaking to the Ombudsman. Where was Mr Jennings saying to the Attorney-General, 'Stump up and do what's right. You have sworn an oath; stump up and do what's right'? He has absolutely no credibility. It will be your legacy, Mr Jennings, this disgrace — this absolute disgrace. You should hang your head in shame, but I think you do already, because your weak and pathetic defence against Mr Rich-Phillips's motion demonstrates, Mr Jennings, that your heart simply is not in it. You did not have the capacity to convince your colleagues to do the right thing. You did not have the capacity, despite being the Leader of the Government, to convince them to do the right thing.

This is an important motion. This goes to the heart of government integrity. It goes to the heart of what is right for Victorians. Yes, we live in a robust democracy where we all need to be tested, but not at the expense of innocent Victorians, not at the expense of their private residential location when that can cause all sorts of harm and damage to individuals, and not at the expense of disclosing their private bank account details, their superannuation account details and a raft of other private data that can cause immense harm. That is simply unacceptable, that is wrong and that is why I strongly support the motion moved by Mr Rich-Phillips.

Ms SHING (Eastern Victoria) (10:52) — This motion raises a number of very serious issues for consideration, but what we need to remember in the course of this particular debate is that putting the issue of inadvertent disclosure of information to the consideration of those in this chamber and in the other place is something which can and will be facilitated by way of removal in the circumstances which have occasioned the inadvertent release of that information. The thing we also have to bear in mind in the context of this motion, however, is that despite all of the efforts of no doubt legions of staff working around the clock to go through all of the information that the opposition handed to the *Herald Sun*, you have not been able —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Shing, just hold on. I am just reminding the house that this debate is the debate on the adjournment of government business. It is not a debate on the motion that Mr Gordon Rich-Phillips attempted to move by leave. It is about the motion for adjournment of government business.

Mr Jennings interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — No, I am reminding the house generally, Mr Jennings.

Ms SHING — And in my contribution, noting that the clock is going, I am in a position to be able to respond to the issues which Mr Rich-Phillips and Mr O'Donohue have raised in their substantive contributions. And I note that despite all of the efforts of those opposite or their officers, their staff, their volunteers, their friends or their connections within various media outlets, they have not been able to produce one document which indicates that the Leader of the Opposition is not guilty of serious corruption or criminal offences. In relation to these issues, what we see here is a desperate attempt by those opposite to automatically claim the moral high ground — this opposition, which exited the chamber and then came back on Good Friday full of lies and piety —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Let Ms Shing be heard.

Ms SHING — Full of lies and piety. You stood there and you prayed, you wept, you shook your fists, you broke convention, you abandoned the rule of law and you abandoned the primacy of this Parliament. Now you take the moral high ground on what it means for ordinary Victorians, who as it would seem based on —

Mr O'Sullivan — On a point of order, Acting President, I think that Ms Shing is deliberately defying a previous ruling that you have given. You have indicated that Ms Shing needs to talk to the motion at hand. She is actually debating the issue and not abiding by your ruling. I ask you to bring her back to the topic.

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Mr O'Sullivan. I did give some latitude to Mr O'Donohue as well as other speakers on the other side. Ms Shing to continue.

Ms SHING — You can always tell when you are onto something in these procedural motions because everyone pops up; it is like Whac-A-Mole on the other side of the chamber. You cannot wait to get to your feet with various points of order, and on that point you take the moral high ground when it suits you, and when it does not you abandon it as fast as you possibly can. And to quote the current Leader of the Opposition, the end justifies the means. You did everything you could possibly do, including what I see as being blatantly criminal and blatantly corrupt behaviour in order to gain a financial advantage —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn! Mr Morris!

Ms SHING — by rezoning for the benefit of your mates. Shame on you opposite for not focusing on the issues around Victorians being entitled to have a leader who is not wasting millions of dollars — millions of taxpayers dollars.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn!

Ms SHING — Listen to you all! Listen to you all!

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Enough! Ms Shing to continue.

Ms SHING — You do not care about the privacy of Victorians. You do not care. You care about the end that justifies the means. They are the words of your current Leader of the Opposition.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Lovell! Ms Shing to continue.

Ms SHING — Your opposition leader has said that he will do whatever it takes. Good Friday painted that very clearly. This endless week painted it very clearly. Good luck in establishing a proper purpose with this motion.

Ms PENNICUIK (Southern Metropolitan) (10:57) — I think it is worth saying that the history of the position that we are in now goes back many years. It was almost five years ago to the day, on 4 September 2013, that we debated a no-confidence motion in Mr Guy in this chamber for the events that I suppose are commonly known as the Ventnor issue now, where the minister at the time, Mr Guy, had given no credible explanation for the events surrounding the rezoning of land at Ventnor.

This goes also I think to another core issue, which was raised by Dr Ratnam this morning by way of a members statement — and during the debate in 2013 it was also raised — about the extraordinary powers that the Minister for Planning has, with no accountability for those powers. We have seen that played out not only in that particular instance but in other instances involving various planning ministers. That is why these powers need to be examined and ministers need to become more accountable so that the community is more included in the decisions that are made by planning ministers in calling in matters and in rezoning matters. That is how we have got to this particular position.

We as Greens also share the concerns raised by the opposition in wanting to adjourn debate this morning about the release of private information. I am very concerned about that. I saw the documents coming in — the trolley loads of documents. It does appear as if they were not vetted properly and that people's information has been released. That is highly regrettable, and the government needs to remedy the situation immediately. It is not acceptable that in terms of dealing with this issue people's private information has been released. It is not acceptable. The government needs to fix it immediately, withdraw that information from the public sphere and make personal apologies to any people who have been affected by it.

There is no doubt that that has been a very regrettable occurrence under the hands of the government, for whatever reason. I heard Mr Rich-Phillips saying that they have had the documents for five months, which I did not know, so that makes it even more inexcusable that people's private information has been released. However, I do not think that there is anything to gain by further debating this issue during the day. I am saying that it is very concerning, what has happened. The

government needs to rectify the situation immediately. It needs to apologise to those people and make any other redress that is required in that regard. I also think it is unacceptable, or it is very concerning, that legal professional privilege may have been broken as well, because that will have far-reaching ramifications if that is the case. I am not in a position — I have not seen the documents — to actually say whether that is the case, but if it is the case, it is concerning.

However, we have important government business to attend to. We have this bill, which is very important, and we have any number of bills that we need to be getting through in the time left to us. Notwithstanding the seriousness of the matters that I have outlined — and the government needs to attend to those immediately — the Greens will not be supporting adjourning debate on the bill.

Ms FITZHERBERT (Southern Metropolitan) (11:01) — I am pleased to rise and support the motion that has been put forward by Mr Rich-Phillips. I want to take it back to why we are actually debating this motion. We have had a sudden revelation of a very grave data breach. We only became aware of it last night. We know that it is extremely serious. We do not know the extent of it as yet, and we cannot have any assurances from the government on that front because they themselves do not know, which is appalling. We do not know what it is going to take to fix it in full, and I frankly do not have much faith that that will be done, given the way that this has been bungled to this point. It is appalling that it appears the government has had these documents for some months and has made all sorts of comments about what is in them but actually at the end of the day did not know what was in them, because if it had, I imagine it would not have put these sorts of details up.

What has occurred brings all sorts of questions into play, and I referred to some of these earlier today. We need to know about the process. We need to know how it is going to be fixed. We need to know what the liability is for the government in a range of ways because of the deficiency of its action in putting this information out there. I would be interested in knowing what sort of legal advice the government has had as to what its exposure is because of this blatant breach of privacy of individuals — and that is what we are talking about. We are talking about a number of individuals who have had some highly personal information put out into the public domain.

When I read of the kind of information that is out there I could not help but put myself in the shoes of those individuals. A lawyer has had contact details, details about her children, medical information and intimate financial details about her assets and so on, released. We cannot begin to contemplate how that might affect this person, and should not in this place, but we should be aware that for anyone who experiences a data breach of this extent, as it appears, there are big potential ramifications on a personal level in terms of potential personal safety, as well as just, frankly, the fact that such issues should not be in the public domain and should have been kept well out of it. There is a war veteran whose information has been put out in full. At the same time we have government members trying to downplay this and assert 'There's nothing to see here' and that it is just a minor sort of problem and that it is regrettable and unfortunate. It is an appalling breach, which will have serious ramifications for the individuals involved, and it will have potential serious legal repercussions for the government. These are issues that have only recently come to the attention of this Parliament, and that is why we should be debating this now.

In terms of the government's agenda, the government has had a very long time to look at its bills list and make decisions about what its priorities are. The government needs to look at its own priorities and what it has done to get us to this point. But we have become aware of a very serious set of circumstances completely in the control of the government and completely at the behest of the Premier, and we are entitled —

The ACTING PRESIDENT (**Mr Ramsay**) — Time, Ms Fitzherbert.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:04) — In conclusion, I would like to thank the members who contributed to this motion, which seeks to adjourn the bill before the house so that we can debate a censure motion related to the Premier's egregious release of personal information in his political document dump.

I just touch briefly on the contribution from Ms Shing, who I thought had legal training but has introduced this bizarre concept of needing to find a document to prove innocence, channelling her best Lionel Hutz. But moving to serious contributions, Ms Pennicuik spoke about this matter as regrettable. I would say to Ms Pennicuik that this is more than regrettable; this is a genie that cannot be put back in the bottle. The documents are public, they have been public for a number of days and while they may now be redacted by the Speaker in the other place, those documents are in the public domain and will always now be in the public domain, irrespective of what action is taken in the other place.

This is a serious matter. It was done for no reason other than as a political stunt by the government in dumping 80 000 pages of documents on the front steps of Parliament on Monday and seeking to get subsequent stories out. It was done with absolutely no regard to the conventions of the Victorian constitution concerning cabinet confidentiality and legal professional privilege, and it was done with no regard to the personal information which has now become evident in these documents. It is a serious matter. It is one that cannot be undone. It is more than regrettable.

I would urge the house to take this opportunity to adjourn this bill and allow this house to have a full debate on the way in which the Premier has prioritised his political interests above the interests of the citizens of Victoria.

House divided on Mr Rich-Phillips's motion:

Ayes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms (*Teller*)	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr (*Teller*)	Truong, Ms (*Teller*)
Patten, Ms	

Motion negatived.

Mr SOMYUREK (South Eastern Metropolitan) (11:13) — I rise to make a contribution in support of the Residential Tenancies Amendment Bill 2018. This bill is the result of an extensive review conducted to gain comprehensive insight, feedback and recommendations as to how to modernise a 20-year-old act that needed to greater reflect and respond to the growth and diversity being experienced in the Victorian rental housing market. The review, which incorporated significant consultation with a wide range of stakeholders, has led to over 130 reforms that recognise and respect the mutual relationship between those renting property and the owners of that property. In a society where one-third of residents are renters of property, and that number is growing steadily, our policies and practices in this market need to reflect our modern housing preferences.

When the Residential Tenancies Act 1997 was created, Melbourne's median investment property value was around $120 000 and weekly rental was around $153. Today the median value of apartments in Melbourne is $500 000 and the median rent is around $420 per week. I guess that is income for some and a cost for others. According to the Australian Bureau of Statistics the number of renters increased from 17 per cent to 21 per cent between 1988 and 1997, and from 2011 to 2017 those numbers rose from 27.2 per cent to 30 per cent. So from 1988 to 2017 there has been a 13 per cent rise in renters.

Accordingly this bill seeks to put in place legislation that enables informed and relevant regulation to better protect the interests of vulnerable renters and facilitate better long-term arrangements between rental providers and renters, resulting in greater mutual benefit. Some of the reforms include fairer livability considerations, such as owning animals. This is a long overdue reform that is so important to many. Disturbingly the restrictions on owning animals while renting a property have seen many animals rehoused and even euthanised, causing immense distress to families and individuals who consider their pets as integral parts of their family. We know now of the importance of animals not just for love and company but also for therapy and companionship — for example, guide dogs.

To be able to make minor modifications to personalise your home is also an important part of loving where you live and feeling connected to a home and community. Most tenants respect the home they rent and are only looking to improve the appearance and homeliness of it, so minor modifications will only enhance the property.

Refreshingly, the feudal language of centuries past that has described the relationship between a property owner and someone who rents that property will cease and be replaced by 'rental provider' and 'renter', which is far more appropriate in today's society. Other welcome reforms include matters in relation to automatic bond repayments; precontractual disclosure of facts, such as the intention to sell the property or the known presence of asbestos; improving security of tenure; establishing a non-compliance blacklist of rental providers and agents; and a raft of other fairer initiatives.

One of the most significant and important reforms in this bill deals with the health and safety of renters to especially provide protection for our most vulnerable

renters, who are often without means for self-advocacy, to ensure that minimum standards are met by rental providers and their agents. We all know of examples where renters are paying good money to rent a home with the expectation of having functioning utilities providing them with the means for cooking and for warmth, water and waste. This bill will introduce minimum standards, such as a vermin-proof rubbish bin, a functioning toilet, adequate hot and cold water connections, secure windows, functioning cooking facilities, functioning heating and appropriate window coverings. We should not need a bill to have these minimum standards, but unfortunately there are too many instances where these basic necessities are not provided by people renting out their properties. Prescribed minimum standards have been developed to allow for flexibility to add to them in the future when required.

The review process considered the existing act in relation to recommendation 116 of the Royal Commission into Family Violence, and the government response has implemented those recommendations, which were formulated from the evidence provided by survivors and victims from their experience as renters. Those recommendations included the requirement for the act to be amended in response to the following needs of survivors and victims: to provide a clear mechanism for apportionment of liability arising out of the tenancy in situations of family violence; to create mechanisms which consider and enable privacy protection of the victim through tenancy databases; to enable victims needing to leave the property to apply to VCAT for an order terminating co-tenancy and to apportion liability of costs; and to prevent rental providers from refusing reasonable requests for security improvements.

In conclusion, last week this house debated other related reforms to our rental housing market, legislating for increased terms of leases in recognition of the growing number of renters and considering the needs of renters to benefit from greater security of housing, which contributes to greater community connectedness. This week we continue by enabling this significant reform to the Residential Tenancies Act, which has led to the modernised legislation, where fairness has been the priority consideration in a consistently growing area of Victoria's housing market. I therefore commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (11:22) — I too rise to speak on the Residential Tenancies Amendment Bill 2018. The Greens welcome this bill. It makes a number of long overdue reforms to the Residential Tenancies Act 1997 to make things better and fairer for Victoria's many renters. The Greens have been campaigning for renters rights for many years. We believe everyone has a right to a safe, secure and affordable home. Everyone means everyone, including those who rent their home. This is particularly important at a time when more and more of us are renting homes. My electorate, Northern Metropolitan Region, covers many of Melbourne's most heavily rented suburbs, including Melbourne, Brunswick, Northcote and Richmond. In many of these suburbs half of the residents are renters. But despite making up a sizeable portion of the housing market, renters have too often received the short end of the stick. The lack of any minimum standard for rental properties means that many renters are living in substandard homes.

Renters live in houses with mould growing on the walls, where the heater is not working and there is no hot water in the bathroom; they live in units without insulation, with inadequate locks on the doors and no coverings on windows; and they live in houses that are treated as the landlord's investment rather than the tenant's home, where they cannot hang a picture on the wall or have a pet. They live in these places because they have no other options. Competition for rental properties is fierce as more Victorians turn to the rental market after being locked out of the housing market. Rental prices have skyrocketed, increasing at nearly twice the rate of wages in the last decade. There are now 84 000 Victorians on the public housing waiting list. When the system is in such a crisis, renters have little option but to take what they can get, which too often means living in low-quality, expensive properties that they cannot turn into a home.

The Greens know that this is not good enough. We have sought reform of the Residential Tenancies Act since we have been in this Parliament. My predecessor Greg Barber introduced two pieces of legislation in this house in 2009 and 2013. These bills would have allowed government to set minimum standards for rental properties and remove no-grounds evictions, but these bills were rejected by both major parties. Last year my colleague Ellen Sandell introduced a similar bill in the other place, but the government would not even permit the bill to be debated.

It is almost a whole year ago that the government announced its intention to bring a package of reforms to Parliament to make things better and fairer for renters. Today, with two sitting weeks left in the year, the government has finally brought this bill before the Council. While we are disappointed that it has taken so long to get around to making these important reforms happen, we are glad that the bill is before this house at last and we hope that it sees its passage before too long. When I spoke on the Residential Tenancies

Amendment (Long-term Tenancy Agreements) Bill 2017 last sitting week, I noted that our housing system needed real, substantive policy change. This is a bill that makes a real attempt at achieving this.

The bill makes over 130 reforms to the Residential Tenancies Act, some of which are very long overdue. The bill gives the minister the power to create minimum standards for rental homes. These are not prescribed in the act. The government's intention is to keep this provision flexible so that it can incorporate standards imposed under other Victorian legislation, such as energy and water efficiency standards. We hope this flexible approach to minimum standards will ensure the system is responsive to tenants' needs and is able to constantly improve.

In her second-reading speech the Minister for Agriculture provided some examples of areas where the government intends to set standards. Renters have the right to a home with a functioning heater, a toilet, hot water in the kitchen and bathrooms and functioning stovetops, and we look forward to seeing these included in the government's minimum standards.

We are also pleased that the minister flagged energy efficiency and water efficiency as areas where minimum standards should be set. Energy efficiency is a key part of a good home as it reduces both the environmental impact of housing and the tenants' energy costs. As tenants are restricted in the modifications they can make to their home, they cannot install better energy efficiency measures, such as ceiling insulation, better hot-water systems and heaters and solar panels. The Greens want to see energy-saving measures included in the minimum standards. We will keep working to ensure energy and water standards and affordability are included in the regulations.

The Greens believe everyone should have a safe and secure place to call home. We have been calling for an end to no-fault and no-specified-reason evictions, including in the bills we brought before this house, so we are pleased to see this government adopting our policy and making the change in this legislation. The bill also introduces a new test that evictions must be reasonable and proportionate in the circumstances. I know those on the other side of the house will tell us about how onerous and burdensome this bill is for landlords, but there are a range of legitimate reasons why landlords can evict tenants, including selling, renovating, damage to the rental property and rent being chronically overdue, so landlords are not being put in a difficult position by this change.

The bill is simply trying to put balance back into our rental system and remove the unfair advantage landlords have had historically in the system. Despite what those across from me may say, the system has been heavily weighted in favour of landlords for a long time. Renters live in properties where they are at the mercy of their landlord. Will they be allowed to have a pet? Will they be permitted to put a picture hook on the wall? Will the landlord respond when they call to inform them that the hot-water system is broken yet again?

Part of having a home is the ability to make it a home and for it not to feel like you are merely looking after your landlord's retirement plan. Currently the onus is on tenants to apply to VCAT for changes to make their house livable, such as securing the right to have a pet. This bill reverses that onus, so that once a tenant requests a pet the landlord will need to apply to VCAT to prevent them from having one. It also allows renters to make minor and prescribed modifications to rental property. These two changes are welcome and are supported by the Greens. With so many of us now renting long term, it is important that everyone can feel at home in their rental properties, including by keeping a pet and making minor changes such as adding picture hooks or weather sealing.

The bill implements a number of changes recommended by the Royal Commission into Family Violence as well. These changes include that a lease can be quickly ended and the victim and their children given a new lease where appropriate and protected from debts caused by a violent perpetrator. We are pleased to see these measures implemented in a timely way after the royal commission, and we will keep working to ensure that our housing system is accessible and affordable for those who have experienced family violence.

On affordability, the bill does include some affordability measures, such as stopping rental bidding and capping rent increases at once every year, instead of every six months. The Greens welcome these measures. When looking at a property, renters should feel confident that the advertised price is the price the property will be let at, without having to worry that more well-off prospective tenants will swoop in and secure the property by offering more in rent, and knowing that their rent can only be increased once a year will give tenants more security.

But the bill does little to address the overarching housing affordability crisis our state is experiencing. Rents are continuing to go up and up. In greater Melbourne there are only 10 local government areas —

most of which are outer suburban areas — where a person on Centrelink benefits could afford to rent a one-bedroom home. A decade ago there were 20. If we want to make our whole system better and fairer for renters, we need to address the cost of rent as well. The Greens have been calling for a cap on rent increases linked to inflation, so Victorians will not have to watch their rent increase twice as fast as their salary. We have called for a significant investment in our public housing system to create more affordable rental homes and ease the pressure on our system.

At a time when our housing system is crying out for real, substantive policy change, we know that we need to make big and bold changes to the system. We would have liked to have seen this bill do more to change the system — for example, creating a less adversarial dispute resolution process rather than working within the existing VCAT system. We would have also liked the bill to do more for caravan park residents, such as regulating deferred management fees and regulating the operation of part 4A parks.

But on the whole this is an important bill, and we are pleased to support it. We will continue to work with the government in the next term to ensure the regulations associated with the bill are of high quality. We will also keep fighting to create the policy change that our housing system desperately needs and to ensure that everyone in Victoria has a safe, affordable and secure place to call home.

Mr RAMSAY (Western Victoria) (11:31) — I will speak to the Residential Tenancies Amendment Bill 2018. I have to say that if you were listening to Dr Ratnam you would think that this bill contains a lot of common sense and provides fairness for both the tenant and the landlord. However, the fact that our shadow minister, Heidi Victoria, the member for Bayswater in the other place, has seen fit to put forward 52 amendments indicates to me that all is not well in this bill. In fact the government itself has seen fit to make a number of changes to the bill along its travels through the Assembly.

This bill is a culmination of the government's proposed Rent Fair reforms, as has been said, that were first touted during the failed Northcote by-election in November 2017. It did cause concern and uncertainty in the sector when the Premier announced his intentions to introduce it. Obviously many investors were concerned about their property rights in relation to their investment and the fact that they would be severely eroded.

The initial reforms mentioned were 14, and I think in the last count now there are about 131, so there has been quite a lot of movement at the station, if I might say so, with respect to this bill. I expect that it will take up most of the day and probably part of the night for us to reach a conclusion in dealing in the committee stage with the great number of amendments that will be debated.

Initially I thought, 'Well, this bill seems fair enough'. Dr Ratnam made some fairly good arguments about the protection of tenants, for them to have the right to have a flushing toilet and have the right to have heating in their accommodation. I rent a flat as well, and I continually have to go to my landlord pointing out things that do not work in the flat that I rent. Yes, they come around and do a wonderful inspection report and tick all the boxes, and that is the last I hear of them. I have to ring them again and say, 'Would you like to come and fix something instead of ticking boxes?', so I sort of get that side of the equation.

Then again I think about the landlord. What rights does the landlord have? If a landlord does not want holes all over their walls as a result of quite substantial work, which I understand the bill allows, such as putting in shelving and painting walls in quite different colours — people might be quite artistic and want to have a variety of colours throughout the accommodation, which may well not be in the best interests of the landlord — surely the landlord has some right to say, 'No, sorry, but we want the walls to be a plain colour', so that obviously when the tenancy finishes they are able then to have a new tenancy without having to do a significant repaint job. Again, I just think that common sense should prevail in relation to what tenants can do to change the infrastructure of their accommodation without it impacting potentially on the value of that investment by the landlord.

It is the same again with pets. I believe the landlord has the right to say, 'I'm sorry, but if you want this accommodation, the proviso is that you don't have pets'. To my mind, that is common sense. We know that many tenancies come with not only children but pets as well, and they both have a propensity to do significant damage. I still can never understand why someone accommodated in a 60-metre square box wants to bring a bloody great Labrador into the building and have that as a pet. It is unfair both for the pet itself and also for the landlord for the damage that will obviously occur. We know that particularly with large dogs damage does occur within the confines of a small space. I still believe the landlord should have the right to make those judgement calls.

The proposed amendments do go some way in securing the rights of the tenants, but certainly at the risk of eroding the rights of the property owners. I may have mentioned this on a previous bill. A number of the proposed provisions will undoubtedly shift the balance of power clearly into the realm of the tenant to the detriment of the owner. But I will say that some of the provisions seem reasonable and fair. Certainly the standardisation of the residential rental agreement makes common sense to me, and clarifying the invalid terms provisions relating to the prohibited terms helps those who live in caravan or part 4A parks. A lot of those things and obviously, as has been said, some of these clauses are off the back of the implementation of the recommendations of the Royal Commission into Family Violence. That does make sense to me, and we on this side will support those clauses that do that.

However, there are changes in terminology. I do not know if clause 4 is designed to confuse everyone, both tenant and landlord, but it appears it has been successful if that was the objective. It refers to acronyms such as RRPs and PRRs et cetera. I am not sure why the government saw the need to change much of the terminology, but it has confused a lot of people.

Many of the provisions lack detail. There is no hint as to what the guidelines of the director of Consumer Affairs Victoria will be or what animal can be called a pet. I am sure Mr O'Donohue will tease some of that out through the committee stage. In the lead-up to debate on the bill we have gone through —

Ms Shing — Potentially anything.

Mr RAMSAY — Well, on a day like today, Ms Shing, we may well spend a lot of time trying to understand what a pet is and what it is not. I am sure plenty of members in this chamber have had some experience of going through some of those deliberations.

Ms Shing interjected.

Mr RAMSAY — Anyway, you are misleading me, Ms Shing, away from some of the points I want to make in the time that I have left. Clause 49 amends section 64 of the act, and it is about the modifications to rental premises. I have talked a bit about that in relation to the prescribed modifications and what they will be in respect of that clause. New section 64(1B) also says that the landlord must not unreasonably refuse consent if the change or modifications required are for health and safety purposes, or are reasonable security measures or necessary for family violence, or are necessary to increase the thermal comfort of the premises or reduce energy and water usage costs. Now, that is a mouthful. I will be interested to see how that debate pans out in the committee stage, because I know many a time in relation to thermal I go for the thermal underwear rather than try to sit on top of a shonky old heater that the landlord refuses to fix. We will no doubt find out whether the clause is expected to give some guidance as to what the landlord is required to do under this new legislation in relation to that.

The Premier has mentioned in public that there would be a compensation fund to assist landlords in upgrading premises for family violence victims, but I do not see that anywhere in the amendments. I am sure the advisers will give us some guidance in respect of where that might be.

New section 64 provides only a few valid reasons to refuse consent, and of course there is quite a bit of nervousness about that.

Clause 55 amends section 68 of the act. Under new section 68(1), the provider has a duty to maintain the premises. They must be in good repair and in a reasonably fit and suitable condition for occupation. That seems reasonable enough, until we go into a couple of subsections in a little more depth. New section 68(1A)(c) states that this applies 'despite the age and character of the rented premises'. What the hell does that mean? How is that defined? If you have a property that is heritage-listed, where is that taken into consideration? Once damage is done or once modifications are made, restoration is actually not possible, particularly if it is a heritage-listed residence that requires its true heritage status to not be compromised.

Clause 61 inserts new division 5B. This is a bit about pets, and I am looking forward to this debate. New section 71A provides that a renter may keep a pet at rented premises with consent or tribunal order, but the owner or landlord must consent in writing. That sounds reasonable, but there is a note in the legislation that says the owner's consent will be assumed unless, within 14 days of receiving a request, they make an application to the tribunal. Again it is VCAT deciding these matters. Are you serious? A landlord has to go to VCAT to stop a tenant from having a pet in his or her premises, as if VCAT have not got enough to do. We are going to be running to VCAT to say, 'Please, sir, I don't want a pet in my premises'. You have got to be joking. With the amount of planning issues that VCAT are trying to deal with at the moment, they are suddenly going to have all these landlords rushing to them to ask VCAT to rule on not having a pet in their own house or flat. This is where this bill is a little bit bizarre.

Clause 62 inserts new section 72AA that provides that a renter must report damage to the premises or breakdown of facilities to a residential rental provider, but there is no penalty if they do not. In fact there is no real obligation on them to do so.

Clause 66 substitutes existing section 75 of the act with new section 75 in regard to non-urgent repairs. The provider has 14 days to carry out repairs; I have talked about that. We on this side are very concerned about the fact that there seems to have been lots of consultation with tenants, as you would expect, but little consultation with landlords. This is really a one-sided guide for the government in respect of producing this piece of legislation.

In relation to pets, I note it is not retrospective unless a renter now wants to keep a pet. Obviously this will just open the floodgates for requests for pets.

Most stakeholders in the industry that represent property owners and real estate agents are opposed to many of the provisions we have highlighted as areas of concern. That is one of the reasons that Mr O'Donohue has foreshadowed a number of amendments to improve this quite complicated, bizarre bill as much as it can be. Caravan park owners and rooming house operators are also very concerned with these provisions. Rooming house operators believe that some of the heavy penalties will bankrupt them. Well, thanks very much for that, if in fact this bill were to be successful in going through.

We have consulted with a lot of different stakeholder groups, something that the government has not done in respect to drawing up this piece of legislation. We have found the legislation wanting in respect to having an unfair bias against landlords. We believe that these amendments in their current form are very unfair and erroneous for property owners. We also feel and have been advised that if this bill were to pass the Parliament as it currently stands, we would see property owners remove properties from the market, and that is the very thing that Dr Ratnam talked about — housing affordability and housing supply. In fact this bill is going to work against what the Greens were seeking in supporting the bill, so maybe they should go back and have a little think about that during probably a 4-hour committee stage today.

The bill will also have a negative effect on the rental market and the availability of rental housing stock, which is already in high demand. Thinking about Dr Ratnam's contribution, she wants to regulate the rental market, which I find an interesting philosophy. She wants to put caps here and caps there and have only one increase per year, which as a renter I actually do not mind; I do not want incremental rises all through the year so the landlord can make capital value out of my hip pocket. Nevertheless, actually saying you want to regulate a fair market to me signals danger signs in respect of where the Greens are heading in relation to this bill. Many investors have stated that the provisions create too many uncertainties and it would be too cumbersome for them to continue in the residential rental market, and I think the fact that many landlords will spend half their time in VCAT probably demonstrates their concern about this.

There are some initiatives in this bill that we do not oppose, but we feel many are not fair or reasonable, and consequently that is why our position is to oppose the bill. I have already flagged that we will be putting forward a number of amendments to make the bill better and fairer for both tenants and landlords. My hope is that there will be fairer consultation with all the stakeholder groups, not just principally the tenants, in respect of how this bill will finish up at the end of the day, because I can tell you, and I am sure Mr Morris is of the same view, we have had a lot of traffic through our email system with concerns.

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Mr Ramsay. Your time has expired.

Mr MORRIS (Western Victoria) (11:46) — I rise to make my contribution to the Residential Tenancies Amendment Bill 2018. I am certainly very pleased to be able to follow Mr Ramsay's fine 16-minute contribution to the house about this particular bill. I do not think I will be shocking anybody when I say I share the concerns that have been raised by Mr O'Donohue and by Mr Ramsay. I certainly concur that the effect this bill will have on the rental market will just ensure that there are fewer rental premises available in the already very slim market out there. I have had conversations with many landlords and many real estate agents who have said that the passage of this bill will see a lowering of the housing stock available in the state of Victoria. The impact of this bill will be that there are more people with less secure accommodation. There will be more people living in what is described as homeless situations due to the passage of this bill.

I think one of the fallacies that those opposite like to try and portray is that all landlords are extremely wealthy and they treat their tenants very, very poorly. In fact most landlords are very hardworking people who have one or two properties that they place on the market and provide homes for other Victorian families. I and certainly many others on this side of the house have had communications from landlords who are despondent

about the way they are being treated. They have extreme concerns about the impact this bill may have. One constituent in particular sticks in my mind, who on two occasions has had to renovate and make significant repairs to their property as a result of damage that has been done through pets being at that property. This is despite the fact that there was a very clear agreement between the landlord and the tenant that there were not going to be pets in this particular property. That was an agreement that was made and agreed to by both parties, yet in two circumstances this landlord's property had significant damage done by pets.

I certainly understand the importance of pets in people's lives and the like, but it is also incredibly important that people's property is not damaged through having pets in residential properties, despite a lack of agreement on this. They are the current circumstances we find ourselves in. Under the current arrangements this is occurring. If this bill were to pass, in effect tying the hands of landlords behind their backs in terms of their capacity to be able to enter into these types of arrangements, then what we would see is these landlords simply taking their properties off the market and leaving them vacant. That is something that would have a severely negative outcome for people trying to find residential properties. I know in particular that the Ballarat rental market is one where recently there was a 0.7 per cent vacancy rate of residential properties for lease — 0.7 per cent. Functionally that is a market at full capacity. I have had discussions with real estate agents who have said they have families coming to them looking for a property to rent, and they say, 'Just add your name to this very long list, because we have a waiting list as long as your arm'. If this bill were to go through, that would become even worse and even more tiresome.

I note that there are a significant number of clauses in the bill. Indeed if the government does succeed in passing this bill, a significant number of regulations will come in to support this particular bill. Of course there are always concerns when a sector such as the real estate sector — the landlords and indeed tenants — does not yet fully know, comprehend or understand exactly what is going to be in these regulations and the impact that this could potentially have on their market. I note that there are significant provisions with regard to locks on doors in premises and the like. I think this is probably indicative. once again, of this government's city-centric metro focus. I can understand the need for deadlocks on doors in some areas, but I certainly recognise that if you are renting a farmhouse out the back of Wedderburn or Wycheproof or one of these places, a requirement for a deadlock on your tenanted property in that circumstance I think is probably going a little bit too far. I understand that crime and the like is out of control in Daniel Andrews's Victoria, but at the same time I think we need to recognise —

Mr Finn — The release of medical records.

Mr MORRIS — Indeed, Mr Finn. I think we need to recognise that there are differing requirements for tenanted properties depending on where they are in the state. If your nearest neighbour is 30 or 40 kilometres away, I am not sure a deadlock on your door is necessarily going to be the best protection that you could have in terms of security at your residence.

Mr Finn — Is there any protection in Victoria?

Mr MORRIS — There is very little protection. It is pretty difficult to understand what might protect us here in Victoria. There is one thing that will protect us here in Victoria — one thing — and that is a change of government on 24 November this year, which is something that we need to ensure does occur. After the day the government is having today it looks even more likely that there will be a change of government at the end of this year.

Mr Finn — Can't get money on it.

Mr MORRIS — I haven't checked Sportsbet. I do note that within this piece of legislation there are going to be significant changes with regard to the environmental impacts that different properties may have, and indeed this is another area where there may be a significant need for regulations. I do hope through the committee stage we can get some significant answers and responses to questions about the impact these may have.

Mr Finn — It could be a very lengthy committee stage.

Mr MORRIS — It may be a lengthy committee stage that may be required to ensure that we can understand and go through this bill in detail to understand the impact that it could have. I have already noted the impact that some of these clauses may have, but one of the concerns is about whether or not many of these clauses are going to be grandfathered — whether or not at the stroke of a pen there are going to be requirements and burdens placed upon landlords to immediately remediate properties with regard to either deadlocks or the gas, electricity and water appliances. If that is to be the case, that is going to place a significant cost impost upon these landlords. These landlords, as we have said, are not the wealthy people sitting in ivory castles that those opposite would like to paint them as. These landlords are very hardworking men and women

in Victoria who have invested in a property to ensure that another Victorian family has somewhere to live; that is something that we should be encouraging, not discouraging, here in Victoria. We want people to have a property which they can live in rather than not, as will be the case if this government gets its way.

Mr Ramsay made a comment about the fact that if a landlord would prefer that a renter not have a pet in the property, they need to go to VCAT.

Mr Finn interjected.

Mr MORRIS — That is a very good question. I am not sure if you would need to go to VCAT to get a dog in a ministerial car, Mr Finn, but it may be the case that you do.

An honourable member interjected.

Mr MORRIS — A chihuahua, indeed. You have that annoying chihuahua in your car and the driver says, 'Thank you, Deputy Premier, you're at your destination now', and away we go. Mr Merlino is not having a good day; he is not having a good day at all today. He was sent out by Premier Andrews to the Jon Faine radio program this morning, and I tell you it was a train wreck. It was an absolute train wreck of an interview. He did not do well. He did not fare well.

Mr Finn interjected.

Mr MORRIS — I am not sure if he has been on with Neil Mitchell; I would like to listen to that. But I may be slightly distracted.

We were talking about VCAT. As Mr Ramsay made the point, VCAT already has a significant case load. If every landlord in the state of Victoria was required to go to VCAT in an attempt to ensure that a property in which they would rather not have pets did not have pets, it is difficult to imagine the burden that would be placed upon VCAT in these circumstances. I note that there is a will in this bill, if a renter does want to keep a pet in a property, that they may be required to pay a pet bond. I think just the admission by the government that there may be a requirement for a pet bond is indicative of the fact that there are concerns about the damage that may be done in that particular property by pets that are kept in that property. We know just how destructive chihuahuas can be, particularly to governments —

Mr Finn — Yes, they can. They make a real mess.

Mr MORRIS — They can. Thirty boxes of mess they could potentially make to —

Mr Finn interjected.

Mr MORRIS — Yes, indeed, on the floor of the house. They have made a God-awful mess, and now they have left it for others to clean up. It looks like the Speaker in the other place is going to have to walk around picking up the mess behind them, and I think that is —

Mr Finn — He's not going to get his bond back.

Mr MORRIS — He is not going to get his bond back at all.

Ms Wooldridge interjected.

Mr MORRIS — There is a nasty stain on the floor of the house, and indeed on this government as well. There are obviously some significant concerns —

Honourable members interjecting.

Mr MORRIS — Was it 1.5? Mr Leane is over there trying to defend this rorting, corrupt government, and he is not doing a very good job. I think he should keep quiet, because they are in all sorts of strife. We have got Mr Jennings over here. Look at the embarrassment that is on his face after the contribution that he made to the house this morning; he does not want to be here. I think maybe Ms Garrett in the Assembly should just come in and sit in that spot —

Mr Finn interjected.

Mr MORRIS — I think she will too.

Mr Finn interjected.

Mr MORRIS — On this side, indeed. Then we will no longer have Ms Shing in this house, because she is being pushed down, so we are going to have a new Leader of the Opposition in the other house, and it is —

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:00) — My question is to the Leader of the Government. Minister, when asked on Tuesday why personal affairs and information claims were not applied to the release of the Ventnor documents, you stated, and I quote:

> Well, in fact they were applied. They do apply. They are matters that have actually been considered.

Minister, as reported in today's *Herald Sun*, the documents tabled disgracefully contain the personal financial, banking and family details of an innocent member of the Victorian community. On what basis did you provide that assurance to the house on Tuesday when clearly that was not the case?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Ms Wooldridge for the question. The reason why I gave that undertaking to the chamber, and in fact I do not resile from it, is that in terms of the principle that actually underlined the release of information those principles applied. That principle should be applied in terms of protecting privacy, protecting privilege and protecting confidences, and those matters should be considered before the release of any documentation. The decision-making process did include those principles and the active consideration of those.

At the time though I also did indicate that there was an overriding public interest in the release of documents in relation to the Assembly on the basis of a concern about the acquittal of ministerial responsibility, which the government is very, very confident that then Minister Guy failed in terms of his obligations and which led to very adverse outcomes, not only in terms of the planning regime but in terms of commercial relationships with members of the Liberal Party in terms of a settlement that was made. Those are the matters that the government decided, on balance, warranted the release of information.

What has turned out to be the due diligence that was associated with the completeness of the assessment of all material that was conveyed indicates that there were some shortcomings in terms of the quality assurance in relation to the release of some information. I can understand that. On the basis of the volume of material that was shared, there is very, very limited — and hopefully we have reached the limit — personal information that should not have been put on the public record. There is a process that is being undertaken now within the Legislative Assembly to discover the potential extent of that exposure and to eradicate it so that citizens are protected.

Those matters were important before; they are important now. I will not resile from what I said in relation to the considerations that underpin this. I am disappointed, and in fact the government is disappointed, that the quality assurance that was associated with the release of the entirety of that material was not as complete as it should have been. But the government does not resile from the fact that there is a public interest in relation to what is the substantive matter that led to the resolution of the Assembly, which is the veracity and the appropriateness of decisions that were made by then Minister Guy, now the Leader of the Opposition.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:04) — Thank you, Minister. You also claimed that the release of these documents was in the public interest — and you went to that in your substantive response — and that it is in the public interest as far as the public is concerned. How is the tabling of personal, financial and banking details of members of the Victorian community in the public interest?

Mr JENNINGS (Special Minister of State) (12:04) — The consequence of my substantive answer is that they are not. The release of the majority of the material that has been put on the public record in the government's view does provide a public interest in relation to the substantive issue about the minister's decision-making processes and the appropriateness or inappropriateness of them. In relation to the personal details, they should not have been included in the material and they are not in the public interest to be released.

Production of documents

Mrs PEULICH (South Eastern Metropolitan) (12:05) — My question is also to the Leader of the Government. Minister, on Tuesday you advised that cabinet-in-confidence claims, legal advice claims, departmental note claims, personal affairs and information claims and other claims, and I quote:

> … were applied. They do apply. They are matters that have actually been considered.

Minister, given the Premier has had the documents for five months, who specifically considered these personal affair matters prior to the tabling of the documents in the Legislative Assembly on Monday? Was it a member of cabinet, a ministerial adviser or a senior departmental bureaucrat?

Mr JENNINGS (Special Minister of State) (12:05) — The answer that I have given to the substantive question from Ms Wooldridge covers the issue. In terms of the sequence of the release of information, there was a resolution of the Legislative Assembly on 29 March relating to this situation. The Secretary of the Department of Premier and Cabinet wrote to the Leader of the Opposition on 10 April outlining that he had been directed to release all relevant information to the Premier in relation to the

consideration of that material. At that point in time the responsibility of the public service was to ascertain what fell within the scope of the resolution and to pass that on. That occurred. In the intervening period there were assessments made in terms of —

Ms Wooldridge — Who made the assessments?

Mr JENNINGS — The assessments were made under the authority of the Premier and in fact were endorsed by the government in terms of acquitting our obligations. The obligations that I have actually outlined were undertaken in that sequence through that delegated line of authority, and the release of the information was ultimately complied with by the determination that was made by the Leader of the Government in the Legislative Assembly.

Mrs Peulich — On a point of order, President, the minister was asked a very specific question, and that is: who applied those principles? Was it a member of cabinet, a ministerial adviser or a senior departmental bureaucrat? He has not answered that question. I ask that you refer him back to the question.

Ms Shing — On the point of order, President, Mrs Peulich may not like the answer that has been given, but the answer is as the answer stands, and the standing orders indicate very clearly that there is no position to prescribe the way in which answers to questions are given.

Honourable members interjecting.

The PRESIDENT — Ms Lovell, I heard an interjection that made an allegation which I am not sure can be substantiated. Can you please withdraw?

Ms Lovell — I withdraw.

Honourable members interjecting.

Ms Shing — A point of order, President. I just heard it again, Ms Lovell.

Honourable members interjecting.

The PRESIDENT — Order! I did not hear it again.

Honourable members interjecting.

The PRESIDENT — Ms Lovell, did you repeat it again?

Ms Lovell — I was having a private conversation.

The PRESIDENT — I do not care whether it was a private conversation. It clearly was not too private if other people heard it. Can you again withdraw, please, and perhaps not continue with a private conversation of that nature.

Ms Lovell — I withdraw.

The PRESIDENT — Mrs Peulich, in terms of the point of order, I actually think the minister did give you an answer.

Mrs Peulich — He was responsive but he did not answer the question, thank you, President.

The PRESIDENT — He said the Premier.

Mrs Peulich — I am happy to discuss the answer when we see it in *Hansard* tomorrow, President.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (12:09) — Minister, were these documents considered by the cabinet subcommittee that considers the production of documents prior to their tabling in Parliament?

Mr JENNINGS (Special Minister of State) (12:09) — The decision-making process of the government is as I have outlined. I have said to you that in fact not only did the Premier make the decision but it was actually confirmed by the appropriate structures within the government.

Production of documents

Ms FITZHERBERT (Southern Metropolitan) (12:10) — My question is also to the Leader of the Government. Minister, is the release of personal, medical, financial, banking and family details of an innocent member of the Victorian community, as occurred on Monday by the Andrews Labor government, a notifiable data breach under the commonwealth's Privacy Act 1988?

Mr JENNINGS (Special Minister of State) (12:10) — In terms of Ms Fitzherbert's question, I will have to take advice about whether it actually constitutes a breach of commonwealth law. I am very happy to take advice on that matter, but I cannot actually confirm it one way or another at the moment.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:10) — Minister, when the Andrews government released the former Napthine government's staff and wages details, where the government claimed it was under FOI but that turned out not to be true,

Department of Premier and Cabinet Secretary Chris Eccles requested that the Victorian Public Sector Commission probe how the data breach occurred. Will the government refer the Premier's massive data breach to the Victorian or Australian information commissioner for immediate investigation?

Mr JENNINGS (Special Minister of State) (12:11) — In relation to the way in which this information has been released, I think it is made very clear not only by what the events are that people are making comment on but in fact by my substantive answers to both Ms Wooldridge's and Mrs Peulich's questions, where I have indicated the transfer of information and how it arrived in the Parliament. It is not actually a secret as to how it arrived; in fact it is fully disclosed and fully understood.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:12) — My question is to the Leader of the Government. Private medical and financial information relating to a number of Victorian individuals was released in those documents tabled on Monday. Minister, can the government now guarantee that there are no other serious and frankly disgraceful privacy breaches relating to other Victorian individuals among those 80 000 pages of documents?

Mr JENNINGS (Special Minister of State) (12:12) — Look, I can understand it. In fact the kernel of the question is actually a legitimate one — that in fact citizens of Victoria need to have some confidence that the material that has been provided to the Parliament does protect their privacy. So in relation to the work that is actually being undertaken with the authority of the Assembly, that is actually what is happening at this very moment. That is in fact what has been put in place — a process to remedy that and reduce that risk of the exposure of the state. It may well be well argued that it should have actually occurred before.

I am not defending the release of private information in these circumstances. What I am explaining is the pathway in which it actually occurred and the remedy that has actually been put in place. So in terms of the confidence of the Victorian community, not only do they need confidence in how public office holders act in this term, they actually need to be mindful of the calibre of people who represent the community each and every day and how they acquit their responsibilities.

So I am not running away from this issue. I am acknowledging this issue. I am responding to this issue. I am not actually rewriting history in relation to it, but there are people in the other place who want to rewrite history. They want to rewrite history in relation to their ministerial responsibility and the tawdry case that actually led to these matters being discussed and considered in the public domain. As Ms Pennicuik reminded the chamber today, in 2014 Mr Davis and the people who were on this front bench at that time were happy to shut down scrutiny in this chamber in relation to what were obviously inappropriate payments that were made, inappropriate planning decisions and the reversal of them, and the financial consequences and the ethical consequences in relation to withholding that information from the Ombudsman.

Within all of this, that situation has been remedied, but in fact the unintended and most unfortunate and undesirable outcomes are the ones that you choose to concentrate on and that I am responding to. I am not running away from them, but what you are running away from is the culpability of your colleague the Leader of the Opposition in the other place in terms of his action, and you are just hoping that my embarrassment actually outweighs the embarrassment and shame and culpability of the Leader of the Opposition.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:15) — I thank the minister for his response. The minister has acknowledged several times today and on Tuesday provided the assurance that personal affairs and information claims, and I quote:

> … were applied. They do apply. They are matters that have actually been considered.

And the minister has answered a number of questions about that today. Minister, how does that then reconcile with the comments from an Andrews government spokesperson published in the *Guardian* who said that it was 'impossible' to redact private contact details and other potentially sensitive information 'given the volume of documents tabled'?

Mr JENNINGS (Special Minister of State) (12:16) — I do not know about that comment. I do not know about its veracity or its authenticity, but what I can stand by is what I say in this place, and I will stand by what I said.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:17) — My further question is also to the Leader of the Government. The government previously refused to release documents to the Council on the grounds that assessing the 10 000 pages related

to that order would be an unreasonable diversion of departmental resources. Why didn't the government take the same approach with the 80 000 pages of Ventnor documents?

Honourable members interjecting.

The PRESIDENT — Thank you!

Honourable members interjecting.

The PRESIDENT — Ms Mikakos, a withdrawal, please.

Honourable members interjecting.

The PRESIDENT — Order! Ms Mikakos, a withdrawal please.

Ms Mikakos — I withdraw, President.

The PRESIDENT — Thank you.

Mr Morris interjected.

The PRESIDENT — Not impressed. Now, I had some difficulty, because Mr Leane was chirping, in hearing the question. Can I hear it again, please?

Mr RICH-PHILLIPS — Thank you, President. The question is to the Leader of the Government. The government previously refused to release documents to the Council on the grounds that assessing the 10 000 pages related to that order would be an unreasonable diversion of departmental resources, and that is the response we received from the Attorney-General. So I ask: why didn't the government take the same approach with the 80 000 pages of Ventnor documents?

Mr JENNINGS (Special Minister of State) (12:18) — I thank Mr Rich-Phillips for the opportunity to explain that in fact the processes that relate to documents that have been required, whether it be by the Parliament or whether it be by FOI, are quite often voluminous in nature. They may or may not have the appropriate scoping in terms of the original request, whether it be by the Parliament of whether it be by the FOI applicant, and it is actually quite a significant and onerous responsibility within the FOI and document release process to actually ascertain not only the volume but the appropriateness and make an assessment of those matters.

In many matters — in fact the vast majority of matters — there is a dedicated staff who allocate significant departmental resources to be able to resolve these very vexing and complex issues in relation to the balance between releasing information and the appropriate privacy protections, privilege protections or cabinet or commercial considerations, which you would understand because in fact we have discussed this before.

Earlier on this week Ms Wooldridge asked me to remind her, through a written response to her question, about what are the various factors that have to be considered. In certain circumstances, because of what is deemed to be the significance or importance of those matters and how onerous it may be for departmental resources — that in fact it may be somewhat vexatious or not overwhelmingly in the public interest or, as you have indicated, literally with stretched resources within a department — they may not be able to be applied to dealing with those matters at a particular point in time.

They are the factors that may determine why a decision may be made about one matter rather than another. In this case a very large scope, a very large consideration by departments in relation to this material — as it turned out, including some material that should not have been scooped up in relation to that assessment — was then transmitted from the department to government and then dealt with within government, and the government made a determination on the basis of the material available to it that the overwhelming public interest was actually served by the release of the documentation. Within that volume there has been some unfortunate, and at this stage we hope limited, exposure of matters that should not have been contained there.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:21) — I thank the minister for his answer. The minister in his answer has highlighted the fact that there were resourcing issues relevant to assessing the 10 000 documents the Council previously sought and there were resourcing issues with assessing the 80 000 documents which were released on Monday and essentially indicated the government then applied its own filter of public interest. So I say to the minister: isn't it the case that in releasing those 80 000 documents on Monday the government has effectively thrown caution to the wind, as we have seen through the release of personal documents, simply because it was in the Premier's political interest, and that was the overriding consideration?

Mr JENNINGS (Special Minister of State) (12:22) — Ultimately I have been on the receiving end of many accusations in relation to what was perceived to be the obstruction that I provided the Ombudsman,

or the government provided the Ombudsman, in relation to clarifying in the Supreme Court and the High Court whether there was jurisdictional cover by the Ombudsman. It has been mischievously and continuously misconstrued as being to try to stop the Ombudsman from investigating a matter. It was actually to clarify the status of the Ombudsman Act 1973.

In this matter, if nothing else has occurred, one thing has occurred: material that was withheld from the Ombudsman and withheld from the Auditor-General during the life of the previous administration has now seen the light of day — material that in fact the then minister worked assiduously to prevent his department releasing to the Ombudsman and releasing to the Auditor-General, matters that would have shown him to be acting in a totally inappropriate way.

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:24) — My question is to the Leader of the Government. Minister, the former privacy commissioner, David Watts, has told Neil Mitchell's 3AW show today that the government's actions in relation to the Ventnor documents have potentially broken the charter of human rights, federal and state privacy laws —

Mr Leane interjected.

The PRESIDENT (12:24) — Out, thank you, Mr Leane. Who else!

An honourable member — It could be someone else.

The PRESIDENT — I don't think so. No-one else was rude enough to actually chip. Fifteen minutes.

Mr Leane withdrew from chamber.

The PRESIDENT — Ms Wooldridge from the top, thank you.

Ms WOOLDRIDGE — Thank you, President. My question is to the Leader of the Government. Minister, the former privacy commissioner, David Watts, has told Neil Mitchell's 3AW show today that the government's actions in relation to the Ventnor documents have potentially broken the charter of human rights and federal and state privacy laws and have constituted a breach of confidence, negligence, a breach of legal professional privilege, a breach of Victorian protection data security standards and a possible contempt of court. Given your answers today, is it the Premier who is responsible for this massive privacy breach, one of the largest that has ever occurred in Victoria's history?

Mr JENNINGS (Special Minister of State) (12:25) — I would actually like to see a transcript of the contribution of the previous privacy commissioner in relation to whether he did say what Ms Wooldridge has actually attributed to him.

Ms Wooldridge interjected.

Mr JENNINGS — Well, if he did, I will be very interested in the legal veracity of what he said, because I actually think it might be somewhat motivated by political commentary and intrigue rather than necessarily the legal standing of these matters. I actually think it was probably colourful commentary that suited his purpose, and I think that would be well and truly understood.

Now, I have not heard that from the current incumbent in terms of the information commissioner, who has actually been on record during the course of this week — in fact he acts independently, appropriately — to talk about concerns about secrecy provisions within the culture of the public service. So he is not in fact out there doing the government's bidding every day; he has actually reminded the community that in fact quite often we err on the side of withholding information that he believes should be in the public domain. So he is not necessarily a fairweather friend or an enemy of the government, but in fact what he actually said this morning in media, as I understand it, is something quite contrary to his predecessor. In fact I would think probably the current incumbent, acting independently within the spirit of his knowledge of the law and his obligations, may be a potentially more reliable source.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:26) — Thank you, Minister. Given that you did not address the question about 'Is the Premier responsible?', I do follow up, consistent with that theme, to say: given Department of Premier and Cabinet secretary Chris Eccles said, 'I was directed by the Premier in accordance with my employment contract to produce to him all relevant documents', and consistent with your answers earlier that everyone acted on the delegated authority of the Premier, is it not a fact that the person to blame and who should take responsibility for this potentially disgraceful conduct is in fact the Premier and that he should do the honourable thing that Victorians are asking him to do and resign?

Mr JENNINGS (Special Minister of State) (12:27) — The bizarre construction of this is that the Premier takes responsibility for the government's actions, members of the government take responsibility for the actions of the government — we are all taking responsibility today for this matter — and we try to act in accordance with our ministerial responsibility. In fact we are obliged to.

One thing that is actually pretty easy to do is in fact jump on a bandwagon and start talking about whether people should resign or not, which is completely capricious in relation to the way in which these matters were dealt with. In opposition in 2014, when we were on the opposition benches trying to actually get some degree of ministerial accountability in relation to these matters and trying to get some honest disclosure about these matters, we were probably bellowing the same thing that you are bellowing to us today. We probably called on then Minister Guy to resign. He did not. Whether he should have is a different question. The people can decide that.

West Footscray factory fire

Ms TRUONG (Western Metropolitan) (12:29) — My question today is for the minister representing the Minister for Energy, Environment and Climate Change. Last Thursday a factory fire in West Footscray blanketed our city in black smoke, closed down our schools and neighbourhoods and left our communities in the west reeling. Our communities, as I have heard since then, want to be confident that the authorities have adequately monitored the exposure and impacts on us in the west and effectively coordinated their operations to keep us safe and properly informed. But many of us could not say that is the case. Many of us in the west live next to industrial areas storing who knows what, and we have seen complacency and neglect cost us many times before. My question is: what is being done to keep us informed of how these risks are being managed at specific sites and to protect the west from future toxic fires?

Mr JENNINGS (Special Minister of State) (12:29) — I thank Ms Truong for her question and her concern in representing her constituents and being concerned about the safety of her community. It is a very, very significant matter that she has raised with me just now. I personally am not aware of the processes by which emergency services and Environment Protection Authority Victoria (EPA) will be providing communities with information and support at this point in time, although I would have an expectation — and I am certain my ministerial colleague has an expectation — that there will be ongoing care provided to the community in relation to sharing relevant information and updates through the EPA in terms of environmental standards. I will take some advice to get additional information to you.

The general point in relation to how to keep communities safe into the future — to understand their risk exposures, to mitigate them, to reduce the potential for environmental damage — is an obligation that the EPA has had for many years. In fact you would be mindful of the debates that we actually had when we recently had a rewrite of the EPA act. In terms of the EPA's responsibilities not only was there a recognised duty of care by it as a statutory authority but also industry has an obligation and will be held to account for it in what we believe is a more appropriate way in the future that does provide greater confidence than what the community may have had up until this point in time. So that is certainly something which is the policy intent of the reform of the EPA. We would have an expectation that what you are seeking will be a feature of the way in which the EPA acquits its responsibilities into the future.

What we have been doing in the last week I will have to take some advice on, but your point is fundamentally well made. And I thank you for representing the interests of your constituents because it is a very, very important matter that we have a safe environment and we are mindful of the downstream environmental consequences of hazards and events such as the fire that took place last week.

Supplementary question

Ms TRUONG (Western Metropolitan) (12:32) — I thank the minister for his response. My personal experience of getting information from the EPA — because my family, my friends and my kids are impacted by this fire — has been that they vague us and they are trying to cover their own —

Mr Jennings interjected.

Ms TRUONG — Yes. They do not give us a straight answer on whether we should be cancelling events or whether we should be indoors or outdoors. The Melbourne Fire Brigade have been a touch better. It is unacceptable that our community is neglected and left vulnerable to such disastrous events, and the community are now organising themselves because they are not getting the information they need. We know the EPA set up temporary monitoring sites, and it is not clear from the AirWatch website where these are. My supplementary is: could the minister list the sites where the EPA set up the temporary monitoring stations and

tell me when the full data, including PM2.5, benzene and toluene readings on 30 August, will be made public for the community to understand what we have been exposed to owing to this factory fire incident?

Mr JENNINGS (Special Minister of State) (12:33) — I thank Ms Truong again for her concern. They are very specific matters that she has asked me to respond to. Clearly she knows that I am not in a position to be able to do so now, but I give her an undertaking that I will talk to my colleague during the course of the day to see what is the earliest opportunity that appropriate information and community support can be provided.

Timber industry

Ms DUNN (Eastern Metropolitan) (12:33) — My question is for the Minister for Agriculture. Minister, can you confirm that the Andrews government will give a $340 million grant or other amount on that scale to the Nippon Paper Group, the owners of the Maryvale pulp mills, and that there will be absolutely no conditionality on the grant for Nippon Paper to exit its dependence on native forest log supply?

Ms PULFORD (Minister for Agriculture) (12:34) — I thank Ms Dunn for her question. I indicated in answers in the house on Tuesday that the media report that I guess is the source of Ms Dunn's question does not accurately reflect the discussions that the government is having with industry, with unions and with the environment movement around reconciling the challenging circumstances that members here are well aware of in terms of a diminishing of the available native timber resource for industry and the expansion of protected areas. This is not new. This is something that has been going on for decades and something that has been a challenging matter for our government the entire time, not least of all because of the circumstances that we inherited in terms of industry's expectations and environmental protections that were put in place by our predecessors. In that context what I can indicate to Ms Dunn is that while the government is having discussions with industry, as with others who have an interest in policy outcomes in relation to native timber, I certainly cannot confirm what it is that she is seeking for me to confirm.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:36) — I thank you, Minister, for your answer. Minister, we have seen your government extend extraordinary corporate welfare to Nippon Paper, including reports that are not accurately reflected, as you refer to, but there has been no clarity in the house as to what those arrangements will be. That welfare extends to your refusal only yesterday to repeal the wood pulp agreement and its multimillion-dollar contingent liabilities on the state and its taxpayers. We have also seen your government nationalise the largest timber mill in the state. You not only continued the sweetheart pricing in the existing timber sales agreement between VicForests and the mill; you are now reappropriating log supply from other smaller private mills to the Premier's mill at Heyfield. Minister, is it this government's plan at the behest of the forestry division of the CFMMEU to cut the industry down until only the Premier's mill and Nippon Paper remain standing with their high union membership?

Ms PULFORD (Minister for Agriculture) (12:37) — The short answer is no. The slightly longer answer is there is a whole bunch of stuff in there that is just not true. What I would say again is that —

Ms Dunn — Shifting contracts to Heyfield.

Ms PULFORD — Ms Dunn, you came in here on Tuesday and asserted it, and I gave you a written response indicating that what you were asserting was not true. So Ms Dunn knows that, I know that, and that is for the benefit of everybody else; now you all do. Ms Dunn, you can come in here and keep making stuff up about the timber industry all you like. It is not going to change the reality of the situation, which is that the government continues to work in good faith with all parties, all participants in the industry, and indeed those who would like to see the industry shut down. That reckless bit of legislation that you introduced and debated in this place yesterday would have resulted in significant job losses for people in communities through regional Victoria. Our approach is to support job creation in regional Victoria.

Wyndham crime rate

Dr CARLING-JENKINS (Western Metropolitan) (12:38) — My question is for the minister representing the Minister for Police, Minister Tierney. Minister, the government recently reported that crimes in Wyndham for the year to March 2018 decreased by more than 10 per cent compared to the previous 12 months. I admit to being confused, because as I read the statistics I see a different story. Minister, could you please clarify for me how in the same period identified as having a 10 per cent decrease, as I read it the number of sex offences in Wyndham increased by 32 per cent, aggravated robberies by 27 per cent, common assault by 21 per cent and threatening behaviour by 52 per cent?

Ms TIERNEY (Minister for Training and Skills) (12:38) — I thank Dr Carling-Jenkins for her question. This is a question that requires the Minister for Police to provide some clarification around some crime statistics, and I will refer the matter to the Minister for Police.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) (12:39) — Thank you, Minister. I appreciate that referral. When referring this matter to the Minister for Police for clarification can you also ask if the minister will acknowledge the increase in violent crimes in Wyndham and respond by urgently providing extra resources in the form of an empowered, well-manned and proactive police force on the ground in Wyndham?

Ms TIERNEY (Minister for Training and Skills) (12:39) — I thank Dr Carling-Jenkins for her supplementary question, and I will refer it to the Minister for Police.

Mrs Peulich — On a point of order, President, during the course of today's questions a lot of the answers indicated that as far as the Leader of the Government is concerned, the responsibility for the release of private information — or breaches — rests with the government. It is my understanding that a motion being debated in the lower house will, if passed — and there is every likelihood of that being the case — place responsibility with the Speaker of the Legislative Assembly to determine issues of privilege and to then either remove or redact documents. The question that I would like to ask as a point of order is: who would be responsible for undertaking that work, at what cost and what are the risks to Parliament where the legal risk of litigation is transferred from the Department of Premier and Cabinet to the Parliament, and what would be the implications for defending any litigation by the Parliament? I would ask that you perhaps take some advice from the clerks, and maybe even legal opinion, so that we understand what the implications are for the Parliament of this motion, should it be passed.

The PRESIDENT — Order! On the point of order, it is not a point of order, it is a series of questions that have been put to me to venture into an area that is really within the ambit of the other house and not within my responsibility or the jurisdiction of this house. I would suggest that if Mrs Peulich wants to pursue those matters — and they may well be valid questions; I do not dispute that — then that would be best done by substantive motion rather than by point of order, because it clearly was not a point of order and it went to matters that were matters of question rather than matters of the process of this house in particular.

I might say in closing that I am concerned that if I was put in the position that the Speaker is being asked to take in respect of this motion, I would have some grave misgivings in terms of both my ability, capacity-wise, to do it, but also in some ways the appropriateness of the Parliament acting in that role or the President of the Parliament acting in that role. But as I said, that is quite outside the scope of what would be an acceptable point of order here.

Mrs Peulich — On a related point of order, President, they were not questions that could be legitimately directed to a minister of the government, so therefore I felt that it was appropriate to raise it with you. But in light of your answer and the concerns that you indicated you would share if you were in that position, would you be prepared to take the matter to the Procedure Committee for advice and consideration?

The PRESIDENT — At this stage, no, I would not take it to the Procedure Committee. I think it is outside the scope of that committee. As I said, I think your best course of action, if you wish to pursue the matter, is by way of substantive motion.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:43) — There are two written responses to questions on notice: 12 756–7.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:43) — In respect of today's questions, Ms Fitzherbert's question to Mr Jennings, the substantive question, I seek a written response in two days; Mr Rich-Phillips's first question to Mr Jennings, the substantive and supplementary questions, one day; Mr Rich-Phillips's second question to Mr Jennings, just the substantive question, one day; Ms Truong's question to Mr Jennings involving a minister in another place, the substantive and supplementary questions, two days; and Dr Carling-Jenkins's substantive and supplementary questions to Ms Tierney, again involving a minister in another place, two days.

Mrs Peulich — On a point of order, President, did you mention that my question was not answered by the minister and that whilst he was responsive, it was not

answered, and that perhaps an opportunity to answer that in writing might be appropriate?

Mr Gepp — On the point of order, President, you actually did rule on that during the course of question time. You referred to the minister's answer, and this is just a continual abuse of standing orders.

Mrs Peulich — Further on the point of order, President, Mr Gepp has got two questions confused. It was not the point of order that I was referring to. It was the question that I asked as a question to the minister.

Honourable members interjecting.

The PRESIDENT — Thanks, everyone, for your assistance. It is a wonderful thing to have such support. I do not seek a written response on that particular question because I believe that the minister did indicate a responsible person in his answer.

Ms Bath — On a point of order, President, on Tuesday this week you reinstated a question that was for the Minister for Agriculture in relation to Australian Sustainable Hardwood timber. The response is probably finding its way here, but it is two days now, so I am just wondering when I can expect the response.

The PRESIDENT — We will take that on notice. The Clerk's spreadsheet indicates that that might well have already been answered, but we will check.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (12:46) — My constituency question is to the Minister for Creative Industries, and it is in relation to the announcement that was made just yesterday about funding for the Palais Theatre in St Kilda, which has undergone a significant redevelopment. Yesterday there was an announcement in relation to a sum of over $1 million for further work. My question is: is this new money or is this money that has been repurposed from an earlier announcement in relation to that project?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (12:47) — I raise a constituency question for the Minister for Police, and it relates to policing services in the southern part of the City of Casey in my electorate of Eastern Victoria Region. The question I have is: will the minister work with the Chief Commissioner of Police to ensure that extra police resources are deployed to the Clyde-Clyde North area of Eastern Victoria Region. I have had many constituents contact me — and I know the Assembly member for Bass has had many people contact him — concerned about the increase in crime in that area. In that fast-growing area the Liberal-Nationals have committed to building a 24-hour, seven-day-a-week police station to service that growing community and provide a strong visible police presence. While the minister is the minister I ask: can she work with the chief commissioner to provide extra police resources to that area?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (12:48) — My question is to the Minister for Public Transport in the other place, and it relates to repairs being carried out on the historic trestle bridge at Eltham on the Hurstbridge rail line. This bridge is the only railway bridge built predominately of timber still in regular use in Melbourne's metropolitan electric railway network. It comes after the spotlight we placed on it when the Liberals announced plans to fully duplicate the line between Greensborough and Eltham and to replicate the bridge, unlike Labor's curious plan to run a shuttle service into Eltham, arguing there is no need for another bridge. The minister in a previous response has told me engineers do not believe the bridge is structurally unsound. This followed reports in July that train speeds had to be reduced because of its structural and track condition. Following an independent engineering assessment earlier this year deck timbers and timber girders were replaced. However, the minister has also said more girder replacements and pier strengthening works are scheduled to be undertaken, and I quote, 'during upcoming planned occupations'. My question is: what are these planned occupations, when will they occur and will these works result in any closure of the line or disruption to Hurstbridge services?

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (12:49) — My question is for the minister representing the Minister for Health. On 7 August 2018 I asked a constituency question in relation to the Footscray Hospital about whether public transport access and use of the hospital as a teaching facility are a part of the department's considerations in determining the final site. The minister's response was, and I quote, 'planning for a new hospital is complex and takes time' and 'government is considering a range of factors in determining the optimal site'.

The concerns of my electorate have not been adequately answered, and so I now ask specifically: can

the minister outline each of the criteria the state government is taking into account in the evaluation of the final site and whether this includes public transport access and the future capacity to use the hospital as a teaching facility? The people of Western Metropolitan Region deserve to understand the criteria the state government is taking to make its decision as part of the public record. My constituents deserve to know whether this government will serve the needs of the western suburbs rapidly growing populations or whether we should expect to be once again dudded as safe Labor seats.

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:50) — My constituency question is directed to the Premier. This week we have seen 80 000 unvetted documents dumped onto the steps of Parliament — thousands of documents supposedly relating to operations of the rezoning of land in my electorate. Against constitutional convention, we have seen most sensitive, personal and private information — information exposing a person's home address, family details and medical and financial information. This is an unprecedented data breach. During any planning scheme local residents are invited to make comments and raise objections. Names, addresses and emails are often included in making these submissions. This morning I have been contacted by a number of concerned constituents who made submissions at that time and they are justifiably concerned that their personal details are now in the public domain. So I ask the Premier: what contingency plan does he have in place to address the concerns of my constituents?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:51) — My constituency question is for the Minister for Roads and Road Safety. It is in relation to a cycle path that was constructed as part of the Rosanna level crossing removal project, where the construction of a signal box in the middle of the shared path made it impossible for it to be used as a cycle path. VicRoads are apparently working on a plan to fix that and have completed a path that does not go anywhere. My question for the minister is: when that plan is ready, will the City of Banyule see that plan or be consulted about it?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:51) — My constituency question is to the Minister for Roads and Road Safety. Over the past few years the industry in Victoria that has become a boom industry is the making of new speed limit signs — signs that invariably have found themselves on the side of the road in the western suburbs lowering speed limits by up to 40 per cent or even more. Even when so-called safety works have been conducted, as they recently have on Sunbury Road near Melbourne Airport, speed limit cuts almost always remain in place. Can the minister confirm whether VicRoads has a deliberate policy of lowering speed limits on increasingly busy roads in Melbourne's west?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:52) — My question is for the Minister for Aboriginal Affairs and relates to the Bangerang Cultural Centre in Shepparton. I have spoken many times in this place about the importance of the Bangerang Cultural Centre, and have pleaded with the minister many times to provide state government assistance to the centre so it could avoid closure. The minister has ignored all of this, and the Bangerang Cultural Centre was recently forced to cease normal operation due to financial difficulties. Nonetheless, Bangerang Cultural Centre continued to work hard and recently won the Keep Victoria Beautiful cultural heritage award for its commitment to preserve, celebrate and value Indigenous cultural heritage. Will the minister stop ignoring the needs of the vitally important and award-winning Bangerang Cultural Centre and give a commitment to provide assistance to ensure the future viability of the centre?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:53) — My constituency question is for the Minister for Police, and it relates to significant concerns about capacity for prisoners held in custody at the Ballarat police station. This is something that has been detailed in the media, indeed on the front page of the Ballarat *Courier*, as has the fact that those cells are regularly at capacity and valuable police time that is not being spent investigating Labor candidates is being diverted to —

Mr Finn — And cabinet ministers.

Mr MORRIS — and cabinet ministers indeed — shuffling prisoners from the police station to other places. So the question I ask is: what is the minister doing to ensure that valuable police time in Ballarat is not being spent shuffling prisoners from one police station to another?

Sitting suspended 12.54 p.m. until 2.06 p.m.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

Debate resumed.

Mr MORRIS (Western Victoria) (14:06) — I am very pleased to continue my contribution to the Residential Tenancies Amendment Bill 2018, noting that after an interruption for question time, of course, I have got a minute to go. I think it is very clear that this bill, if it is implemented, will have a significant impact on Victorians. Other things that might have a significant impact on Victorians include the massive breach of data that has been released by the Premier. I note that the Premier said at 9.20 this morning on the steps that he had apologised to an affected person and it has been clarified that that did not occur until 1 o'clock today. So the Premier has once again been caught out lying and —

Mr Dalidakis — On a point of order, Acting President, Mr Morris just said that the Premier has been caught out lying. I ask him to withdraw.

The ACTING PRESIDENT (**Mr Gepp**) — Mr Morris?

Mr MORRIS — Thank you. I withdraw. The Premier has been caught out spreading extreme mistruths, and it is a shameful fact that we are once again seeing a Premier that Victorian people cannot trust.

Mr Dalidakis — On a point of order, Acting President, the debate has been wideranging and I have given a bit of latitude to the member, but I ask you to draw him back to the bill, please.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Gepp**) — Thank you, Minister. There is no point of order. The member's time has expired.

Mr FINN (Western Metropolitan) (14:07) — I rise to speak on the Residential Tenancies Amendment Bill 2018. I just make the observation that if this bill was a racehorse it would be by Political Opportunism out of Clapped-out Ideology, because it is a combination of both. I have spoken this week on a number of occasions about the political opportunism of the Andrews government — the fact that the Andrews government will grab at anything if they think there is a vote. If they think there is some opportunity for them to get a political advantage, they will grab it. We have seen that unfortunately to the detriment of a number of previously unidentified Victorians and now public figures almost. Of course not only are they public figures but also their children are public figures and indeed their details are public the length and breadth of Victoria. So we have seen just this week the lengths the Andrews government will go to to push its own political fortunes.

Unfortunately this bill is another part of it, because the first time we heard about this bill was during the campaign for the Northcote by-election.

Mr Morris interjected.

Mr FINN — Indeed. As Mr Morris points out so correctly, this is not the only extremist legislation that was pushed during that Northcote by-election; there was also the injecting room, which we could go on about for a very, very long time. This was certainly a part of the Andrews government's bid to out-green the Greens. As we know, it did not work. It blew up in their face in a quite extraordinary fashion, and the seat of Northcote was lost by the Labor Party for the first time in I think 80 years or more, so we saw that that did not work. But it did not stop them from trying. Here we are, with an election just around the corner and in the second-last sitting week of this year, and we have this legislation before us today. Of course this is driven by an intense hatred. Apart from the political opportunism of the government — and we could go on for quite some considerable time about that —

Mrs Peulich interjected.

Mr FINN — Indeed, we will, Mrs Peulich, go on for quite some time about that in the next Parliament. Putting aside the political opportunism of the Andrews government, this is driven by a hard left ideology, the sorts of which we have only seen in the shadier elements of the Socialist Left of the Labor Party in years gone by, back in the days perhaps when Bill Hartley ran the show and the federal Labor Party felt the need to actually step in and intervene in the ALP in Victoria to make it a little more palatable to the needs of various interest groups. It has been a while, it has to be said, since we have seen this level of extremism in any major party. We will just put the Greens to one side, because we know that they are in some sort of land of their own. They are in some sort of left-wing nirvana. I heard Dr Ratnam yesterday. Honestly, if I had closed my eyes and used just a slight amount of imagination, I could have sworn I was listening to Bernie Sanders, such was the extremist nonsense that she was coming out with then. But this is something —

Mr Rich-Phillips — Is she senile?

Mr FINN — No, I am not suggesting she is senile, but she is of the extreme left of the extreme left ilk.

Now, this government has over a period of four years promoted a hard-left ideological agenda that we have never seen in Victoria before. In fact I would go as far as saying that no government in the history of Australia, state or federal, has embarked upon an agenda that is so far to the left as this particular government, and this legislation is a part of that. This legislation has been promoted by people who hate private property. We heard Dr Ratnam earlier today talking about the evils of private property. We heard Dr Ratnam earlier today talking about the evils of people making a dollar out of investments in private property, and that is the sort of ideology that we are dealing with here. I can fully appreciate that after the election, if the numbers fall the right way and the modern-day Greens — the post-Barber Greens, if I can call them that — happen to be in a position where they can form a coalition government with the Labor Party, they will work very well together because their ideology is so close. Unfortunately in this situation we have a situation where this hardline ideology, as it so often does, hurts working people.

I just ask people to consider the stampede of investors out of the private rental market if this legislation is passed. Of course anybody who is thinking about putting money into private rental in future just will not touch it, so what happens then? What does that do to the rental market? What does that do to the many, many thousands of people who are out there living in private rental accommodation or indeed looking for private rental accommodation? My understanding is that it is not the easiest thing to find. Some people are living in circumstances that perhaps are not as good as they would prefer, and that is something that this legislation is not going to help. In fact it is going to make it a lot, lot worse, because if investors are getting out of the private rental market and new investors are not replacing them, we are going to have trouble. We are going to have people who are actually not going to be able to get private rental accommodation turning to the public sector for their living circumstances, and we are going to see an already crowded public housing sector under even more pressure than it has been now for some years.

We know that the public housing sector is in much demand. I would be surprised if there were any member of Parliament on any side in either house who has not at some stage in recent times been called upon to approach the Minister for Housing, Disability and Ageing with representations in order to get a deserving case some public housing. What happens when so many of these people, no longer able to get private rental, are forced to seek public housing? The whole system will collapse around our ears. If the government thinks that is good for working people, you have got to wonder what planet they are on. You have got to wonder what exactly they are thinking about, because what we must always be on about in this Parliament is outcomes. We want the best outcomes for people, and this legislation will not do that.

That is something that causes me no end of distress, particularly as a representative of the western suburbs of Melbourne. It is of enormous concern to me because I see people living in private rental accommodation across the west who will not have anywhere to live if private rental accommodation is no longer available. They cannot afford to buy and, as previously stated, there just is not the sort of accommodation available that we would like. There is neither the quantity nor the quality of public housing that we would like, so we are going to have a real problem.

There is a real issue here, and it comes back to what this government is doing in this legislation. If the Andrews government was actually concerned about the battlers and if the Andrews government was actually concerned about working people, it would not be pursuing this legislation and it would not be pursuing the agenda that it is. In fact it would be doing quite the opposite — it would be encouraging people to invest. It would be encouraging those who might be putting their money into the private rental market to do so. This legislation is most certainly not doing that.

A classic example of that is the new rule under this legislation that says that if you wish to have a pet with you in a private rental situation, the owner of the private rental property has to go to VCAT to stop you. That seems to me not only quite a ludicrous situation in terms of the time and the money involved for the owner of the property but what on God's earth is that going to do to VCAT? VCAT is already under enormous stress and enormous strain. What is going to happen if every time somebody wants to bring their cat or dog with them —

Mr Rich-Phillips — A chihuahua named James.

Mr FINN — If you have got a chihuahua named James and it is yap, yap, yapping away, maybe this little chihuahua called James is capable of making a real mess. If you hear about this chihuahua called James —

Mr Rich-Phillips — Dan might want to bring it with him.

Mr FINN — Dan might want to bring a chihuahua with him, but I notice that Dan has actually left the chihuahua by himself at the minute — and without water, I might say. There is certainly no tin of Pal, I can assure you. If you are the owner of a property and you find out that Dan wants to bring his chihuahua named James in and you find out just how much of a mess this little dog is going to create, you are obviously not going to be keen on that. You know that your carpet is going to be destroyed. Say you are in a furnished unit or a semi-furnished unit, you know this little chihuahua called James is going to jump on the couch and jump on the chairs. It is going to chew on the upholstery, and it will leave a mess wherever it goes. Then it will look around and say, 'Oh, did I do that?'. You are not going to be keen on racing off to VCAT at every opportunity. This bill is not good; in fact it is very bad for working Victorians, and I urge the house to vote against it.

Ms WOOLDRIDGE (Eastern Metropolitan) (14:22) — I am pleased to have the opportunity today to speak on the Residential Tenancies Amendment Bill 2018. I do so acknowledging that it is a good opportunity to update Victoria's rental laws. Having been a former Minister for Community Services, I am particularly conscious of the advocacy of the Victorian Council of Social Service (VCOSS) in relation to the sometimes precarious situations that renters are placed in. I understand there is a need to make some changes. But our very clear argument today is that in balancing the rights of tenants and the rights of the landlord this bill skews the rights much too far in relation to the rights of the tenant over those of the landlord, many of whom have made a very, very significant investment in their asset. It may be their only investment in an asset.

The rights of the tenants that are proposed through this legislation seriously undermine the fact that the landlord has forked out a considerable amount of money and made this investment available on the rental market and should have a balance in terms of their rights as well. While I acknowledge there is the need for improvement in some areas, the balance is wrong in relation to this bill. That is why we will have a significant number of amendments to the bill if it is to pass the third reading, but we actually think overall that the bill is not one that should proceed.

Let me touch on a few different things. I think it is important to start at the beginning, to reflect on who these landlords are. In fact figures from the Australian Taxation Office show that one-quarter of 25 to 39-year-olds have an investment property and most rental property owners are on incomes under $150 000. These are not mega-wealthy individuals who are, by and large, combining multiple properties across the city and the state. These are individuals who have saved and, if their incomes are below $150 000, worked hard and saved to be able to afford to purchase an investment property. They rely on that asset appreciating. They rely on being able to get a return in terms of that asset so that maybe they can pay off the loan on the investment. It may be a source of income for retired individuals. They need to be able to rely on both the income and the capital appreciation in relation to that asset for financial security into the future. A number of these amendments undermine that responsibility and the ownership they have of this very significant asset.

The other aspect of this of course is that the vacancy rate in Victoria's rental market is already at its lowest point in about a decade, at about 1.8 per cent, and that means the market is very tight. You often hear stories of people seeking rental properties and having multiple goes at multiple sites in order to be able to get agreement from the landlord in relation to being able to access one. Certainly the Real Estate Institute of Victoria's (REIV) view is that this bill could have a very significant impact on an already constrained rental market because of those low vacancy rates, that there will potentially be a decline in stock coming onto the market and of course that interest rates are rising as well. These amendments might perversely have the effect of actually diminishing the availability of rental properties even further and making it harder for individuals to access that rental market. The REIV actually says in a media release of 5 September:

> If the government makes it too hard then landlords will consider removing properties from the rental market, rents are likely to rise and property owners will be forced to minimise their risk by offering shorter tenancies.

It would be devastating if the consequences of this bill, which is seeking to actually do the opposite, further limited the rental market, increased rents and reduced the length of tenancies. It would actually achieve very much the opposite of what was intended in the first place. In the same press release the REIV says, and I quote, about the Residential Tenancies Amendment Bill:

> The RTA will deliver an unfair, unworkable and impractical system which would rob landlords of their right to consent to what goes on in their properties, burden them with unrealistic expenses to upgrade appliances and could mean they are not paid their rental on time for four out of every 12 months without any recourse.

For any landlord these are very concerning prospects, and as I have said, could have the consequence of their rental properties being withdrawn from the market. I have certainly had communication that has said people may sell their properties, that they will not want to have to engage in the rental market if this is what they are going to have to deal with. That again would undermine the purpose of the bill in terms of why we are debating this bill in the first place. Certainly from the REIV's perspective, they do not believe that this is fair. As I have said, VCOSS on the other hand have also communicated with many members in the Legislative Council saying they do think it is fair, so it is a view of two competing organisations and the groups that they represent. Certainly our perspective is that that balance is wrong and should not be supported.

Let me touch on a couple of issues in relation to the bill. The issue of pets has been quite a significant focus. We have had it not only in the chamber but also in terms of some of the representations we have had and certainly some of the direct representations.

Mr Finn interjected.

Ms WOOLDRIDGE — I think, Mr Finn, unfortunately Ted and Patch are not in a rental property but enjoying the car was just temporary accommodation — let me put it that way — in terms of where they were able to stay.

Currently in terms of pets, under the bill a tenant can bring a pet to your property without your consent and you have 14 days as a landlord to take the tenant to VCAT, but it could take six months for those pets to be removed. As we have heard from many others, pets can cause significant damage to the property. Once again, these landlords are in many cases younger people, retired people and people on lower incomes where pets are actually damaging their asset in a significant way. My understanding is that currently the landlord has to give consent, and I know in many instances they do. Certainly we are very concerned about the impact that having pets in a rental property could have — under this bill — in relation to the damage that could potentially be created.

Also on this is the argument that where parties have agreed to a pet there should be a bond in relation to that. If a tenant is confident that they can manage the pet appropriately — and I have seen some pretty putrid situations where pets have been let loose and have run freely within rental properties and the impact that they can have, not only in terms of damage but also in terms of their faeces and tenants not managing that process as well — landlords should be prepared to have a bond if that is something that they agree on if the pet is allowed, and there should be an ability to manage any damage and for the tenant to cover the cost in relation to that.

Another area that has come up regularly is this issue of modifications, and the proposal that under this bill a tenant can make modifications to a property without the landlord's consent. These modifications could be minor, but they could also be major. There could be holes in the wall in relation to hooks and pictures. No-one minds the occasional nail in the wall or the hanging of an occasional picture — and once again, I have seen situations where there has been tens of holes in the wall and divots out of the wall — but it could be painting in relation to some colours that are unacceptable or other additions in relation to a property. Really, this once again undermines the investment that has been made by the landlord.

There is also concern in relation to landlords having to upgrade all appliances — that is, whitegoods, fixtures, fittings, heating and cooling — to meet efficiency standards, and while the standard has not been defined, the landlord is required to comply immediately, and failure to do so means the landlord will be liable to tenants' excess charges. I personally have some sympathy and certainly understand VCOSS's arguments in relation to people having working heaters and cooling systems, working stoves and those sorts of things. That certainly is appropriate, but given this is a significant change, there should be some time allowed in order to make that happen and to potentially encourage and work with landlords to make that transition rather than it being an immediate requirement.

The bill proposes five opportunities for the tenant to bring arrears up to date. Under this proposal the landlord could foreseeably not receive the agreed rental payment 42 per cent of the year. That has significant ramifications. Tenants currently can be taken to VCAT on three sequential occasions — this bill now actually says there will be five opportunities a year where they can be late on their payments. I know for many landlords those rental payments are what they rely on to make the payments to the banks in relation to their loans on these properties. The ramifications of tenants not paying flow through to landlords, and they suffer the consequences as a result. So we are very concerned that this really goes back to tipping the balance in relation to tenants. If they have signed an agreement in relation to the rent, then they should be paying the rent. As we know, sometimes people get into difficult circumstances, and often resolving that can be agreed directly with the landlord or with the agent. Under this

bill tenants can be in arrears for over 40 per cent of the time and that would be considered acceptable, but I do not think that is acceptable.

There is also concern about the removal of the 120-day no-reason notice to vacate. Sometimes things change. Landlords may want to move into the property; they may need to sell the property or there may be other things going on. Removal of that right when a tenant only needs to give 28 days' notice to the landlord seems, once again, an imbalance.

There is obviously, as I have said, some good things within the bill, but on balance this bill tips the balance in the wrong direction. It is too weighted in favour of tenants. While acknowledging there are some areas that do need to advance, we believe the bill is not acceptable. I look forward to the debate. There is much more that will be said on a whole range of issues, but I have highlighted the key concerns in relation to the bill and why we will be progressing in the way that we will.

Ms FITZHERBERT (Southern Metropolitan) (14:36) — I want to address my comments just in relation to two areas of the bill that are of particular interest to me. I will start off with part 5, which is the section regarding caravan parks. The reason why I have an interest in this is because of some feedback I got from a tenants organisation a couple of weeks ago in relation to this clause. We are all familiar with the circumstances of people who live in caravan parks, possibly not in caravans but in built structures. Many of them have been there for a very long time. These lands are under threat. They are being sold in a number of places. We have seen individuals experience hardship after finding themselves in these circumstances.

I note that there is provision for a compensation regime, as I understand it, for people who find themselves in the circumstances of being a resident or an owner in a caravan park where the land is sold, but the date of operation for these provisions is in July 2020, so the argument that has been made to me is a concern that this might have an unintended consequence of perhaps encouraging some people to sell land in advance of that time so that they are not subject to these provisions. That of course would have a detrimental effect on the people who this clause is intended to support and whose circumstances it is intended to improve, so I am looking forward to exploring this further in the committee stage of this bill to get an understanding of this possible issue. I do note that there are a lot of amendments to this bill, so it will be interesting to see how we work through those and how what is currently being put up changes significantly or not.

The other section of the bill that is of particular interest to me, and it is something that I have spoken about in this place on a number of occasions, is part 4, which relates to rooming houses. There are some reforms in this area and some changes. Many of the changes you would put under the category of 'livability'. They go to issues like professional cleaning of the rooms, room capacity and so on. There are also provisions in relation to rent and in relation to potential discrimination against people who are seeking to take a room in a rooming house. But what I do not clearly see in these provisions is something that addresses some of the circumstances we have had quite graphic examples of — people whose safety is under threat and whose wellbeing is threatened and they find themselves living in places that are, frankly, overrun by illegal activity. While the police can address what is happening, we have had some pretty graphic examples in recent years of places where there seems to be no way that the authorities can address and stop the behaviour that is going on.

There are some solutions to these sorts of issues. One is to change the security arrangements that exist around rooming houses so that there is some form of security and so that there is not completely free access going in and out. That is one way that these issues can be addressed. There are other mechanisms as well. But it is surprising, given the attention that this sector has had in recent years, that there are not additional changes within this bill. It seems to me to be the ideal place to address these issues. It is certainly something on which there has been a huge amount of comment within the community and from people in the sector. There have been changes in recent years to the regulation of who can manage rooming houses. Perhaps that is an area that might need further attention. Perhaps it was considered that that is beyond the scope of the bill. Nonetheless, in my view it remains unfinished business. I will conclude my comments there. I look forward to exploring both of those issues that I have addressed in the committee stage later on.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:41) — I am pleased to rise this afternoon to make some remarks on the bill before the house, the Residential Tenancies Amendment Bill 2018. The Leader of the Opposition in this place in her contribution talked about the need to strike a balance between the rights of landlords and the rights of tenants, which I think is a concept that is well understood by members of the Victorian community — those who are on either side of a rental agreement, as a landlord or as a tenant. It is a relationship that requires give and take, it is a relationship that requires goodwill between the parties and it is a relationship that requires a recognition of the risk that the parties are taking in the transaction.

What we have before us this afternoon is a bill which is oblivious to that; we have a bill which is oblivious to the risks that are assumed by landlords in making their properties available in a rental market in an effort to create a whole lot of unrealistic rights for tenants.

We know the genesis of this bill was the Northcote by-election. It was yet another example of this government putting short-term political interests ahead of the interests of the state, and we have seen this time and time again over the last four years. We have seen it in a most reprehensible matter this week, with the dumping of 80 000 pages of documents, purely as a political exercise by the Premier to try and smear his opponent. In doing so, he has caused great harm to several innocent and unrelated Victorian individuals, which was of no consequence to the government in their effort to run the political smear. We have seen time and time again this government do things in its political interests with no regard for the broader interests of the Victorian community.

The bill before the house this afternoon, which was announced in the context of the Northcote by-election, where the government was looking to curry favour with an electorate, a population which has a proportionately higher degree of tenants, is loaded in favour of rental tenants. The minister at the time made a number of commitments around what the Andrews government would do for tenants in an effort to win that Northcote by-election, which of course was lost. So we have a bill in the house now which reflects the commitments made in the context of the Northcote by-election, an attempt by the government to tip the scales in favour of tenants at the expense of landlords, an ideological move by this government to curry favour with a group of constituents, which those on this side of the house believe not only tips the balance the wrong way against property owners but will have negative effects for rental tenants.

We have seen this before with the Labor Party. You need only look back to the 1980s, when the then Hawke government, with Paul Keating as Treasurer, arguably driven by ideology, made a policy decision to abolish negative gearing on rental properties, which had very negative consequences. Ironically we are seeing Bill Shorten talk about the same thing now. Negative gearing was seen by the Labor government of the day as a gift to capitalist landlords — those evil people who hold those rental properties. Keating abolished negative gearing for rental properties. The consequence of that was a dramatic increase in rents. As the ability to offset rental losses was removed, rents had to increase, and within a very short period of time, less than a year, that government had to reverse that decision and reintroduce negative gearing because of the impact it had on tenants. So in a typical move by a Labor government — out there to bash the landowners, out there to bash the landlords — the consequences were in fact borne by the people they claimed to represent, and it is ironic to see Bill Shorten, the federal opposition leader, take on a very similar policy now, which no doubt will have the same consequences.

What we have with the bill this afternoon in a different way is something which will lead to similar consequences. If you look at some of the elements which are covered in the bill, and the Leader of the Opposition spoke about them, the right for a tenant, as of right, to make certain modifications to the property imposes risk on a landlord. If someone is going to come in and repaint the place bright pink or put holes in the walls to hang pictures et cetera, that is a risk to the property owner; likewise allowing, as of right, pets in a rental property.

Throughout the Parliament, if not across the Victorian community, Victorians have heard and MPs have heard extensively about Dan and his chihuahua, James, and the mess that that dog has made throughout the state this week. The concept that a tenant can, as of right, bring a pet into a property and that the landlord only has a retrospective right to seek to have that animal not allowed in the property by way of a VCAT decision increases the risk to the landlord; likewise the changes with respect to rental arrears, which effectively allow tenants to be in arrears on their rent for an extended period of time — that is a risk to a property owner. That is a significant risk to a property owner.

The vast majority of Victorian landlords are mums and dads and Victorian families who might have one or two rental properties, which are most likely negatively geared, which is something Bill Shorten wants to abolish for them — so negative cash flow. Every expense the landlord incurs, be it to replace an appliance or fix a broken window or something, is a significant impact on the net margin they have on their property, and now this government wants to stack risk onto those property owners. They want to hit them with the risk of a rogue tenant damaging the property through modifications as of right or damaging the property through allowing pets as of right, of losing rental income because the mechanism to recover and stop rental arrears is diminished for landlords, or of additional costs through the obligation to upgrade the efficiency of appliances in a rental property. All of these add costs to a landlord, all of these add risk for a landlord — and this in an environment where we are now seeing widely reported that capital growth in our housing stock is declining.

Property prices for several months now have been declining, and reports this week suggest that that decline in property prices is accelerating. The traditional return, which many residential rental property investors have looked to, being capital gains, to offset their cash-flow outgoings is not going to be there. You have a federal opposition saying, 'If we're elected, we'll get rid of negative gearing'; you have a property market where there is now minimal capital growth to offset negative cash flow to make it a positive proposition for a rental property holder; and you have this government bringing forth legislation based on ideology and based on the desire to win some votes in Northcote, which is going to impose risk and cost on landlords. The consequence of those converging factors will be either higher rents or less rental stock.

This is the party that holds itself out as the representative of people in rental properties — as the champion of people in rental properties — but we will see, as we saw with the Hawke government in the 1980s, that the policy decisions of this government are in fact against the interests of renters in Victoria and will do harm to the interests of renters in Victoria.

This bill has not been well considered. We certainly accept on this side of the house that there needs to be a balance in the contract between a tenant and a landlord, but this bill does not deliver that. This bill tips the scales ostensibly in favour of tenants, but in reality, in undermining that balance between tenants and landlords, it will undermine the strength of our rental market. It will undermine particularly those who are at the bottom of the rental market: those who are less able to pay higher rents for better properties and those who are, of necessity, renting in lower standard properties. So the people who will be harmed by this are the people the Labor Party claims to represent: the low-income renters and the people who are renting properties of a lower standard. Those are the people who will be negatively impacted by this legislation. It does not achieve the balance it should.

The coalition will have a raft of amendments when the bill gets into committee, and I urge the house to support those amendments to make this bill less bad, but the framework that is proposed by the bill is wrong. It will harm renters in Victoria, and I urge the house to oppose it.

Mr O'SULLIVAN (Northern Victoria) (14:53) — It gives me pleasure this afternoon to rise to speak on the Residential Tenancies Amendment Bill 2018. Many of the things that I was going to say Mr Rich-Phillips has covered off impeccably, so I am going to take a slightly different tack, although I might cover some similar interests in relation to this bill. I want to give some of my own personal experiences in this space, because I think I have got some experiences that might be helpful to the chamber.

To start off, I want to go to the philosophy that is behind this piece of legislation. Having had a bit of a look at this piece of legislation, there are some things that are not unreasonable. I think the government is trying to establish a balance, and this is a very important issue in housing. The rental housing market is critical in any community, big or small, because it serves a purpose for people who are in a position for whatever reason where they are not able to perhaps own their own home, so they need to take advantage of being fortunate enough to be able to stay or live in someone else's home with the gratitude of the owner of that property.

I have lived in quite a few rental properties, particularly when I was younger, at university. For most people — a lot of people — who go through university and start to have professional employment, it is quite regular to shift your property regularly. Sometimes it can be six months, it might be a year, it might be a bit more and sometimes it can be longer than that, but I think it is a fairly transient situation for renters. I know that some people would like to stay in a property longer, but other people do not want to be in a property for whatever reasons. They might change a job or they might finish their university course and have to shift somewhere else and so forth, so I think we need a degree of flexibility in terms of that. I think this bill in some ways is well-intentioned in terms of trying to provide a level of flexibility for renters, but my concern is that I do not think this bill has got the balance right.

I want to talk about some of the issues and where this bill has tipped the balance too far in some areas towards the advantage of the renter. In some cases that is appropriate. In terms of having a minimum standard of housing for renters to live in, I think it is a reasonable proposition that everyone should have the absolute basics in terms of the housing that they live in — whether that be running water, hot and cold; air conditioning and heating and so forth; and a functioning toilet. Those sorts of things are very reasonable, and I do not think anyone would object to that as a theory, but unfortunately theories do not always play out exactly right. But I do agree with having some sort of a minimum standard of housing, but what is appropriate for one person is not always appropriate for someone else, so there does need to be some level of flexibility.

Just going back to the philosophy behind this piece of legislation, I think there is no doubt that it was all a part of the Northcote by-election, where the Greens were obviously challenging for that seat with the government. It is a seat I do not know particularly well, just north of the city, and the Greens ultimately ended up winning that seat. The Labor Party were at risk of losing the seat at the time, so they thought that what they needed to do was bring in a range of policies to try to out-green the Greens, and this is one of those policies that they introduced to take the votes away from the Greens and hope that they would stay with Labor. That proposition failed; as we know, the Greens won that by-election. We have seen it ever since, where the Labor Party continues to try to out-green the Greens in terms of winning votes.

In terms of other policies that came in during that time, there is the injecting room, which others have spoken about, that has gone into North Richmond. I think we can very clearly suggest that there will be other heroin and ice injecting rooms in other areas around the metropolitan area and perhaps into some regional cities as well if the Greens are to have their way. One of the other policies that was brought in was for Animal Welfare Victoria when the by-election was first raised. The Animal Justice Party was running a candidate and the Labor Party was trying to get Animal Justice Party preferences, so the government agreed to bring in Animal Welfare Victoria. The Animal Justice Party candidate very clearly said that that was a transactional issue in relation to preferences. So we have seen how the government is very amenable to bringing in these types of policies when they need to in terms of infiltrating the Greens philosophy.

This bill has taken a while to get here; it is nearly a year since it actually got to this chamber. As others have said, there are many amendments that will be put up on this side of the house to try to make this poor piece of public policy into something that might be half reasonable, but I have my doubts as to whether we can get there.

One thing I find is that this bill is going to let down renters. What we need, particularly around the metropolitan area, is to have more rental housing available to people who require renting facilities that they can live in. But in terms of doing that, for every property that a renter lives in, there is an owner who owns that property — that is the way it works — and we want to have more properties available for renters. We know that housing is an issue right across Melbourne. There are waiting lists all over the place for public housing, there are waiting lists for renting and even for buying a home there is a lot of competition in that space as well. But I think what this bill will do is make it more difficult for a landowner, a house owner, to actually get into this market and want to be in this market with their investment. This market needs investors, it needs home owners, to put more properties on the market for people to rent, but unfortunately I think it is going to go the other way. Some of the rights that renters will have under this piece of legislation will push home owners away from this investment stream in the future.

One of the things that I would certainly be very concerned about is the clause that relates to allowing pets to be in the rental home. I think that is a step too far. I myself have been in a situation, not all that long ago, where there was a little dog in the rental property that I was staying in. That was through agreement with the real estate agent and with the owner. Increasingly that is becoming more prevalent in terms of people being able to now have pets in a rental property. I think that was probably a reasonable way of going about it. I think that is actually increasing, where I think in more modern times people are more accepting of having animals inside their homes.

I grew up on a farm, and the last thing that you could ever imagine was any animal being inside the house. It was just something that was completely foreign to me when I first saw a family allowing a dog to go inside. It just did not exist when I was a kid growing up in the farming area that I grew up in. All the animals that we had were outside animals, even if they were pets — particularly the pets. They did not come inside. They were not pets; they were working animals on the property. Certainly the sheepdogs and the cattle dogs and whatever else got very well looked after. They got fed well, they got a lot of exercise and they were very well looked after, but they were never allowed in the house. They knew certainly that they were not to go in the house. So I found it strange as I was growing up where we got to a situation where people readily allowed animals to go inside their house.

If I owned a house that I wanted to rent out, I would not want to have an animal inside my house. If I go to the bank to get a loan to buy a house or an apartment nowadays, particularly if it is in the metropolitan area, it is very expensive. People actually have to go the extra mile to try and get a second home that they can rent out as part of their investment strategy for the future, and many of the people who are doing that are very ordinary mums and dads who are just trying to do something to set up their future in a way that is over and beyond just their superannuation. It is probably one of the more common areas that people use in terms of investing. But I find that this piece of legislation might

actually get people questioning whether they will go down that avenue, which would be a pity because I think that would result in there being less rental properties available on the market. We actually need more.

The other aspect that I am concerned about is the minor modifications, as they say, that would be allowed. I think one of the problems that we would have here is that we would have a bit of creep in terms of the modifications. It might start off with renters only being able to put up a picture or paint a wall or something like that, but we would find that we would get some creep and that would go much further, and that is where we would start to get the problems in terms of involving VCAT to try and sort out the issues. This does not clearly prescribe what the allowable modifications would be. That is something that is still to be done. I think there would be problems in that area. VCAT is very busy as it is. I do not know why we need to give them a whole lot more responsibilities in this space. I just do not see why that would be.

If I had a property that was rented out, I would be nervous as to what the renters would do to that property. They might actually decrease the value of the property. If they were to do some sort of a modification that I did not like, that I did not want, I would have no recourse. And I also wonder, if someone was to make a modification, at some stage would the owner of the property then be liable in terms of having to pay for that? I do wonder whether that would be the case. I am sure that will be followed up in the committee stage. And if someone does make a modification that I do not like, when that tenant — or renter, as they are now going to be referred to under this piece of legislation — actually moves out, do they have to fix that modification back to its original standard as the owner would want? Again there are a whole range of unanswered questions that I am not comfortable with in this space.

I think while this legislation is well-intentioned, the balance is clearly out of order and too much in favour of the renter, although there are some good elements to it. The five-strikes policy is I think one that is also a mistake in this piece of legislation. I think there is a view on the other side of the chamber that anyone who owns a property that they are putting out for rent to renters is a rich person. That is not necessarily the case. Quite often they are very ordinary mums and dads who are just trying to get an extra break in terms of their future investments and future retirement prosperity by having a rental home that they hope will get some capital growth, and also along the way they are hoping that they will get some rental income which might pay off the mortgage.

It is a five-strikes policy in terms of being able to be late in paying your rent and have five strikes. If you are late in paying your rent, that quite often means that the home owner is not going to have the money that they require to pay the mortgage. That could be a real problem, because I am not sure that the bank is going to be as lenient. I do not think the bank is going to give you a five-strikes policy. I am not sure that they are going to give you five chances to be late on your mortgage. I think very quickly they will be ringing you up, saying, 'Hang on, what's going on here?', and I think it would be very genuine that those people in many instances just would not have the money available to them to be able to cover a tenant not paying the rent. Under this legislation there would be a five-strikes policy before it starts to get to a point where you can do something serious about it.

In my mind, and certainly in the minds of the constituents in Northern Victoria Region and many of the people that have contacted me and my office, this is a piece of legislation that needs a lot of work. Many people have spoken about it already in terms of that, and I echo the comments that they have made in relation to this legislation. That is why there are many, many amendments that will be put up by this side of the chamber, and hopefully we can get some of those amendments up to make this a much better piece of legislation, because at the moment it is far from adequate.

Ms BATH (Eastern Victoria) (15:08) — I think we are all interchangeable this afternoon, and I am more than happy to rise at this point in time to speak on the Residential Tenancies Amendment Bill 2018. It has been interesting to listen to the debate today in relation to the word 'balance' and the need for balance in terms of renters and also landlords. When we look at Maslow's hierarchy of needs, we see that the need to have shelter, the need to have warmth, the need to have food and the need to have water are among the most primary and basic needs of all time and all requirements for human beings.

When we look at shelter, the roof over our head, we often see that for so, so many people their home is incredibly important. Our home could be one that we are fortunate enough to have paid off and to be working on, finessing the final touches of the garden et cetera. It could be something that we have just acquired and are starting to pay off, having a great big mortgage and working very hard to meet those mortgage payments. It may be — there are thousands of Victorians who do not

have that luxury of owning their own home — that we rent. But there are many people who rent by choice at a stage in their life when they are not ready, not interested or not able to take on a permanent residence insofar as a loan to purchase their own home is concerned. Many choose to.

For example, my son has recently moved to Melbourne and is working as a nurse in Melbourne and chooses to rent and share that rental property with some friends to help supplement and spread the cost. It works very well because the rental property is near the hospital where he works, and he works night shift and the like. There are students that we know, many country students, who need to come down to the city to continue their tertiary education and choose to — hopefully, if they can afford it — slot in and find a rental close to their place of education.

There are others who cannot afford to own their own home and have to rent, certainly not by choice but by necessity. For those people it is very important that that place is still turned into a home to the extent that it can be, that they can furnish it in a way that is comfortable for them and that they can, where appropriate, coordinate, liaise and cooperate with the owner, and the real estate agent if it is through a real estate agent, to make that house into the most comfortable place — or unit or apartment — that it can be. And that may mean — and I listened to Mr O'Sullivan's speech — negotiating on having a pet on board as well —

Mrs Peulich — A horse?

Ms BATH — I will get to that in a minute actually, Mrs Peulich — to share their home and their shelter, but it should not be a right. I will provide an example of absolutely horrendous circumstances where a house in Gippsland was trashed because the tenants just abused the situation.

This bill has been introduced off the back of some electioneering — election commitments made during the Northcote by-election — to try to ward off the Greens vote. The Greens did win that seat, and now we see this bill coming to fruition today. In fact the initial reforms mentioned numbered about 14, and now we have a very weighty bill that sees over 130 reforms being debated in this house this afternoon. Indeed I know that the coalition has a number of amendments — somewhere in the vicinity of 50 amendments — to try to morph this into some form of reasonableness in terms of outcomes. We will not be supporting the bill, but we are still trying to tweak or change it into something that is in a slightly more decent form than we have seen before.

The other day, when providing a briefing to give us an understanding of the bill, our shadow minister said it is one of the worst bills that she has ever seen in her parliamentary career in terms of just not meeting the mark and not being able to accommodate in the way required for balance, and I think that is the key thing.

The Nationals and the Liberals believe there should certainly be a fair system where renters do not have to put up with shoddy conditions and unresponsive landlords or real estate agents. That is not on. People do deserve to have a working place to live, with functioning toilets, hot and cold running water, heating and cooling, no mould on the ceiling and all those things. People deserve a place where they and their children can live in an environment where there is clean air and they have a securely locked home. That is part of those absolutely basic needs and requirements, and it is not fair when landlords abuse that system. We currently still have ways through VCAT for people to be able to seek a balance and seek fairness with respect to that.

What I find incredibly unfortunate in relation to the cost of living is that the Andrews government in recent times have, through their ideology and policy directions, placed more pressure on families than ever before. Indeed our cost of living and power prices on average, as per information from St Vincent de Paul, have gone up by over $300 per family, per year, since the closure of the Hazelwood power station. Whilst that is not the one single thing that often brings a burden to a family, it can exacerbate the burden on vulnerable families.

I had an informative briefing with a lady by the name of Chris McNamara the other day from the Gippsland Homelessness Network (GHN) and she provided some very interesting but unfortunately sad information about the pressures on rental markets and indeed the private rental market in Gippsland. I will refer to the report from the GHN of July 2018:

> What is it to be in housing stress?
>
> Housing stress in the private rental market has been identified as a growing concern —

yes, we understand that —

> It is well established in Australia that households paying 30 per cent or more of their income on housing are regarded as likely to be experiencing housing stress.
>
> In its report —

the most recent one it has is from 2014 —

> *Housing Assistance in Australia*, the Australian Institute of Health and Welfare … identified that the proportion of low-income households experiencing housing stress had increased from 37 per cent in 2007–08 to 44 per cent in 2011–12 —

and in Victoria that is even higher, with a figure increasing from 32 per cent to 47 per cent over the decade.

We know that families are increasingly becoming stressed about their budgets and about how to pay their rent. The report goes on to say:

> It is important to recognise however that housing stress is not simply about inadequate income —

that is a major issue, without a doubt —

> but also of lack of access due to there not being enough affordable rental properties available.

It goes on to talk about the Latrobe Valley and says there are just 35 one-bedroom rentals in the Latrobe Valley area that would be affordable for people on low incomes. In the Shire of Baw Baw there is only one one-bedroom rental. We know that the Shire of Baw Baw is growing in population and there are a lot of new houses coming onboard, but for those who are seeking low rental it is often most challenging.

From recent research done on public housing shortages, we also know that there are over 80 000 men, women and children seeking public housing. One thing that strikes me about this is that if and when this bill goes through, there will be pressure on people in the private rental sector — that is, the private investors; the people who have chosen, rather than going into shares or the like, to buy bricks and mortar — and they will be questioning whether they will stay in the industry or buy that unit or small house in a country town to put people in as a rental investment because of the onerous burden that this bill will create for them.

Probably about six months ago I was made aware of a very serious issue, and this is probably not isolated, involving a very distressed West Gippsland person who owned a small farmlet and rented it out. That person went through all the proper channels and provided all the proper requirements and basic standards in that house. They then had the utmost trouble evicting troublesome renters. They just could not seem to get them out. They had to keep going back and going back. When the renters finally left, the house was unfortunately in a most despicable state. They had had animals living in there. The carpets had to be ripped up. The walls had excrement all over them. There was rubbish everywhere. This person conveyed the information to me that it cost upwards of $40 000 to rid that property of debris, to fix and replaster it, to recarpet it and to refit the bathroom and the kitchen. That is a horror story that we do not want to see repeated again and again, but if the balance is tipped too far in this bill, if renters end up having too much of a say and if there is not the format for owners — for landlords — to be able to have particular recourse, that will not be helpful in dealing with all of this rental stress.

People need to have a proper and respectful relationship with their landlord and with their real estate agent. They need to be responsive to renters' needs, but renters having, for example, unlimited ability to put pets in a house without the rental provider being able to say, 'No, that doesn't suit', and without the proper care being taken in relation to looking after that animal and looking after that property, that is not what we want to achieve.

I know that there are other speakers to come. I know that this bill does address some of the problems, but I repeat what was said by the shadow minister, which was that this is one of the worst bills she has ever seen. We have suggested a number of amendments, which will be addressed this afternoon. I look forward to people on the other side of the house actually supporting some of those very sensible amendments to at least shore up in some way the quality of this bill.

Dr CARLING-JENKINS (Western Metropolitan) (15:21) — Like all members in this place, in considering the bill before us today, the Residential Tenancies Amendment Bill 2018, I have received many passionate representations from my constituents as well as from peak bodies urging me to vote either for or against this bill. I want to just pause and thank Daniel Scoullar, who is part of the Rent Fair campaign, for meeting with me and speaking to me in support of the bill but also about his concerns around some of the regulations. He had a very balanced view, and I very much appreciated the time that Daniel took to sit down and speak with me. I will note that I did have very few representations in comparison that urged me to vote against this bill. In fact, because I had not heard many people speaking against this, my office took on our own local area survey to ask real estate agents and property managers their opinion of the bill. We found that roughly half of the real estate agents said they would support the bill but with amendment. So I had a lot of mixed messages coming through.

I have given careful consideration to these representations, and I have done my best in the limited time frame to understand this long bill and very complex area. There are some aspects of the bill where there is absolute and general agreement, such as part 5,

which is on caravan parks and movable dwellings. I want to set out that I appreciate the letter I received from the Wantirna Residents Action Group, who have, in their words, 'endured emotional, financial and physical stress' after the closure of the Wantirna Park caravan park. They urged me to support the bill so the owners of homes in remaining residential caravan parks in Victoria do not suffer the same fate as the residents of Wantirna Park.

The main contentions about the bill relate to part 3 on residential tenancies. There is a distinct difference between the representations I have received from renters and those bodies that advocate for their interests, and from rental providers and real estate agents and their peak body. I would characterise those from renters as essentially being about home — the place where they and their families live, the place where they and their families should feel safe, secure and free to be themselves. For example, one letter from a female constituent, who describes herself as a self-funded artist in her 40s, shared her own experience of 10 months of homelessness. She said this:

> Despite an excellent and long-term rental history I have found that the combination of being a single woman and self-employed has proven a real hurdle in securing rental properties and the current rental laws do not bode well for a stable future for me or women like me.

The Council of Single Mothers and their Children wrote this to me:

> Families need the stability of a home, which this bill can improve by reducing the ability for families to be ousted by landlords and increasing tenure.
>
> Many single mothers are also raising children with a disability, as this parenting challenge is a known trigger for relationship breakdown. These mothers need to be able to modify homes to accommodate the needs of their children. Indeed all parents need to be able to babyproof houses to increase safety for their children.

This is a very compelling argument.

The Council to Homeless Persons wrote this:

> Homelessness services commonly hear reports from tenants receiving no-reason notices to vacate after they have exercised their right to request basic repairs … many tenants refrain from requesting repairs, or exercising other tenancy rights, because they fear receiving a 'no-reason' notice to vacate.

This kind of situation simply has to stop.

Melbourne City Mission has echoed these concerns. I quote from them. They say:

> For Melbourne City Mission housing workers working in places like Footscray and Sunshine —

these are areas in my electorate —

> it's devastating to see families that we've helped place in private rental returning months later in dire straits, needing homelessness assistance because they've been issued with a notice to vacate, with no reason. It's devastating to see people return to homelessness because their rent has been increased for the second time in less than a year and they can't keep up with the higher payments.
>
> We need the Rent Fair laws to pass so that renters will no longer be subject to 'no-reason' notices to vacate. We need the Rent Fair laws to pass so that rent increases are fair and capped to one rent increase per year.

Now I move to a letter that I received just this morning from Choice. Choice urges support for the bill, and they come from the consumer perspective. They say the bill:

> … will go a significant way towards making renting a better experience by giving consumers more balanced rights. The package includes some very sensible reforms that will enable renters to truly make a home where they live. This includes the right to make minor modifications without a landlord's consent, the right to have pets, and minimum safety standards including functioning stoves, heating, and safe gas and electricity.

Then Uniting Wyndham, which is right near my electorate office, wrote this:

> As a former disability worker, you will appreciate that safe and secure housing is particularly important for those living with a disability. Reforms to allow minor modifications to rental properties will mean that people living with a disability are able to make their homes safer and better suited to their individual needs. Such modifications can mean the difference between being able to continue living independently and having to move into assisted care.

As a longstanding disability advocate, I think that is a very important point to underline. It is very important to ensure that people with disabilities can live independently, and if a little tweak in a residential tenancies bill can help that, then so be it. That is exactly what we should be doing. We need to be doing more in many areas to be looking after people with disabilities, and housing is just one of those areas.

Then I found a really interesting submission to me from the Housing for the Aged Action Group that I found very informative. I obviously know a lot more about the disability area, but the aged action group was very informative. They said:

> Over-55s are the fastest growing segment of the Victorian rental market, and these changes —

referring to the changes in the bill and in particular to improving security of tenure by removing no-reason notices to vacate and introducing rights to install grab rails and other disability modifications —

> will help ensure pensioners are able to age in place, preventing premature entry to residential aged care.

I thank them for their submission.

I also want to note and refer to my particular electorate, where rented households in Wyndham increased by 60 per cent, from 11 889 in 2006 to 19 120 in 2016. They are the latest figures I have had available. That means that this is a very important bill that makes a very important change for my local area.

In sharp contrast to these representations from groups and individuals, including tenants, the letters from rental providers and real estate agents were less about homes and more about houses. They were about bricks and mortar, an asset and an income stream. That is a fair enough point and one that we need to keep in the front of our minds as we debate this bill today. Some of the letters I received threatened to withdraw rental properties from the market if this bill passed.

In this regard I thought I would do some research. I note the findings of the 2009 study by the Australian Housing and Urban Research Institute that landlords rated tenant stability highly, and of its 2018 study, that stronger regulations protecting tenants did not lead to decreases in investment or housing prices in the 10 countries that it examined. I acknowledge the need for balance between the interests of renters in having a safe and secure place to call home and the interests of rental providers in preserving the value of their assets and income streams. It seems to me that this bill, taken as a whole, seeks to correct an existing imbalance that has favoured rental properties as assets for rental providers over their meaning, for those who rent them, as a home. For that reason I will be supporting this bill at the second-reading stage.

I note that I will be listening — I want to emphasise this — really carefully to the debate during the committee stage and I will be considering all amendments moved in that debate on their merits. I have only just sat down with the coalition to discuss their amendments, including those concerning pets, which seem to have raised the most passion on both sides of this debate.

I think it would be clear from my comments that I will not be supporting any proposal to allow things like rent increases more frequently or anything that disadvantages people with disabilities further. I make that very clear. But I will be considering the amendments that are brought in during the committee-of-the-whole process. I look forward to that debate. Hopefully it will be a succinct one, but I am not sure about my chances. We will see. I thank the house for the opportunity to present on this bill today.

Ms LOVELL (Northern Victoria) (15:32) — I rise to speak on the Residential Tenancies Amendment Bill 2018 this afternoon. I will be opposing this bill because I think it is a very, very bad piece of legislation. As a former housing minister, I know the value of the private rental market. We need a strong private rental market. We also need an ample supply of private rental housing in that market. This legislation will destroy the private rental market in Victoria. This legislation will see rental property numbers drop and it will also see rents increase. It will be detrimental to those people who need access to rental housing in Victoria.

I have spoken with a number of landlords and a number of real estate agents who confirm this. They have all told me of the detrimental impact that this legislation will have on the private rental market. They say, 'Why would property owners offer their property for rent when they will lose control over their own property when it comes to things like renovations and pets?' And I agree with them. I have been a landlord in the past and I have to say that even under the current legislation there is not a fair balance: the balance is tipped in favour of the tenants, not in favour of those who own the properties. This legislation goes so much further that property owners will have very, very little control over their own properties, properties that they have invested hundreds of thousands of dollars in — and they are hard-earned dollars.

We do need to have a balance when it comes to residential rental legislation. Some landlords may have done the wrong thing in the past but that would be a minority of landlords. Most are very good landlords and they look for good tenants. If you have good tenants, you reward them. You want good tenants to stay because you want people who will look after your property and do the right thing.

Equally, there are some bad landlords. That is why we need to have some legislation in place that does protect tenants. But we also need to protect landlords from bad tenants. Again, most tenants are good but there are those who do the wrong thing, and landlords deserve the right to be able to take back control of their property when they have a tenant who is doing the wrong thing. Even in public housing we see tenants who do the wrong thing, who destroy the properties that belong to the state, that belong to the taxpayers of Victoria, because they have no respect for them. I will talk a bit more about public housing later. This bill destroys the balance that does exist at the moment between

landlords and tenants. It really tips everything in favour of tenants. That is why landlords are saying that they will withdraw their properties from the rental market.

We need to remember who the landlords are. The vast majority of landlords are not rich people. They are not big property owners with large residential property portfolios. The vast majority of landlords are mum and dad investors or even young Victorians who use the opportunity of purchasing a rental property to get into the property market and perhaps use that property for their own home later once they have used the rental income to help them to service the loan or sell that property and purchase another home for themselves. Many landlords are not flush with funds. Some of the provisions of this legislation may not only drive existing landlords out of the market but also prevent new ones from entering it.

One of my main concerns with this legislation is that so much of it is enabling legislation. What does 'enabling legislation' mean? It means that we do not know the details of what is going to happen. What we see with this piece of legislation is that it does not give us details on what will be prescribed under regulation. It just allows for regulations to be prescribed. So really we are debating here things that we do not know will even exist. As we all know, the devil is always in the detail. With enabling legislation, we do not actually know what that detail is.

As I said, in public housing there are a number of tenants who do the wrong thing and destroy property. Because public housing is housing of last resort, it is very difficult to make a decision to evict a tenant from public housing, but there are some tenants who need to be evicted from public housing because of the way they treat properties or because they do not pay their rent. That is difficult enough when it is the state government that is handling that, but for an individual landlord that is a very difficult thing to cope with.

I would like to look at some more detail of the bill at the moment, particularly clause 49. It is one of these enabling clauses. It states that renters can make any modifications to rented premises that are prescribed modifications without the residential rental proprietor's — whatever they call them now, the RRP, the landlord — consent. We have not even been given a list of these prescribed modifications. These will only be given upon implementation. As I said, it is enabling legislation. It is saying that these things can be prescribed but we do not know what will be prescribed.

It also provides that a landlord must give written consent for a tenant to install fixtures or make alterations, renovations or additions that are not prescribed modifications. We do not know what they will be either. So we do not know how far these prescribed modifications will go and what tenants will be able to just do or what they will have to ask for consent to do. But it also goes on to say that, even in the area where the landlord must give written consent, the landlord must not unreasonably refuse consent, and it also provides for only a very few valid reasons for a landlord to refuse consent. Basically it takes away all rights from landlords to have a say over their own property. We do not know how far this will go. Certainly as someone who has previously owned property, it would concern me greatly that someone who has invested hundreds of thousands of dollars of their hard-earned money in a property loses all control over what modifications are to be done within that property.

Clause 51 provides for a landlord to be fined 60 penalty units, which is $9600, if premises are not reasonably clean when a renter takes possession of those premises. None of us have any argument with the cleanliness of a property, but $9600 seems a quite excessive fine in this situation. Many landlords are not the ones that deal with the changeover of their properties. Some of them are absentee landlords — they are interstate or even overseas — and they leave them in the care of property managers. A fine of $9600 is a huge amount. Yes, there should be a fine and, yes, there should be a requirement for places to be clean when people take over a new rental, but I find $9600 to be quite excessive.

Clause 52 deals with rental minimum standards. Minimum standards are a strange thing, I find, to put in a piece of legislation that only deals with rental properties, because what we will have here are two classes of properties in the state. One will be a class of property that you can build and occupy yourself, which will have lesser standards than a property that you are offering for rent. The place for minimum standards is not in a piece of legislation that deals only with rental properties; rather, they should be in the various building codes et cetera that govern all houses, and we should have only one set of standards that deal with every home in the state.

This is enabling legislation. We do not actually know what these prescribed minimum standards will be. The wording is very broad. The bill just says that prescribed rental minimum standards will include but will not be limited to the following:

(i) the cleanliness and state of repair of rented premises;

(ii) the privacy, security and amenity of rented premises;

(iii) prescribing or requiring compliance with any other standards prescribed …

Again there is a list in the minister's second-reading speech that outlines a little bit more about what may be included, but the standards are not limited to this list. It is something that will create two classes of housing in this state. I find it amazing that these standards have been included in this piece of legislation and that they have not been embedded in the right places, in the building codes et cetera, that would mean that every house in Victoria was to the same standard.

Clause 52 inserts new section 65A in the act. Section 65A(2) allows the renter to apply for urgent works in premises that do not meet a minimum standard on the day that the new renter takes occupation of the premises. Again this attracts a fine of 60 penalty units, so $9600, which again is excessive. Yes, we want everything to be in minimum working order, but this may actually mean that people have to wait longer to take possession of a property if a landlord is not able to afford to meet those requirements. It could be something like a tenant who is willing to move in in January with a heater that is not working but with a promise from the landlord that this will be fixed in March or something. But they will not be able to do that, because if the landlord was to rent the property out without a working heater, they would be up for a $9600 fine. Again it limits the opportunities for people to get access to rental housing and will see some people disadvantaged because of that.

New section 71A deals with pets in rental properties, and this one really concerns me. I think people should have the right to say whether they want pets in their homes or not, but this does not give anyone the right to refuse a pet, because if they do not want pets in their house, they have to go to VCAT to say they do not want pets in their house and this has to be done within 14 days. Again it is taking away the rights of a landlord over their own property. But what particularly concerns me about this is that some people have severe allergies to some animals — for example, cats. Cat hair gets into all sorts of places in a house — into carpets et cetera — and it is very difficult to get rid of. It may make some properties not able to be rented to some future tenants or even not able to be occupied by the owner of those properties. I think this is quite a concerning inclusion in this piece of legislation.

I want to touch on part 11, which deals with amendments relating to goods left behind by renters and the requirement for landlords to store these things. If a renter abandons a property, the landlord should have the right to get rid of these goods straightaway. Usually it is just rubbish and filth that is left behind by people who cannot be bothered to take it to the tip. I know when I first became the housing minister this was one of the things that the housing department actually lobbied me heavily to try and get changed so you did not have to store stuff that had belonged to previous tenants. They took me to a number of public housing properties that had been abandoned, and there were food scraps and garbage left everywhere in these houses. They said, 'We have to store this in case they come back and say they want their property back'. This is just ridiculous. If people abandon a property, they abandon their goods, and it should not be the landlord's problem to store this property in case people want it back.

We will be moving a number of amendments to this bill. I will support the amendments, but I will be opposing this bill.

Mrs PEULICH (South Eastern Metropolitan) (15:47) — I rise also to make a few remarks on the Residential Tenancies Amendment Bill 2018. I am not sure that in my 22 years of being in Parliament I have actually seen a bill that is bigger than this one. I think it makes a very good doorstop, but I think it will wreak havoc on the residential rental market and the management of the market. I pity the poor real estate or managing agents and I pity the landlords. We all know that there are great landlords and sometimes there are problem landlords, but we also know that there are some problem renters. I also express concerns about the balance and weight of these amendments. There are 130 amendments now; initially 14 were mentioned. These will fall heavily on the owners and dry up the market.

Yesterday I raised a matter in relation to my concerns about access to affordable housing, suggesting that a lot of the time we looked at one side of the equation, the public housing side, and very rarely have we looked at the provision of accommodation in the private sector. A lot of the time people have been driven into the public housing option because housing in the private sector has become unaffordable, and there are many, many contributing factors.

One of the things that will also reduce the number of properties is a range of policies pursued by this government that will simply work against what we now call, according to this legislation, residential rent providers, or landlords or property owners. I will be up-front: my mother was one of those. She never had superannuation. She ran her own successful business, a family business, and invested in three modest properties. She now has one investment property left.

The most recent one that she had to dispose of was in part because of the land tax that was payable, which she could just not afford, and also in part a tenant that she had few options but to evict. She resorted to actually selling the property. She had made the cardinal error of soft-hearted landlords: she made friends with the occupants. She loaned them $8000. My mother is an 85-year-old self-funded retiree and widow with no other form of income; she has never claimed a dollar of social security in her life. She fell for a story about health needs and gave them $8000, and then their gratitude was shown by not repaying that and in addition to that by not paying rent for 12 months. So the only way that she could cut her losses was actually by selling the property.

I hear that more and more self-funded retirees in particular, many of them of my mother's generation who came to Australia as migrants, are not investors in shares. They believe in investing their hard-earned money in bricks and mortar, and that funds their lifestyle. Many of them live on the smell of an oily rag and have far less disposable income than many who may be on social security or getting the old-age pension. So these reforms will make it even more difficult —

Mr Davis — They are not reforms.

Mrs PEULICH — They are not reforms. These changes will make it even more difficult for property owners. They have been developed, as has been mentioned, very much with the Northcote by-election in mind to appeal to the inner metro renters.

I will just put some facts on the table. Currently 607 354 properties are occupied by renters from a total of 2 112 706 properties in Victoria, which means around 28.7 per cent of them are investment properties. It will be interesting to track this, although we have announced that in government we will release some 290 000 property lots in order to obviously try and impact on that housing affordability factor. There are 1 574 474 properties in Greater Melbourne, 75 per cent of the total properties in Victoria, and 30 per cent or 472 462 of them are investment properties. Melbourne is ranked as the third largest private property investor market in Australia, with almost 20 per cent of houses and 58 per cent of units, representing 32 per cent of all housing stock held by investors. The value of that dwelling stock is estimated to be $519 billion.

The highest investment concentrations are in the CBD. Some of them are left vacant, so there are issues there — they are left to sit. Parkville around Melbourne University, East Melbourne and Fitzroy near St Vincent's Hospital, St Kilda and Elwood are the highest investment concentration suburbs. Outside the inner city investment generally follows transport corridors, and according to the Australian Taxation Office (ATO) 25 per cent of taxpayers aged 25 to 49 own an investment property. I think the current trend is for adult children often to —

Mr Davis — Stay forever.

Mrs PEULICH — stay with their families forever and rent out the investment property. The outgoings for a single person are cost-prohibitive for many, so they choose to save as much of their savings as they possibly can in order to get into the property market so they will not get left behind — and many of them are being left behind. I think the prospects for our children and grandchildren are looking grimmer by the year, but it also applies to renters in the private sector.

Of course the more renters that we squeeze out of the private sector, which these changes will do, the more demands will be made on the public sector. I bet my bottom dollar that these changes do not apply to the public housing sector, but if they do, they will be coming out of consolidated revenue — out of the allocations to housing. A lot of the time public housing is so badly neglected that often the best that we can do is pull them down and rebuild them in exactly the same number, rather than increasing the allocation. The public housing sector is so badly managed that really we need a viable, flexible, private rental market in order to be able to provide adequately for the needs of those who do not own a home of their own.

I certainly agree with the comments made by Ms Bath about Maslow's hierarchy of needs. The need for shelter and food are absolutely the most important human needs. It is very sad to see people on the streets as a result of mental health issues, drug abuse or other substance issues and falling through the cracks following Labor's deinstitutionalisation policy, which has never really been sufficiently reviewed.

The time is galloping away. Rental income for property investors has been on a downward trajectory for years. Lower mortgage rates are currently offsetting the burden of lower yields. ATO data shows that the average rental losses claimed by investors was about $8700 per annum, and at the other end of the equation average net profit was $9300, the difference being about $600 per year.

Recently — I will be up-front; we have a modest investment property — our longer term tenant left, with a full refund of the bond. However, we ended up having

to spend a further $4000 to $5000 after that in order to bring the property up to standard. Do I want a pet in my investment property? It is a bit like a hotel. A hotel does not allow smokers routinely in all rooms because there are remnants. It depreciates the value, it affects the amenity and it impacts on people's health. It is similar with pets. Not only does this bill not define what a pet is, but indeed the financial impact and the health impact when that tenant changes could actually be very, very substantial.

In multicultural communities often pets are not encouraged within the family home. Mr O'Sullivan talked about the attitude of farming families to pets — that they do not have them in the home. The same thing happened in my family's home. My mother could not think of anything worse than having a pet inside the home. She was born on a farm, and as far as she was concerned pets should remain in the yard, even though she likes animals. Many people like her agree. Many migrants, who are often very frugal property investors and rent their properties as a form of funding their retirement, share that view. Forcing them to accept tenants who have pets is both unfair and I think, combined with other policies such as, for example, land tax, will force them out of the market and dry up the number of properties that are available to renters. Eventually that would be to the detriment of those who are seeking secure accommodation. The likely effect of course is that eventually you will see more people living in their cars on the side of the road or sleeping rough.

In terms of complying with urgent repairs, this needs to be regulated, because what a person considers to be an urgent repair has not been sufficiently defined in the bill and we do not understand exactly what standards will apply here. In terms of other changes such as, for example, modifications to rented premises, I think that should only be done with the agreement of the property owner unless it is in breach of some sort of building regulation. We certainly have not been given the list of prescribed modifications that would apply upon implementation. The Premier mentioned that there would be a compensation fund to assist landlords in upgrading premises for family violence victims, and this does not appear to have been covered in these amendments either. There are rental minimum standards; some of them seem reasonable, others are not. Indeed the changes which allow the renter to apply for urgent works if premises do not meet minimum standards on the day they enter into the occupation of premises I think are severe.

A landlord has no ability to refuse a pet unless making an application to VCAT, and the impact of this particular new regime on VCAT is going to be phenomenal. VCAT is already wilting under the weight of its workload, and this will indeed create more headaches for VCAT, and it will certainly cause many, many headaches for residential rental providers. Urgent repairs, as I mentioned before, are an issue — there are many, many issues. Although there has been an organised campaign by Rent Fair, we know what these organised campaigns are like and who is behind them, and there has been very little consultation on the government side with the residential rental providers. The non-payment of rent provision is an absolutely outrageous imposition; that a renter will have five strikes before a possession order can be granted is unreasonable, and indeed that is only in one financial year, so someone could be a habitual —

Mr Davis interjected.

Mrs PEULICH — Landlords do depend on that. My mother herself could not afford to live if she had to suffer five non-payments in a year. I believe that this is something that does need to be changed, otherwise we will be here in the next term of Parliament looking at an even more grave situation facing renters in the private sector, with housing affordability issues and the growing list of people waiting for public housing.

With those few words, I look forward to some sensible amendments being passed through this chamber to ensure that there is a balance of responsibility when it comes to rules that apply to residential tenancies as proposed by this bill, which I think is manifestly unfair. It is the biggest bill in the history of this Parliament, and I certainly would hate to be a managing agent trying to implement these changes.

Mr DAVIS (Southern Metropolitan) (16:02) — I am pleased to rise and make a contribution to this bill — the Residential Tenancies Amendment Bill 2018. It is a bill that the government has trumpeted long and loud, but it is a bill that actually fails to deliver the desired outcome for renters and for those for whom more stable rental accommodation and more stable housing is an important aim. Of course, as Mrs Peulich said, the need for stable accommodation and for good-quality accommodation is an absolutely central aim for governments. We have seen a greater pressure on housing affordability and a greater pressure on the ability of people to get reliable and stable housing. There is a greater problem with homelessness, and I do put on record our concerns with respect to that. I also note the declining level of home ownership in our state and the need for a framework that does support longer term rental options. We saw a recent bill go through that provided greater options in terms of landlords and

tenants striking voluntary agreements that allow for longer rental periods. I am on the record in this chamber a number of times, as the minister and others will remember, talking about build-to-rent options that ought to be facilitated by government, and there are a number of options that we can put in place for better build-to-rent options.

I do think that on the other hand we need to be focusing on making sure that more people have the option to have their own home. As a community we actually need to be focused on providing the supply of land and the supply of housing stock that will enable our growing population to have the housing that they deserve. As shadow planning minister I and Matthew Guy have made a number of announcements about steps that we will take to improve housing affordability and to bring forward supply. We have seen the price of housing increase over the period of this government, and a number of the government subsidies have been misapplied. The point I am making here is that we have seen challenges with respect to housing affordability. The price of land on the edge of the city has escalated very significantly. In part that is of course due to the significant population growth. In part it is due to a failure of other options — the government has closed off central city options — and in part it is due to the failure of the state government to bring forward options to decentralise some of our population.

The Liberal Party and the National Party have spoken at length about our plans to decentralise some of the state's population growth. Population growth at 143 000 last year is very significant, but 90 per cent of that growth was in metropolitan Melbourne, and we had 147 000 the year before at a similar ratio of growth into metropolitan Melbourne. We do need to have a more balanced development statewide. We do need to support our regional cities and country areas to actually have the option of taking some of that population growth, and housing affordability is much better in many of those country centres.

Of course housing affordability is also driven by government taxation. We have seen this government, despite the promises of the Premier at the time of the last state election when he repeatedly at the Sky News forum and on several other occasions most famously —

Mr Dalidakis interjected.

Mr DAVIS — No, at the Sky News forum in Frankston he promised he would not increase taxes or charges or levies beyond the CPI — that is what he said, Mr Dalidakis. Indeed he also said the same out on the steps of this Parliament on the night before the election in 2014. He promised he would not increase taxes, charges and levies beyond the CPI —

Honourable members interjecting.

Mr DAVIS — That is what he said, Mr Melhem. That is what he said, but that is not what he has done.

Honourable members interjecting.

Mr DAVIS — I am talking about housing affordability, which is intimately connected with this bill, and the options of people to have the right housing accommodation, the housing accommodation that they deserve in the suburbs and the areas that they wish to live and the need for government to support that rather than to jack up more than a dozen new taxes and charges, leading to very significant increases that have fed straight into the cost of housing and made housing more difficult for our community to access.

There are many younger people who I have spoken to who have had difficulty accessing housing and properties. That is not surprising with the restricted supply that this government has got. It is also not surprising because of the raft of new taxes, levies and charges that have been applied to that land to make it more difficult for them to access the housing they wish to access.

Having said that, there will always be a significant group of people who wish, either for their own purposes or through necessity, to rent. We do need to have a proper regime in place. Of course a balance has to be struck between the rights of tenants and the rights of landlords. Part of that is about clarity; part of that is about understanding what the duties, obligations and responsibilities of both parties are. I do not believe that this bill strikes the right balance.

There are a number of aspects of the bill that I think do have some merit. I do see the purpose of animals being on rented premises, and I understand why that is important to many people. I equally understand why landlords may have their own views. The truth of the matter is that landlords are a range of different people who have particular views about their own properties. It is entirely legitimate for landlords, as people who have their own views, to be able to express those views.

With modifications, it will be a question of how this is actually implemented and what the scale of minor modifications will be. That will ultimately, I think, be a legal arrangement where case law decisions — VCAT cases and potentially ultimately Supreme Court cases — will be made. Who will unpick some of those minor modifications where they are either unusual,

strange or costly? That is something that may well add to the cost of rental properties and make it more difficult for landlords to provide fair-cost rentals, because these costs will all ultimately be loaded onto the cost of renting these properties.

Regarding the bolstering of the security of tenure by ending no-fault evictions and the removing of no-reason notices to vacate, there is some justification for greater rights for tenants in this respect. I am happy to concede that. But there is also a balance to be struck where landlords, for their own purposes, for family purposes or because they have a particular idea about how they may wish to rejig the property, should have the right to seek a better outcome there.

The establishment of a non-compliance register which blacklists residential rental providers and agencies who fail to meet their obligations is something that I think needs to be managed very carefully. It could become a very difficult arrangement where landlords may well be targeted in a way that is nasty and not justified. We know that complaints can be made in ways that are not always accurate. Even the laying down of those complaints can have a significant effect on parties. I understand again that this is a balance.

Regarding the early release of bonds with the consent of both parties, I have no objection to some of those points, including the restricting of solicitation of rental bids by rental residential rental providers. Regarding the provision of yearly instead of six-monthly rent increases, this will also depend on the length of time that people want to rent properties for. There is potentially a significant market for short-term rentals. Some people want short-term rentals. Students are one group, but also people who are here in Melbourne for a short period. People who come from interstate for a particular work obligation want short-term rentals. I think we have to be very careful about closing off options. Excessive regulation may well lead to greater costs and may well lead to outcomes that are suboptimal.

The list is long, but all of this will add to the cost of rental properties. It will make rents less affordable. It will make it harder for landlords to rent. We know that federal Labor has a policy of closing down negative gearing. Then there is the juxtaposition of the new state Labor taxes and charges, the new obligations on landlords which will hit like a body blow on the cost structure of our rental sector, and the potential of a Labor government being elected sometime next year, if that is the way the electoral cycle goes — and who would predict what would happen in federal politics these days? We know about both federal and state Labor's hatred for those thrifty people who have scrimped and saved and acquired additional properties and then put that money into a rental arrangement. We have got to be very careful with these sorts of bills to on one hand protect the rights of tenants but on the other recognise that people have scrimped and saved and worked hard to acquire assets that they then rent.

Mrs Peulich made the point that often that rental stream provides the income of people who are living off the money they have accumulated and put into a property. They do this so they have a rental stream coming to them. We should be encouraging people to save in that way; we should be encouraging people to make provisions for their future. We know that Labor want to hit those who have done that work. There are many of our migrants and multicultural communities who have very significant holdings of rental properties. They do that because that is something they can trust. It is real property, in the sense that people can touch it, feel it and understand that it can be managed and looked after.

I have over the years rented properties from a range of people from different backgrounds. They have bought those properties and rented them for the purpose of putting their assets into something safe and secure that they trust. People are concerned about government tampering with that contract, where you have saved and scrimped and you have actually put aside assets for your future and for your children's future. These are things that we should be encouraging.

This bill will make many landlords nervous. It will make many landlords feel that they have been set upon by government. This bill is also a significant hit on the real estate industry. The real estate industry plays a very significant role in our community by ensuring that people are able to be connected, landlords and tenants, in a structured way in local communities. I for one, and I put this on the record, rented twice from one real estate agent in my community and later bought two properties in a row from that same agent. That is a story that I am sure is common across the community, where people have links —

Honourable members interjecting.

Mr DAVIS — No, I think that in a particular community people know their local agents; they know their local landlords. Arrangements like that actually occur. I am just saying that this is not an uncommon story. I am talking about a range of different people from a whole set of different backgrounds. I point to migrant communities, who have actually come here and worked hard. People like Mr Gepp might not be so worried about migrant communities and people who

have actually been thrifty and saved and put their money into properties. This will have a significant impact on those communities —

Mr Gepp interjected.

Mr DAVIS — I heard what you said, and I am calling you out on it. That is the truth of the matter. I know you may be less concerned, but I have an electorate which has a range of people with different backgrounds who have actually scrimped and saved. We have to be very careful in adjusting the rights of landlords and tenants in a way that may restrict supply ultimately. If you make things more costly, if you make landlords less certain, there is a risk that the cost of housing will rise, that the cost of the rent that is demanded will rise and that housing will become less affordable. The same is true on the provision of new housing.

I say on this bill that the coalition is very concerned about this bill and its implementation. We obviously have a range of amendments that Mr O'Donohue will move, and we will see what the chamber has to say about those amendments, but we are concerned about the cost of the impositions that are in here, and we are concerned that in many respects the losers from more costs and more impositions are those who can least afford it.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Davis. Mr Gepp, I just want to remind you that to interject from out of your place is very unruly. I thought I might just remind you.

Mr DALIDAKIS (Minister for Trade and Investment) (16:18) — Can I say that one of the details of the proposal of the legislation before this house of course is to ensure that there is a prohibition on false, misleading or deceptive representations, and I think that that actually potentially represents all of Mr Davis's contribution. I thought it was scaremongering at its worst, misinformed at its best, and I am disappointed to have a colleague in this place use the time allocated to them to do nothing but scare and frighten people in the community against a set of legislative reforms that in fact try to make it more equitable for those who rent as much as they do for those that provide. We of course have the supply side and we have the demand side, and we need to make sure that those two sides are not out of kilter.

Before us we have some measures that provide people that are vulnerable in our community — people who rent, who rely upon the supply side — with the units, the apartments and the houses that people can rent from and can live in in different areas. There is a desire that they have the opportunity to be a part of a community in much the same way that Mr Davis derides. We want people to feel confident about moving into those premises and being able at that point in time to have confidence that a number of things can take place without fear or favour.

Of course one of the major areas of concern with this piece of legislation before us is about the ability of renters — people on the demand side — to make appropriate modifications to the places that they live in. Can I just say at the outset that there are protections put in place for landlords under this provision. Landlords do have the ability for rectification works. They do have the ability to ensure that bonds are able to be suitably used to satisfy any works or repairs that need to be done. You seem to be, Acting President Morris, a fair-minded individual, and I am sure that you would support that.

Can I also say that there are requirements upon both renters and landlords in relation to the legislation before us. For example, a renter may wish to avail themselves of having a pet — this is an important point that needs to be made because there has been some scaremongering about this — or may have a need or desire to have a pet, and of course there can be many reasons to have a pet, not least of which of course is a level of comfort to be able to share your life with one. Some people regard their pets as if they were their own children. I hope their pets are not as naughty as my children in that example, but I hope that they love their pets as much as I love my own children. But to do that — again to make sure that we have got the balance fair and right — people renting need to make an application to their landlord effectively to seek the ability to have a pet in their premises. They cannot just bring a pet into their premises and then ask; they need to ask first, and then the landlord has a specified period of time, should they wish to say no once they have received that request, to at that point in time seek VCAT's support to deny that request.

I am not sure how people could argue that that is out of kilter with what is fair and appropriate, because on the one hand you cannot just bring an animal into your premises — you need to request it — and you cannot as a landlord just frivolously refuse that request without having a valid reason for it. For a modification request the renter has to seek that approval from the landlord and, on the flip side of what I was just saying in relation to having an animal in your premises, they need to be able to justify what that modification actually is.

The bill before us, as I said, does seek to do a range of things. Many people in this chamber have had the opportunity to talk about those, but really in essence what we are seeking to do is provide a level of assurance to renters that they can actually seek to live in those premises and do so in a way that gives them some control over their own lives without interfering with the property of the owner, of the landlord or indeed of the agent who is managing that property on their behalf. Getting the protections right is something that we believe this legislation does. And you will note, Acting President, that when I say 'getting the protections right' I do not elicit a view of protections being over one party more than the other. It is getting the protections right over both parties to make sure that there is a degree of common sense in the approach to dealing with this, whether you are the renter or the landlord, whether you are the owner or the inhabitant or whether you are indeed the agent or the potential occupant.

So again I think we need to reflect on where we are at as a community. There have been a range of contributions that have suggested, implied, argued, that somehow the balance in this is wrong and it may impact on the market. No-one has yet been able to say that it definitely will; it is all 'may' — it may do this, it may do that, it could do this, it may not do that. So my argument to this place would be that with the legislation before us what we need to do is give it an opportunity to work, give it an opportunity to do what we are wanting it to do: to provide people that are renting with some comfort over changes that they may like to make or animals and pets that they may like to live with but at the same time to afford to landlords or agents or owners the opportunity to manage their properties accordingly.

Can I just say from the outset that there will be people that will take advantage of any legislation, any rules and any regulatory environment that we govern. In the coming committee stage of the debate we should not use this as an opportunity to look at people that do abuse at the margins, that do take advantage, that do dictate and treat renters or landlords in a way that is not in keeping with society. What we should do is look at the vast majority of the people in the sector that deal with this in an appropriate way, a mature way, a responsible way, because I think that if we are to look at issues only at the margins, then we do them a disservice, we do this legislation a disservice and indeed we do a disservice to those people that will make use of this legislation, be it as a landlord or as a renter. With that, I commit this bill to the house.

House divided on motion:

Ayes, 21

Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms
Elasmar, Mr
Gepp, Mr
Jennings, Mr
Leane, Mr (*Teller*)
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Ratnam, Dr
Shing, Ms
Somyurek, Mr (*Teller*)
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms

Noes, 17

Atkinson, Mr
Bath, Ms
Bourman, Mr
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr (*Teller*)
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms
Young, Mr (*Teller*)

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE — I would appreciate it if my amendments could be circulated at this opportunity.

Ms FITZHERBERT — I have a question which I foreshadowed earlier when I spoke on the bill, and it relates to the commencement date of this bill and the effect, if any, of the changes to how we treat caravan parks. The minister may not have been in the chamber when I raised this issue, but a tenants organisation raised with me a few weeks ago a concern. The fact that this act will not be in effect for quite some time they believe gives perhaps some scope for people to seek to avoid some of the benefits provided by the clauses that pertain to people who live in caravan parks by selling properties before the commencement of this act if the bill is passed. I would just be interested in your comments on that issue raised.

Mr DALIDAKIS — I thank Ms Fitzherbert for her question. Ms Fitzherbert, as I am advised the legislation does allow for the early commencement of the park closure compensation provisions to avoid a situation occurring where residents are unfairly impacted by that closure — under part 17, division 1 of the bill, which I believe is at page 268 of the explanatory memorandum.

Ms FITZHERBERT — I have a further question. Again it is something I foreshadowed earlier. It relates to the changes to rooming houses. Minister, you would be aware of some of the issues in the electorate we share regarding some rooming houses that have really entrenched issues to do with safety that have affected people within those rooming houses as well as people beyond the rooming houses. It seemed that there was nothing that could be done at law to contend with those issues. I am wondering if you can identify in this bill whether there is anything that addresses those issues.

Mr DALIDAKIS — I thank Ms Fitzherbert for her further question. The government is obviously concerned about the impact for residents and also for rooming house operators. I will read this for you, Ms Fitzherbert. A part 3 fixed-term agreement will incorporate elements that mimic key features of a tenancy agreement — a higher bond and a 14-day notice of intention to vacate period — but limit the liability of vulnerable residents that are signed up to fixed agreements. By doing that we hope to ensure that the maximum rent payable for leaving without notice will be capped at the lesser of 14 days rent or rent that is payable until another resident can occupy that room.

The new arrangements will be optional, and a rooming house operator can instead choose to rely on the statutory residency right that is currently conferred by the Residential Tenancies Act 1997 (RTA). It is not time limited. Residents can leave by giving two days notice of their intention to vacate. The bill does not prohibit the use of tenancy agreements in self-contained apartments located within rooming houses. This is because self-contained apartments can provide a fully serviced living environment that is comparable to a detached residence over and above that of a rooming house itself.

Ms FITZHERBERT — That does not really address the issue that I was asking about. I am thinking of a couple of rooming houses where there have been basically drug dealers who have set up shop and have operated, in the words of the local police, a 'shooting gallery', and places where there has been really violent crime — murders, sexual assaults, rapes —

Ms Springle interjected.

Ms FITZHERBERT — I will just repeat that. I am talking about a couple of facilities in particular where, as you would know, there has been, in the words of the local police, a 'shooting gallery' set up, and ongoing and highly visible drug use, which means that quite vulnerable people are being cornered in their own homes in a way that, to put it politely, they do not need. But perhaps more importantly than that there is a history of really violent crime against individuals — there are rapes, sexual assaults, murders and serious non-sexual assaults. Despite the fact that this is happening within the existing licensing agreements of such facilities, it just seems there is no legal mechanism to actually deal with that. What has happened instead has been a long-running practice of the police attending up to five times a day in the case of one rooming house and in circumstances where the police have had their own safety plan for entry, which means that multiple officers have gone in together. I am not criticising that at all as a safety practice. I am just indicating that it shows what a seemingly intractable problem it has been. Nothing could be done to deal with this.

I have looked in vain for something in this bill that might address this issue, which, at its heart, is a safety issue for the people who use these facilities, some of whom have no real choice as to where they live — it is a place of last resort. I am just keen to see some sort of response to that issue. I do not think that residents notice provisions and fixed-term agreements necessarily address that, unless I have fundamentally missed something.

Mr DALIDAKIS — Thank you, Ms Fitzherbert. Can I say from the outset that I do not for a moment take your contribution to be critical of Victoria Police. They do have a very challenging task, especially with tenants at rooming houses for a range of reasons that we do not need to go into here. But can I say that part of the consideration that we have is that rooming houses are never the same. They do differ from one to another, depending upon the type of resident that they have inside.

The bill before us does indeed allow for termination of a residency right for serious violence in a rooming house. Antisocial behaviour consisting of serious threats and intimidation to the owners and occupiers of that rooming house are new grounds to be rescinded, so that law enforcement opportunity is there. The opportunity to use those grounds through VCAT is also available. We have tried to again strike that balance between providing a degree of protection for residents but also ensuring that that cannot necessarily be abused for those people in rooming houses that we can all agree are probably some of our most vulnerable in the community.

Ms FITZHERBERT — Just on that, Minister, can I clarify that that provision is for owners and residents? I am aware of the difficulty sometimes in having a regime where vulnerable tenants are expected to take action against the people who are providing their home,

which is a very confronting thing to do for anyone. I understand that for many people it is a bridge too far and that they will often in such circumstances put up with very confronting behaviour rather than doing something that they perceive as threatening in itself or that may get them into further trouble. I wonder whether there was any thought given to extending this provision to, for example, the police in limited circumstances, or others who may have an interest in a situation that may have gotten way out of control in a neighbourhood, such as nearby residents.

Mr DALIDAKIS — My understanding of the legislation, Ms Fitzherbert, is that the resident or the owner of the rooming house would be the one that would need to take action. I do not believe that Victoria Police can take it unilaterally, but I will confirm that.

I can confirm that what I have advised you, Ms Fitzherbert, is correct. The rooming house operator or a resident can make use of that provision. It is not made available to Victoria Police to utilise, but of course there are a range of other law and order legislative opportunities for Victoria Police to take action against a resident for both antisocial behaviour and behaviour that would constitute potential grounds for illegal behaviour and obviously prosecution.

Mr O'DONOHUE — Minister, I think you raised a very good point in your summation, and I want to pursue at the outset the issue around data and fact from fiction, shall we say. You made the point that there have been many assertions made in the second-reading debate, and that is not unusual in a second-reading debate. I am hoping that with the resources of government you might be able to provide some clarity around data. First of all, I note the Premier's media release from 8 October 2017. The second line says:

> More than one in four Victorians rent their home, a number that is increasing as it becomes more difficult for many Victorians to break into the housing market.

Minister, has the government done any modelling on what the likely change will be in the proportion of people renting going forward over two, three, four or five years?

Mr DALIDAKIS — I thank the member for the question. In reference to data, as I am advised, we as a government utilised Australian Bureau of Statistics (ABS) data in order to inform us. Of course ABS data is probably the most significant set of analyses that we can use, obviously being collated in a very rigorous fashion by the commonwealth, so that is the data that we relied on in order to pursue the legislation before us.

Mr O'DONOHUE — Just to clarify, Minister, that is ABS data that provides evidence about what the data was in the past. Does the ABS in this space do prospective modelling?

Mr DALIDAKIS — Yes, that is my understanding.

Mr O'DONOHUE — I could not find it before, but I think I read into *Hansard* in the second-reading debate that there is a 1.8 per cent vacancy rate currently in Melbourne at June this year — I am happy to be corrected if that is incorrect. But I think regardless the vacancy rate is very low, which has led to the tight market that currently exists. Has the government done any modelling as to what impact the changes in this bill will have on the vacancy rate and the proportion of people who are renting?

Mr DALIDAKIS — No.

Mr O'DONOHUE — Minister, in your summation of the second-reading debate you said you rejected the assertions that were probably principally from members of the opposition about the impact of this bill. But the government itself has not done any modelling on what the impact of this bill will be; is that correct?

Mr DALIDAKIS — In some respects it is very hard. I thank Mr O'Donohue for his further question. Can I say that in terms of trying to model for changes, you are effectively attempting to model on something that you have no future data for. So what we have tried to do is ascertain information previously and then make best judgements about the impact on stock availability and also the impact upon people looking to take advantage of that rental stock availability.

The reason I am pausing is that I referred to independent research in the last sitting week when I took through a residential tenancy bill at that point in time, and it is my understanding that under that independent research — market research as part of the RTA review — we were able to gather data from that independent research that has also informed us. So, for example, only one in 11, or 9 per cent, of our residential rental providers (RRPs) have previously ended a tenancy using a no-specified-reason notice. If I look further into that data, a further 38 per cent sometimes allowed pets, depending on the type of pet. That research also found that one in four, or 24 per cent, always allowed pets at their rental property. That independent market research, as part of the Residential Tenancies Act review, did help us to inform this bill. We used of course ABS data in relation to rental information itself and then some of the market research

data to help inform us as to the impact that some of this would have in terms of the legislation before us.

Mr O'DONOHUE — That is an interesting point, Minister. You cited the data, or the research, about providers who do and do not allow pets et cetera, and I suppose the question, going back to your summation, using pets as an example, is: will there be providers or landlords who will now withdraw their properties from the market if they perceive they are required to consent to a tenant having pets? I suppose the answer to my question and the previous question is that there has been no modelling on the specific impact of this legislation. Is that an accurate summation?

Mr DALIDAKIS — I do not think you are attempting to be tricky. I think that is a fair assessment. In fact there is a significant number of owners that are prepared to make accommodations to ensure that their rentals are looked after, that they have good tenants and that they have tenants that respect the premises they are in. Of course that word 'respect' is an important one both ways. If a tenant believes that they have been given respect from the landlord, and that is returned, then of course you have an enjoyable relationship on both personal and professional levels. I think from that perspective what we need to make sure of is that we are providing a level of support to tenants. I think this is an important point to make.

I do not for a moment resile from the fact that for some landlords, for some owners, this will be somewhat challenging legislation. I cannot pretend that it will not be. But because a tenant, in the view of the government, is potentially quite vulnerable in a situation where they are looking to stay somewhere but do not have the financial means to secure their own property in the area where they are potentially looking to live, we believe the laws that we are looking to enact in this Parliament at this point in time do provide them with a level of assurance and a level of confidence that some basic measures, in the view of this government, can be enjoyed without fear of effectively handing over too much power to the landlord to prevent them from taking that opportunity.

Mr O'DONOHUE — Thank you, Minister, for that answer. Time will tell if the bill passes. Just to round out this initial point, my colleague Ms Victoria, the shadow minister for the opposition in the other place, has given me an email from someone who does not want their name to be disclosed, but I am happy to show you, if that would be of assistance.

Mr Dalidakis — No, I trust you.

Mr O'DONOHUE — To quote the first couple of lines, it says:

> The news of the new amendments has already affected the sale of rent rolls and decreased their price by about 15 per cent. Landlords are also selling residential properties and moving into commercial and retail rentals. I can name several cases in the past two months.

I will finish this point by restating that lower stock levels mean that the market will increase prices, which will have an impact particularly on people who are on fixed incomes and the like. If this legislation does reduce stock levels, that could have the perverse impact of making it more difficult — which I know is not the stated intention — for people, with higher rental prices.

Just going to another perspective, which I think is also relevant to this issue of how the market may operate with these changes, Dr Ratnam in her second-reading speech — I am not seeking to quote her exactly — used words to the effect that many landlords are paying for their retirement with the rental income they receive. Dr Ratnam can correct me if I am wrong, but I think that was meant in a reasonably derisory fashion. From another perspective, people who have saved and bought a property and then worked hard and retired on the income from a rental property save the state by not drawing down a pension, which means the government has more money to spend on schools, hospitals and the like. I suppose my question is: Minister, has there been an analysis? Does the government have an understanding of what the typical landlord profile is? I think again that will inform how the marketplace may respond to these changes. If mums and dads or retirees with one investment property, as opposed to large institutional investors, are more the backbone of this marketplace, they I assume would be more sensitive to the regulatory changes that are being proposed today.

Mr DALIDAKIS — Yes, I am happy to report to you, Mr O'Donohue, that in the first consultation paper that was released for review on 24 June 2015 profiles were undertaken of what both a typical landlord and a typical renter did look like. As I said, they were provided in that consultation paper initially.

Mr O'DONOHUE — I have seen reference to that consultation paper, but I must admit that I am not familiar with what the typical landlord or tenant was described as.

Mr Dalidakis — We are both working on behalf of colleagues.

Mr O'DONOHUE — Indeed, Minister. Without wanting to elongate this unnecessarily, are you able to give some summary or some indication of what those profiles looked like?

Mr DALIDAKIS — I will head over to the box in a moment to try to make that process smoother and more seamless. Just so that you are aware, that information — for our colleagues in the other place — is available on our Fairer Safer Housing website. I will move over to see whether I can get you that information now.

If I can have your support, Mr O'Donohue, I have asked those in the box to provide me screenshots of that information from the website. Once that is provided to me I will read that out to you, but in the meantime, while they are doing that for us, I am happy to take some additional questions.

Mr O'DONOHUE — Thank you, Minister. I want to take you to a couple of issues which I think may help in the progress of the committee through the amendments phase, if you are comfortable with that. As I said in my second-reading contribution, I have had representations, as has Ms Victoria, from providers of student accommodation. Their contention is that they really need a separate regulatory framework within the bill and that this is an opportunity to do that. I note that consultation that you mentioned that was released in June 2015 laying the groundwork and the summation of the outcomes of the review, dated 9 August 2018. I would welcome your response to the proposition that the student accommodation sector, particularly the foreign student accommodation sector, has not been part of this process or their concerns have not been reflected in this bill.

Mr DALIDAKIS — If I may just reflect on my own portfolio responsibilities, Mr O'Donohue, as the Minister for Trade and Investment I also have responsibility for international education. The issue of both homestay and accommodation is one that I have personally sought advice on from in fact one of your former colleagues, the Honourable Phil Honeywood. He and I have had long discussions about that. There was at one stage discussion that the federal minister was prepared to undertake a national review of international student accommodation and homestay. That was prior to the most recent ministerial changes with the recent change of person in the government. It has been indicated to me by Mr Honeywood that the new minister responsible does not at this stage have a desire to move forward with a commonwealth investigation into this matter. I think that is a little regrettable because I think some of the issues for international student accommodation and homestay are borderless across this country. What I have indicated to Mr Honeywood is that it is an issue that I as minister responsible do have an interest in. Whilst I am not in a position to indicate what will or will not happen after 24 November, what I have said to Mr Honeywood is that, should we be returned to this side and should I be the minister responsible, then I would look to seek his support in a further investigation about those two issues specifically for our international students. It is outside the scope of this material, but I am happy to provide that assistance to you.

Mr O'DONOHUE — Thank you, Minister. That is most helpful. Mr Honeywood, as a former minister in your shoes and with his experience in his current role, is most learned in this space. Whilst I agree that there is scope for a national approach in some elements and that will help, I presume, our competitiveness in talking to those in foreign markets about standards and the like in Australia, there are things that are perhaps within the state government's purview, such as pets — and we will come to this later — and dealing with student accommodation providers is a separate discrete section of the Residential Tenancies Act. Did the government give consideration to doing that as part of these reforms?

Mr DALIDAKIS — Again I thank Mr O'Donohue for that further question. Can I say that I do concur with Mr O'Donohue's assessment of Mr Honeywood and his contribution beyond his time in this Parliament. He is somebody that I have managed to learn quite a bit from in my time as minister responsible for international education, and he is somebody that I have appreciated.

Can I indicate that, yes, whilst my preference would be for a national approach, by no means am I prepared to acquiesce in dealing with these issues. I am happy for you to have that discussion with Mr Honeywood directly, but as I have indicated to you and I have indicated to him in private, my preparedness to move into this space in the absence of federal leadership is to ensure that we continue to provide best practice and look after our international students.

On the Residential Tenancies Amendment Bill, can I point out that in fact some student providers have advised that part 2 of residential rental agreements are used to try to provide proof of residence for international students under federal law and that residential rental agreements are an instrument of Victorian state law but are not designed for this purpose. From a practical perspective it was unclear

how such agreements provide proof of fixed locations, since students may effectively vacate premises at will and so it is really just a snapshot in time for them, regardless of course of the type of agreement that they could be on.

We were of the view that it would not be part of this piece of legislation going forward, because it required I guess specific oversight to deal with that as an issue. I think as I have indicated within my own portfolio space there is a desire for us to deal with that in a very meaningful way and a way that does protect our international students, because our international education market, as I have been very proud to talk about publicly for a long time, is actually the state's number one export earner. In the calendar year 2017 it provided in excess of $9.9 billion of revenue to our state. It employs in excess of 58 000 people across Victoria, in metropolitan Melbourne and regional Victoria. So that is very much an important point, being able to do that.

Now, I did say that I would come back to you, Mr O'Donohue, in relation to landlords and tenants and the views created about what it was. If I may, let me take the opportunity to take you through that, and I will start with landlords. Forgive me, there is a little bit of data to read, but I will do it as expeditiously as I can, and I can provide you with the link later on.

The majority of Victorian landlords are in the higher disposable income brackets. In 2011–12 almost 68 per cent of private landlords had a disposable income of $728 or more per week; 17 per cent of private landlords had a disposable income of between $431 and $728 per week; and 15 per cent of landlords were in the two lowest disposable income brackets, with a disposable income of $431 or less per week. In contrast, 38 per cent of people who were not landlords had a disposable income of $728 or more per week in 2011–12. Because this is a bit of data and you do not have it in front of you, just to put that into contrast, the corresponding percentage for landlords with that disposable income per week was 68 per cent, but for renters it was 38 per cent. Just over 42 per cent of people who were not landlords were in the two lowest disposable income brackets, with a disposable income of $431 per week. Then there is a table, which is a distribution of private landlords and non-landlords. I will provide that to you shortly.

There is also a graph that indicates how many rental properties that landlords owned. I know that this data is a little bit old, but bear in mind this was provided in the 2015 report that was released. In 2011–12 almost 12 per cent of Victorian households owned one or more residential properties. Of these households the majority, which was 73 per cent, only owned one rental property. Obviously we can see that there is a high proportion that own a single rental property.

If I go now to the details for tenants, the information I have here is that more households are renting privately and some tenants are staying in the private rental sector much longer than they have previously. Families are the most common type of household renting privately, and standalone houses are the most common type of privately rented home. In social housing, lone person households are increasing and now represent the most common household type within that sector. In terms of age, the fastest growing group of tenants in both the private rental sector and the social housing sector is those aged over 55. Levels of rental stress are increasing, particularly for lower income households.

Over recent decades the number and proportion of households renting in Victoria has grown. Between 1996 and 2011 the number of Victorian households renting increased by 35 per cent over that 15-year period to over 525 000 households. By comparison, over the same period the total number of Victorian households increased by only 28 per cent. Again, there is a table that indicates the number of households renting compared to all households between 1996 and 2011 in five-year increments. Again, I will provide that to you shortly. But for your benefit it says that in 1996, 24 per cent of all Victorian households rented. By 2011 that had increased in a minor way, but had increased nonetheless, to 26 per cent. Bear in mind of course that our population increased significantly between 1996 and when this study was recorded in 2011–12. Within the overall rental sector, growth in households renting is being driven by the private rental sector. The number and proportion of Victorian households renting privately is significant and is increasing.

That is the information that I can provide you with now in terms of looking at the types of people. I found this information quite interesting to understand that the fastest growing group of tenants are people aged over 55 both in the private rental sector and in social housing. Again, if I reflect on what the desire is of this legislation before us, it is to provide these people, especially people who are renting alone, with, for example, pets that can provide some meaning in their lives and support, because of course the issue of isolation is one that we are all well aware of in Parliament. If we can try and alleviate that by this legislation, then that might make somebody get through their days in a far happier way and certainly try and do so with a minimum impact on the landlord.

Mr O'DONOHUE — Minister, that information is extremely helpful and I do thank you for citing it and reading it extensively into *Hansard*. I do not have a question in response, but I will just make the observation that the rental market is provided predominantly by people with one property — it is not institutional investors that are providing the market — including a not insignificant minority of people in the lower income brackets. I suggest they will be sensitive to regulatory changes, presuming that the income stream they receive is critical to their wellbeing. I do thank you for that information, Minister.

Minister, I just want to take you back to the Premier's media release of 8 October 2017, which says:

> A new commissioner for residential tenancies will be set up to help champion the rights of Victorian renters and give them a voice in future reform of renting laws over the years to come.

What is the government's plan for the operation of that new commissioner?

Mr DALIDAKIS — My understanding is that that commissioner has already been appointed. Further to that, the commissioner's name is Dr Heather Holst.

Mr O'DONOHUE — Minister, I have one other general point to make, and this has informed some of the amendments of the opposition. There are several changes that will impact the operation of VCAT. Minister, can you provide some detail about current wait times from issuing proceedings to hearing matters at VCAT on the residential tenancies list, and what is anticipated will be the growth in demand as a result of the changes that the government is making? Is the government providing any extra resources or capacity to VCAT to respond to and manage those changes?

Mr DALIDAKIS — I thank Mr O'Donohue for his further question. In relation to the impact on VCAT, what I can advise is that work will continue into 2019 to ensure that the suite of reforms in this bill is supported by complementary, easily accessible and effective dispute resolution through VCAT. Now, the whole idea of that is to encourage parties to assert their rights in a non-adversarial manner. As part of those reforms the government will work with VCAT and relevant stakeholders to attempt to improve the dispute resolution processes within VCAT for residential tenancy matters by making greater use of informal methods of dispute resolution and introducing internal reviews for all residential tenancy decisions. In the interim VCAT will continue to be funded to run the residential tenancies list. Funding levels are reviewed on an annual basis, ensuring that VCAT's budget remains proportionate to caseload demands. In effect it is something that we will continue to work with VCAT on and, at this point, implement in the new year.

Mr O'DONOHUE — Thank you, Minister, for that answer, and I note the reference to the anticipated changes at a future time. The opposition still remains concerned about the increased workload of VCAT, particularly given the volume and the current delays. Minister, the purposes clause changes the terminology used in the act in respect of landlords, rooming house owners, tenants and tenancy agreements. Just a minor question: 'landlord' and 'tenant' is old-fashioned language; how did the government arrive at the new terminology, which just escapes me at the moment —

Mr Dalidakis — Residential rental providers.

Mr O'DONOHUE — Residential rental provider. Noting the confusion that I think still operates in the property market between the old terminology of the vendor and the purchaser versus the seller and the buyer — that is, the changed language — how does the government propose to manage the transition from what, whilst old-fashioned and possibly archaic, is very commonly accepted and widely used?

Mr DALIDAKIS — The reason I am having a chuckle to myself is that when I left university and started my career at Deloitte, one of the questions at the time for our qualification was the change of name from 'profit and loss' and 'balance sheet' to 'statement of assets and liabilities' and 'financial performance'. Despite the accounting bodies at the time deciding that we should have those changes in names, no-one used them. The industry continued to call them a P and L and a balance sheet. If I move forward from 2002, when I believe the reforms were enacted by our professional bodies at that time, to 2018, people still call them a P and L and a balance sheet. So I think that it will take some time — hopefully not as much time as the accounting profession has demonstrated.

Part of the change, Mr O'Donohue, of course is to try and alleviate some of that old, archaic language and also to indicate that a range of different people are residential rental providers. There are different people who do that, there are renters and there are residents of course. Residential rental providers are representative of not just landlords, agents and community providers but registered accommodation providers and park operators as well. The term is seen as one that is inclusive and more modern. It will be up to me, you and everyone else to use the appropriate language to ensure that 16 years from now people are not having the same debate that we just had when I indicated my former

accounting glory — we still manage to get things wrong from time to time.

Mr MORRIS — I just want to go back to that same point with regard to the terminology that Mr O'Donohue used, and I certainly take on board your comments there, Minister, with regard to what happened previously. I was hoping you might be able to detail the rationale that the government has for this change. As you stated in your response to Mr O'Donohue, there have been changes to terminology in the past that have not achieved the desired effect of their being widely used in the community. Could you perhaps detail why it is that the government is seeking to make these changes to the terminology?

Mr DALIDAKIS — I thank Mr Morris. As I am advised, really to be succinct, renters rent and they do not necessarily see themselves as tenants. Now, I am being a little bit cute there, but let me say there is also an attempt to distinguish the terms from commercial leasing. Of course as Mr O'Donohue indicated in his question to me just prior to yours, it does go back to very old, archaic terminology. The terms were designed to be seen as less adversarial. Also the word 'landlord' is very archaic as well. The use of the words is not seen as something that should probably take up too much of our time here, but it is to try and modernise the language between people who are residential rental providers and renters.

Mr O'DONOHUE — Minister, I want to take you to the purposes clause, clause 1(a)(iii):

> to prohibit false, misleading or deceptive representations about premises and misleading or deceptive inducements to enter residential rental agreements by residential rental providers or the providers' agents …

I note that purpose is legislated through various parts of the bill. What is the rationale for this change when other statutes prohibit false, misleading or deceptive conduct already? What is the legislative gap that requires this insertion in the RTA that is not covered by other existing legislation?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. As I understand it, Mr O'Donohue, the reason for that is that other statutes do not apply to landlords who are not acting in trade or commerce.

Mr O'DONOHUE — Okay. So, but for this insertion, false, misleading or deceptive representations would not give rise to a cause of action?

Mr DALIDAKIS — As per my advice, yes.

Mr O'DONOHUE — The opposition, as you would be aware, Minister, has some amendments in relation to the issue of pets, which relate to the purposes clause, clause 1(a)(viii) of the bill. As my colleague Mr Davis said, most renters are reasonable and do the right thing, as do most landlords, but some landlords would prefer that the renter not have a pet. I note that there is no definition of 'pet' in the bill. Why hasn't a definition of 'pet' been provided in the bill? What is the government's definition of a pet?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. Can I draw Mr O'Donohue to page 8 of the bill where there is indeed a definition of pet, meaning:

> … any animal other than an assistance dog within the meaning of the **Equal Opportunity Act 2010** …

Mr MORRIS — I was just hoping to pick up on that issue. I see the point you are making, Minister, but I would say that rather than being a definition of what a pet is, it is a definition of what a pet is not. If we had an idea of what a pet meant; a pet may mean something to one person and another thing to others. A golden retriever may be seen as a pet to one person whereas an elephant could be a pet to another person. Minister, can you detail to the committee whether or not there is an exhaustive list or other that would define what a pet is for the purposes of this bill?

Mr DALIDAKIS — I am confident that the member's question is in good faith, and if he wishes to have a carpet snake as his pet, by this definition, he would be entitled to do so. Let me just say for clarity's sake, Mr Morris: a pet means any animal other than an assistance dog. So indeed, under your scenario, if you wanted to have an elephant — good luck to you. I am not sure how you would manage that, but under the definition that would be any animal other than an assistance dog.

Mr O'DONOHUE — Minister, I just want to take that a bit further. These are genuine questions because this is a matter of contention in the bill and it is something which through the stakeholder engagement process we have had significant feedback about. Doesn't the government have concerns that there could be all sorts of exotic animals, potentially dangerous animals, animals that are inconsistent with a —

Ms Symes — It is the same as in your own house.

The DEPUTY PRESIDENT — Order!

Mr Morris — But you own that house.

Ms Symes — It is exactly the same. These are stupid questions.

The DEPUTY PRESIDENT — Ms Symes, please return to your place if you want to interject.

Mr O'DONOHUE — Deputy President, Ms Symes may think these are stupid questions —

Mr Dalidakis interjected.

The DEPUTY PRESIDENT — Order!

Mr Dalidakis — Just focus on me.

Mr O'DONOHUE — I am not sure that is the answer either.

Mr Dalidakis — I don't fit the definition of a pet either.

Mr O'DONOHUE — I have to disagree with Ms Symes, Deputy President. These are not silly or stupid questions as she characterises them. They are important questions, because I have a question about what is wear and tear. Wear and tear is defined in the bill too, but the issue of wear and tear with pet ownership is a factor. I love pets. Pets are great. Most people have pets, but depending on what sort of pet it is it can have a real impact on the wear and tear of a property and the impact on a property. I am concerned that Mr Dalidakis has confirmed that a pet can be anything except an assistance animal. I think it creates some very serious concerns.

Mr DALIDAKIS — I do acknowledge that for many people this can be a serious question, and I am not trying to make light of the question that you posed, Mr O'Donohue, or that of your colleague Mr Morris. We have managed to move well through the questions, and I hope I have indicated a desire to be inclusive and fulsome in my answers to all that have asked questions so far in this committee stage.

Can I say that the desire to have pets in one's house is predicated on a number of bases, and it is no different to somebody if they own their own property. The ability to have dangerous animals is governed by other by-laws, whether it be local government or legislation. For example, to import an Indian elephant through customs may be somewhat challenging unless of course they are an au pair, in which case that may be actually doable. But if I can return to the question and point Mr O'Donohue to the fact that, remember, a renter cannot actually just bring an animal into the property without seeking approval from the RRP, the residential —

Mr Morris — The residential rental provider.

Mr DALIDAKIS — Thank you, I just knew that you would go there, Mr Morris — residential rental provider. For the benefit of Hansard, I will refer to residential rental providers in future as RRPs. I will mind my Ps and Qs. In relation to this it is important to reflect, on a serious note, that you cannot simply bring a pet onto your rental premises without the approval of your RRP. Under this scenario you need to seek the approval of your RRP in order to have your pet be allowed onto the premises. What happens is that — and this is important, Mr Morris; I want to make this clear for you — for the RRP it is from the time that they receive that request. For example, if Aunt May is 78 years of age and does not use email and she wants to send a letter by post, that 14 days does not begin until the provider receives her request. Then if within 14 days Aunt May does not receive a response, at that point she can look to bring her pet onto the premises. If within that 14 days, once the provider has received Aunt May's request and they say no for a range of different reasons — 'We don't want Aunt May to bring her Indian elephant onto the property because she's living in a unit and the backyard's only 2 metres by 1 metre and not really physically able to have an elephant living in that space' — then the RRP has the opportunity at that point to seek the support of VCAT to tell Aunt May why she cannot have a pet on those premises. Now, I am not sure that at 78 Aunt May is looking to have an elephant, but the process is still the same nonetheless, and I think that is important for us to reflect upon.

In terms of the nature of that pet, yes, I can appreciate there could be dangerous pets from time to time. There could be people who like to keep spiders, which would scare the heebie-jeebies out of me if I was their neighbour, or indeed snakes or exotic animals, but they would have to be required to look after those animals in a not dissimilar way to, Mr Morris, you or I should we own our own properties. But of course the fail-safe there is the need for that request to be put in writing within 14 days and the tenant not being allowed to bring the pet onto the premises prior to undertaking that process.

Mr MORRIS — I did just want to make the point that I understand that the minister has made comments about what someone can do in a property they own and what someone can do in a property they rent. He says that this bill brings them into line. I would just make the point that the clear difference is that when somebody owns a property, they own it, and when somebody rents a property, they rent it — they do not own it. I think that is an important distinction that needs to be made.

Unfortunately I am not sure the government fully recognises that with regard to this bill.

I did just want to go back to that point the minister made before. If we have somebody who has taken up a tenancy and they decide that they want to bring a pet of whatever description onto the property, the landlord — they have a different name now; I will have to get used to it —

Mr Dalidakis — RRP.

An honourable member — The artist formerly known as the landlord.

Mr MORRIS — The artist formerly known as the landlord. So the RRP — I am quite sure this is the only time that is going to be used — has 14 days in which to evaluate that request. If the RRP receives that correspondence after the 14 days expires —

Mr Dalidakis — The 14 days doesn't start until they receive it.

Mr MORRIS — It does not start until they receive it. In that case, Mr Dalidakis, in effect a residential rental provider could then deliberately not receive that request and therefore that renter would not be able to bring that pet onto their property indefinitely. Indeed this could be a backdoor way of ensuring that no pets were brought onto the property. Is that the case?

Mr DALIDAKIS — Well, theoretically, if somebody was looking to act in bad faith, they could do that in any number of ways, Mr Morris. What we are attempting to do is provide a framework to enable people to bring out the best in them and to ensure that there is a framework that people understand and can work by. Of course you would have to appreciate that if an RRP acted in such a way, then I think that would reflect poorly on their ability to seek future people as renters. As you would be aware, there are people, no doubt the agents, who deal with situations when owners cannot, but if it is a direct owner-renter relationship, then it works counterintuitively, because as we all know, in order to ensure a good harmonious relationship between an RRP and a renter — a tenant, if you will — they need to have an appreciation of good and bad faith in that relationship.

In the situation we have discussed, the 14 days does not begin until the residential rental provider actually receives that request for an animal. If they were to receive that mail and ignore it, then it does provide for a renter to undertake action at VCAT, but they would need to prove that that request had been received. They could do that through Australia Post and registered mail. That would be one way to be able to prove that they had received that request. I am not sure if it would work in the RRP's favour if they undertook that kind of behaviour.

Mr MORRIS — I just want to further expand on that. Just for certainty, we have a tenant who has made a request to have a pet on the property they have leased and they give notice to the landlord, for want of a better word —

Mr Dalidakis — RRP.

Mr MORRIS — They give notice to the RRP that they want to have a pet on their property. The person who has taken out the rental property, the renter, cannot get in touch with the RRP. Just for argument's sake, say they tried to contact the RRP for six months, and perhaps the RRP was overseas and uncontactable. Am I correct in saying that that renter would need to go to VCAT before bringing that pet onto the property and seek a determination from VCAT as to whether or not that pet was indeed allowed on the property?

Mr DALIDAKIS — I thank Mr Morris for his further question. The onus is on the RRP to seek approval from VCAT to refuse consent for a pet. That happens once they have received the request from the renter. Under the example that you provide, should a renter not be able to seek a response from the RRP, then there is the opportunity for the renter to seek guidance from VCAT directly. Let me just seek advice from the box to confirm that.

Indeed, Mr Morris, as I indicated to you, the advice I have received confirms that in that situation. Let us use an example of my own. We talked about Aunt May before: 78 years of age, does not use email. She sends her letter to the RRP for approval, but the RRP in this case has gone on a six-month cruise, is not accessible and does not have access to their written correspondence while they are away, which begs the question that they have not left contact details should something happen for the renter. Let us put that aside for one moment. The renter does have the ability to go to VCAT and argue, for example, that over a period of time they have undertaken their obligations to request that approval and have not received an appropriate response, and then VCAT could make a determination at that point. That is not really the way that this has been designed, but that could happen.

Mr MORRIS — Minister, I suppose one of the critical things about the committee stage is that we tease out all of the things that may not have been intended but may occur under a proposed piece of legislation. I

suppose many have raised concerns about the potential impacts on the workload of VCAT as a result of this bill if it were to be passed, and I was just wondering whether or not the government has undertaken any examination or investigation of the impacts that this bill will have on the workload of VCAT.

Mr DALIDAKIS — I do not wish to be disrespectful to you, Mr Morris, but Mr O'Donohue asked me the exact same question, which I have already answered. For the benefit of your request, what I have indicated is that that will be worked through of course next year, should the legislation pass and be enacted, and that there is a desire for the residential tenancies list at VCAT to be resourced appropriately.

Mr Ondarchie interjected.

Mr DALIDAKIS — Not at this stage. I have already indicated, not at this point.

Mr MORRIS — I wanted to go back to something else in the purposes clause under paragraph (a)(ix), which states:

> to require a residential rental provider to provide and maintain premises that meet certain … minimum standards.

Whilst there is some detail within the bill with regard to these minimum standards, I am just wondering if the minister can clarify where these minimum standards will be grandfathered and where these minimum standards are going to become universal once this bill is enacted. In other words, is there going to be a time frame for these minimum standards within rental properties to be upgraded, or once this bill comes into effect are these minimum standards going to be enforced immediately upon that occurring?

Mr DALIDAKIS — I thank Mr Morris for his question and indulgence. I can refer Mr Morris to a clause that we are yet to get to — clause 52. As I understand it, clause 52 of the bill, which is on page 65, inserts new section 65A, which says:

> (1) Without limiting sections 65, 68 and 70, a residential rental provider —

an RRP, again —

> must ensure that rented premises comply with prescribed rental minimum standards on or before the day …

New section 65A(2) then sets out what happens if they do not comply. In terms of the definition of the rental minimum standards, they are prescribed.

Mr O'DONOHUE — I want to take you to what Mr Morris referred to:

> …a residential rental provider to provide and maintain premises that meet certain rental minimum standards …

Mr Dalidakis — So clause 1(a)(ix)?

Mr O'DONOHUE — Correct, but looking at it in the context of the state's housing stock and in a broader sense that the new requirements of this bill will bring on an RRP, to use your acronym, Minister. Has the government done analysis as to any cost implications for the state, as a significant provider of housing in the marketplace, to comply with the new requirements that are part of this bill?

Mr DALIDAKIS — I thank Mr O'Donohue for his further question. The reforms are aimed at improving the state of rented premises and ensuring that renters have an opportunity to rent safe and sustainable living premises from the beginning of their tenancy. Now, the reforms indeed give the minister for consumer affairs power to prescribe in regulations — and this probably goes back in part to Mr Morris's question — minimum standards for residential rental properties. Standards that would be prescribed include basic yet critical requirements which no reasonable person could object to, things such as a vermin-proof rubbish bin; a functioning toilet; adequate hot and cold water connections in the kitchen, bathroom and laundry; external windows that have functioning latches to secure against external entry; a functioning cooktop, oven, sink and food preparation area; a functioning single-action deadlock on external entry doors; functioning heating in the property's main living area; and window coverings to ensure privacy in any room the owner knows is likely to be a bedroom or main living area.

The power to prescribe these minimum standards has been designed with flexibility so that standards that are imposed under other Victorian legislation, like energy and water efficiency requirements, can be incorporated. And of course should an RRP not meet the standards, should they fail to comply, this then triggers a variety of responses, including potential fines, urgent repairs to premises or termination of the parties' agreement before a renter has even moved in. I think, having read those out to you, Mr O'Donohue, you will agree that they are not extensive and they are not prescriptive beyond providing a basic level of environment for the renter in the premises that they are looking to rent. Whilst your question to me was whether we have effectively modelled the costs it would take to have an RRP meet those standards, I would suggest to you that meeting those standards should not cost an RRP a

significant amount of money, because if you do not have a functioning toilet, if you do not have running water, if you do not have an ability to heat the premises in the main living space and if you do not have locks on the windows, it would be very hard for somebody to agree to rent that premises in the first place.

Mr O'DONOHUE — Minister, thank you for that answer. Whilst in theory you are correct, my observation of some of the state's housing stock is that it would not meet those minimum requirements, and it should be safe and secure and the like. So I suggest to you that if this law is to apply to the state's housing stock, particularly some of the older residential towers in and around the inner suburbs of Melbourne, there could well be a significant financial implication for the state.

Mr DALIDAKIS — I thank Mr O'Donohue for that question or, rather, comment. I accept the comment as stated. It is my understanding that the director of public housing is required to meet that minimum standard that we have just discussed in order to provide that housing to somebody that takes that up, but I agree nonetheless.

Mr O'DONOHUE — Just a further point on the issue of minimum standards: there are subsequent clauses. Clause 58 deals with the requirement to have locks. I think Mr O'Sullivan and Mr Morris in their second-reading contributions raised the issue of different standards or different requirements depending on different parts of Victoria and noted that for someone in a more remote location a functioning deadlock may not necessarily be required. I suppose that same principle could be applied to the application of some of the standards as well, depending on location. I would invite you to make a comment about that, Minister. I trust you heard Mr Morris's contribution about that, talking about whether the need to provide a functioning deadlock is required in every part of Victoria, for example.

Mr DALIDAKIS — I thank Mr O'Donohue for his question. Unfortunately I heard neither. Whilst I am poorer for it, fortunately Hansard will have recorded it so I do have the ability to go back and read it at different stages of the evening when I am struggling to sleep. Can I say, though, that, as I indicated to you, basic minimum standards for rental properties do include external windows that have functioning latches to secure against external entry, and my understanding is that of course that includes a functioning single-action deadlock on external entry doors. So that is part of the minimum basic requirement, as I indicated to you moments ago in relation to your previous question.

Clause agreed to.

Clause 2

Mr O'DONOHUE — I just raise a question on clause 2 in relation to the act not coming into operation before 1 July 2020. I think that was raised previously, and I note that the Scrutiny of Acts and Regulations Committee raised it in their report on the bill. Could you explain to the house, Minister, why the normal default commencement date of 12 months from the date of introduction is not proposed in the bill?

Mr DALIDAKIS — Thank you, Mr O'Donohue. Can I suggest that that is actually not the case and that in fact the bill comes into operation on a day or days to be proclaimed but if it is not proclaimed earlier then the bill comes into operation by default on 1 July 2020. So on proclamation the bill comes into effect. It only comes into effect in 2020 if it is not proclaimed earlier than that date.

Mr O'DONOHUE — With respect, Minister, that was not my question. The default commencement date is normally no more than 12 months from the date of introduction of a bill. The default commencement date is 1 July 2020.

Mr DALIDAKIS — Sorry; I misunderstood you. It would still need to effectively be passed and then proclaimed. I will seek advice, but my understanding is that, should the Parliament choose to pass this legislation, the bill will obviously be proclaimed forthwith. But I will seek the guidance from the box about why 2020 was chosen.

Mr O'Donohue, that is a much better question than I had anticipated. I apologise for being unfair. So the reason that it has got the proclamation date of the middle of 2020 is, as I am advised, that there is an expectation that consultation in relation to the regulations that the minister will set could take up to 18 months, and so the proclamation date of 1 July 2020 effectively allows for that 18-month period but ensures that consultation with stakeholders within the sector does not go beyond that period. So it will come into effect on that day and effectively see that stakeholder regulatory consultation period be done before that period, but if not, then it comes up at that date.

Mr O'DONOHUE — Thank you, Minister, for that explanation. As part of the consultation period, will there be a formal regulatory impact statement (RIS) process completed?

Mr DALIDAKIS — I can confirm to Mr O'Donohue that the answer to that question is yes.

Clause agreed to; clause 3 agreed to.

Clause 4

Mr O'DONOHUE — I just want to ask a couple of questions about one or two of the definitions. On page 5 of the bill it says:

> ***efficiency rating system*** means a system of rating the efficiency of any appliances, fixtures and fittings prescribed for the purposes of section 54(1), 69 …

One of the concerns that has been raised by stakeholders with the opposition is that whilst we all support our homes and the housing stock becoming more energy efficient there is obviously a cost associated with that, and part of the bill may require higher energy-rated hot-water systems and the like to be required for the housing stock. What comfort can you give to the sector and to the providers of the supply to the marketplace that they will not be required to install top-rated energy hot-water systems in a quick way that will impose an unrealistic cost burden?

Mr DALIDAKIS — Thank you, Mr O'Donohue. Can I say that if I reflect back on the basic minimum standards for rental properties that I took you through about 5 minutes ago, at this point in time energy products, or the efficiency of appliances, fixtures and fittings as prescribed for that clause that you have asked a question about, are not part of the minimum standards. Again, because it is not part of the minimum standards, that should not be a concern for our RRPs in terms of the mandating of it. But again, if I reflect, I did say that there was some flexibility built in to allow the minister to look to incorporate additional standards such as energy and water efficiency requirements.

So on the one hand I am giving you advice that there is no minimum standard for this at this point; on the other hand I have given you advice that there is the ability for the minister to of course look to incorporate standards imposed under other Victorian legislation. Again that is a requirement of flexibility with other Victorian legislation, but what I can say to you is that there is no minimum standard requirement at this point in time that would give RRPs cause for concern.

Mr O'DONOHUE — Thank you, Minister. I suppose hopefully that RIS process you referred to earlier will also balance out the competing priorities that we have referred to. The next definition, Minister, again on page 5, refers to an 'embedded electricity network', which means a privately owned electricity network. Minister, the government has floated the idea of a public energy network. Why does the bill specify only a privately owned energy network?

Mr DALIDAKIS — I will confirm with the box, Mr O'Donohue, but there are some states that do have energy provided through their own means, so that would I believe take that into consideration.

I can confirm to you, Mr O'Donohue, that I was quite correct. It is pleasing for everyone here to make sure that I am not taking up time unnecessarily. What I can also provide as additional information is that embedded networks are increasingly becoming more popular as a distribution model in multitenanted developments and their regulation is currently under review by the Department of Environment, Land, Water and Planning.

Ms BATH — I was just listening to the questions around clause 4 in terms of an energy rating system, and I guess it just propelled me to a very sad situation that you, Minister, I am sure, would be aware of, which is when earlier this year a lovely lady died due to a Vulcan gas system. It was an aged system. I am assuming that these are going to be replaced now in an evolutionary process in housing systems that the government has jurisdiction over. Is this therefore likely to capture the new systems in place? So I guess I am looking for just a little understanding around that.

Mr DALIDAKIS — I thank Ms Bath for her question. Ms Bath, I think you came in just after I had taken Mr O'Donohue through the minimum standards, but as I indicated earlier, one of them in fact is a functioning heater in the property's main living area. That is a requirement, and as my understanding is, of course the Department of Health and Human Services is required to comply with these minimum standards.

Clause agreed to.

Clause 5

Mr O'DONOHUE — I move:

1. Clause 5, page 8, line 31, after "any" insert "domesticated".

This issue has been canvassed — the definition of a pet or an animal — and we believe that it should be restricted so the classes of animals canvassed by Mr Morris in his questions are more limited. We are concerned that, notwithstanding the minister's answers about local government and other guidelines that restrict exotic animals and animals that are perhaps inappropriate, this should be codified in the act at a

minimum and that any pets should be domesticated animals, not crocodiles or —

Honourable members interjecting.

Mr O'DONOHUE — Well, all sorts of animals that would just be inappropriate.

Mr DALIDAKIS — The government will be opposing this amendment. We believe that the existing definition already takes into account what can and cannot be had. Of course, as I stated to questions earlier, there are limitations to what people can potentially have in their backyard. As much as my children would like an Indian elephant roaming around their backyard, the backyard would be very small.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr (*Teller*)
Finn, Mr (*Teller*)	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr (*Teller*)	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms (*Teller*)
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms

Amendment negatived.

Mr O'DONOHUE — I move:

2. Clause 5, page 8, after line 33 insert—

"***private student accommodation*** means a premises that—

(a) is primarily used to provide accommodation for students attending a school or an institution which provides education and training; and

(b) is not formally affiliated with (within the meaning of section 21(2)), operated, owned or leased by a school or an institution which provides education and training;".

I am seeking to create a clear distinction between private student accommodation, rooming houses and other forms of accommodation. As I said in my contribution to the second-reading debate, and as I said in relation to some points made to the minister when we were discussing clause 1, private student accommodation is a discrete form of accommodation that needs to be defined in the act and that ultimately, I think, needs its own section in this legislation — in the RTA — because of the growth in the sector, the importance of the sector and the specific requirements of that sector.

Mr DALIDAKIS — The government will not be supporting the amendment as per my earlier and substantive answer to Mr O'Donohue. Again for the record I reassure the international student community, because this also impacts upon them, that the government is interested in their welfare, and I will continue to work with the Honourable Phil Honeywood in relation to international student accommodation and homestay.

Dr RATNAM — I will just ask a question regarding the student accommodation definition, and it pertains to the amendment as well. Minister, apologies; I think I might have missed some of the contribution earlier when there was a more substantive discussion about student accommodation, so if you could just indulge me asking this question for the record. We do have some concerns about student accommodation that have been raised by student accommodation providers. It does not seem to be well considered under this bill and it is not defined, which the amendment goes to. It does not seem to have any specific considerations applied to them, but obviously it is a specific type of landlord-tenant relationship that has some specific considerations as well due to the nature of the accommodation and particularly due to the provision of communal facilities. Can the minister outline again where he sees student accommodation providers fitting within this bill and any consideration that has been given to the specific circumstances of that accommodation type? I understand that you did speak to it before, but I missed some of that contribution, so could you just reflect a little bit —

Mr Dalidakis — I thought your question was to Mr O'Donohue.

Dr RATNAM — No, my question is to you regarding something I think you referred to previously. I am talking about student accommodation. I did miss some of that contribution. Could you just outline again where you think student accommodation fits, given that it is not defined in this bill, and what consideration has been given to the specific circumstances of that accommodation type?

Mr DALIDAKIS — Dr Ratnam, I did extensively answer Mr O'Donohue on this earlier, but we give every member one more go of right, so I am happy to indulge you. It is a serious issue. My response to Mr O'Donohue at the time leant very extensively on my role as trade minister, because international education falls within my trade portfolio. International education is our number one services export earner. It contributed nearly $9.9 billion of revenue to the state of Victoria in the calendar year 2017, and it employs in excess of 58 000 people across the state. So it is a very serious issue for us as a social welfare issue for international students as well as an economic issue for us.

What I indicated to Mr O'Donohue was that I have indeed been working with a former minister in the other place in a former government, the Honourable Phil Honeywood. I have worked with him closely and extensively on this issue. Mr Honeywood indicated to me that the previous federal minister had indicated that they were considering an investigation into homestay and international student accommodation. I indicated to Mr Honeywood, given that he not only was on a committee of mine here in Victoria but also sat on a national committee, that it was my desire to see a national approach to that issue. Unfortunately in the aftermath of *Fright Night 2* when Prime Minister Morrison took over from Prime Minister Turnbull and with the ministerial changes my understanding is that there is not a desire to proceed with a national framework and a national review into homestay and international student accommodation.

As I indicated to the chamber in response to Mr O'Donohue's question and as I indicate to you, should this government be returned, and should I be the minister responsible, I will ask Mr Honeywood to lead a review into international student homestay and accommodations, because I do acknowledge that it is an issue that does need attention from the government. If the federal government will not look at it across the board, then I will certainly provide that leadership for student accommodation and homestay here in Victoria.

Dr RATNAM — Thank you for obliging me with that one once again. More specifically, in terms of student accommodation and particularly the communal facilities that they often have, I am just wondering do you believe, in light of the amendment that has been proposed that has a definition of 'student accommodation', that the bill as it is provides enough guidance for what happens in those circumstances where we have quite special considerations of communal facilities? For example, if there is an application for a pet, could the whole building get exempted because of the communal facilities it could impact, or would they have to go to VCAT for every single application? I am just wondering: do you think the bill speaks enough to those circumstances, or is an extra definition needed?

Mr DALIDAKIS — I thank Dr Ratnam for her further question. Can I indicate that not all student accommodation providers operate rooming houses, and that is where the distinction for the benefit of this legislation sits. Some student accommodation providers are also exempt from the Residential Tenancies Act because they may be affiliated with an educational institution. Beyond that of course if a student accommodation does not meet the definition of a rooming house, then it will not be affected by the RTA reforms to introduce a very tailored rooming house agreement in order to accommodate that. If student accommodation providers are operating rooming houses, they may still use part 2 of the residential rental agreements in relation to any self-contained apartments, recognising that of course students in a rooming house can sometimes have a slightly different form to other rooming house inhabitants.

Sitting suspended 6.31 p.m. until 8.03 p.m.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr (*Teller*)	Ondarchie, Mr
Carling-Jenkins, Dr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr (*Teller*)
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr (*Teller*)	Somyurek, Mr
Melhem, Mr	Springle, Ms
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms (*Teller*)
Patten, Ms	Truong, Ms

Amendment negatived.

Clause agreed to.

Clause 6

Mr O'DONOHUE — Minister, I noted your observation earlier that neither you nor I have carriage of this bill except in this chamber, so in that context I ask a question on page 17 of the bill, where clause 6

inserts new section 3A(a)(iv) under 'Objectives of this Act' about site owners and site tenants under site agreements. Can you describe for my benefit and the benefit of the committee what type of tenancy arrangements they are? Are they demountables and that type of accommodation? Your advisers are giving me a big nod.

Mr DALIDAKIS — I thank Mr O'Donohue for his question. That is correct. It is effectively a demountable, so the land underneath is the land they rent but the dwelling is their own.

Mr O'DONOHUE — Thank you. Minister, there are some specific sections in the act dealing with caravan parks. We had a discussion in the second-reading debate, and the minister's second-reading speech talks about it. Ms Fitzherbert asked a question about caravan parks that are converted and the impact on the supply of caravan park-style accommodation arrangements. Does the bill have anything specific for tenants in these demountable-style premises?

Mr DALIDAKIS — As I am advised, tenants in a caravan park are under part 4 and the demountables are under part 4A under the site agreement.

Mr O'DONOHUE — Do the protections that this bill is seeking to put in place in relation to caravan parks also apply to the demountables?

Mr DALIDAKIS — Yes.

Mr O'DONOHUE — They do. Thank you.

Clause agreed to; clause 7 agreed to.

Clause 8

Mr O'DONOHUE — Minister, just a question on clause 8, headed 'Minister may declare building to be a rooming house'. It outlines how the minister can make that declaration. Can you just describe to the committee when that power will be exercised?

Mr DALIDAKIS — Yes, certainly. I thank Mr O'Donohue for his question. I am happy to advise him that in relation to the expansion of buildings that may be declared as a rooming house to include a building owned or leased by a registered housing provider within the meaning of the Housing Act 1983 or registered housing association within the meaning of that act, a notice under section 19(3) may be published on the internet rather than exclusively in the *Government Gazette*.

Mr O'DONOHUE — Thank you, Minister. I appreciate that information. What sorts of circumstances would give rise to that declaration? What is the policy intent?

Mr DALIDAKIS — Internet as distinct from gazette.

Mr O'DONOHUE — Why is that power needed? Is there a certain threshold or a number of residents?

Mr DALIDAKIS — As I am advised, Mr O'Donohue, in fact this is an existing provision in terms of just modernising different distributions of information.

Clause agreed to; clauses 9 to 16 agreed to.

Clause 17

Mr O'DONOHUE — I move:

3. Clause 17, page 31, after line 7 insert—

> "(2) A residential rental provider may apply to the Tribunal for an order requiring a renter who occupies rented premises under a periodic residential rental agreement to enter into a written residential rental agreement.".

4. Clause 17, page 31, after line 20 insert—

> "(3) The Tribunal may make an order requiring a renter to enter into a written residential rental agreement if the Tribunal is satisfied that—
>
> (a) the residential rental provider and renter are subject to an existing periodic residential rental agreement or a residential rental agreement that is not in writing or that is only partly in writing; and
>
> (b) the renter is continuing in occupation of the rented premises after a previous fixed term residential rental agreement has ended.".

The object of these amendments is to require a residential rental agreement to be reduced to writing. I think in the previous bill this place considered that. With the amendments to the Residential Tenancies Act 1997 and the creation of longer lease periods, one of the requirements was that those longer leases be reduced to writing. As I think the minister's second-reading speech for that bill noted, having a written agreement reduces uncertainty, confusion and the like. In a similar vein the opposition believes there should be a capacity to apply to VCAT to seek an order requiring a renter who occupies rented premises under a

periodic residential rental agreement to enter into a written residential rental agreement.

Mr DALIDAKIS — I thank Mr O'Donohue for his proposed amendments. The government will not be in a position to support them. The government's view is that, on balance, the amendments are unfair, restrictive and redundant because the amendments as they stand would force a renter living in premises under a periodic residential rental agreement to enter into a written residential rental agreement for a specified fixed term.

Mr O'DONOHUE — I just ask the minister to clarify how is what the opposition is proposing redundant?

Mr DALIDAKIS — Again, Mr O'Donohue, as I explained, the government does not believe that they are necessary to then enter into a written residential rental agreement for a specified fixed term.

Committee divided on amendments:

Ayes, 17

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr (*Teller*)	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms (*Teller*)	Young, Mr
Morris, Mr	

Noes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr (*Teller*)
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms (*Teller*)	Tierney, Ms
Mulino, Mr	Truong, Ms
Patten, Ms	

Amendments negatived.

Clause agreed to; clauses 18 to 20 agreed to.

Clause 21

Mr O'DONOHUE — Minister, I just want to clarify something with you on page 34. Clause 21 inserts new section 30C under division 1B: 'Residential rental provider must not request prescribed information from applicants'. Again, I assume they are private details of the applicant. There is only certain information that can be requested. Can you just clarify for me what new section 30C actually means?

Mr DALIDAKIS — As I am advised, basically what new section 30C does is it ensures that an RRP can obviously seek feedback from referees that are provided, but they cannot seek any other information that is not required on the form itself.

Mr O'DONOHUE — Thank you, Minister, for that answer. I just had one other question on the same part, but on page 36, division 1C, on rental auctions, and I apologise if this information is publicly available but I have missed it. Can you just give some information to the committee about how prevalent rental auctions are in the current market?

Mr DALIDAKIS — Mr O'Donohue, as I am advised, the reason that this came about was because of stakeholder feedback and also anecdotal information that this was occurring. So this is just simply an attempt to try to lock it down to ensure that those types of auctions do not occur to unfairly take advantage of people in a hot market.

Mr O'DONOHUE — Thank you, Minister. I appreciate that. Do you have any data on whether it is 1 per cent, 10 per cent, 5 per cent or infrequent, or just any feedback about how common rental auctions are?

Mr DALIDAKIS — I have got no data that I can refer to at this point in time beyond the feedback we received in consultation and that anecdotal feedback that we received. I am not sure that there is any hard evidence that exists.

Clause agreed to; clause 22 agreed to.

Clause 23

Mr O'DONOHUE — I move:

5. Clause 23, page 39, line 4, after "64" insert "or in respect of the keeping of a pet under section 7IF".

This is a test for my amendments 16 and 17. This amendment is in relation to the keeping of pets and the issue of a bond for pets. The opposition believes that there is added risk for an RRP if a pet is at the premises and that should be reflected in the bond, and that is the purpose of this amendment.

Mr DALIDAKIS — We believe that the amendment as proposed by Mr O'Donohue is proposed in good faith. We think that the amendment on face value does sound reasonable; however, the government will not be supporting it for a number of reasons, including the fact that the requirement of a pet bond we believe is superfluous because the renter is already liable to reimburse the RRP for any damage to the

premises caused by their pet or a failure to otherwise leave the premises in a reasonably clean condition.

Furthermore, the bill also inserts new section 27C, which allows the RRP to require that the renter have all or part of the rented premises professionally cleaned, including fumigation, if this is necessary to restore the premises to the condition that they were in immediately before the start of the tenancy. Lastly, whilst I know that this is not the intention of either Mr O'Donohue's amendment or indeed of the contribution that he has made just now, there is the view that that potentially does discriminate against people who are dependent upon an assistance dog, because that would require them to have that additional pet bond as well.

Again, financially disadvantaged renters are another group that we would be concerned for, but overall, as I have indicated, under section 27C and the existing bond itself the tenant is still liable, thus we do not believe that a pet bond is required.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O'Sullivan, Mr
Dalla-Riva, Mr (*Teller*)	Peulich, Mrs
Davis, Mr (*Teller*)	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (*Teller*)	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms (*Teller*)

Amendment negatived.

Clause agreed to; clause 24 agreed to.

Clause 25

Mr O'DONOHUE — I invite members to vote against this clause. Clause 25 inserts a new section 35A, headed 'Residential rental provider or renter may apply to Tribunal to amend inaccurate or incomplete condition report'. The opposition believes this will create another burden on the tribunal, and this is not the most appropriate way for that matter to be resolved. Therefore I invite members to vote against clause 25 so that new section 35A will not be inserted in the act.

Mr DALIDAKIS — The government will not be supporting the invitation to omit the clause. Can I say from the outset that there is no bigger supporter on this side of the chamber of removing a regulatory burden than I. However, this particular clause provides for VCAT to correct an inaccurate or an incomplete condition report, and as such we think that that benefits both the RRP and indeed the renter.

The DEPUTY PRESIDENT — If there are no further speakers, I will put the amendment moved by Mr O'Donohue, but members should understand that I will put the clause to the test. Members who wish to support Mr O'Donohue's amendment to omit the clause should vote no.

Committee divided on clause:

Ayes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr (*Teller*)	Symes, Ms (*Teller*)
Mikakos, Ms	Tierney, Ms
Mulino, Mr	Truong, Ms
Patten, Ms	

Noes, 17

Atkinson, Mr	O'Donohue, Mr
Bath, Ms (*Teller*)	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr (*Teller*)
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Clause agreed to.

Clauses 26 to 33 agreed to.

Clause 34

The DEPUTY PRESIDENT — I ask Mr O'Donohue to move his amendments 7 and 8, which are a test for his amendment 27.

Mr O'DONOHUE — I move:

7. Clause 34, page 47, line 14, omit "agreement";" and insert "agreement".".

8. Clause 34, page 47, line 15, omit all words and expressions on those lines.

The opposition is basically seeking to retain the status quo — that RRPs can ask for a rental increase at six-monthly intervals. I note the comments of Mr Davis during his second-reading contribution when he spoke of the flexibility that shorter term leases can bring to people moving interstate for a specific purpose or from overseas for a specific purpose or people who are taking a short-term rental agreement in between perhaps moving from one property to another. In that context we believe the status quo should be retained.

I also note, and as numerous members during the second-reading debate cited, that returns on residential properties have decreased over time. This bill will increase the regulatory burden on those same owners. The risk we in the opposition feel is that it could actually have the perverse outcome of reducing the available stock in the marketplace, notwithstanding the answers the minister has provided to previous questions about that issue. So in the broader context the opposition believes we should retain the current arrangements, and therefore we seek to reduce the 12 months to six months.

Mr DALIDAKIS — I thank the member for his amendment. The government will not be in a position to support his amendment. We believe, as I indicated earlier to the chamber, that the provision for annual rent increases does provide greater stability for renters. It does not impede the ability of RRPs to set that increase annually. The yearly frequency in practice of course allows for rental increases, but rather than doing it six-monthly, we believe that yearly is far and away a better practice.

Dr RATNAM — We are opposing these amendments on the grounds of affordability, as has been canvassed in the debate before. This is a really significant part of the reform, something that renters have been crying out for for a very long time. They are often exploited and taken advantage of, when rent increases can be levelled at them every six months. It is really important that the 12-month clause is now introduced for the sake of affordability for renters, who are often at the vulnerable end of the housing market.

Committee divided on amendments:

Ayes, 17

Atkinson, Mr
Bath, Ms
Bourman, Mr
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs (*Teller*)
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms (*Teller*)
Young, Mr

Noes, 21

Carling-Jenkins, Dr (*Teller*)
Dalidakis, Mr
Dunn, Ms
Elasmar, Mr
Gepp, Mr
Jennings, Mr (*Teller*)
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Ratnam, Dr
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms

Amendments negatived.

Clause agreed to; clauses 35 to 39 agreed to.

Clause 40

Mr O'DONOHUE — Minister, I have a query about how clause 40 will operate, specifically the new section 53A to be inserted into the act:

> **53A Residential rental provider's liability for excessive usage caused by faults**
>
> (1) Subject to subsection (2), if a renter has been charged for excessive usage of a service at the rented premises caused by a fault in infrastructure or any fixtures or buildings at or connected to the premises, the residential rental provider is liable for that part of the excessive charge that is additional to an amount of ordinary usage by the renter.

Minister, how is that ordinary usage to be calculated? Is that by comparison to previous bills? Is it a standard ratio for the number of inhabitants, say, in a household? How would that be calculated?

Mr DALIDAKIS — As I understand it, it is in the explanatory memorandum on pages 31, 32 and 33. In response to Mr O'Donohue, I am advised that in effect they will look at ordinary usage, so if there is a spike, then they will deal with that as a discrepancy.

Clause agreed to; clauses 41 to 47 agreed to.

Clause 48

Mr O'DONOHUE — I move:

> 9. Clause 48, page 58, after line 10 insert—
>
> "Penalty: 60 penalty units.".

The purpose of amendment 9 standing in my name is to insert the addition of '60 penalty units' after line 10 so that the penalty applicable to both the RRP and the renter is the same. We believe that will provide balance to this element of the bill.

Mr DALIDAKIS — I thank Mr O'Donohue for his further amendment. The government will not be supporting the amendment. We do not believe in criminalising renters' non-compliance with the duty to leave the rented premises reasonably clean at the end of tenancy. We think that is inappropriate, and the act already provides the RRP with other pathways to require performance of this duty provision. Of course that, as I have already explained, includes obviously the bond itself or requirements for premises to be professionally cleaned accordingly, so we do not think it is necessary, and that is why we are opposing it.

Dr RATNAM — Could I ask a question of the mover of the amendment, through the Chair. I did not quite grasp the rationale for the amendment. Is it possible for the mover of the amendment to once again outline the rationale for this amendment?

Mr O'DONOHUE — Thank you, Dr Ratnam. This merely seeks to replicate the penalty that applies to an RRP to the renter so that the penalty is the same.

Dr RATNAM — The Greens will also be strongly opposing this amendment. Once again, we have bonds for a reason, and if there are outstanding costs that arise post a renter leaving a property, there is proper recourse through a very established bond system that does work quite well. This is really unfair and too high a penalty for renters, who already face a number of barriers in terms of housing affordability. It is really outlandish to propose this amendment.

Mr MORRIS — The minister made reference to criminalising the renter if they do not leave the rented accommodation in a clean condition. I was hoping the minister might be able to confirm or explain that use of the word 'criminalise' with regard to his statement on this amendment.

Mr DALIDAKIS — Mr Morris, I am happy to accept your question in good faith. It is an imposition of a criminal penalty on the renter, not criminality in terms of saying, 'You're going to jail'. The criminality is in terms of the penalty.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr (*Teller*)
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr (*Teller*)
Morris, Mr	

Noes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr (*Teller*)	Shing, Ms
Jennings, Mr	Somyurek, Mr (*Teller*)
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr	Truong, Ms
Patten, Ms	

Amendment negatived.

Clause agreed to.

Clause 49

Mr O'DONOHUE — I move:

10. Clause 49, line 7, omit "may" and insert "must not".

11. Clause 49, lines 8 to 10, omit "that are prescribed modifications without the residential rental provider's consent." and insert—

"unless—

(a) the modifications are prescribed modifications; or

(b) the residential rental provider has given consent to the renter to make the modifications.".

The amendments seek to tighten the works that can be done on a RRP's property without consent.

Mr DALIDAKIS — I thank Mr O'Donohue for moving these further amendments. The government will not be supporting these amendments. The government in fact is actually unclear what the proposed house amendments are trying to achieve, as we believe that they preserve the renter's ability to make prescribed modifications without consent and that the RRP's consent to other modifications are still and would still be subject to section 64(1B). However, the proposed house amendments put forward by Mr O'Donohue — although I do note that they are not themselves Mr O'Donohue's — to section 64(1) would still be duplicative of section 64(1A).

Mr MORRIS — Minister, I was just hoping for some clarification. Clause 49 substitutes new section 64(1), which states:

> A renter may make any modifications to rented premises that are prescribed modifications without the residential rental provider's consent.

I was just hoping that the minister might be able to further extrapolate what those prescribed modifications are.

Mr DALIDAKIS — As I read the legislation, clause 49(2) says:

> For section 64(1) of the Principal Act **substitute**—

So the area that he is talking about, subsection (1), is to be substituted. Again, depending upon the modification, as we have discussed earlier on clause 1, it is still incumbent upon renters to seek approval for modifications.

Mr MORRIS — Thank you, Minister, for that response. I am not sure it provided any further clarity, though, as to what a prescribed modification is.

Mr DALIDAKIS — I went into that earlier. Again, I went through this in clause 1. A renter will be allowed to make certain minor modifications to a rental property without first obtaining the RRP's consent. The definition of minor modifications will be set out in the regulations, but it is expected to include things like picture hooks and furniture anchors to stop furniture toppling over. Renters will otherwise continue to be required to obtain the RRP's written consent for any other modifications that are not minor. Consent cannot be unreasonably refused if the modifications fall into particular categories that do not otherwise involve penetrating or permanently changing the surfaces, fixtures or structures of the property or are essential to health and safety — for example, installing space-cooling options such as an air conditioner, meeting the needs of someone with a disability, protecting a renter from family violence, amounting to reasonable security measures, permitting the installation of telephone cables or other types of communication technology, or any other prescribed modification.

Renters will remain responsible for restoring any changes made to the premises and will also be able to lodge a restoration bond to cover the future removal of fixtures. Consent to fixtures is not dependent upon whether the renter can lodge a restoration bond; however, it does illustrate that they will be able to meet their obligation to restore the property if requested. Does that so far meet what you are asking, Mr Morris?

Sitting suspended 9.15 p.m. until 9.34 p.m.

The DEPUTY PRESIDENT — Minister, you have an answer, I believe.

Mr DALIDAKIS — I believe we were talking about modifications, which may have included smoke alarms, as it happens. But I can advise you that we are not requiring sprinkler systems in renters' apartments at this point.

Mr MORRIS — Thank you, Minister, for that response. From your response I take it that rather than having surety about these prescribed modifications, they are going to be contained in regulations. I would certainly raise the point that it is very difficult for members of this house to support or otherwise when a very broad term such as 'prescribed modifications' is going to be in a regulation rather than legislation. I just put that point on the record.

Mr DALIDAKIS — It is nice to have everyone safe and sound and back in the chamber. Of course our thanks go to the Metropolitan Fire Brigade for keeping us safe. In response to Mr Morris's question, in response to one of the questions earlier from your colleague Mr O'Donohue we pointed out that there will be a regulatory impact statement, or RIS, that takes place. That RIS, you could imagine, will be obviously quite a substantive piece of work, and that is where some of these issues will be further investigated and dealt with. I think you can have confidence in that.

Again, as I have indicated, the policy in relation to minor modifications will not be necessary to obtain an RRP's consent, but for major modifications it will.

Amendments negatived; clause agreed to; clauses 50 and 51 agreed to.

Clause 52

Mr O'DONOHUE — I move:

> 12. Clause 52, after line 22 insert—
>
> "(3) This section applies on and after 2 years from the date that regulations prescribing rental minimum standards first come into operation.".

This seeks to create a two-year transition period to the new minimum standards that will apply. I note that in government the opposition brought in minimum standards for rooming houses and that this bill is seeking to bring in minimum standards. We do believe there should be a transition period so that RRPs have time to find the money necessary to do any upgrades to meet those standards. Given the minister's answer about the number of RRPs who have very modest incomes, I think that is appropriate.

Mr DALIDAKIS — The government will not be supporting Mr O'Donohue's amendment. During the consultation prospective stakeholders expressed a preference for a single commencement date for implementation of the prescribed rental minimum standards as it provided certainty for the market and avoided unnecessary confusion. There will be a transition period to allow the government time to prescribe the exact detail of the minimum standards in the regulations, as I foreshadowed to Mr O'Donohue's colleague Mr Morris on the previous question. It is intended the regulations will be made with a commencement date at least two years before the rental minimum standards are proclaimed to commence operation, and this will allow time for the standards to be communicated to RRPs and renters so that everyone understands what is involved.

Dr RATNAM — I just have some further questions on that. It sounds like there will be a period of transition, as you have just alluded to — a two-year period from which the regulations are set before they come into effect. When does the government intend to begin this consultation and set these regulations?

Mr DALIDAKIS — As I indicated in response to an earlier question from Mr O'Donohue, Dr Ratnam, the RIS will take place over the next 18-month period, which is why the commencement date is not until July 2020.

Dr RATNAM — Can I ask what sorts of measures you will be considering — installations, minimum requirements, window coverings et cetera? Are you able to go into any detail about the types of measures that you will canvass?

Mr DALIDAKIS — As tempted as I am to say no to your request — could you ask — I will move past that and allow you to ask that question. Clause 52 inserts new section 65A in the act to provide that RRPs will be required to ensure that the rental properties that they let out comply with prescribed rental minimum standards. The minimum standards that will be prescribed include basic yet critical requirements, which I indicated to the house earlier are things like a vermin-proof rubbish bin; a functioning toilet; adequate hot and cold water in the kitchen, the bathroom and the laundry; external windows that have functioning latches to secure against external entry; a functioning cooktop, oven, sink and food preparation area; a functioning single-action deadlock on external entry doors; functioning heating in the property's main living room, which we discussed because of the tragic circumstances that you raised with me of a previous sad example of somebody passing away due to, I think it was, a faulty flue and the tragic consequences of that; and of course window coverings to ensure privacy in any room the owner knows is likely to be a bedroom or main living area. These are the types of areas that we believe are the minimum standards we will work to, and anything beyond that is what we have indicated will not be prescribed at this point.

Dr RATNAM — Thank you very much for that answer, Minister. Can I ask: if through the consultation process, for example, more types of minimum standards are canvassed and there is overwhelming public support to move beyond the things you have described, will the government be open to introducing things that come through the consultation?

Mr DALIDAKIS — I thank Dr Ratnam for her thoughtful question. We are not in a position to say — that is a hypothetical — but there will be a regulatory impact statement. It will be a thorough piece of work, and as most people in this place know, when a RIS is undertaken it does have a look at what the needs of the community are and they are taken into consideration against what we have indicated through the legislation. It is a fine balancing act, but overwhelmingly the reason that this legislation is being brought forward, the reason for its existence, is to provide greater confidence to people that are renting so that they are looked after and provided a degree of certainty. I think it is fair to indicate, given that is the basis of this legislation moving forward and why the government is putting it forward to this house for their support, that a RIS would be more likely to be considerate of these types of issues.

Dr RATNAM — I have a final question on this clause. Obviously a lot of the detail will be specified through the regulations, as you have alluded to, and there is obviously a lot of anticipation that these regulations and the process of consultation will start sooner rather than later. Is there any detail that you can speak to about what the initial thinking is about the process for setting up the regulations, even the consultation mechanisms? I know you said it is going to happen within the two days, but is there any prethinking you can share and put on the record in terms of what is going to happen in terms of setting those regulations?

Mr DALIDAKIS — I am not sure that I am in a position to provide that information to you at this stage, Dr Ratnam. The reason for that of course is that between now and when the RIS takes place we do have an election. We need to be mindful of the fact that any process that we were to start now would be interrupted by the election, so this process will not get underway until early 2019.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	O'Donohue, Mr
Bath, Ms (*Teller*)	Ondarchie, Mr (*Teller*)
Bourman, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Noes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms (*Teller*)
Dunn, Ms	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr (*Teller*)	Truong, Ms
Patten, Ms	

Amendment negatived.

Clause agreed to; clauses 53 to 60 agreed to.

Clause 61

Mr O'DONOHUE — I move:

13. Clause 61, page 76, lines 4 to 9, omit all words and expressions on these lines.

14. Clause 61, page 76, lines 19 to 36 and page 77, lines 1 to 2, omit all words and expressions on these lines and insert—

"**71C When is the residential rental provider taken to have consented to the keeping of a pet on rented premises?**

A residential rental provider who is given a request under section 71B(2) to keep a pet on rented premises is taken to have consented in writing to the request unless the residential rental provider gives the renter written consent or a written refusal within 21 days of being given the request.

71D Application to keep a pet on rented premises or to exclude a pet from rented premises

(1) A renter (other than a renter who rents private student accommodation) may apply to the Tribunal for an order to keep a pet on the rented premises if—

(a) the renter has requested the residential rental provider's consent to keep a pet on the rented premises under section 7IB; and

(b) the residential rental provider has refused to consent to the keeping of the pet on the rented premises.".

These amendments again seek to deal with this issue of the power that the government is seeking to include in relation to pets — for renters to have pets. Similar to the amendments to previous clauses earlier in the bill, we do not think that that balance is correct.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendments. The government will not be supporting these amendments. In terms of amendment 13 to clause 61, the government just does not believe that it does anything of benefit. In terms of amendment 14, the view is that the amendment would give the RRP an unfettered discretion to refuse consent unreasonably, with a delay of 21 days, and impose a burden on the renter to subsequently appeal the refusal at VCAT. We think that renters are unlikely to then exercise their rights at VCAT due to the power imbalance in that relationship. That is the whole point of this legislation, to try to get that balance right, and we just do not think that the amendments before us do that.

Amendments negatived.

Mr O'DONOHUE — I move:

15. Clause 61, page 77, line 19, after "pet" insert "or a pet of that type".

Again, similarly to the previous amendments, amendment 15 deals with the issue of pets and seeks to tighten the test that currently stands.

Mr DALIDAKIS — I thank Mr O'Donohue. Unfortunately the government is not going to be supporting this one either. The view is that this amendment appears to be aimed at enabling a landlord or an RRP to obtain a VCAT order refusing consent to a class of pets to which the renters' pets belong. Again, this goes against the spirit of the legislation which we are trying to enact and that is why the government will not be supporting this proposed amendment.

Amendment negatived.

The DEPUTY PRESIDENT — Mr O'Donohue has already tested his amendments 16 and 17.

Clause agreed to; clause 62 agreed to.

Clause 63

Mr O'DONOHUE — I move:

18. Clause 63, page 79, lines 9 to 12, omit all words and expressions on these lines and insert—

'(b) in paragraph (a), for "landlord" **substitute** "residential rental provider";'.

19. Clause 63, page 79, line 21, omit "7" and insert "14".

These amendments seek to increase the period for an RRP to reimburse repair costs from seven to 14 days. Fourteen days is the current period and we think that is an appropriate period in the circumstances.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendments. The government again is not going to be supportive of these amendments for a range of reasons. First amongst them of course is that market research that was undertaken as part of the Fairer Safer Housing review — and we referenced this review earlier this evening — found that of renters who have requested repairs and maintenance, around one in two — in fact, to be precise, 53 per cent — experienced problems in getting that work completed. Furthermore, clause 63 of the bill reduces the time that the renter is left out of pocket if they have had to pay for urgent repairs that the RRP should have undertaken, and it creates stronger incentives for an RRP to investigate or respond quickly to an urgent repair request.

I must say that I have personally experienced this very provision when looking after a family member who had been a long-term renter and had problems with having their air conditioners fixed by, in that case the landlord, the RRP. They were somewhat evasive about having that repair work done, given that at times that kind of electrical machinery can be expensive to either repair or indeed replace.

So this is important in getting the balance right. We believe that it does that and that is why the government will not be supporting the amendments.

Amendments negatived.

Mr O'DONOHUE — I move:

20. Clause 63, page 79, line 29, after "system" insert "that is not under a warranty".

21. Clause 63, page 80, line 2, omit 'system.".' and insert "system.".

22. Clause 63, page 80, after line 2 insert—

"(3A) If a renter replaces an appliance, fitting or fixture under subsection (3), the residential rental provider is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.

The purpose of these amendments is to clarify the reimbursement for repairs that are carried out so that appliances that are replaced by the RRP are replaced on a like-for-like basis, so that the standard is maintained but is not used to upgrade unreasonably at the RRP's expense.

Mr DALIDAKIS — Again, I thank Mr O'Donohue for his suggested amendments. The government will not be supporting these amendments. We believe that the amendments are unnecessary. We believe that the RRP already has the ability under Australian Consumer Law to seek compensation from a manufacturer or supplier of an appliance for a major product failure. A major failure of course includes an irremediable manufacturing fault in that product. We think that the amendments would also undermine the urgent repair regime and affect the supply of utilities to the property, reducing the renter's enjoyment of the property, but also again making sure that that balance is straddled, that balance is sought, to ensure that the renter's rights are not voided by the ability of the RRP to unnecessarily frustrate in terms of repair or replacement.

The DEPUTY PRESIDENT — The question is that amendments 20 to 22 moved by Mr O'Donohue, which are a test for his amendments 29 to 31, be agreed to.

Amendments negatived; clause agreed to, clause 64 agreed to.

Clause 65

The DEPUTY PRESIDENT — I invite Mr O'Donohue to move his amendment 23, which is a test for his amendment 24.

Mr O'DONOHUE — I move:

23. Clause 65, page 81, after line 28 insert—

'(4) For the purposes of subsection (3)(b) and (c), the Director may take into account whether the residential rental provider is experiencing hardship.".'.

This amendment and its subsequent test seeks to insert a hardship clause for the RRP in a similar way to the hardship clause that exists for the renter. There are circumstances when the RRP could well be facing significant financial hardship as a result of external factors. This bill does not contemplate such events, and we believe in the interests of balance that it should. Therefore this amendment seeks to insert that hardship test for the RRP to mirror that of the renter.

Mr DALIDAKIS — The government will not be supporting this amendment. The government's view is that an RRP's duty is to maintain the rented premises in good repair as a basic and critical duty. Furthermore, we do not support the amendment because we believe that duty of repair is fundamental to the relationship between the RRP and of course the renter.

Amendment negatived; clause agreed to; clauses 66 and 67 agreed to.

Clause 68

The DEPUTY PRESIDENT — Mr O'Donohue's amendment to clause 68 has already been tested.

Clause agreed to; clauses 69 to 74 agreed to.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Clause 75

Mr O'DONOHUE — I move:

25. Clause 75, page 95, line 33, omit "appointment;" and insert 'appointment.".'.

26. Clause 75, page 96, lines 1 to 7, omit all words and expressions on these lines.

The purpose of these amendments is to remove the new entitlement the bill creates to compensation as a result of sales inspections. The opposition does not believe the case has been made for creating this new compensation regime and believes it is unnecessary.

Mr DALIDAKIS — Thank you, Mr O'Donohue, for your amendments. The government will not be supporting them. The industry has already acknowledged the disruption on renters, as some RRPs and agents offer renters affected by sales campaigns compensation in the form of rent reductions, gift cards or indeed vouchers. We think that the appropriate amount of compensation to be prescribed will be determined through further consultation. If Mr Morris were here, I would obviously refer back to the RIS, as I have discussed with him, in relation to stakeholders prior to making those regulations. So they are amongst the reasons why the government will not be supporting these amendments.

Amendments negatived; clause agreed to; clauses 76 to 93 agreed to.

Clause 94

The DEPUTY PRESIDENT — Mr O'Donohue's amendment 27 to clause 94 has already been tested.

Clause agreed to; clauses 95 to 108 agreed to.

Clause 109

The DEPUTY PRESIDENT — I believe Mr O'Donohue's amendment 28 has already been tested. If he does not wish to go further, then his amendments 29 to 31 have been tested as well.

Clause agreed to; clauses 110 to 180 agreed to.

Clause 181

Dr RATNAM — Many part 4A residential parks are now charging residents a deferred management fee, which is an exit fee traditionally charged to retirement village residents. There is no regulation of these fees, and they can be applied very unfairly. Why did the government not create regulatory powers in relation to this to protect tenants as part of this legislation?

Mr DALIDAKIS — I thank Dr Ratnam for her question. I am not going to give you much joy, Dr Ratnam. The reason is that the government does not believe that the charges should be voided, but what we do believe is that the charges should have a greater level of disclosure. What this aims to do is provide that greater level of disclosure as a direct measure of fees charged. Obviously operators can charge them, but people need to be aware very clearly of what those charges are in order to be able to make those decisions.

Dr RATNAM — Just to follow up on that, I have got a range of questions that are part of part 6, from clauses 181 to 235. I am happy to ask them all now and finish them off if that is okay, because I do not think there are any other amendments. So just in relation to that answer — thank you, Minister — are you saying that there is a mechanism by which the disclosure of the charges is going to be improved through this bill?

Mr DALIDAKIS — Yes.

Dr RATNAM — Okay, all right. Just a further question on part 4A. Despite part 4A residential parks often being home to older and vulnerable people, unlike retirement village operators these owners are not required to register with Consumer Affairs Victoria. This means we do not know how many residential parks are here in Victoria, nor can potential residents search to see if a part 4A park is properly registered. Why did the government not include amendments to

require residential park owners to register with Consumer Affairs Victoria?

Mr DALIDAKIS — Can I just ask which clause you are talking about right now?

Dr Ratnam — It is part 6 — it is generally canvassed between clauses 181 and 235.

Mr DALIDAKIS — Under new section 206FA. I thank Dr Ratman for her further question. Dr Ratnam, all caravan parks, including part 4A parks, are indeed required to be registered with councils. That information is not necessarily disclosable to the general public, though, and the reason I make that point is to contrast it with rooming houses, which are searchable by publicly verifiable means. The reason for the differential is that generally speaking people that are our most vulnerable are indeed most likely to be found in rooming houses, whereas the people that seek accommodation in caravan parks are of course not necessarily of the same level of need and care and oversight by the state.

Dr RATNAM — Thank you for that response. I would urge the government to reconsider that. While they might be registered with councils, we are hearing more that there are very vulnerable people who often find that caravan parks are the only place where they can afford a home. I think it is a significant gap, which is what these questions are alluding to — that it needs more regulation and oversight. We have had lots of representation that there is a big gap in this legislation and that we need to consider this in the future. In the consultation that is going to occur — we would say in the regulations, for example — we really urge you to reconsider that, because as the affordability crisis worsens we are going to start seeing more people needing to find alternative avenues for housing. This is becoming a legitimate avenue for housing now and often the point of last resort.

A couple more questions on this point, on part 4A parks: so unlike retirement villages there are also no minimum standards relating to who can operate a part 4A park. This means that people with previous bankruptcies or people convicted of fraud or dishonesty offences, for example, can manage one of these parks. Why did the government not include in the amendments minimum standards regarding who can operate a part 4A park?

Mr DALIDAKIS — I thank Dr Ratnam. Again, I do not think I am going to give you much joy on this one. As far as we are concerned, the government's position on this is relatively clear. Of course when the RIS takes place next year you or indeed the stakeholders that you have been conferring with are absolutely welcome to participate in that RIS process.

Dr RATNAM — In regard, once again, to the 4A park, compensation is not required to be paid to residents if the caravan park owner or part 4A site owner is not the owner of the land and the closure of the park is due to the expiry of a head of lease of that land. Why is that the case?

Mr DALIDAKIS — Thank you, Dr Ratnam. We did largely discuss this issue much earlier in the committee stage. But very specifically, there are two very different examples for this incident. There is the area where the park operator is also the landowner. In that case compensation is payable. There is the other example where the park operator is not the landowner, and so the ability to seek compensation is limited because the park operator in this case is very much held hostage to the landowner's decision to potentially sell, as is the resident of the park itself. That is why it is also clarified that when somebody moves into a park it will be made clear to them as to who is the park owner and who is the park operator, and indeed whether compensation would be payable if the owner-operator were one and the same or of course were two distinct and different entities.

Dr RATNAM — I have a final question then — just a follow-up to that. Thank you for that answer. It sounds like if the caravan park operator is not the site owner, then the potential conversation is very limited — but that is if the landowner has decided to do something with that land, for example. What if the proprietor who is not the landowner decides to end the lease not for that reason but for another reason? Is compensation available to these residents in a circumstance other than the landowner expiring their own lease and forcing the operator to go out?

Mr DALIDAKIS — Where the park operator is one and the same with the landowner, then compensation is potentially payable.

Dr RATNAM — Otherwise not?

Mr DALIDAKIS — Yes.

Dr RATNAM — So I guess just for the record we believe that in terms of the interaction of those two clauses there is room for further expression and there needs to be further work done to give some satisfaction to future caravan park residents to ensure that they have access to due compensation as well.

Clause agreed to; clauses 182 to 235 agreed to.

Clause 236

Mr O'DONOHUE — I move:

32. Clause 236, page 259, line 29, omit", second, third and fourth" and insert "and second".

33. Clause 236, page 260, line 19, omit "fifth" and insert "third".

Mrs Peulich in her second-reading contribution talked about the cash-flow challenges for those of modest incomes who rely on the rental income stream from a property, and the minister identified that there is a significant proportion of property owners who have the one property and rely on that income stream. The changes the government is proposing in this section are going to make that income stream much, much less certain by giving basically five opportunities for non-payment before an RRP can give notice to vacate.

The opposition does not believe that is the right balance, and it will create uncertainty and difficulty for RRPs. We believe that a more appropriate balance is to limit or provide the RRP with the option of issuing a notice to vacate after the second missed non-payment. We believe that strikes the right balance between giving the renter the opportunity to bring any arrears up to date and giving the RRP the opportunity to issue that notice after that second occasion. We believe the bill as it is drafted does not strike the right balance, and these amendments are seeking to return to the correct balance.

Mr DALIDAKIS — I thank Mr O'Donohue for his considered amendments. The government will not be supporting them. It is simply that we have a disagreement on the balance before us, and for that issue alone we believe that it skews the balance away from the renter of course, who we believe this legislation has been designed to support because of the imbalance of the power relationship.

Committee divided on amendments:

Ayes, 18

Atkinson, Mr	Morris, Mr (*Teller*)
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr (*Teller*)

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms (*Teller*)
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms (*Teller*)
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms

Amendments negatived.

Mr O'DONOHUE — I move:

34. Clause 236, page 261, lines 31 to 33, omit "within a 12 month period of the residential rental agreement".

35. Clause 236, page 262, lines 1 to 17, omit all words and expressions on these lines.

The bill as drafted and proposed by the government, in addition to creating five opportunities to make good an arrears before the notice to vacate can be issued, also in clause 236 creates a reference to a 12-month period in respect of an occasion of non-payment of rent. So in effect, as a hypothetical example, five missed payments are made good and then at the end of 12 months the slate is wiped clean and that can occur again, which I think exacerbates that potential cash flow challenge for an RRP who may have mortgage obligations and other financial obligations and rely on that income. The opposition believes that by creating this 12-month period after which that history of breaches of paying rent on time is wiped clean is inappropriate and that it does not strike the right balance. Therefore this amendment seeks to remove that.

Mr DALIDAKIS — I thank Mr O'Donohue for his further amendments. As I indicated in relation to amendments 32 and 33, the government's position is unchanged, and we will be opposing them.

Amendments negatived; clause agreed to.

Clause 237

Mr O'DONOHUE — I move:

36. Clause 237, page 294, lines 29 and 30, omit "has entered into a fixed term rooming house agreement" and insert "continues to occupy a room after a fixed term rooming house agreement entered into in respect of the room has ended".

This amendment seeks to modify certain words dealing with notices of intention to vacate a room in a rooming house agreement. Given the government has not provided separate definitions or a section for student housing accommodation, this rooming house section also deals with the vast array of student housing accommodation. The purpose of this amendment is that the termination of the agreement cannot just be

provided with 14 days notice so that there is a more reasonable period.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendment. The government will not be supporting this amendment, in a very similar way to amendments 32, 33, 34 and 35. The government's position is unchanged, and we will be opposing it.

Amendment negatived; clause agreed to; clauses 238 to 247 agreed to.

Clause 248

Mr O'DONOHUE — I invite members to vote against this clause. Clause 248 seeks to insert in the RTA after section 332 new section 332A, which states:

> **"332A Tribunal may dismiss possession order application and make compliance order in certain circumstances**

We do not believe that the insertion of this additional section is warranted. It again creates an extra burden on the tribunal, and while I take in good faith the minister's statement that work is taking place in relation to streamlining the tribunal processes, the fact remains that many of the sections amended by this bill will increase the burden on VCAT quite significantly at a time when waitlists are already too long and when case loads are growing in other lists as well the RTA list. So we believe that this clause is unnecessary and that a possession order should be able to stand. The tribunal does not need to have the power to make a compliance order in its place in certain circumstances.

Mr DALIDAKIS — There seems to be a lot of goodwill on all sides of the chamber. As Mr O'Donohue implied that there is good faith on this side, I imply that there is good faith on his. However, the government will be opposing this amendment. We believe that given we are talking about people who are the most vulnerable in our society, having a period as such is not inconvenient, and whilst, yes, there is the potential to create a further impost on VCAT, we believe that that is not inconsistent with what we are trying to achieve through this. Nor do we think that it is inconsistent with the objectives of the overall nature of the legislation.

Clause agreed to; clauses 249 to 267 agreed to.

Clause 268

Mr O'DONOHUE — I move:

38. Clause 268, page 384, line 30, omit "(1)".

39. Clause 268, page 385, lines 1 to 36 and page 386 lines 1 to 2, omit all words and expressions on these lines.

This next tranche of amendments really deals with the disposal of goods left behind by a renter after they vacate a premises and what needs to be done by the RRP with those goods pursuant to the RTA. Whilst we recognise that there must be a process by which goods can be stored and eventually disposed of, we again do not believe that what is proposed in the legislation strikes the right balance. Therefore these amendments seek to return that balance as the opposition perceives it. So amendments 38 and 39 seek to remove certain provisions relating to occupation fees payable for goods left behind by renters. The subsequent amendments, which we will get to in due course, deal with other elements of this issue.

Mr DALIDAKIS — The government will not be supporting the house amendments as moved by Mr O'Donohue. We believe that the proposed house amendments would omit new section 332A of the act, which provides that VCAT may dismiss a possession order application and instead make a compliance order in certain circumstances. It is our view — the government's view — that without the alternative option of making a compliance order, section 330 would require that VCAT must make a possession order if it is reasonable and proportionate in the circumstances. VCAT may have no option but to make a possession order which would lead to unnecessary evictions, and that is why the government will not be supporting this amendment.

Amendments negatived; clause agreed to; clause 269 agreed to.

Clause 270

Mr O'DONOHUE — I move:

40. Clause 270, page 387, line 5, omit "6" and insert "3".

41. Clause 270, page 387, line 10, omit "6" and insert "3".

42. Clause 270, page 387, line 14, omit "6" and insert "3".

These amendments seek to reduce the period in which a renter may make requests for the proceeds of the sale of goods from six months to three months. I have canvassed the general issue in the discussion about the previous two amendments, but again, there must be a reasonable time under which a renter can request or access goods or the proceeds of the sale of goods, and an RRP must have a reasonable time in which they can, after a renter has vacated a premises and left goods behind, dispose of those goods. We believe that a three-month period is reasonable, as opposed to the six-month period that has been proposed by the government.

Mr DALIDAKIS — The government will not be supporting the amendments as moved by Mr O'Donohue. This is an issue of fairness and of what is the right balance. It is not to criticise Mr O'Donohue's movement of these amendments; it is just that the government does not believe that this does strike the right balance. We believe that the clause as it stands already achieves that balance. As such the government will not be supporting the house amendment.

Amendments negatived; clause agreed to; clauses 271 and 272 agreed to.

Clause 273

The DEPUTY PRESIDENT — I invite Mr O'Donohue to move his amendments 43 to 46, which are a test for his amendments 47 to 50.

Mr O'DONOHUE — Thank you, Deputy President. I move:

43. Clause 273, line 23, omit "Section 395 substitute and new section 395A" and insert "New sections 395A and 395B".

44. Clause 273, line 25, omit "For section 395 of the Principal Act **substitute**" and insert "After section 395 of the Principal Act **insert**".

45. Clause 273, line 26, omit "**395**" and insert "**395A**".

46. Clause 273, page 388, lines 3 to 13, omit all words and expressions on these lines and insert—

> '**395B What if the renter believes the occupation fee is too high?**
>
> A renter or other person who has a lawful right to stored goods may apply to the Tribunal for an order that that the residential rental provider reduce the occupation fee if the renter or other person believes the total amount of the occupation fee required by the owner of premises is greater than the actual costs of storing the goods.".'.

As you said, these are a test for my subsequent amendments 47 to 50. These amendments relate to the fees an RRP can charge for the storage of goods. Again, this is a question of what is reasonable. If someone leaves a premises with goods left behind, it is only reasonable that the RRP can recoup those costs, and the opposition believes that the current proposal by the government, again, does not strike the right balance — hence my amendments.

Mr DALIDAKIS — The government will not be supporting the amendments. We believe that the clause as it currently stands provides for 14 days under a more modern, streamlined goods-left-behind process provided for in the bill, so we do not believe changing it would actually benefit the renters. That is why of course we have brought the legislation forward.

Amendments negatived; clause agreed to; clauses 274 to 310 agreed to.

Clause 311

Dr RATNAM — I note that in the minister's second-reading speech she acknowledged the need for further reforms to make the system less adversarial. Can the minister please outline further what is envisaged here?

Mr DALIDAKIS — As I am advised, Dr Ratnam, there will be a separate process of consultation with stakeholders that will be separate to the regulatory impact assessment that will be undertaken, and stakeholders will be informed of that process and be able to certainly take part in informing the government of obviously what we need to be doing to get it right.

Clause agreed to; clauses 312 to 362 agreed to.

Clause 363

Mr O'DONOHUE — I move:

51. Clause 363, after line 8 insert—

> '( ) In section 395(2) of the Principal Act, for "tenancy agreement" **substitute** "residential rental agreement".'.

In effect it is a very straightforward amendment changing 'tenancy agreement' to 'residential rental agreement', so it is an update of language, as I understand it, as much as anything.

Mr DALIDAKIS — The government will not be supporting the amendment. We just do not think that it is required, and we think it is superfluous.

Amendment negatived; clause agreed to; clauses 364 to 367 agreed to.

Clause 368

The DEPUTY PRESIDENT — Mr O'Donohue, your amendment 52 has already been tested.

Clause agreed to; clauses 369 to 389 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 21

Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms (*Teller*)	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms (*Teller*)
Mulino, Mr	Truong, Ms
Patten, Ms	

Noes, 17

Atkinson, Mr	O'Donohue, Mr
Bath, Ms (*Teller*)	Ondarchie, Mr
Bourman, Mr (*Teller*)	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Question agreed to.

Read third time.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Broadmeadows Primary School site

Mr ONDARCHIE (Northern Metropolitan) (22:52) — My adjournment matter tonight is for the Minister for Planning in the other place and concerns the retention of the former Broadmeadows Primary School site on Nicholas Street, Broadmeadows, as public open space in light of the current development on the former Yakka site in King William Street. The former Yakka site proposal currently allows for 419 apartments and units, the option of eight storeys, no open space and no solution to the additional traffic that will impact on the existing area and cause some congestion.

The Broadmeadows Progress Association of Hume and Moreland have hand-delivered some correspondence to the local member in the Assembly, Frank McGuire. That happened on 23 July. They have made many phone calls, and the last letter was sent on 5 September. This has resulted in no correspondence, no action and no communication from the member for Broadmeadows to the Broadmeadows Progress Association of Hume and Moreland. Back in 2012 the local member was supportive of the former Nicholas Street school site as an important provider of open space in the local area, yet the Broadmeadows Progress Association of Hume and Moreland cannot get a meeting with the local member despite many, many requests to talk about preserving this very important former Broadmeadows Primary School site as public open space.

The action I seek from the Minister for Planning, in the absence of any correspondence or communication from the member for Broadmeadows to the Broadmeadows Progress Association, is for the Minister for Planning to meet with the Broadmeadows Progress Association of Hume and Moreland, hear their story and understand how important the Nicholas Street primary school site is as public open space.

Community health services

Ms SPRINGLE (South Eastern Metropolitan) (22:54) — My adjournment matter is for the Minister for Health. I was privileged to be involved in the Victorian Healthcare Association's recent annual conference — a two-day event that convened an array of impressive expertise and cutting-edge thinking to address current and future challenges facing the Victorian health sector. Our community health services deliver primary health, human services and support to our local communities, and they are embedded in and tailor services to the communities they serve right across Victoria. These services pride themselves on being accessible and support some of the most vulnerable Victorians — wherever they live and whatever their circumstances. They perform an incredibly valuable role in preventative health and, used effectively, can help to reduce pressure on our overburdened hospital system. But their capacity is being persistently undermined by increasing competition from other services and funding cuts.

Leading up to their annual conference the Victorian Healthcare Association launched the campaign Stand with Community Health, calling on political representatives at all levels, from all parties, to pledge their support for community health. In taking the pledge, politicians would commit to leveraging the growth areas infrastructure contribution funding to establish new community health centres, run by existing community health services; making Victoria's registered community health services preferred

suppliers for the Victorian government, enabling them to deliver more services to vulnerable communities; establishing a community health service capital fund to adequately fund and support existing community health facilities; adequately planning for and funding community health services for future growth and the changing needs of the Victorian population; scaling up and formalising existing hospital diversion projects, including supporting partnerships between hospitals and community health services to better serve the health needs of Victorians; and increasing public dental funding to reduce waiting lists and ensure more people get care when they need it, before routine problems turn into medical emergencies.

Numerous MPs, candidates and councillors from across the political spectrum have taken this pledge over the last few weeks, and the Victorian Greens and I are proud to have joined them. But what we really need to see is support for these objectives coming from the highest levels of government. On that note I call on the minister to pledge support for community health to ensure its current and future ability to support healthier and happier communities right across the state so that we can leverage this unique platform for the benefit of the broader health system, including reducing pressure on our public hospital emergency departments and outpatient clinics.

Food waste collection

Ms TRUONG (Western Metropolitan) (22:57) — My adjournment matter is for the minister representing the Minister for Energy, Environment and Climate Change. VCAT recently rejected a challenge to a 26-year expansion of the Werribee tip, which landfills on average 500 000 tonnes of rubbish each year. Just north of this landfill is an urban growth zone, and a new housing development is currently under construction there. Heading north, and also in my electorate, is another landfill, in Ravenhall, owned and operated by Cleanaway. Cleanaway are awaiting their own VCAT outcome, having also been challenged by residents who oppose the expansion and extension of the tip's operating life. Ravenhall landfilled about 1.3 million tonnes this year.

Considering that 40 per cent of Victorian landfill is food waste, these two tips alone buried about 720 000 tonnes of food, pumping 1 400 000 tonnes of greenhouse gases into the air, the equivalent of driving 230 000 cars on Victorian roads each year. Nearly all of this food waste has no business in landfill. In nature food breaks down, returns to the environment and provides nutrients back to the soil. Instead we bury food in landfill, damaging our environment through the release of greenhouse gases and the generation of leachate that poisons water supplies.

In the recent *Recycling Industry Strategic Plan* the Victorian government committed to develop a circular economy approach between 2018 and 2020. I wonder how the Labor government can be committed to building a circular economy when we see our rubbish tips expanding and polluting at the same scale and speed.

On the urgent environmental challenge of removing food waste from landfill, we understand the following. The waste diversion rate in Victoria has remained unchanged since 2012, while simultaneously $513 million has accumulated and sat idle in the Sustainability Fund, money collected for the specific purpose of funding sustainable alternatives to landfill.

I would like the minister to outline how much food waste is currently diverted through existing investment in kerbside collection of food waste, how much food waste the minister intends to remove from landfill this financial year and how much is financially committed to achieve this goal. Why has the Sustainability Fund not been more appropriately spent to change our diversion rate and at the least to target food waste and green organics waste? The action I seek from the minister is that the Sustainability Fund be spent on the diversion of food waste through investment in organics recycling.

Kinglake mental health services

Mr O'DONOHUE (Eastern Victoria) (22:59) — My adjournment matter is for the attention of the Minister for Mental Health. I have received representations from residents of Kinglake, as has my colleague Ms McLeish, the member for Eildon in the other place, and the representations from those residents of Kinglake concern clients of the Department of Health and Human Services, who I understand have been placed in accommodation in Kinglake. The concern of local residents is that the appropriate services are not available, and this is causing trouble and challenge in that local community.

I understand that police resources have been stretched to try to assist and respond, but I think from the representations I have received that either alternative accommodation closer to services needs to be identified, or the provision of those services needs to be made in Kinglake. I suggest that perhaps the former is more appropriate from the advice that I have received. The action that I seek from the minister is that he engage with the local community — I will not read

them into *Hansard*, but I am happy to provide the minister with the details of the representatives who have contacted me — and work through this issue so that the people in question can receive the appropriate assistance they need and the community of Kinglake can address this situation.

Responses

Mr JENNINGS (Special Minister of State) (23:01) — I have two written responses to adjournment matters that have been raised previously, one from Mrs Peulich on 26 July, and one from Mr Davis on 27 July.

In tonight's adjournment matters Mr Ondarchie raised a matter for the attention of the Minister for Planning relating to the former Broadmeadows Primary School site in Nicholas Street, Broadmeadows, and the aspiration of the Broadmeadows Progress Association of Hume and Moreland for the use of that parcel of land and their desire to meet with the Minister for Planning.

Ms Springle raised a matter for the attention of the Minister for Health, indicating that she is on a pledge and she wants the Minister for Health to be on a pledge too in relation to supporting community health, and also that she provide support to that sector for the important services and support that they provide to the Victorian community.

Ms Truong raised a matter for the Minister for Energy, Environment and Climate Change. It is a theme that she often brings the chamber, discussing the use of the Sustainability Fund in relation to reducing the amount of waste that goes into landfill —

Ms Truong interjected.

Mr JENNINGS — Yes, I was about to go on to that — particularly food waste in this instance, and the measures that could be undertaken to ensure that there were not the volumes of material that she identified in her adjournment matter. She called on the minister to drive that investment and diversion of food waste and indeed, presumably, also reduce that food waste in the first instance from occurring across the community.

Mr O'Donohue raised a matter, and he has given me an indication that he is going to provide the minister with some additional information because of the combination of it having been a very long day and Mr O'Donohue having worked long and hard today but also because of the diplomacy of this matter. It is not actually very clear whether this is driven by the residents of those services or the residents who live in proximity to those services that he is actually seeking a remedy for. Regardless of who is the generator of the story, there is a concern about the range of mental health services that are providing support to those in the Department of Health and Human Services residence in Kinglake, and on behalf of his constituents he is hoping that the services and the connection to better services can be provided. He will either furnish me with that information or the minister directly. That is it.

The PRESIDENT — On that basis the house stands adjourned until tomorrow.

House adjourned 11.04 p.m.

Friday, 7 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

JUSTICE LEGISLATION AMENDMENT (UNLAWFUL ASSOCIATION AND CRIMINAL APPEALS) BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the 'Charter'), I make this Statement of Compatibility with respect to the Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018.

In my opinion, the Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of this Bill is to amend the *Criminal Organisations Control Act 2012* (the Act) to improve the effectiveness of the unlawful association scheme in Part 5A of that Act and to make reforms to certain appeal processes.

Serious and organised crime negatively affects the Victorian community in a number of ways, carrying both financial and personal costs. The Act targets the sophisticated forms in which serious and organised crime takes place today. The scheme in Part 5A enables Victoria Police to issue a notice to persons warning them not to associate with each other. The notice warns that further associations might result in the persons committing the offence of unlawful association. The offence addresses serious and organised crime by preventing the formation, maintenance and expansion of criminal networks.

The Bill amends the scheme in a number of ways to ensure that it targets serious and organised crime effectively. These changes are modelled in part on the NSW offence of 'consorting' under section 93X of the *Crimes Act 1900* (NSW).

The Bill also introduces significant reforms to improve the operation of criminal appeals in Victoria. An effective system of appeals will correct errors, apply fairly and consistently for all parties, and cause minimal harm to victims and witnesses. In order to achieve this, the Bill abolishes de novo appeals in Victoria and, where appropriate, introduces new appeal processes. The new processes will apply to criminal appeals from the Magistrates' Court and the Children's Court. The reforms will reduce the burden of appeals on victims and witnesses and decrease inefficiencies through the reduction of unnecessary duplication and abandonment of proceedings.

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable.

Human Rights Issues

Unlawful association

Right to freedom of association (section 16)

Section 16 of the Charter provides that every person has the right of peaceful assembly and every person has the right to freedom of association with others. The Bill amends provisions which set out the scope of lawful and unlawful association between persons affected by the laws on the basis that prohibiting certain associations can prevent criminal organisations from planning and committing serious offences. In doing so, the Bill limits the freedom of association.

Under the unlawful association scheme, a person who receives an unlawful association notice is prohibited from associating with the person or persons named in the notice. The persons named in the notice will also be banned from associating with the recipient of the notice (through provisions that allow for reciprocal notices to be issued). Should the persons continue to associate, they will be at risk of committing an offence punishable by imprisonment for three years.

Under the current scheme, a person may be issued an unlawful association notice if that person associates with one or more persons convicted of an 'applicable offence' against Victorian laws named in the notice on at least three occasions in a three month period, or six occasions in a 12 month period. A person can be issued with an unlawful association notice only by a 'senior police officer' (at or above the rank of senior sergeant).

The Bill amends the scheme to enable a person to be charged with the offence of unlawful association if they associate with at least two convicted offenders (whether on the same or separate occasions), on at least two occasions each, after receiving a notice prohibiting them from associating with those persons. It removes the 12 month period over which the unlawful association may take place. It removes the requirement that a senior police officer must reasonably believe that issuing a notice will prevent the commission of further offences in order to issue a notice. It changes the definition of 'senior police officer' to mean a police officer at or above the rank of sergeant. It also amends the definition of an 'applicable offence' for the purpose of this scheme to include offences committed against laws of another Australian State or Territory, or the Commonwealth, which correspond to an 'applicable offence' against Victorian law.

Section 7(2) of the Charter provides that reasonable limits can be placed on rights where they are demonstrably justified in a free and democratic society. The amendments in the Bill are a reasonable and justified limitation of the right to freedom of association because they are necessary to prevent the commission of serious and organised crime and the Bill

preserves some important existing safeguards, while adding new safeguards, to prevent notices from being issued arbitrarily.

The current requirement that lawful association be limited to at least three occasions in a three month period, or six occasions in a 12 month period, is easy to circumvent. It is necessary to lower the threshold of contact between persons before association is considered unlawful in order for the scheme to prevent serious crime effectively. The Charter's right to freedom of association with others under section 16(2) does not include the right to associate for the purpose of criminal activities.

Although the Bill removes the time period over which unlawful association may take place, it does not interfere with the provision in the scheme that an unlawful association notice expires after three years of its making. This means that persons are prevented from associating with one another under the terms of an unlawful association notice for a period of three years only, unless the notice is varied or revoked within that period or another notice is issued after three years. To compensate for removing the time period restrictions on unlawful association, the Bill also requires that the offence of unlawful association arises on association with at least two convicted offenders with whom association is banned, instead of at least one person.

The formation of the requisite belief necessary to issue a notice is a high threshold to satisfy. Its removal will enable the scheme to operate more effectively and achieve its purpose of disrupting serious and organised crime.

Lowering the minimum rank of a police officer who may issue an unlawful association notice to the rank of sergeant strikes an appropriate balance between ensuring the workability of the scheme and ensuring that notices are issued only by police officers with sufficient experience.

The broadening of the scheme to apply in respect of persons convicted of relevant interstate offences is necessary to deter serious and organised crime given that criminal organisations often operate across the borders of States and Territories.

The Bill does not interfere with existing aspects of the scheme which ensure that the limitation of the right to freedom of association is the least restrictive possible. When exercising the power to issue notices and other related powers, a senior police officer must have regard to freedom of association and other relevant rights under the Charter. This is because section 38 of the Charter provides that it is unlawful for a public authority, such as Victoria Police, to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.

Notices can only be issued to prohibit associating with a person convicted of an 'applicable offence'. An 'applicable offence' is defined in the Act; it includes all offences punishable by at least 5 years' imprisonment, and certain other offences listed in the schedule to that Act. These are very serious offences. As noted above, a notice cannot be issued to ban associations between people with no criminal record, or where people have committed serious offences that fall short of the 'applicable offence' threshold.

The scheme includes many defences to a charge of unlawful association. These include associations in the course of lawful employment, associations for obtaining legal advice, associations for genuine political purposes and associations for participating in vocational training. The Bill adds the defence of associations for the purpose of making childcare arrangements. The scheme also includes provisions by which a person can seek a 'lawful association authority' from Victoria Police to permit an association that is not specifically listed as permitted in the scheme.

If a person believes that a notice is issued in error, he or she is able to seek an internal review by Victoria Police. The review will be conducted by an officer not involved in the first decision to issue the notice. As a further check on the issuing of notices, the scheme contains annual reporting requirements. Victoria Police is required to report to Parliament on the number of notices issued during the financial year and persons charged, as well as details of such persons such as their age ranges and Aboriginality.

The Bill also introduces new safeguards to ensure Charter rights such as the right to freedom of association are only limited to the extent necessary. It creates a new robust oversight role for the Independent Broad-based Anti-corruption Scheme (IBAC). IBAC will now monitor the use of police powers under the scheme and report on their exercise to the Attorney-General every two years, with the power to make recommendations as to possible improvements to the scheme. Additionally, IBAC will have standing powers to monitor and report on the exercise of powers under this scheme, and will have all necessary powers to discharge this function, including powers of entry to Victoria Police premises, full and free access to all relevant Victoria Police records or documents, and powers to direct police officers to give IBAC any relevant information or document, or answer any relevant questions. IBAC will also have the power to review the making of any unlawful association notice or a proportion of such notices. In support of this function, the Chief Commissioner of Police will be required to report on the number of issued notices to IBAC every three months. These robust and independent oversight powers will protect against inappropriate use of the scheme and allow for continued evaluation of its effectiveness.

The Bill will require that an unlawful association notice contain information to assist a person issued with a notice to assert their rights. This will include information about the review rights available to a person issued with a notice and the right of that person to complain to both Victoria Police and IBAC about police conduct.

The Act also contains a requirement that the Attorney-General undertake a review of the operation and effectiveness of the Act. The Bill amends the review period of the Act to ensure the review captures the operation of the amendments contained in this Bill.

Right to freedom of movement (section 12) and right to freedom of expression (section 15)

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Section 15 of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information.

This Bill will limit the rights in sections 12 and 15 of the Charter, by placing restrictions on the freedom of a person to move freely in Victoria, or communicate with a prohibited person, once issued with an unlawful association notice. For the reasons discussed above I consider that these limitations are reasonable and justified for the purpose of this Bill.

Recognition and equality before the law (section 8)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination.

Currently, the unlawful association scheme does not apply to persons under the age of 18. The Bill amends the scheme so that children of, or above, 14 years of age can receive an unlawful association notice. By treating children between the ages of 14 and 18 differently from children below the age of 14, the Bill limits this right. In my view, this limitation is reasonable and demonstrably justified.

It is a troubling feature of serious and organised crime that criminal organisations induce vulnerable young people to take part in criminal activity. The Bill recognises the reality that young people may play a role in serious and organised crime by extending the application of the scheme to children over the age of 14. Children below this age are unlikely to be recruited by criminal gangs to take part in serious criminal activity. Drawing a distinction between this cohort of children and children between the ages of 14 and 18 will help ensure that children are only targeted by the criminal offence of unlawful association to the extent necessary to achieve the scheme's purpose.

Section 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

The Bill creates special safeguards for three classes of persons who may be considered 'vulnerable', namely, children, Aboriginal people and persons with an impaired ability to understand their rights. This acknowledges the particular hardship suffered by children and persons with physical, cognitive or mental health impairments if they fall into the criminal justice system. It is also necessary and appropriate for Aboriginal persons to be included in light of the over-representation of Aboriginal persons in the criminal justice system and the risk that the changes might disproportionately affect them. The special vulnerabilities of these classes of persons were also identified by the NSW Ombudsman in a 2016 review of the NSW provisions.

The Bill seeks to reduce the likelihood vulnerable groups are disproportionately targeted by requiring that an unlawful association notice can only be issued to these groups by a police officer at the rank of Senior Sergeant or above. In other cases, as noted above, an unlawful association notice may be issued by a police officer at or above the rank of Sergeant. This will increase the scrutiny placed on the use of these powers. The Bill will also provide that unlawful association notices issued to a vulnerable person expire after 12 months, instead of the usual period of three years. While Victoria Police may re-issue a notice once it expires, a shorter duration than would otherwise apply will cause the issuing of notices to vulnerable persons to be reviewed more regularly and reduce the likelihood that notices are issued improperly.

The issuing of an unlawful association notice to a vulnerable person which does not take account of their status as a vulnerable person will not result in the notice's invalidity. To ensure the protection given to vulnerable groups is not diminished as a result, the Bill increases the requirements for information provided on an unlawful association notice, as noted above. A vulnerable person issued with a notice which does not take account of their special status will be provided with information to facilitate the review of that notice.

As further protection, the oversight role given to IBAC by this Bill will ensure that vulnerable groups are not unduly targeted by the scheme. In particular, for the purpose of the report from IBAC to the Attorney-General on the exercise of police powers, IBAC will be required to specifically consider the impact of the exercise of powers on vulnerable groups. Where IBAC proposes to make any recommendation to the Attorney-General regarding vulnerable persons, IBAC must first consult with a relevant public agency. For example, IBAC will be required to consult with the Commissioner for Children and Young People if IBAC proposes to make recommendations relating to children.

Protection of families and children (section 17)

Section 17(1) of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. By amending a provision of the Act relating to lawful association with a family member, the Bill will engage this right.

The Act includes a provision that a person does not commit the offence of unlawful association by associating with a 'family member', provided that association is not for an 'ulterior purpose' such as planning, inciting or committing an offence, expanding a criminal network, or deliberately frustrating the operation of the scheme. A 'family member' is defined broadly under the *Family Violence Protection Act 2008* to include relationships considered by the person to be family ties and recognised as being like family in the person's community.

The Bill amends this provision so that a person does not commit the offence of unlawful association if they associate with a 'relative', 'spouse' or 'domestic partner' and that association is not for an ulterior purpose. The terms 'relative', 'spouse' and 'domestic partner' have the meaning given to them by the Family Violence Protection Act 2008. These terms have a narrower meaning, relying on more objective characteristics, than 'family member'. A 'relative', for example, means immediate family and includes uncles, aunts, cousins, nephews and nieces. A 'relative' also includes a person who, under Aboriginal or Torres Strait Islander tradition or social practice, is the person's relative.

The prohibition on associating for an ulterior purpose recognises that organised crime gang members often share common interests, and in some cases this common interest is a family connection. By narrowing the provision relating to lawful associations with family members, the Bill clarifies who is captured under the definition and prevents a person from undermining the unlawful association scheme by claiming that another person is like a family member for the purpose of associating with them. Permitting associations with a 'relative', 'spouse' or 'domestic partner' for a lawful purpose is consistent with the rights of families under section 17.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. The right recognises the special vulnerability of children. The Charter defines children as persons under 18 years of age.

As noted above, the Bill amends the scheme so that children of, or above, 14 years of age can receive an unlawful association notice. If a child breaches an unlawful association notice issued to them, the child may be charged with the offence of unlawful association. Although the application of the unlawful association offence to children limits the right under section 17(2), the Bill is compatible with this right because the limitation is reasonable and demonstrably justified. Preventing unlawful association between a child and other individuals serves the purpose of disrupting serious and organised crime. It also has the potential to protect children by deterring them from participation in criminal organisations.

As noted above, the Bill includes safeguards to make sure that the rights of children, as a class of 'vulnerable person', are limited in the least restrictive way possible. The Bill also provides that where the unlawful association scheme prohibits a child convicted of offences from associating with other persons, the child must have committed very serious offences in order to be issued with a notice. The Bill will add a new Schedule to the Act setting out a list of serious offences for this purpose. The new Schedule will include certain offences listed in Schedules 1 and 2 to the *Bail Act 1977*. The Schedules to the Bail Act set out offences alleged to have been committed by an accused of such seriousness that bail will only be granted to that person if exceptional circumstances or a compelling reason exists to justify bail being granted. The new Schedule will also include certain serious Commonwealth offences, such as drug trafficking and terrorism offences. This safeguard will ensure that only children likely to be involved in serious and organised crime are targeted as offenders under the scheme.

The oversight role played by IBAC, discussed in detail above, will act as an additional safeguard for the rights of children.

Right to privacy (section 13)

Under section 13 of the Charter, a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

Under the current unlawful association scheme, a person's conviction for a serious criminal offence is disclosed to the recipient of an unlawful association notice for the purpose of warning them not to associate with one another. This disclosure may interfere with a person's right to privacy. Importantly, however, the disclosure of the person's criminal history is limited. The nature of the conviction itself is not disclosed, nor are aspects of the person's criminal record that are not relevant to the issue of an unlawful association notice. The disclosure is also limited to furthering the purpose of the scheme, namely, to issue notices enabling the prevention of serious crime.

The Bill is consistent with the right to privacy by further limiting the circumstances in which a person's criminal record may be disclosed. It provides that the most recent conviction of an offender named in an unlawful association notice must not be more than ten years old. This restriction on a relevant conviction does not apply if the sentence imposed on the offender for that conviction was a term of imprisonment of six months or more in duration or where the person has been convicted of a sexual offence.

The operation of this provision is substantially similar to the effect of the 'spent convictions' scheme in NSW under the *Criminal Records Act 1991* (NSW). This scheme limits the effect of a person's conviction for a relatively minor offence if the person does not reoffend for a defined period of time. Following completion of that period, the conviction is considered to be 'spent' and does not form part of the person's criminal history. That period is ten years in the case of adults and three years in the case of children. The 'spent convictions' scheme applies in respect of other NSW legislation such as the consorting offence in section 93X of the *Crimes Act 1900* (NSW).

The adaptation of these provisions for the purpose of the Victorian unlawful association scheme limits the disclosure of a person's convictions to circumstances in which either the person's offences are relatively recent or the offending for an applicable offence was so serious as to warrant imprisonment. It prevents the disclosure of the convictions of a person who, though charged with a serious criminal offence, was found by a court not to have committed offending of a serious nature, and who has not been subsequently found guilty of serious criminal conduct for more than ten years.

Right to be presumed innocent (section 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty.

By providing that it is a defence to the offence of unlawful association if the association fell within one of the circumstances provided in the Act, the Bill requires, to a limited extent, that an accused prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence. In doing so, the Bill limits the right under section 25(1).

In my opinion, however, the imposition of a legal burden to rely on these defences is compatible with the right, as any limits on the right are reasonably justified under section 7(2) of the Charter. In particular, I note that the defences under the Act, for example the defences of lawful association with a person for the purpose of making childcare arrangements, being provided a health service or seeking legal advice, are all matters uniquely within the knowledge of the defendant. Conversely, it would be difficult for the prosecution to prove many of the matters giving rise to defences in the negative.

Appeals from the summary jurisdiction

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

The Bill amends the *Children, Youth and Families Act 2005* (CYFA) and the *Criminal Procedure Act 2009* (the CPA) to provide for new processes for appeals from the summary jurisdiction. The Bill amends the criminal appeal process in the CYFA to reflect the amendments being made to Part 6.1 of the CPA. Accordingly, the same human rights that are relevant to the CPA reforms are relevant to the equivalent CYFA reforms. The rights that apply to criminal proceedings protected by sections 24, 25, and 26 of the Charter are relevant to these reforms. Similarly, where the new appeal

processes apply to children, the rights of children in the criminal process protected by sections 23, 25(3) and 17 are relevant. Under section 24(1), a person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Section 25(2) provides for particular minimum guarantees for a person charged with a criminal offence, including, relevantly, the right to be tried without unreasonable delay and the right to examine witnesses. Section 25(4) provides that a person convicted of a criminal offence has the right to have the conviction and any sentence imposed reviewed by a higher court. Under section 26, a person must not be tried or punished more than once for an offence of which he or she has already been finally convicted or acquitted. The rights of children in the criminal process require that children be treated in an age appropriate way and that they be brought to trial as quickly as possible.

The new appeal processes also include remand and warrant powers, which are relevant to the right to liberty and security of the person protected by section 21 and the right to freedom of movement protected by section 12. The protection of children and families under section 17 of the Charter is relevant to the abolition of de novo appeals from the Family Division of the Children's Court. Lastly, section 8 of the Charter is engaged by the further evidence provisions, which provide specific tests for the giving of evidence again by children and persons with cognitive impairment.

Rights in criminal proceedings

The right to a fair trial is unlikely to be limited by the Bill because the trial of an accused person will continue to proceed under existing law. The Bill provides a new criminal appeal process for appeals from the summary jurisdiction. Clauses 27 and 40 provide that conviction appeals will involve an appeal by way of rehearing on the evidence given in the original court, and any further evidence that is admitted by the appellate court. This is a common appellate process, which has been explained and applied in numerous cases (e.g. *Fox v Percy* (2003) 214 CLR 118). Where the person has entered a plea of guilty in the original court, or had a conviction recorded in their absence, leave to appeal will be required. Leave to appeal may be granted if the appellate court is satisfied that it is in the interests of justice. This is a broader test than that usually required for a change of plea in the higher courts, which requires the court to be satisfied that letting the conviction stand would produce a miscarriage of justice (see: *R v McQuire* (2000) 110 A Crim R 348, 354).

The new process for sentence appeals in clauses 27 and 40 requires the appellate court to be satisfied that there are compelling reasons to impose a different sentence before allowing an appeal against sentence. This is a broader test than that required for a successful sentence appeal in the Court of Appeal, which requires the demonstration of error. When considering whether there are compelling reasons, the appellate court is to have regard to a presumption in favour of the correctness of the original decision. This is a reflection of the common law position in relation to appeals from discretionary decisions, which is what the appellate court is considering (see: *Australian Coal and Shale Employees' Federation v The Commonwealth* (1953) 94 CLR 621, 627). Where the guilt of an accused is being considered on appeal under the new processes, that consideration will be undertaken by a competent, independent and impartial court. If the appeal is successful, the court may still be satisfied beyond reasonable doubt that the accused is guilty of another charge that was before the original court. For example, if the appeal relates to a conviction for an aggravated version of an offence, and the appellant was also originally charged with the non-aggravated version of that offence, the appellate court may convict the appellant of the non-aggravated offence. This is a standard power that is available to appellate courts on conviction appeals. In such circumstances, the appellate court may only impose a sentence that is no more severe than the original sentence imposed.

The reforms will promote the right to a fair trial by reducing delays in the system. New leave to appeal requirements for certain appeals and the power to strike out appeals where no summary of appeal notice has been filed or that have no reasonable prospects of success as provided in clauses 27 and 40 will rationalise the appeals considered by the County Court. Further, providing that the appellate court consider the evidence before the original court will reduce the time taken to secure, replicate and rehear evidence on a conviction appeal.

The accused's right to examine witnesses will remain and will continue to reflect the powers to call and examine witnesses available to the prosecution. However, where a victim or witness has already been examined in the original court, a transcript or a recording of that evidence will be relied on. Either party will be able to call and examine a witness again as set out in clauses 31 and 44 of the Bill if the court is satisfied that it is in the interests of justice to do so. For the appellate court to receive further evidence from complainants, children or cognitively impaired persons in sexual offence or certain family violence cases, the court must also be satisfied that the evidence is substantially relevant to a fact in issue in the appeal. For these reasons, I am satisfied that the Bill is unlikely to limit the right to a fair trial, but to the extent that it does, it is justifiable as it strikes a balance between protecting the rights of victims and witnesses, and those of the accused.

Clauses 27 and 40 of the Bill also preserve the right to have a conviction and sentence reviewed by a higher court. However, rather than a right to a de novo review, convictions and sentences will be re-determined on the basis of the evidence given in the summary hearing, having regard to the reasons given by the magistrate. The Bill also provides that any other materials submitted at the sentencing hearing may be considered by the court in a sentence appeal.

The new leave to appeal requirements set out in clauses 27 and 40 of the Bill will only apply where the accused entered a plea of guilty or was sentenced in his or her absence in the original court. The appellate court must consider the surrounding circumstances and leave must be granted if it is in the interests of justice to do so. This differs to the test for changing a guilty plea in the higher courts, which requires the court to be satisfied that letting the conviction stand would produce a miscarriage of justice. This simpler test has been chosen to account for the ways in which the summary jurisdiction operates. Where a conviction and sentence was imposed in the person's absence, the person must apply for a rehearing in the original court prior to appealing to the County Court. If they are granted a rehearing, then they will not require leave to appeal any decision made at that new hearing.

Clauses 34 and 47 of the Bill provide that the court may strike out an appeal if it is satisfied the appeal has no reasonable prospects of success. This is a sensible case management tool to avoid the time and expense of fruitless appeals. In each of these circumstances, the appellate court must be satisfied on

the basis of the materials forming the notice of appeal or application for leave to appeal, and principles of procedural fairness will apply. Leave would only be refused, or an appeal struck out, on a reasoned consideration of the merits of the appeal.

The Human Rights Committee of the United Nations has confirmed that the right of review of conviction and sentence does not require a full rehearing but does require more than a consideration of the purely legal aspects of a conviction. Rather, the right of review requires a higher court to take into account the factual dimensions of the case. I consider that this balance is struck by the new appeal processes.

Currently, the offender may appeal to the Court of Appeal against a sentence imposed by the County Court on a de novo appeal under section 283 of the CPA. This only applies where the person is sentenced to a term of imprisonment by the County Court and the original court did not order that the person be imprisoned. This appeal right exists because the County Court is making a new decision on a de novo appeal, which is effectively a first decision. Under the new appeal processes provided for in clauses 27 and 40 of the Bill, the County Court will be conducting an appeal proper and making a second decision in the matter. As there is no longer a need for the County Court's decision to be reviewed again by the Court of Appeal, clauses 36 and 50 of the Bill repeal this right of appeal. Safeguards will still exist for the offender. For example, the County Court must warn the appellant if it is considering imposing a more severe sentence than the original sentence (and the appellant may then choose to withdraw the appeal). Section 302A of the CPA also allows for the reservation of a question of law to the Court of Appeal, and judicial review will still be available. In addition, rather than appealing to the County Court, the offender may appeal to the Supreme Court on a question of law under Part 6.2 of the CPA.

The right not to be punished more than once only applies where a person has been finally convicted or acquitted (i.e. after appeal proceedings are concluded). The new appeal processes will assist an accused in achieving final resolution of their matter by reducing delays, removing inefficiencies and giving them earlier indications of the prospects of success of their appeal. This right does not apply to prevent prosecution appeals against sentence, or to increase a sentence on appeal. That is because an increased sentence on appeal involves substituting one sentence for another, not imposing a second sentence on top of the first. I also consider that, as the Supreme Court of Canada has held in relation to an identical right, this right applies only after appeal proceedings are concluded (*R v. Morgentaler* [1988] SCR 30).

Right to liberty and freedom of movement

Clauses 30 and 43 of the Bill apply existing provisions so that once a notice of appeal or application for leave to appeal has been filed, the offender may apply to be released on bail. Similarly, if on appeal the court remits the matter for further determination by the original court, the appellate court may remand the appellant in custody or grant them bail pending the hearing of the remitted proceedings. In clauses 34 and 47 of the Bill the court may also issue a warrant where the court has struck out the appeal and the appellant had been sentenced to a term of imprisonment. Each of these powers exists for a good reason. I am satisfied that these powers do not limit the right to liberty as any interference with liberty will be on grounds and in accordance with procedures established by law. They do prima facie restrict freedom of movement but reflect a careful balancing of the rights and interests of the appellant, victims and the community and are a justifiable limitation.

Protection of children and families and the right to equality

The Bill promotes the protection of children and families as protected by section 17 of the Charter. In particular, the Bill introduces greater protections for child complainants and witnesses as well as persons who had a cognitive impairment at the time the criminal proceeding commenced. Under the new appeal processes set out in clauses 31 and 44 of the Bill, the appellate court may receive further evidence in addition to the evidence before the original court if it is satisfied that it is in the interests of justice to do so. Evidence to be given by a complainant, or a person who was a child or cognitively impaired at the time the criminal proceeding commenced, for charges of sexual offences, family violence or certain injury offences is protected evidence. This means that the court must be satisfied that the evidence is substantially relevant to a fact in issue in the appeal before the person is required to give protected evidence on appeal. This will reduce the need for children and persons with a cognitive impairment to give their evidence more than once.

Clauses 31 and 44 of the Bill also raise the right to recognition and equality before the law in section 8 of the Charter because, on their face, they provide for differential treatment between persons or groups of persons based on the attributes of age and impairment as included in section 6 of the *Equal Opportunity Act 1995*. Human rights law recognises that formal equality can lead to unequal outcomes and that to achieve substantive equality, differences in treatment may be necessary. Special protections are necessary to minimise trauma and delay to children and other vulnerable witnesses. The limitations provide extra protections for a vulnerable category of witness, rather than removing protections for others. I am satisfied that these measures will protect vulnerable witnesses and ensure that relevant evidence is still available in criminal appeals while maintaining the right to a fair hearing for the accused, as discussed above.

Clause 23 of the Bill also abolishes de novo appeals from final orders of the Family Division of the Children's Court, which can currently be made against a range of protection, treatment and care orders. This will address a high rate of abandonment for these appeals. De novo appeals are not appropriate in these cases and can prolong the instability and uncertainty experienced by a child subject to such proceedings. Other review mechanisms that are available under the *Children, Youth and Families Act 2005* (e.g. by the Victorian Civil and Appeals Tribunal) and appeals to the Supreme Court on a question of law will be preserved. I am therefore satisfied that the abolition of the appeal right to the County Court is compatible with the protection of children and families.

Retrospective criminal laws

The appeal reforms do not interfere with the right to be protected from retrospective criminal laws. The transitional provisions in clauses 38 and 53 of the Bill ensure that previous appeal rights are preserved for offenders who have entered a plea prior to commencement. The new appeals processes will only apply to cases where the accused's plea was entered after commencement (whether that plea is guilty

or not guilty) and the accused is therefore aware that their appeal rights have changed at the time of entering the plea.

The Hon. Gayle Tierney, MP
Minister for Training and Skills
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (09:38) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This Bill contains a range of important reforms to the criminal justice system. The Bill will amend the *Criminal Organisations Control Act 2012* to enhance the ability of Victoria Police to deter and disrupt serious and organised crime. The Bill will abolish de novo appeals from criminal matters in the summary jurisdiction and replace them with new appeal processes, and abolish de novo appeals from final orders made by the Family Division of the Children's Court.

Amendments to the Criminal Organisations Control Act

In 2015, the Criminal Organisations Control Act was amended to introduce a new offence of unlawful association to address the threat to public safety in Victoria posed by criminal gangs. The new offence replaced the historical offence of 'consorting', which had been used for decades to disrupt associations with known criminals, but had fallen into disuse. Modern technology now allows new, sophisticated forms in which gangs can organise and recruit new members, which presents new challenges for law enforcement. It is appropriate that laws be adapted to meet these challenges.

The offence of consorting has a long history in Victoria and other Australian States, and has for some time been a tool used by police to disrupt criminal organisations. The gangs of today are however far more sophisticated than those of the 1920s, and have many more tools available to ensure their associations occur covertly. The introduction of the 'unlawful association' offence in 2015 recognised that the historical offence of consorting was of limited to no use in the 21st century.

The unlawful association scheme aims to prevent the formation, maintenance and expansion of criminal networks by prohibiting gang members from associating with one another. Gangs and other criminal organisations thrive by recruiting others to their lifestyles of crime — the scheme also seeks to address this by allowing police to stop associations between criminals and those not involved in crime.

Under the scheme, Victoria Police can issue a notice to persons warning them not to associate with each other, where one of the persons has previously been convicted of a serious offence. Further associations between persons issued a notice may involve the commission of the offence of unlawful association.

The scheme has not been used since it was introduced in 2015. This is because the Victoria Police has concerns with some of the complexities of the current scheme making the scheme impractical to enforce. The Government has listened to these concerns and committed — in the Community Safety Statement 2018/19 — to amending the unlawful association scheme to make it a more effective tool for Victoria Police to fight serious and organised crime. The Bill will deliver on this commitment by addressing the shortcomings in the current scheme that have prevented it from operating effectively.

An example of the complexities of the current scheme that is being addressed is the requirement that to be considered a convicted offender under the current scheme a person must have been "tried on indictment". This wording creates legal uncertainty, particularly where a person has plead guilty to a serious offence, rather than stood trial. Victoria Police has concerns that uncertainties such as these can be exploited by those involved in organised crime to frustrate the operation of the laws.

The amendments have been modelled in part on the NSW consorting laws which were modernised and extended in operation in 2012. These laws have been successful in reducing the number of outlaw motorcycle gang members operating within NSW.

Currently, associations that involve one or more persons who have been convicted of one of a number of serious offences against Victorian laws can be the subject of a warning notice. Once a notice has been issued, the recipients of a notice will commit an offence if they associate with a convicted offender three times in a three-month period, or six times in a 12-month period.

The Bill will amend these provisions so that individuals may be charged with unlawful association if they associate with at least two convicted offenders (whether on the same or separate occasions) on at least two occasions each. The Bill will remove the requirement that a notice can only be issued where the issuing police officer reasonably believes that preventing associations between individuals is likely to prevent the commission of an offence. The Bill will also broaden the meaning of an 'offence' for the purpose of the scheme to include offences committed against the laws of another Australian State or Territory which correspond to an applicable offence against Victorian law. These changes are necessary to ensure the scheme operates more effectively to target serious and organised crime.

An unlawful association notice can currently only be issued by a police officer at or above the rank of senior sergeant. The Bill will change this requirement so that a police officer at or above the rank of sergeant may issue an unlawful association notice. This will improve the workability of the scheme while ensuring that notices are only issued by police officers with sufficient experience, but who are accessible to officers in the course of day-to-day policing.

The minimum age of a person who may be issued with an unlawful association notice will be reduced from 18 to 14 years of age. This change reflects the unfortunate reality that criminal gangs often recruit vulnerable young people to take part in criminal activity. It is important that Victoria Police has tools to intervene to avoid young people becoming involved in serious and organised crime.

The Bill will target the scheme at offenders who pose a serious and continuing risk to the community. As noted earlier, an unlawful association notice can only be directed at a convicted offender where their offending was sufficiently serious. Further to this, the Bill will insert a new requirement that the most recent conviction of an offender named in an unlawful association notice must not be more than ten years old. This restriction will not apply if the sentence imposed on the offender for that conviction was a term of imprisonment of six months or more in duration or where the offender was convicted of a sexual offence. It will also provide that, where the offender is a child, he or she must have been convicted of one of an even shorter list of serious offences in order for the scheme to apply. This list of offences will be set out in a new Schedule to the Criminal Organisations Control Act and will be based on offences considered very serious under the Bail Act 1977.

The scheme provides for a number of situations in which associating for a legitimate purpose with a person identified in an unlawful association notice is not an offence. The Bill will clarify that it is up to accused to prove that these circumstances existed. It will allow for association with a relative, spouse or domestic partner or association for the purpose of making childcare arrangements as long as it is not for an ulterior purpose like planning an offence. This will ensure that this safeguard cannot be exploited by criminal gangs based on family connections.

I am aware that there have been some concerns raised about the operation of the consorting laws in NSW. The NSW Ombudsman found, after reviewing the first three years of operation of the 2012 amendments to those laws, that young persons and Aboriginal persons were being issued with warning notices disproportionately. The Government has had regard to the report of the NSW Ombudsman, and has drafted these laws in such a way as to reduce the risk that similar issues arise with Victoria's laws, while retaining operational flexibility for Victoria Police. The Bill seeks to achieve this objective in a number of ways.

The Bill retains safeguards already in the scheme such as the ability of a person to apply for internal review of an unlawful association notice issued to them and the requirement that Victoria Police report annually on the number of notices issued, the age of persons who receive notices, and the number of Aboriginal and Torres Strait Islander persons who receive a notice.

In addition, the Independent Broad-based Anti-corruption Commission (IBAC) will be given a new oversight role in monitoring and reporting on the operation of the scheme and reviewing the making of unlawful association notices. The IBAC must report, at a minimum, on the exercise of police powers under the scheme to the Attorney-General every two years, with the power to make recommendations as to possible improvements to the scheme. In this report, IBAC must consider the impact of the exercise of powers on vulnerable persons. If IBAC proposes to make any recommendations regarding vulnerable persons, IBAC must consult with relevant public agencies such as the Principal Commissioner for Children and Young People in the case of young people or the Commissioner for Aboriginal Children and Young People in the case of Aboriginal children.

The Bill creates special safeguards for three classes of vulnerable persons who are particularly likely to be affected by the scheme, namely: children, Aboriginal people and persons with an impaired ability to understand their rights due to a cognitive, physical or mental health impairment. An unlawful association notice can only be issued to these groups by a police officer at the rank of senior sergeant or above. In other circumstances, a notice can be issued by a police officer at least of the rank of sergeant. The Bill will also cause unlawful association notices issued to a vulnerable person to expire after twelve months, instead of three years. This will ensure that vulnerable groups are not disproportionately targeted.

The Bill also provides that unlawful association notices must include information to assist a person seeking review, including information about the review rights available to a person issued with a notice and the right of a person to complain to both Victoria Police and IBAC about police conduct.

There will also be an independent review of the new provisions required to take place three years after operation.

Appeals from the summary jurisdiction

The right to appeal is a fundamental aspect of an effective justice system. An effective system of appeals will correct errors, apply fairly and consistently, and minimise harm to victims and witnesses.

In Victoria, appeals from criminal cases decided in the summary jurisdiction, being the Magistrates' Court and the Children's Court, are heard in the County Court. These are called de novo appeals because the County Court must hear all of the evidence again, consider the issues afresh and make a new decision. Essentially, an appeal requires the prosecution to prove its case again. Appeals from final orders made by the Family Division of the Children's Court are also heard de novo.

The right to a de novo appeal comes from the 17th century English system of appeals. When justices of the peace began determining summary criminal matters, the de novo appeal acted as an important safety net where the accused gave up the right to have their matter heard by a jury. Victoria is the only Australian jurisdiction that still has a de novo appeal process for these types of cases.

In contrast to when de novo appeals were introduced, the Victorian magistracy of today is a professional, legally trained body which presides over an increasingly complex jurisdiction. It handles over 90% of all cases that come before Victorian criminal courts each year, of which only a small percentage are appealed.

In light of this evolution, it is time to modernise Victoria's appeals from the summary jurisdiction, and to replace de novo appeals with a process that makes more efficient use of our higher courts, while recognising an accused person's right to challenge their conviction or sentence in appropriate cases.

Disadvantages of the de novo appeal

De novo appeals impose a significant 'cost' on victims and witnesses, as they have to give their evidence twice: first at the original hearing and then again, on appeal. This may re-traumatise the person and cause proceedings to be withdrawn if they are not willing, or able, to give their evidence again. On some occasions, appeals are used to harass the victim. These outcomes are inconsistent with the objectives of a modern criminal justice system.

De novo appeals can also undermine the decision of the magistrate, which may indirectly affect public confidence in the administration of justice. Victoria's magistrates are professional, legally trained and independent. Providing parties with an unqualified 'second bite of the cherry' can no longer be justified, particularly where summary procedures and the laws of evidence have continued to evolve to maintain appropriate safeguards against wrongful convictions.

On average, there are more than 200 000 summary criminal matters finalised in Victoria each year. These numbers continue to grow. The de novo appeal system is inefficient, because it duplicates the original hearing on appeal, has high rates of abandonment, and uses police resources inefficiently.

A new appeal system

The revised system of appeals from the summary jurisdiction has been designed to be efficient and fair. The reforms have been developed specifically for the summary jurisdiction, mindful that this jurisdiction operates at a fast pace, often with unrepresented accused and a very high volume of cases. However, the government has balanced these considerations against the needs of victims and witnesses, and the significant benefits of having only one evidentiary hearing. These reforms promote the integrity of the decisions that are made by Victoria's magistrates.

Overview of the reforms

The Bill abolishes de novo appeals and, where appropriate, introduces new processes and tests for hearing appeals from the summary jurisdiction.

(1) Criminal appeals from the Magistrates' Court and Children's Court

The Bill creates two separate processes for hearing conviction and sentence appeals, and for sentence alone appeals.

Conviction appeals will be determined on the evidence given before the original court, with the ability to receive further evidence in limited circumstances and having regard to the reasons of the magistrate. Further evidence may be received if the County Court considers it to be in the interests of justice. However, for certain protected evidence, the County Court must also be satisfied that the evidence is substantially relevant to a fact in issue in the appeal. Protected evidence includes evidence from a complainant, child or person with a cognitive impairment in cases involving sexual offences or offences constituting family violence.

In most cases, victims and witnesses will not have to attend court to give their evidence again because the County Court will determine the appeal using the transcript of evidence given in the original hearing.

The appeal is by way of rehearing on the evidence and the County Court must give the judgement that in its opinion, should have been given by the original court. If the County Court allows the appeal, it must set aside the conviction and may dismiss the charge or convict and sentence the person for another offence that was before the original court.

Leave to appeal will be required if the appellant pleaded guilty in the original court, or if a conviction was recorded in their absence. This changes the current law, which allows an accused to plead guilty in the original court, and then change their plea on appeal, as of right (without having to give a reason).

Sentence appeals will be determined on the evidence and materials that were before the original court for the sentencing hearing. To ensure that the system continues to encourage and promote the offender's rehabilitation, the County Court will also be able to consider any other evidence, material or information that relates to matters that occurred after sentencing, and that concern the circumstances of the appellant.

The Bill introduces a new threshold test for sentence appeals, by providing that the appeal must be dismissed unless there are compelling reasons to impose a different sentence to that imposed by the original court. This is different from the usual error-based appeal tests and does not require the appellant to point to a specific legal error.

The focus of the new test is one of strong persuasion. In considering whether compelling reasons exist, the starting point is that the decision of the original court is correct. The County Court must have regard to the need for a fair and just outcome, taking into account the reasons that the magistrate gave when sentencing the appellant. Ultimately, the question is whether the County Court considers that there are compelling reasons to depart from the original court's sentence and impose a different sentence. It will not be enough for the County Court to consider that there is simply an argument in favour of a different sentence — something must compel the court to determine that a different sentence is required. This new approach ensures a transparent and consistent approach to sentence appeals.

The Bill does not change appeals from the Magistrates' Court or Children's Court to the Supreme Court on a question of law.

(2) Appeals from the Family Division of the Children's Court

The Bill also abolishes de novo appeals against final orders made by the Family Division of the Children's Court. Appeals to the Supreme Court on a question of law and judicial review, as well as other review mechanisms that are available under the *Children, Youth and Families Act 2005* will remain available to the parties. Appeals against temporary assessment orders and interim accommodation orders are not altered by this Bill.

Conclusion

This Bill will comprehensively improve and modernise Victoria's appeals system.

I commend the Bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Friday, 14 September.

SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018 (the Bill).

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

Overview

The purpose of the Bill is to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 (the Act) to introduce new and modify existing nurse to patient ratios and midwife to patient ratios with which the operators of certain publicly funded health facilities must comply. The Bill also repeals a number of sections in the Act that allow for variations from ratios and changes the categorisation of certain hospitals under the Act.

Human rights issues

Human rights promoted by the Bill

The Bill promotes the following human rights protected by the Charter:

the right to life (section 9 of the Charter);

the right to protection of families and children (section 17 of the Charter); and

the right to protection from cruel, inhuman or degrading treatment (section 10(b) of the Charter).

The right to life (section 9 of the Charter)

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Clause 22 of the Bill will introduce nurse to patient ratios for oncology, acute stroke and haematology settings. The introduction of these new ratios will ensure the delivery of high quality care in these areas of speciality and as a result will promote the right to life of patients in oncology, acute stroke and haematology settings.

Clauses 23, 24, 25 and 27 of the Bill will improve nurse to patient ratios applicable to palliative care inpatient units, emergency departments and special care nurseries, and improve midwife to patient ratios for birthing suites. The improvements to the ratios in these areas of speciality will ensure safe and quality patient care and as a result, will promote the right to life of the patients receiving care in these specialty settings.

Clause 5 of the Bill will introduce a new rounding methodology for ratios under the Act which in most cases will result in a higher number of nurses providing care to patients. This new rounding methodology will therefore promote safe patient care and promote the right to life of patients in public hospitals.

The protection of families and children (section 17 of the Charter)

Section 17(1) of the Charter recognises that the families are the fundamental group unit of society and that families are entitled to be protected by society and the State.
Section 17(2) of the Charter provides that every child has the right, without discrimination, to protection as is in their best interests, in recognition of a child's special vulnerability because of their age.

Clauses 24 and 25 of the Bill improve nurse and midwife to patient ratios in special care nurseries and midwife to patient ratios in birthing suites. These improved ratios will ensure that babies and mothers receive a high quality of care by improving opportunities for dedicated patient care and as a result will promote the protection of families and children.

Protection from cruel, inhuman or degrading treatment (section 10(b) of the Charter)

Section 10(b) of the Charter provides that a person must not be treated or punished in a cruel, inhuman or degrading way.

The Bill's introduction of new patient ratios in specialist areas, improvement of existing ratios and introduction of a new rounding methodology for ratios all promote the right to protection from cruel, inhuman or degrading treatment by ensuring a safe and supportive environment for patients, nurses and midwives in public hospitals.

Other potential human rights invoked

The right to equality (section 8 of the Charter)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection without discrimination and has the right to equal and effective protection against discrimination.

The new nurse to patient ratios will distinguish between patients in different hospital settings. This may invoke the protected attributes of 'disability' and 'pregnancy' under the *Equal Opportunity Act 2010* and therefore engage the right to equality and non-discrimination. However, distinguishing the level of care owed to a patient based on their setting in a hospital is reasonable and justified because patients with different illnesses and conditions require varying levels of care depending upon their clinical acuity and the associated

treatment necessary to appropriately manage their illness or condition.

To the extent that the Bill will not benefit persons hospitalised in settings other than those provided for in the Bill, this is reasonable and justified because these other settings are managed through evidence based clinical guidelines and industrial frameworks.

For the reasons outlined it is my view that the Bill is compatible with the Charter.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (09:40) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This Bill presents a historic opportunity to improve the safety and quality of patient care for all Victorians.

Safety is our highest priority, and through improving nurse to patient and midwife to patient ratios, we are supporting our dedicated workforce in our public hospitals and health services to deliver the best possible care.

The landmark introduction of the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act* in 2015 was a significant achievement for Victoria, as the first state in Australia to legislate minimum nurse and midwife staffing in public hospitals.

The Safe Patient Care Act has successfully protected minimum workload arrangements and reduced industrial disputes — creating a safe, supportive and productive environment for nurses, midwives and patients.

It is now time to improve staffing ratios to minimise any risk to patients where specified ratios are no longer fit for purpose and do not reflect best practice or safe staffing levels.

Nurses and midwives form part of an integral workforce in our health system and continue to be the most trusted profession in Australia.

There are over 50 000 nurses and midwives in our public health system committed to providing patient-centred, empathetic and individualised care. These staff are managing patients in an environment of increasing patient complexity, changing models of care and the growing demand for health services.

Increasing workloads have the potential to lead to burnout, absenteeism, job dissatisfaction, attrition and poor retention. International and local evidence also confirms a direct relationship between workload levels, patient outcomes and nurse-reported quality of care.

In summary, higher staffing numbers lead to better patient outcomes.

As such, it is now time to improve workload arrangements, create positive, healthy and productive environments and advance the health system for better patient safety.

This Bill specifies minimum staffing levels for a range of clinical settings. Updating the Safe Patient Care Act will guarantee consistency and create greater certainty around the provision of safe and high quality patient care by ensuring that health services provide a higher number of nurses and midwives where required in more complex and specialised environments.

The Bill advances the intent of the Safe Patient Care Act and demonstrates the Andrews Government's greater focus on safe and high quality patient care.

This Bill enhances the Act in four ways:

Firstly, the Bill improves a number of existing ratios to reflect evolving nursing and midwifery practices in response to advancing technologies, changing service models and increasing patient acuity and complexity.

Amendments to the rounding methodology will mean that, in most circumstances, nurses and midwives will no longer be required to carry an additional workload that can at times be 50 per cent greater than the specified ratio.

Ratios in palliative care, birthing suites, special care nurseries and emergency departments will also be updated to maintain their relevance and to reflect contemporary practice and community expectations.

Secondly, the Bill is creating new ratios to better manage highly complex patients in a range of clinical settings that use advanced technologies and specialised treatments.

New minimum safe staffing levels are now provided for inpatient multi-day speciality areas of haematology, oncology and acute stroke units. Managing ratios within mixed speciality wards is also clarified.

These enhancements will create statewide consistency in service provision and ensure the delivery of high quality individualised care that reflects treatment complexity.

Thirdly, as part of a continuous improvement process, the Bill removes redundant and outdated sections of the Act.

Removing the night duty formula in specified emergency departments and the local capacity to vary ratios will reduce confusion and ambiguity, and advance uniform workload management processes.

Finally, the Bill improves the overarching structural and operational functionality of the Act to deliver a contemporary and responsive regulatory instrument that reflects modern practices, and protects patient-care models for all Victorians.

The vision and objectives of the Bill will be achieved over five years. During this time, the Government will work with Victorian public hospitals and health services to monitor implementation and devise opportunities to provide local support as required.

The Government will also continue to support the nursing and midwifery workforce through a range of workforce development programs that target transition to practice and professional skills development.

Every day our nurses and midwives work hard to deliver person-centred healthcare and deliver the best outcomes for all Victorians.

This Bill will improve workload arrangements and have a significant and lasting impact on the provision of safe, empathetic and high-quality patient-centred care in line with community values.

I commend the Bill to the house.

Debate adjourned for Ms WOOLDRIDGE (Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Friday, 14 September.

TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Bill 2018 (**the Bill**).

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

Overview

The Bill amends a variety of Acts relating to the transport system.

Relevant to this Statement of Compatibility, the Bill implements a number of reforms to Victoria's road safety laws.

It includes reforms aimed at reducing the burden on courts resulting from the administration of alcohol interlock conditions imposed on the driver licences or learner permits of drink-driving offenders and provides for the mandatory imposition of alcohol interlock conditions in certain situations.

It clarifies the offence of failing to stop a motor vehicle and makes an amendment to an evidential provision concerning road safety cameras.

The Bill provides that it will continue to be the case that offences relating to the driving of an automated vehicle without an automated driving system permit or driving in breach of a condition of such a permit will be offences for which vehicle impoundment, immobilisation and forfeiture apply under the *Road Safety Act 1986*.

The Bill also amends the *Transport (Compliance and Miscellaneous) Act 1983* in relation to over-dimensional vehicles crossing tramway and railway tracks.

Human Rights Issues

Several aspects of the Bill raise human rights issues, which I address in this Statement as follows.

Right to a fair hearing

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

The right to a fair hearing under section 24 of the Charter may be relevant to certain provisions of the Bill which, in effect, transfer court functions in relation to the imposition and removal of alcohol interlock conditions to VicRoads; provide for the mandatory imposition of alcohol interlock conditions with respect to certain offences; and restrict appeals to the Magistrates' Court with respect to decisions of VicRoads in relation to alcohol interlock conditions.

Imposition and removal of alcohol interlock conditions — transfer of court functions to VicRoads

An alcohol interlock is an electronic breath testing device that prevents a vehicle from starting if it detects alcohol in the driver's breath.

Section 31KA of the *Road Safety Act 1986* requires VicRoads to impose an alcohol interlock condition when granting a driver licence or learner permit to persons in certain circumstances. This obligation applies in relation to first time drink-driving offenders with a recorded blood or breath alcohol concentration (BAC) of less than 0.10.

The *Road Safety Act 1986* also empowers the Magistrates' Court to impose alcohol interlock conditions in respect of driver licences and learner permits for other offences, including for:

(a) all first-time drink drivers with a recorded BAC of 0.10 or more, and all repeat drink-driving offences where the person is disqualified from driving under sections 50 or 89C of the *Road Safety Act 1986*; and

(b) all persons disqualified from driving under sections 89 or 89A of the *Sentencing Act 1991* (where the court has also made a finding that the person who committed the offence was under the influence of alcohol or both alcohol and a drug which contributed to the offence) for:

(i) serious motor vehicle offences within the meaning of section 87P of the *Sentencing Act 1991* (for example, culpable driving);

(ii) police pursuit offences;

(iii) motor vehicle theft offences;

(iv) non-road safety offences (dealt with under section 89A of the *Sentencing Act 1991*).

Clause 12(2) of the Bill amends section 31KA of the *Road Safety Act 1986* so as to broaden the offences in relation to which VicRoads is empowered to impose alcohol interlock conditions. VicRoads will now be empowered to impose such conditions for a person disqualified from driving under sections 50 or 89C (unless the person is exempted under new section 50AAAE, discussed below).

Further, the Bill now provides that, in all circumstances, the removal of an alcohol interlock condition from a person's driver licence or learner permit will be determined by VicRoads, a function that was previously, in some circumstances, performed by the Magistrates' Court.

In transferring responsibility for the imposition and removal of alcohol interlock conditions from the Magistrates' Court to VicRoads, the Bill may appear to engage the right to a fair hearing. However, for the following reasons I do not consider that the right is engaged.

While matters that are currently dealt with by the Magistrate's Court will now be dealt with administratively by VicRoads, this does not limit access to courts. Insofar as the right under section 24(1) contains a right of access to courts, it does not require that matters such as decisions relating to the imposition and removal of alcohol interlock conditions, be determined by courts as opposed to non-judicial bodies. Moreover, the Act and some of the provisions in the Bill contain a range of appropriate safeguards and mechanisms to ensure that the administrative scheme implemented by VicRoads is fair. Consequently, I do not consider that this amendment engages the right.

Mandatory imposition of alcohol interlock conditions

The Bill also amends Schedule 1B to the *Road Safety Act 1986*. That Schedule distinguishes between offences for which it is discretionary or mandatory for a decision-maker to impose an alcohol interlock condition. The Bill provides that, for certain offences for which the imposition of such a condition was discretionary, it will now be mandatory, subject to an exemption process under section 50AAAE. For example, where a person was disqualified for driving a motor vehicle while under the influence of liquor or both liquor and a drug to such an extent as to be incapable of having proper control of the vehicle, and that offence occurred before 13 May 2002, the court previously had a discretion whether to impose an alcohol interlock condition. Such a condition will now be mandatory.

However, while the removal of discretion from decision-makers may appear to engage the fair hearing right, in my view it does not do so. This is because the changes alter the substantive law to be applied by the decision-makers. By contrast, the right to a fair hearing is concerned with the process by which findings of substantive law are to be made. Consequently, in my view the right is not engaged.

Even if the right were engaged by making the conditions mandatory, the Bill contains new provisions allowing a person subject to a condition to apply for an exemption from that condition in certain circumstances, such that the process remains fair.

Restriction of appeals to Magistrates' Court

Section 26 of the *Road Safety Act 1986* governs appeals to the Magistrates' Court against certain decisions of VicRoads in relation to driver licences or learner permits. Section 26(5) currently provides that an appeal does not lie against certain decisions of VicRoads to impose (or not remove) alcohol interlock conditions. Clause 9 of the Bill amends section 26(5) to also preclude appeals to the Magistrates' Court from decisions declining to exempt a person from an alcohol interlock condition which they would otherwise be subject to, under new section 50AAAE. Clause 9 of the Bill also amends section 26(5) to preclude appeals to the Magistrates' Court from decisions of VicRoads under section 103ZM(6) to not exempt a person from the prescribed alcohol interlock usage data requirements.

New section 50AAAE establishes a process for a person in certain circumstances to apply to VicRoads to be exempted from the imposition of an alcohol interlock condition on the basis that they are not engaging in hazardous or harmful use of alcohol and are not dependent on alcohol. New section 26(5)(c), inserted by clause 9, limits a general appeal to the Magistrates' Court from a decision not to grant such an exemption. However, new section 50AAAF, inserted by clause 18, allows a person to apply to the Court for a direction to VicRoads that the person has satisfied the evidentiary requirements of section 50AAAE. This, in effect, creates a narrow and tailored form of judicial review in place of the general right of appeal. Therefore, even if the limitation of appeal rights has the potential to affect the right to fair hearing, in my view the substance of clause 9 does not.

It is noted that new section 50AAAF(4) requires the Magistrates' Court, at a hearing of an application under this section, to hear any relevant evidence tendered by the Chief Commissioner of Police. There is no corresponding requirement that the Magistrate must hear evidence tendered by the applicant. To the extent that this may be relevant to the applicant's right to a fair hearing, I do not consider that the right is limited. The relevant material of the applicant will have already been provided by the applicant to the Court, as section 50AAAF(3)(b) requires an application to the Magistrates' Court to be accompanied by the evidence given in support of the application under section 50AAAE. Further, it is appropriate that the Chief Commissioner of Police be able to tender any relevant evidence, as section 50AAAF(3) requires an application to be made on notice to the Chief Commissioner of Police, and the Chief Commissioner of Police may have evidence that is relevant to the matter which should be considered.

New section 103ZM(5) provides that a person whose driver licence or learner permit is subject to an alcohol interlock condition imposed in respect of an offence committed before 1 October 2014, will be subject to the prescribed alcohol interlock usage data requirements. It was previously the case that these requirements did not apply to that group of offenders. If VicRoads is satisfied that there are special circumstances, it may grant an exemption to a person from this new requirement under section 103ZM(6). The prescribed alcohol interlock usage data requirements are set

out in regulations and include requirements such as not using the alcohol interlock device while alcohol affected and not tampering with the device. In my view, the exclusion of a decision under section 103ZM(6) from a general right of appeal does not limit the right to a fair hearing.

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence.

Clause 28 of the Bill amends Schedule 1B to the *Road Safety Act 1986* to provide that, for certain offences, where the imposition of an alcohol interlock condition was previously discretionary, it will now be mandatory, subject to an exemption process under new section 50AAAE. The alcohol interlock condition will be imposed after the person's disqualification period has ended and the person applies to VicRoads for a driver licence or learner permit. A question may arise as to whether this amounts to double punishment for the offence that gave rise to the initial disqualification.

However, the alcohol interlock provisions in the Bill are administrative and regulatory in nature and do not amount to punishment for a criminal offence. The purpose of the alcohol interlock conditions is to protect public safety by reducing the risk of future drink-driving offences, rather than being aimed at punishing affected persons. The requirements are only imposed where a person wishes to apply for a driver licence or learner permit after a period of disqualification for a drink-driving offence. Even if the imposition of an alcohol condition may be seen as a sanction, the sanction is not of a criminal nature and the right in section 26 of the Charter does not preclude imposition of various civil consequences for the same conduct.

No higher penalty

Section 27(2) of the Charter provides that a person has a right not to have a greater penalty imposed for a criminal offence than applied to the offence when it was committed.

Clause 27 of the Bill inserts transitional provisions. New section 103ZM(5) provides that where a person was disqualified from driving because of a drink-driving offence that was committed before 1 October 2014, the person will be required to meet the prescribed alcohol interlock usage data requirements, subject to a special circumstances exemption under section 103ZM(6) of the *Road Safety Act 1986*. These offenders were previously not required to comply with these requirements, which are set out in regulations and include requirements such as not using the alcohol interlock device while alcohol affected and not tampering with the device.

Clause 28 of the Bill amends Schedule 1B to the *Road Safety Act 1986* to provide that, for certain offences, where the imposition of an alcohol interlock condition was previously discretionary, it will now be mandatory, subject to an exemption process under new section 50AAAE. The alcohol interlock condition will be imposed after the person's disqualification period has ended and the person applies to VicRoads for a driver licence or learner permit.

A question may arise as to whether these amendments may result in a person being subjected to a higher penalty for the disqualifying offence than applied at the time the offence was committed, by being subjected to usage data requirements or the imposition of an alcohol interlock condition which may not otherwise have been imposed at the time the initial offence was committed.

However, in my view, clause 27 of the Bill does not engage the right in section 27(2) of the Charter as the requirement to comply with prescribed alcohol interlock usage data requirements does not impose any higher penalty. The application of new requirements, relating to existing conditions, does not amount to the imposition of any penalty. Applicable requirements in a regulatory context, such as licensing, are subject to change to reflect best practice, shifts in policy and technology, and requirements that apply including to conditions.

Similarly, clause 28 of the Bill which provides for the mandatory imposition of alcohol interlock conditions in certain cases, is not punitive or penal in nature. Furthermore, alcohol interlock conditions are imposed when a person applies for a driver licence or learner permit, which is an entirely voluntary process. The alcohol interlock assists a person found guilty of a drink-driving offence to separate that person's drinking from driving and can therefore be better described as a therapeutic measure designed to assist the person to avoid committing another drink-driving offence in the future, and to protect the public against the commission of further drink-driving offences.

Right to privacy

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

A number of clauses are relevant to the right to privacy.

Clause 16 amends the administrative scheme for removal of an alcohol interlock condition. Clause 16 re-enacts current section 50AAAB(2)(c) in new section 50AAAB(1)(b), which provides that a person applying for removal of an alcohol interlock condition must supply a report that complies with current section 50AAAB(3). This report must contain data that indicates compliance with any prescribed alcohol interlock usage data requirements.

Clause 18 creates a new section 50AAAE which, in certain cases, enables a person to apply to avoid an alcohol interlock condition requirement if they can demonstrate that they are not engaging in hazardous or harmful alcohol use and are not dependent on alcohol. The application must be supported by evidence relating to their personal circumstances, which may include medical reports and assessments.

Clause 27 of the Bill inserts section 103ZM(6) of the *Road Safety Act 1986* which provides that pre-1 October 2014 offenders may, in certain circumstances, make an application to VicRoads to be exempted from the prescribed alcohol interlock usage data requirements.

Insofar as the right to privacy is engaged by the requirement to provide personal and sensitive information to VicRoads pursuant to clauses 16, 18 and 27, I consider that any interference with that right is lawful and not arbitrary.

An application for a driver licence or learner permit is entirely voluntary and persons making an application for an

exemption from or removal of alcohol interlock conditions, or an exemption from the prescribed alcohol interlock usage data requirements, will have a minimal expectation of privacy in relation to material of direct relevance to their application. The requirement that information and supporting evidence be provided pursuant to these clauses is to enable VicRoads to decide that the applicant is not dependent on alcohol (for clause 18), has complied with the prescribed alcohol interlock usage data requirements (for clause 16) or has established special circumstances warranting an exemption from the prescribed alcohol usage data requirements (for clause 27). The requirement that the information be provided serves an important public purpose as it enables VicRoads to make informed decisions about who should be subject to alcohol interlock conditions or the prescribed alcohol usage data requirements and whether an alcohol interlock condition should be removed. Therefore, in my view, clauses 16, 18 and 27 do not limit the right to privacy.

Property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Mandatory imposition of alcohol interlock conditions

Clause 28 amends Schedule 1B to the *Road Safety Act 1986* so that certain offences will result in the mandatory imposition of an alcohol interlock condition by VicRoads upon the offender applying for a driver licence or learner permit.

The alcohol interlock provisions may be relevant to the section 20 right not to be deprived of a person's property other than in accordance with law, because a person is only able to use their property, being their vehicle, if an alcohol interlock has been fitted. In my opinion, the provisions do not limit the right because, even if the requirement to fit the device in order to use the vehicle is viewed as a potential deprivation of the vehicle, the circumstances in which a device must be fitted are clearly formulated and are in accordance with the law.

Impoundment, immobilisation and forfeiture of motor vehicles

Section 31(2) of the *Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017* (Vic) (the 2017 Act) will amend the existing motor vehicle impoundment, immobilisation and forfeiture provisions in the *Road Safety Act 1986* by amending the definition of 'relevant offence' (which will replace the current definitions of 'tier 1 relevant offence' and tier 2 relevant offence'). The 2017 Act has received the Royal Assent but has not yet been proclaimed.

Clause 56 of this present Bill further amends the definition of 'relevant offence' in the 2017 Act so that it will cover offences under sections 33I(1) or 33I(3) (relating to driving or causing another to drive an automated vehicle without an automated driving system permit where the permit is required) or 33J(1) (relating to driving an automated vehicle on a highway in breach of a current permit condition) of the *Road Safety Act 1986*. These offences are currently subject to the vehicle impoundment regime and they are listed as 'tier 2 relevant offences'. The reason these offences were not included in the new definition of 'relevant offence' set out in the 2017 Act is that these new offences, which were created by the *Road Safety Amendment (Automated Vehicles) Act 2018*, had not yet come into existence when the 2017 Act was considered by the Parliament. Furthermore, the *Road Safety Amendment (Automated Vehicles) Act 2018* could only add these offences to the definition of 'tier 2 relevant offence' because the new definition of 'relevant offence', to be created by the 2017 Act, had not been assented to when the *Road Safety Amendment (Automated Vehicles) Act 2018* was introduced into the Parliament.

The commission of 'relevant offences' can give rise to consequences including the exercise of powers by police officers for the impoundment, immobilisation and forfeiture of motor vehicles and for the exercise of search and seizure powers. The human rights issues raised by these amendments were discussed in the Statement of Compatibility for *Road Safety Amendment (Automated Vehicles) Act 2018* and they were considered to be compatible with the Charter.

Freedom of movement

Section 12 of the Charter provides that every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it.

Requirement to remain stopped

Clause 32 of the Bill seeks to clarify the offence of failing to stop a motor vehicle when requested by a police officer, or a protective services officer on duty at a designated place (under section 64A of the *Road Safety Act 1986*).

Section 64A currently does not include a specific reference to a person, after being directed to stop, to remain stopped. Clause 32 of the Bill amends section 64A of the *Road Safety Act 1986* to include an express requirement that the driver remain stopped until an indication is given that the person may continue driving.

The amendment to section 64A may amount to a restriction on freedom of movement. However, I consider that any limitation on the right is reasonable and justified. It is a legitimate expectation that drivers remain stopped while engaging with police officers or protective services officers in the context of this provision. As such, the amendment is technical in nature. Remaining stopped until the police officer or protective services officer indicates otherwise is in the interests of public safety and law enforcement.

Restrictions relevant to railway and tramway tracks

Clauses 50 to 54 amend the *Transport (Compliance and Miscellaneous) Act 1983* to transfer certain over-dimensional vehicle regulatory functions from the Public Transport Development Authority to VicRoads and to clarify the circumstances where a permit is required when crossing railway tracks or crossing or moving along tramway tracks.

To the extent that the provisions being amended restrict freedom of movement, I consider any interference to be reasonable and justified. It is appropriate that the circumstances in which tracks can be crossed are regulated. Drivers of over-dimensional vehicles and the operators of those vehicles should be cognisant of the particular laws that are relevant to them. The provisions promote the protection of rail infrastructure and public safety, and ensure that crossings

are carried out efficiently and in a way that minimises disruption to the rail and tram network.

Protection against discrimination

Section 8 of the Charter sets out a series of recognition and equality rights, including the right of every person to equal protection of the law without discrimination, and the right to equal and effective protection against discrimination.

Discrimination, in relation to a person, is defined in section 3(1) of the Charter to mean discrimination (within the meaning of the *Equal Opportunity Act 2010*) on the basis of an attribute set out in section 6 of that Act. One such attribute is discrimination on the basis of disability.

Discrimination includes both direct and indirect discrimination on the basis of an attribute. Direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that either has or is likely to have a disadvantageous effect on persons with an attribute.

As noted above, the Bill amends the *Road Safety Act 1986* so that certain offences will result in the mandatory imposition of an alcohol interlock condition by VicRoads (when the person applies for a driver licence or learner permit) unless the person can demonstrate (under new section 50AAAE introduced by clause 18 of the Bill) that they are not dependent on alcohol or engaging in hazardous or harmful alcohol use.

Alcoholism is an addiction to alcoholic substances, and in some cases, addiction may be regarded as a disability. Insofar as dependency on alcohol may be considered a disability, clause 18 may engage the right to protection against discrimination on the basis of disability.

In my view, as the requirement to demonstrate that a person is not dependent on alcohol or engaging in hazardous or harmful alcohol use applies equally to all relevant applicants, any resulting discrimination will be indirect rather than direct in nature. Indirect discrimination is only unlawful (and therefore a limit on the right to equality) if it is unreasonable. The requirement in clause 18 is clearly reasonable. Road safety is of paramount importance to the general community and the inherent requirements of driving a motor vehicle include that drivers meet an appropriate standard of medical fitness and do not pose an unacceptable risk. The requirement is a proportionate response to the risk posed by these drivers and is necessary to protect other road users. For the same reasons, even if the requirement is considered to amount to direct discrimination, and therefore a limit on the right, it is justifiable under section 7(2) of the Charter. I therefore consider that clause 18 is compatible with section 8 of the Charter.

Right to be presumed innocent until proved guilty according to law

Clause 33 of the Bill substitutes section 81(1B) of the *Road Safety Act 1986* to provide that, where an image produced by a prescribed process when used in the prescribed manner (for example, a road safety camera) depicts one or more motor vehicles, a marker on a particular motor vehicle and a message stating the speed of that motor vehicle is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of that motor vehicle on that occasion. The provision supports the issuing of fines for speeding offences.

The right to be presumed innocent may be relevant to clause 33. This right is relevant where a statutory provision shifts the burden of proof onto an accused, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

However, clause 33 does not create a legal burden by requiring an accused to raise evidence to contradict the speed recorded by, for example, a road safety camera if they disagree with that speed. It does impose an evidential burden. In my view this does not limit the right. It is reasonable to rely on prescribed processes to streamline prosecutions for relevant offences. Giving an accused an opportunity to challenge that evidence by introducing contradictory evidence is appropriate. It will be up to the Court to assess the probative value of any competing evidence.

Hon. Jaala Pulford, MP
Minister for Agriculture

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (09:42) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Better Roads Victoria

Through *Project 10,000* the Andrews Labor Government set out to deliver better and more targeted investment to address congestion and improve safety across the State. Part of *Project 10,000* is the Government's commitment to build "Better Roads for More Communities". The commitments are:

> "A minimum of $1 billion over eight years will be allocated to repair and upgrade roads in Melbourne's outer suburban and interface communities
>
> A minimum of $1 billion over eight years will be allocated to repair and upgrade roads and level crossings in rural and regional communities
>
> Legislative changes will be made to lock-in a guaranteed proportion of funding for these communities in perpetuity
>
> Victorian Labor will also confirm in legislation the compulsory payment of traffic camera and speeding fines into the Better Roads Victoria Trust Account."

These commitments recognise the important role for State Government to plan and deliver transport projects for the economic prosperity and safety of all Victorian communities.

I am pleased to inform the Parliament that the Government's ambitious eight year target to invest a total of $2 billion in

Victoria's outer suburban and regional roads has been met in just four years.

A total of over $3 billion dollars has already been allocated to outer suburban and interface, and rural and regional communities in the first term of government.

Rural and Regional communities

For years we have been investing in roads to improve conditions and enhance safety for rural and regional motorists. The 2018–19 Victorian Budget alone delivers $433 million for regional road restoration, $261 million for road upgrades and $229 million for safety upgrades.

The government has so far allocated over $1.1 billion to rural and regional communities. These investments in regional areas are fostering thriving regional economies that are creating jobs and providing for the future.

Outer Suburban and Interface communities

The population in Melbourne's outer suburban areas is continuing to grow. This means there will be increasing demand on the road network. Without proper investment in roads — investment for now and for the long term — people in these communities will spend longer in traffic and will need to travel further to get to and from work. This is simply not an option.

This Government recognises the importance of investing in outer suburban and interface roads to ensure that people can get to where they need, when they need. Since 2015, over $1.9 billion has been allocated to roads in these areas.

Outer suburban and regional communities can rest assured this Government will continue to invest in improving safety and congestion on their roads.

Guaranteed funding

This Bill guarantees the allocation of a minimum of 33 per cent of Better Roads Victoria funding to rural and regional communities.

This Bill guarantees the allocation of a minimum of 33 per cent of Better Roads Victoria funding to outer suburban and interface communities.

The guaranteed minimum proportions will be set now for all future investments. This Government is committed to delivering a consistent and guaranteed level of road funding to growth areas and rural and regional communities for the years to come.

The guaranteed funding will be supported by a compulsory payment of an amount equivalent to traffic camera and on-the-spot speeding fines revenue into the Better Roads Victoria Trust Account. Other road-related monies can still go into the account regardless of the source. This will ensure there is a minimum level of funding going into the account, while not preventing other sources of funding to be paid into the account.

Administration of Alcohol Interlocks

The Bill makes changes to the administration of alcohol interlock conditions to simplify the processes and move the majority of alcohol interlock offences into the VicRoads Alcohol Interlock Program. This is designed to take pressure off court resources and allow them to focus on other key areas, such as family violence and community safety.

The Bill transfers responsibility from the courts to VicRoads for the removal of all alcohol interlock conditions for drink-driving offenders once they have met mandatory criteria to demonstrate that they have separated drinking from driving.

VicRoads already manages alcohol interlock removals for some offences, and uses the same mandatory criteria that the courts use, so the necessary systems are already in place. It is expected that this will remove over 5,000 matters each year from the Magistrates' Court.

The Bill also transfers the responsibility of re-licensing offenders and imposing alcohol interlock conditions for most drink-driving offences from the courts to VicRoads. VicRoads will not exercise discretion in the same manner that the courts currently do with respect to making determinations on licence eligibility and interlock conditions.

Most offences that involve drink-driving have had a mandatory minimum interlock period specified in legislation since 2014. In practice, VicRoads will apply the prescribed mandatory minimum alcohol interlock condition period set in legislation.

Under the changes, VicRoads will also assume case management of 'legacy' drink-drivers who had a conviction or finding of guilt prior to 2017 and who have not yet returned to licensed driving.

For legacy offenders who would have formerly been subject to a discretionary interlock condition at the time of their offence, they will be able to apply to VicRoads to be re-licensed without an alcohol interlock condition. They will be re-licensed if they can demonstrate that they are not dependent on alcohol and are not engaging in harmful or hazardous alcohol use. If they cannot provide evidence from a suitably qualified health professional in accordance with the regulations, an interlock condition will be imposed.

Offenders dissatisfied with VicRoads decision will be able to apply to the Magistrates' Court for a review of the decision, ensuring procedural fairness.

More serious offences involving drink-driving — including manslaughter, culpable driving, police pursuits or motor vehicle theft — will still be managed by the court. These serious cases require the discretion of the court to determine whether it is appropriate for the offender to return to licensed driving, and whether the mandatory minimum alcohol interlock condition period set in legislation is sufficient when considering the severity of the offence.

Further Road Safety Amendments

The Bill also removes an anomaly in current sentencing, by ensuring that a minimum mandatory alcohol interlock condition applies to all drink-driving offences that result in licence cancellation and disqualification.

Under the change, a first offence of dangerous driving during a police pursuit or theft of a motor vehicle where the offence was committed under the influence of alcohol will now be subject to a mandatory alcohol interlock condition period of no less than six months. These serious offenders will continue

to be required to apply to the court to be re-licensed once their licence disqualification period has ended.

Additionally, alcohol interlock conditions will no longer be imposed for offences that are not driving-related.

A new mandatory behaviour change program for all drink-driving and drug-driving offenders is being rolled out. This will replace the existing drink-driver education course and individual assessment, which only applied to some drink-drivers. The Bill provides for the repeal of the superseded program.

Other Road-Related Amendments

The Bill extends exemptions from certain fatigue management rules for the drivers of rail replacement buses and buses responding to emergencies so that they also apply to persons who act as record keepers for those drivers.

The Bill will also clarify beyond doubt that a driver who has been directed to stop must remain stopped until a police officer indicates that the person may proceed.

Improvements to the over-dimensional vehicles crossing rail scheme are included.

The requirement for operators involved in movements across a railway track with a vehicle width of between three and five metres will no longer be required to obtain annual permits. This will reduce red tape.

The infrastructure protected under the scheme will now include railway track structures, signalling systems, and level crossing warning devices (e.g. boom gates).

Movements along tramways tracks will also now fall within scope. Operators wishing to take over-dimensional vehicles along tramway tracks will need to obtain a permit.

Amendments are being made to fee setting powers under the scheme so that cost reflective fees can be charged for high-risk applications.

Responsibility for administering the scheme will also be changed from the Secretary of the Department of Economic Development, Jobs, Transport and Resources (under delegation from Public Transport Victoria), to VicRoads.

Public Transport Amendments

Land transactions between some transport agencies will be streamlined. The Bill enables VicTrack to transfer interests in land to VicRoads and the Head, Transport for Victoria for nominal consideration. It also removes the requirement for the Treasurer to approve all VicTrack land transactions. These will avoid unnecessary administration costs for the State and reduce the potential for delays.

The Bill clarifies compensation entitlements for drivers of trains involved in a fatal accident. Legislation will now reflect the existing practice of providing financial assistance to supervising drivers if they are in the driver cabin of a train involved in a fatal incident.

Responsibility for determining conditions of travel on public transport will be transferred from the Secretary of the Department of Economic Development, Jobs, Transport and Resources to the Head, Transport for Victoria. Determining conditions of travel is an operational function, so is better aligned with the functions and power of the Head, Transport for Victoria.

Conclusion

This Bill delivers on our commitments to fund roads in outer suburban and interface areas and in rural and regional areas. It also makes changes to make all Victorian roads safer.

I commend the Bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Friday, 14 September.

TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the **Charter of Human Rights and Responsibilities Act 2006**, (the '**Charter**'), I make this Statement of Compatibility with respect to the Treasury and Finance Legislation Amendment Bill 2018 (the **Bill**).

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

Overview

The Bill is an omnibus Bill that makes amendments to a number of Acts, with the following amendments relevant to human rights:

extending transport accident benefits payable to family members;

expanding the entitlement to transport accident compensation to cyclists who are injured as a result of a collision with a stationary vehicle;

new powers to require compelled removal of asbestos and imposed management measures; and

clarification of existing inspector powers to ask questions and request documents.

Human Rights Issues

Extending benefits payable to family members

The Bill makes a number of amendments to the **Transport Accident Act 1986** (**TA Act**) to increase claim benefits to supporting family members of persons injured in transport accidents.

Under the existing scheme, the members of the immediate family of a person who is injured or dies as a result of a transport accident are entitled to benefits, including family counselling, and travel and accommodation expenses for hospital visits or funeral attendance. Clause 3 amends the TA Act to include grandparents as members of immediate family, to recognise that changing nature of family units and the supporting role of grandparents in modern society.

Similarly, the Transport Accident Commission (**TAC**) currently pays reasonable travel and accommodation expenses incurred by a parent whilst they visit their dependent child in hospital, in order to allow parents to spend as much time as possible with their children, and to support them in their recovery following a transport accident. Under the current scheme, parents are not compensated for loss of wages as a result of being unable to work during the period of visiting their child in hospital. Clause 12 introduces a new compensation benefit of up to $10 000 per claim to mitigate the loss of wages of a parent visiting their child in hospital.

Finally, the TAC pays dependency benefits to children of a person who dies as a result of a transport accident. A 'dependent child' includes a child under the age of 25 years who is a full-time student, but does not include a person under the age of 25 who is undertaking a full-time apprenticeship. Clause 4 amends the TA Act align the entitlements of dependent full time apprentices with full-time students under the age of 25.

The above amendments, which all provide additional support to children and family members affected by a transport accident, strengthen the Charter's right to protection of families and children in s 17.

Amendments relating to pedal cycles

Part 2 of the Bill makes a number of amendments to the TA Act to expand the entitlement to TAC compensation to cyclists who are injured as a result of a collision with a stationary vehicle. Clause 3 amends the definition of 'transport accident' in s 3(1) of the Act to include a collision occurring between a pedal cycle and a stationary motor vehicle or an open or opening door of a motor vehicle. Clauses 5 to 9 make other amendments to bring the statutory requirements for cyclists in line with the requirements on owners or drivers of a motor vehicle when claiming compensation.

These amendments are relevant to the Charter rights to freedom of expression (s 15), property (s 20) and fair hearing (s 24).

Right to freedom of expression (s 15)

Section 15(2) of the Charter provides that every person has the right to freedom of expression, including the freedom to impart information and ideas of all kinds. This also encompasses the right not to impart information.

Clause 5 imposes a requirement on cyclists who have been injured to report the accident to the nearest police station within a reasonable time in order to access TAC compensation. Failure to report can result in the TAC not being liable to pay compensation in certain circumstances.

Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression, and the right may be subject to lawful restrictions, such as those reasonably necessary to protect public order and public health. In my view, the requirement to report accidents to police in order to access compensation is reasonably necessary to the proper administration of the traffic accident compensation scheme, and the efficient and transparent assessment of compensation claims. It is a commonly accepted obligation on road users that accidents involving injury must be reported to police. I also note that this requirement mirrors existing obligations on cyclists under the *Road Safety Act 1986* to report to police particulars of any accident involving injury.

Accordingly, I am satisfied that this requirement does not limit section 15 of the Charter.

Property rights (s 20) and the right to fair hearing (s 24)

A consequence of expanding the entitlements to compensation of cyclists is that it brings application of other parts of the compensation scheme, such as the extinguishment of common law rights to damages in certain circumstances (by way of s 93 of the TA Act). Accordingly, a cyclist who is involved in a collision with a stationary vehicle will no longer have a right to recover common law damages, unless they have sustained a serious injury as required by s 93 of the TA Act.

Section 20 of the Charter provides that a person must not be deprived of property other than in accordance with law. A legal right to damages may be considered 'property' for the purposes of s 20. The right has been interpreted as requiring that any deprivation of property occur in accordance with clear, transparent and precise criteria, and not be oppressive or capricious. As the scheme employs clear criteria for when a common law right is extinguished, and provides for a person to be entitled to enjoy the benefits of the statutory compensation scheme in exchange for the loss of this legal right, the provision does not limit s 20 of the Charter.

Similarly, a provision which abolishes or limits a right to bring legal proceedings may constitute a limit on a person's right to fair under s 24 of the Charter, by impeding their access to the courts of the State. To the extent that fair hearing can be said to be limited, I consider any limit to be reasonably justified under s 7(2) of the Charter. The right to common law damages is only extinguished in circumstances where a cyclist is injured but does not have a serious injury. In such circumstances, the person is provided with access to no-fault entitlements under the scheme, which include immediately payable benefits relating to medical and support services, transport costs, income support and associated benefits for family members.

While such persons will also be subject to statutory thresholds and caps for the recovery of such costs, the extinguishment of common law rights to damages is necessary in order to regulate TAC's liabilities (as the indemnifier of persons

involved in traffic accidents) and ensure that the scheme is able to provide benefits equivalent to the respective needs of each claimant. I also note that courts in the United States, Canada, Germany and South Africa, amongst others, have found similar legislation providing for compensation and limiting the right to claim common law damages not to be irrational or arbitrary in the context of limits on human rights.

Accordingly, I am satisfied that that the limitations on the right to damages in this context is compatible with the Charter.

Framework for the removal or management of asbestos

The manufacture, use, reuse, import, transport, storage and sale of asbestos has been prohibited in Australia since 31 December 2003, effected in Victoria through the **Occupational Health and Safety Regulation 2017**. Despite these prohibitions, a number of instances of asbestos-containing-materials have been imported, supplied and installed in Victoria since 2003. Despite the clear risk to public safety and welfare posed by these materials, there exists ambiguity in the current framework regarding whether duty holders are in breach of existing prohibitions for retaining such asbestos or whether they can be required to remove it.

Clause 25 of the Bill inserts a new Part VIA into the **Dangerous Goods Act 1985** to provide a clearer framework for the removal or management of asbestos that was installed on or after 1 January 2004. New section 39C requires a person who has management or control of property to notify the Victorian WorkCover Authority (**Authority**) as soon as practicable after becoming aware that their property contains asbestos that was installed on or after 1 January 2004. The person must then, within 60 days, enter into an agreement with the Authority to remove the asbestos in accordance with a removal plan approved by the Authority, or to manage the risks associated with retaining the asbestos on the property in accordance with a management plan approved by the Authority. An owner is liable to a penalty if they fail to agree with a removal or management plan, or fail to comply with such plans. The obligations do not apply in relation to property that is domestic premises used solely for domestic purposes.

The new framework is relevant to a number of rights:

- the right to freedom from forced work (s 11), in relation to the requirement on a property owner to remove asbestos under the menace of a penalty;
- the right to freedom of expression, including the right not to impart information (s 15), in relation to the requirement of a property owner to notify the Authority of asbestos; and
- the right not to be deprived of property, in relation to any interferences with a person's enjoyment of property rights effected by the forced removal of asbestos or implementation of a management plan.

The above rights all include internal limitations within their scope that permit lawful restrictions on the right on certain grounds. Accordingly, I consider that these amendments do not limit these rights on the basis of these internal limitations, for the following reasons.

The right to freedom from forced work excepts work or service that forms part of normal civil obligations (s 11(3)(c)). While the phrase has not been subject to judicial interpretation in Victoria, 'normal civil obligations' have been interpreted under international law to include a property owner's obligation to maintain their property in accordance with health and safety standards. Further, such obligations are particularly enlivened where an owner is aware that the condition of their property may endanger the community (principally residents, visitors to the property and neighbours), and the risk is of such a nature that the community may be unaware of the dangers or be unable to adequately protect itself against such dangers. The health and safety risks associated with asbestos are significant, with inhalation of asbestos dust or fibres causing scarring, infection or interactions with a person's immune system leading to genetic damage and resulting carcinomas. Asbestos fibres are normally invisible to the naked eye and can be breathed in easily without noticing. It follows that the work requirements introduced by these amendments would be considered as part of the scope of normal civil obligations on property owners.

The right to freedom of expression is subject to restrictions reasonably necessary to respect the rights and reputations of other persons, or for the protection of public health (s 15(3)). As discussed above, the requirement to notify the Authority about the discovery of matters of health concern to the community clearly comes within the internal limitation of this right.

Finally, the right not to be deprived of property contains an internal limitation of 'other than in accordance with law'. While the effect of a compelled asbestos removal or management plan may deprive a person of their enjoyment of certain property rights (such restricting their use or control of their property) any such deprivation will occur in accordance with law. The scheme includes clear criteria for removing or managing asbestos, and provides for exceptions in the form of management plans where it may not be reasonably practicable to remove asbestos and it is safe to take other protective measures. New section 39F sets out the considerations that the Authority must satisfy itself of when determining whether it is reasonably practicable to require an owner to remove asbestos, such as the likelihood of exposure to asbestos occurring, the degree of harm that would result if exposure to asbestos did occur, the availability of suitable of ways to remove the asbestos, and the cost of removing the asbestos. Accordingly, I am satisfied that the imposition of any restrictions or requirements on the use of land under this scheme will be reasonable, and occur in accordance with law.

It follows that I am satisfied that clause 25 is compatible with the Charter.

Inspector powers to ask questions and request documents

The Bill (through clauses 23, 28 and 31) amends the **Dangerous Goods Act 1985, Equipment (Public Safety) Act 1994** and **Workplace Injury Rehabilitation Compensation Act 2013** to clarify the scope of existing inspector powers to ask questions and request documents under those Acts, in order to align those powers with equivalent powers under the **Occupational Health and Safety Act 2004**.

The amendments clarify that the power to ask questions is not inadvertently restricted to matters concerning documents required to be produced under the scheme, and that the power to request documents does not depend on where the document may be located or whether it is in the person's possession.

These amendments prevent the ability of inspectors to perform their functions from being inadvertently limited.

It is my view that these amendments do not impose any additional limits on human rights, as it merely clarifies the intended operation of existing powers. However, I note that many of these powers to gather information were enacted prior to the introduction of the Charter and have not been considered by previous Statements of Compatibility. Accordingly, I consider it appropriate to briefly discuss the general implications for human rights posed by such information-gathering powers, and why any reasonable limits on rights are considered reasonably justified.

The powers are principally relevant to the Charter's right to privacy (s 13) and the right not to be compelled to testify against oneself or to confess guilt (s 25(2)(k)).

Right to privacy (s 13)

Section 13 of the Charter relevantly provides that a person has the right not to have their privacy or correspondence unlawfully or arbitrarily interfered with.

The powers permit inspectors to enter specified places (which, in relation to each scheme, are regulated occupational places such as equipment sites, workplaces or places housing dangerous goods) and require a person to produce a document or answer any questions put by the inspector. Not all information required to be provided under these powers will be of a private nature. However, to the extent that these powers do require disclosure of private information, the clearly prescribed nature of these powers protect against any arbitrary or unlawful interferences with the right to privacy. The powers are essential to monitoring industry laws and detecting non-compliance, and to safeguard the rights and interests of employees, consumers and the community in relation to workplaces and high risk industries. The powers are primarily available in respect of industry and occupational premises, where individuals have a limited expectation of privacy by way of the duties and obligations which attach to their roles under the relevant Acts. Confidential requirements apply to the information gained in the exercise of these powers.

Right not to be compelled to testify against oneself or to confess guilty (s 25(2)(k)))

Section 25(2)(k) of the Charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against themselves or to confess guilt. The right applies in relation to incriminatory material obtained under compulsion, and extends to cover information that may have been obtained prior to any charge being laid.

The powers to compel information allow a person to refuse or fail to give information if doing so would tend to incriminate the person (with the exception, in some contexts, of the person's name or address). However, the powers do not excuse a person from complying with a requirement to provide a document that the person is required to produce under the respective scheme.

The right to protection against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, at common law the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents that are brought into existence to comply with a request for information. This is particularly so in the context of a regulated industry, where documents or records are required to be produced during the course of a person's participation in that industry, and are brought into existence for the dominant purpose of demonstrating that person's compliance with relevant duties and obligations when required by inspectors. The duty to provide documents in this context is consistent with the reasonable expectations of persons who operate within a regulated scheme and undertake the responsibilities and duties that apply to their roles.

These powers enable inspectors to monitor compliance with the respective Acts, investigate potential contraventions, and protect employees from detriment or harm resulting from non-compliance with the regulatory scheme. It is necessary for inspectors to have access to such documents to ensure the effective administration of the regulatory scheme, and to use such documents to bring enforcement action where appropriate.

There are no less restrictive means available to achieve the purpose of enabling inspectors to have access to relevant documents, and access to such documents is necessary to ensure the safety of employees and to protect the interests of industry as a whole. To provide for a full document-use immunity would unreasonably obstruct the role of inspectors and the aims of the scheme, as well as give the holders of such documents an unfair forensic advantage in relation to criminal and civil penalty investigations. Therefore, I consider that the limitation of the privilege against self-incrimination with respect to documents is compatible with the right not to be compelled to testify against oneself in section 25(2)(k) of the Charter.

Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (09:44) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Treasury and Finance Legislation Amendment Bill 2018 is an omnibus bill which amends

The *Transport Accident Act 1986* (TA Act) to improve the operational efficiency of the Victorian transport accident scheme by increasing claim benefits to persons injured in transport accidents and their supporting family members and expanding the eligibility of cyclists to access TAC compensation in circumstances where they are injured as a result of a collision with a stationary vehicle;

The *Occupational Health and Safety Act 2004*, *Dangerous Goods Act 1985*), *Equipment (Public Safety) Act 1994*, *Accident Compensation Act 1985* and *Workplace Injury Rehabilitation and Compensation Act 2014* to enhance the operation of the Victorian

occupational health and safety, equipment public safety and dangerous goods regulatory frameworks and the workers compensation schemes; and

The *Emergency Services Superannuation Act 1986* to provide a mechanism for the transfer of the assets and liabilities of the Port of Melbourne Superannuation Fund into the Emergency Services Superannuation Scheme.

The Government is continuing to look at ways to strengthen the performance of the TAC and WorkSafe scheme and the services provided to those injured in a transport accident on Victorian roads and workplaces, as well as looking at ways to enhance the benefits that are available to the family members of those injured, and improve workplace safety standards.

Turning first to the TAC related amendments —

Transport Accident related amendments

The Transport Accident Commission (TAC) administers a world class transport accident scheme aimed at promoting the prevention of transport accidents and to ensure that appropriate compensation is delivered to those who are unfortunate enough to be injured on our roads.

The Government is continuing to look at ways to strengthen the performance of the TAC scheme and the services provided to those injured in transport accidents and their families.

In addition to enhancing the compensation available to TAC clients and their families, this Bill will also extend TAC compensation to cyclists who are injured as a result of a collision with a stationary vehicle by amending the definition of a '*transport accident*' in the TA Act.

Expanding coverage for cyclists

In 2000, the Act was amended to extend access to TAC benefits to a cyclist who was injured in a collision with a parked vehicle whilst riding to or from work as at that time, a cyclist would not have been entitled to workers' compensation benefits following amendments made to the *Accident Compensation Act 1985*.

This meant that cyclists who were unfortunate enough to collide with a parked vehicle if they were not travelling to or from their employment were being treated differently and had very different outcomes to those who were. This amendment addresses this current anomaly.

The unequal access to TAC benefits was highlighted in an incident involving Mr . Richard Wilson on 9 July 2014, where Mr Wilson sustained significant injuries as a result of colliding with a stationary vehicle whilst riding his bicycle. Mr . Wilson was not entitled to TAC compensation because the incident did not occur whilst he was travelling to or from his place of employment.

To ensure that Mr Wilson and other people injured in similar circumstances can be entitled to TAC compensation, this amendment will apply retrospectively to 9 July 2014, the date of Mr . Wilson's accident. This means that a cyclist that has been injured as a result of a collision with a stationary vehicle is now able to make a claim for compensation with the TAC, which the TAC can now accept in accordance with these new provisions.

Increasing benefits for family members

In addition to amending the definition of a '*transport accident*,' a number of additional benefits have also been introduced or enhanced for TAC clients and their families. To acknowledge the changing nature of family units and the supporting role that many grandparents play in a modern society, the Act will be amended so that grandparents will be entitled to the same benefits currently available for immediate family members of a TAC client. This change will apply from the date of commencement and apply to all transport accidents on or after that date.

The Bill also introduces equivalent amendment to the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985*.

The TAC pays for the reasonable travel and accommodation expenses of immediate family members to visit a TAC client in hospital up to a capped amount of $10 780 per claim.

When an injured person requires an extended in-patient stay or family members are required to commute long distances to a hospital, this amount can be insufficient. To address these circumstances, the Act will be amended so that this cap is increased to $20 000, indexed each financial year with CPI. This amendment will apply to all claims for travel and accommodation expenses on or after the date of commencement.

Again, the Bill also introduces equivalent amendment to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985.

Payment for loss of wages for parents

If a child is injured in a transport accident and admitted to hospital, the TAC can pay the reasonable travel and accommodation expenses incurred by parents to stay with them. If a parent also incurs a loss of wages as a result of being unable to work during the period that they are with their dependent child in hospital, the TAC is unable to provide them with any financial assistance.

To provide additional financial support to parents, this Bill will introduce a new benefit of up to $10 000 per claim for parents to access if they incur a loss of wages after five working days from the date of their child's first admission to hospital. This change will support the parents of children injured in a transport accident on or after the date of commencement.

Apprentice

The TAC can pay dependency benefits to the child of a person who dies in a transport accident, which can include a lump sum award, weekly benefits and an education allowance. Generally, a child will only be entitled to dependency benefits if they are under 16 years of age. However, if a child is a full-time student between 16 and 25 years of age and they remain dependent on their deceased parent for economic support, they will also be entitled to dependency benefits. This currently does not extend to apprentices in the same circumstances. To ensure that a dependent child undertaking an apprenticeship is not disadvantaged as compared to a child under 25 years of age undertaking studies, this Bill will align the dependency entitlements of a full time dependent apprentice under the age of 25 with those of a dependent full-time student under the age of 25. This amendment will

affect all transport accidents involving an apprentice tradesperson on or after the date of commencement.

LOEC benefit review

If a person is unable to return to work 18 months after their transport accident, then they may be entitled to Loss of Earnings Capacity (LOEC) Benefits from the TAC. LOEC benefits can be paid for a maximum period of 18 months, unless a person's Whole Person Impairment (WPI) is assessed at greater than 50 per cent, and they continue to suffer a loss of earning capacity. A person so assessed will be eligible to receive these benefits until they reach the Federal retirement age, or until their WPI is assessed at below 50 percent or they no longer have a loss of earning capacity — whichever occurs first.

The TAC is currently required to conduct a mandatory review of a person's ongoing entitlement to LOEC benefits at least once in every five year period. The TAC reviews a person's WPI and their work capacity. This may involve a TAC client having to attend a number of medico-legal examinations and vocational assessments. In instances where a person has sustained catastrophic injuries which have destroyed their earning capacity and their impairment level will never fall below 50 percent, conducting a mandatory review is not necessary.

This Bill replaces the mandatory requirement for the TAC to undertake a review of entitlements to LOEC benefits every five years with a discretionary one. The TAC may still undertake a review in appropriate circumstances. This amendment will not have an effect on a person's right to request that the TAC conduct a review at any time and will apply from the date of commencement to all transport accident claims, regardless of when they occurred.

Overseas attendance care

If a TAC client requires attendant care services within Australia, the TAC can pay the reasonable cost of these services for a period of not more than 8 weeks in any year if these services are required by a TAC client overseas. The TAC currently has no discretion to pay for a period of attendant care services overseas beyond this period. In order to support TAC clients who may be required to travel overseas during the course of their employment, this Bill will provide for an additional 4 weeks of overseas attendant care services to TAC clients in these circumstances. The amendment will apply to all requests for these services from the date of commencement.

Payment for court appointed administrator

Severely injured TAC clients may require a Court or Tribunal appointed professional administrator to act on their behalf and manage their financial affairs. Where a professional administrator is appointed by a Court or Tribunal to act on an injured client's behalf, they are entitled to charge fees for their services in managing the financial affairs of a client. Currently, the TA Act makes no provision for the payment of the fees incurred in the management of a client's income and lump sum impairment benefit. This is contrasted with the common law position where an injured person can recover the fees incurred by an administrator in accordance with the High Court case of Willet v Futcher.

To enable the TAC to pay the reasonable fees associated with the professional administration of a client's TAC no-fault compensation; this Bill introduces a new benefit into the TA Act to allow a professional administrator to apply to the TAC to be reimbursed for the costs of their professional administration fees that are set by a Court or Tribunal. This provision will apply to all requests for reimbursement of eligible fees incurred on or after the date of commencement.

This amendment is not intended to impact on the assessment of transport accident common law damages claims. The current practise for the recovery of management fees continues to apply whether these costs are incurred by a professional administrator or by Funds in Court.

Turning next to WorkSafe related amendments —

WorkSafe related amendments

The Bill makes a range of amendments to improve the operation of Victoria's Workers Compensations Scheme as well as Victoria's Occupational Health and Safety, Equipment Public Safety and Dangerous Goods Regulatory Frameworks.

Broadly, the Bill makes amendments to:

provide increased transparency in regards to WorkSafe investigations responding to prosecution requests and to ensure that WorkSafe has sufficient time to undertake these investigations;

clarify occupational health and safety consultation requirements;

provide a clear framework for the removal or control of asbestos installed subsequent to 31 December 2003; and

provide fairer compensation entitlement for injured workers and the family members of injured workers.

The Bill also makes a number of minor amendments clarify the operation of the legislation and to improve consistency.

Providing increased transparency in regards to WorkSafe investigations responding to prosecution requests and ensuring that WorkSafe has sufficient time to undertake these investigations

The *Occupational Health and Safety Act 2004* (OHS Act), the *Dangerous Goods Act 1985* (DG Act) and the *Equipment (Public Safety) Act 1994* (EPS Act) allow members of the public to request prosecutions in circumstances where they consider that a breach of the legislation has occurred.

This Bill introduces amendments to strengthen WorkSafe's accountability and transparency in regards to investigations relating to prosecution requests under these Acts. Specifically, the Bill requires WorkSafe to publicly report any instances where it fails to meet its mandated legislative timeframes for these investigations.

These amendments address recommendations arising out of the Parliamentary Committee Inquiry into the CFA Training College at Fiskville — Final Report (Fiskville Inquiry) and the Independent Review of Occupational Health and Safety Compliance and Enforcement in Victoria 2016 (Compliance and Enforcement Review).

The Bill also makes amendments to ensure that WorkSafe has sufficient time to undertake thorough and comprehensive investigations relating to prosecution requests for more serious indictable offences. These amendments substitute the existing three month timeframe for completion of these investigations, with a requirement that if an investigation into an indictable matter is not completed within nine months, WorkSafe is to refer the matter to the Director of Public Prosecution. In the interim, Worksafe is to provide three monthly updates to the person who requested the prosecution, and the Minister, advising them of the status of the investigation. The Bill also introduces new safeguards to ensure that these investigations are undertaken without undue delay.

Clarifying OHS consultation requirements

The Bill creates an explicit link to clarify that a failure to undertake the consultation procedure in accordance with requirements of the OHS Act amounts to a failure to consult and comply with the obligations in the OHS Act.

The OHS Act places a duty on employers to consult with employees about a number of specified health and safety matters to identify hazards and risks, procedures for resolving health and safety issues and monitoring health and conditions at the workplace. The OHS Act also sets out how the consultation process must occur.

The Independent Review of Occupational Health and Safety Compliance and Enforcement in Victoria identified a lack of clarity regarding whether enforcement action could be taken for a failure to undertake the consultation procedure in accordance with requirements of the OHS Act. The Victorian Government confirmed enforcement is actionable under the current legislation and committed to being more transparent about this obligation.

This amendment confirms the importance of the consultation procedure and clarifies that a failure to undertake the consultation procedure in accordance with requirements of the OHS Act is an offence.

Removal or control of asbestos

The Bill provides a clear framework for the removal or control of asbestos installed subsequent to 31 December 2003.

The Victorian Government is committed to providing a safe workplace for all workers. The unknown presence of asbestos is a significant risk. Buildings constructed post December 2003 are assumed to be asbestos-free and if a building is treated as asbestos free when it in fact contains asbestos, serious health and safety risks may arise.

The manufacture, use, reuse, importation, transport, storage and sale of asbestos has been prohibited in Australia since 31 December 2003. Despite the prohibitions, a number of instances of asbestos-containing materials being imported, supplied and installed in Victoria subsequent to 2003 have been identified. Currently, uncertainty exists as to whether, and in what circumstances, these prohibitions would compel a duty holder to remove asbestos.

To provide a clear framework for the removal or control of asbestos that has been installed after 31 December 2003, the Bill amends the DG Act to insert a provision requiring that any asbestos installed after 2003 must be removed in accordance with a removal plan approved by WorkSafe or controlled in accordance with a management plan approved by WorkSafe. Importantly, the management plan must ensure a level of health and safety that is at least equivalent to that which would be achieved by removing the asbestos.

Failure to comply with the relevant requirements of a removal or a management plan that has been agreed is an indictable offence attracting a maximum penalty of 500 penalty units for a natural person and 2500 penalty units for a body corporate.

Payment of impairment benefits following the death of the claimant

The Bill proposes to build flexibility in the WIRC and AC Acts to enable impairment benefits to be made in specified circumstances where the worker passes away before a claim can be finalised.

In very rare situations, the worker may pass away between their entitlement being determined and the processing of their compensation payment. In these circumstances, WorkSafe is prevented from making the payment.

The Bill proposes to amend the WIRC Act and the AC Act to allow for impairment benefits to be made after the worker has passed away if the worker's degree of impairment had already been determined by WorkSafe prior to their death.

This amendment will ensure fairer outcomes in situations where a claim is well progressed and an injured worker passes away prior to its finalisation and the payment of compensation.

Provisional payments for travel and accommodation expenses

The Bill proposes amendments to expand the ability to make provisional payments to include compensation payments for travel and accommodation expenses of family members including grandparents.

The WIRC and AC Acts currently allow reasonable costs to be paid to family members of deceased workers for travel and accommodation where the deceased worker's burial or cremation is held more than 100 kilometres from their residence. The Bill proposes to allow for these expenses to be paid provisionally, without a claim needing to be lodged.

This amendment ensures that a deceased worker's family can obtain payments more quickly in the period immediately after the worker's death. It ensures that family members are not put under additional financial hardship prior to the conclusion of the compensation process during a very difficult and stressful time.

Turning finally to ESSS related amendment —

Transfer of the Port Fund to the ESSS

In September 2016, the Government leased the Port of Melbourne to the Lonsdale Consortium for a period of 50 years. At the time, the Government agreed that the Port of Melbourne Superannuation Fund should be transferred into the Emergency Services Superannuation Scheme after the completion of the lease transaction.

There are currently 32 members of Port Fund. Only six of these members remain active. The Fund is "fully funded".

Currently, the cost of administering the Port Fund is around $360 000 per annum which is met by the Lonsdale Consortium and the Victorian Ports Corporation (Melbourne). If the Port Fund is transferred to ESSSuper, the cost of administering the Port Fund is expected to reduce to $150 000 per annum because ESSSuper will be able to take advantage of economies of scale.

The Port Fund is currently regulated by APRA, whereas all funds administered by ESSSuper are exempt public sector superannuation schemes regulated by the Victorian Government. Transferring the Port Fund into the ESSS will involve the Port Fund being transferred into an exempt public sector superannuation scheme regulated by the Victorian Government. The Port Fund, in conjunction with ESSSuper, will need to consult APRA to ensure that any requirements they have regarding this transfer are satisfied. In order for the transfer to occur both the Port Fund and ESSSuper have to agree.

This Bill will provide a mechanism for the transfer to occur once the Trustees of the Port Fund (Diversa Trustees Limited) and ESSSuper agreed in writing to the Minister for Finance that the requirements to the transfer have been met.

I commend the Bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Friday, 14 September.

PETITIONS

Following petitions presented to house:

Bunyip North quarry

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of many hundreds of residents about the proposed Hanson quarry in Bunyip North. These concerns include the —

(1) impact the proposed quarry would have on the community, the environment and on growth;

(2) proximity of the proposed quarry to Mount Cannibal Reserve, Tonimbuk Equestrian Centre and to residences;

(3) detrimental impact on jobs, business and property values;

(4) adverse impact on agricultural production; and

(5) threat to ground and surface water supply.

The proposed Hanson quarry in Bunyip North requires an environment effects statement to receive planning approval. Representatives from the community have been unable to satisfactorily have their interests presented and Hanson Construction Materials Pty Ltd (Hanson) have failed for 12 years to honour the commitments they made to the community. Consequently, community members feel unable to rely on information received from Hanson.

The petitioners therefore request that the Legislative Council call on the government to hold any approvals sought by Hanson Construction Materials Pty Ltd for the proposed quarry in Bunyip North in abeyance until all community, environmental, employment and population growth concerns are satisfactorily addressed.

By Ms SHING (Eastern Victoria) (789 signatures).

Laid on table.

Snowy River railway bridge, Orbost

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Snowy River flood plain railway bridge at Orbost. This 770-metre timber viaduct was built in 1916 and is the longest railway bridge in Victoria. It has potential as an emblematic marketing feature for this rural region of Victoria. It is a cultural landmark in East Gippsland, being visible from the Princes Highway at Orbost.

We respectfully request that the Legislative Council call on the government to allocate money for the restoration of this historic railway bridge at Orbost so that it can be integrated into the East Gippsland Rail Trail and used for cycling and walking and also for promotions to assist the visitor economy.

By Ms SHING (Eastern Victoria) (385 signatures).

Laid on table.

PROCEDURE COMMITTEE

Review of standing orders

Mr ELASMAR (Northern Metropolitan) presented report, including appendices.

Laid on table.

Ordered that report be published.

Mr ELASMAR (Northern Metropolitan) (09:46) — I move:

That the Council take note of the report.

I take pleasure in presenting a report from the Legislative Council Procedure Committee on its recent review of standing orders. During the course of this 58th Parliament the house adopted 17 separate sessional orders, including reforms to questions without notice, time limits in general business, changes to the sitting hours on a Tuesday, changes to the functions and composition of standing committees, introduction of a video-on-demand service and increasing the duration of the ringing of division bells.

The Procedure Committee has agreed to certain sessional orders becoming standing orders in the 59th Parliament. They include sessional orders relating to video on demand, 4-minute division bells, general business time limits and the President's ability to order written responses to answers to questions without notice. Other sessional orders will lapse after the expiration of this Parliament. The committee also agreed to make some further minor changes to standing orders relating to motions, to the postponement of notices of motion and to the ability of a minister to dispose of an adjournment matter in the house, and to providing further clarity about speaking time limits.

The committee has recommended that the house take steps to adopt these new standing orders as set out in appendices A and B. Accordingly I trust that a motion will be moved and agreed to in the next sitting week to ensure these standing orders are operational for the start of the 59th Parliament. In conclusion, I would like to thank the Clerk and the staff for their hard work.

Ms WOOLDRIDGE (Eastern Metropolitan) (09:48) — I will just speak briefly on the report tabled by Mr Elasmar in relation to the Procedure Committee. As members will see from the report, there have been some successes of the Procedure Committee, which I think have taken us forward as a modern Parliament in relation to e-petitions and video on demand, which members are using actively. It is a credit to the work of the committee. I want to acknowledge Richard Willis, Annemarie Burt, Andrew Young and Natalie Tyler, who have supported the work of the Procedure Committee in order to get some of those outcomes, as well as the members of the committee for their cooperation.

There are only a small number of matters that the committee has recommended be put into the standing orders for the next Parliament. It is fair to say that there are outstanding matters that need to be addressed. From my perspective it is disappointing that this report does not deal with the issue of the production of documents. We have seen even just this week that the management of documents is critical to this house. This house has requested many documents, most of which have either not been provided or not been provided in full, with some serious questions in relation to content that has been redacted or excluded, which we have debated in this house many times. It is disappointing, from my perspective, that this report does not deal with a way forward to manage the production of documents or potentially the appointment of an independent arbiter to oversee, rather than just leave in the hands of the government, the decisions in relation to documents.

As I say, what we have seen this week just highlights even more dramatically how important it is that there is some resolution on that — not only to release information but also to not release information where it can be highly detrimental to individuals involved. I do recommend this report to the house, and I look forward to hopefully being able to take this forward next sitting week.

Mr DAVIS (Southern Metropolitan) (09:50) — I just want to make a few reflections on the very exciting Procedure Committee report. This will be a cure for many with respect to the insomnia they may suffer from. Leaving that aside, I want to draw attention to two matters. The first one was pointed out by Ms Wooldridge, and it relates to the issue of the production of documents. I have long been concerned about the lack of clear agency and responsibility that exists with respect to our standing order on the production of documents, and there will need to be some further focus on this. I put that on the agenda at this point.

The committee was not able to come to some clear way forward on that, but we have seen in the last week a terrible outcome in the lower house, where an abuse of the Parliament's power has occurred and documents have been tabled in error, with massive damage to individuals, in an arrogant step by Premier Daniel Andrews. That makes clear the responsibilities here and the need for greater clarity. Certainly more will need to be said about that, given what Daniel Andrews and his ministers in the lower house have done in their terrible abuse of conventions. At the same time —

The PRESIDENT — Order! Mr Davis, those are matters that were not canvassed by the Procedure Committee. They are not encompassed in the report of the Procedure Committee. Yes, the production of documents issue is a deferred issue to a future Procedure Committee, which will probably have a different composition. At any rate the matter that you are putting forward is by way of debate, and I would suggest that the debate needs to be on the report as it stands rather than reflecting on what may or may not have happened in the other house.

Mr DAVIS — President, I accept your point, but I note the deficiencies in the report are also something we can point to —

Mr Jennings — 'But'! The first word is 'but'.

Mr DAVIS — Yes, indeed. I do believe that it is a serious deficiency. But leaving that aside, there is one other point I want to make, and that relates to the issue

of broadcasting. I think we have got to be very careful with this new version of the standing order, if it is carried by the chamber, given the risk of authorisation by members of staff. We need to make sure that there are clear boundaries between the parliamentary roles and the non-parliamentary roles of staff. We have seen in this Parliament some issues arise relating to 2014.

The PRESIDENT — Thank you.

Ms PENNICUIK (Southern Metropolitan) (09:53) — I would like to start by thanking the secretariat of the committee — the Clerk, Andrew Young; Richard Willis; Annemarie Burt; and Natalie Tyler — for all the work they have done to support the committee. I would like to disagree with Mr Davis. I actually think the work of the Procedure Committee is very exciting. It outlines the structures and processes by which we conduct our business in this house. For the long time I have been here, I have always been on the Procedure Committee, formerly called the Standing Orders Committee, and have taken a very keen interest in the standing orders of this place.

I am supportive of the report that has been tabled today and the changes that it makes in terms of video on demand; questions, with regard to the President being able to order written responses to questions and the requirement that answers be factual; time limits in general business; and division bells ringing for 4 minutes, for example, to accommodate our move out to the new building.

But I would like to say there are many things that have been left out of the report that I would like to have seen included that were put into the sessional orders at the beginning of this session, such as constituency questions and such as the ability for our standing committees to self-reference. They have been left out of this report. In the previous Parliament, when the then government had control of this house, the only references that the committees were able to deal with were those that were agreed to by the government. I think to not have that function going into the next Parliament is a problem, because the functioning committee is one of the hallmarks of an upper house. Anyway, I will have more to say on this report during the debate on the motion to adopt the new standing orders.

Motion agreed to.

NOTICES OF MOTION

Notice of motion given.

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) — I move:

> That the Council, at its rising, adjourn until Tuesday, 18 September, at 12.00 p.m.

Motion agreed to.

MINISTERS STATEMENTS

Recreational fishing

Ms PULFORD (Minister for Agriculture) (09:57) — I wish to update the house on a big change underway for Victoria's Statewide Recreational Fishing Roundtable. Recruitment is underway for a new chair. I am told interest is high and there are many strong candidates for this important role. The recreational fishing round table concept was initiated in 2006 to bring all stakeholders together, including the peak body, in one place at the same time. Its purpose is to share ideas, discuss opportunities to improve fishing and for participants to get to know each other given their shared passion for this wonderful pastime.

The first chair was Merv McGuire, and more than a decade later he has decided to pass the baton. More time for fishing for Merv sounds good to me. Merv's chairmanship has brought lots of people together who might otherwise have stayed names without faces. He has seen through challenging times when hot issues were discussed and debated across the table, ensuring everyone's voice received the respect and time it deserved. Governments have come and gone in Merv's time as chair, and the round table has provided an apolitical arena that has stood the test of time.

On behalf of the Victorian government thanks are due to Merv, and I am sure I am joined in this by members of the round table and Victorian anglers. Merv has left fishing in this state better off than when he started, and nobody could ask for more than that. I wish Merv all the best with his future endeavours, and I look forward to reports of trout successfully caught from the Upper Goulburn now that he will have more time to chase them.

Family violence prevention

Ms MIKAKOS (Minister for Families and Children) (09:59) — I rise to update the house on how the Andrews Labor government is testing new and innovative approaches to end family violence and hold

perpetrators to account. I recently announced $4.8 million to trial and evaluate seven new perpetrator intervention programs which target diverse groups. This is an investment by the Andrews Labor government in family violence prevention to make sure that perpetrators are accountable. These trials acknowledge that there is no one-size-fits-all approach to combating family violence, while also encouraging community-based initiatives and recognising the importance of keeping all perpetrators accountable.

The trials run until July 2019, and just some of the groups funded include Bethany Community Support in the Greater Geelong, Queenscliff region and Surf Coast regions to work with men who have cognitive impairments; Bendigo and District Aboriginal Cooperative and the Centre for Non-Violence in Bendigo, delivering bush-setting interventions including health and storytelling with Aboriginal and non-Aboriginal fathers; inTouch, Multicultural Centre against Family Violence in Greater Dandenong to deliver in-language, culturally sensitive interventions for those from culturally diverse backgrounds; and Baptcare and Berry Street in Ballarat and Melbourne to work with female perpetrators, including Aboriginal women.

The new programs respond to recommendation 87 of the Royal Commission into Family Violence, which urged further interventions for perpetrators beyond the current men's behaviour change programs. This investment comes on top of $7.4 million to trial perpetrator case management, as well as a further $9.1 million to create an extra 4000 community-based men's behaviour change places in 2018–19. The case management trial will provide access for up to 2000 places across Victoria and includes dedicated funding for Aboriginal and LGBTI service providers. Under the new and enhanced men's behaviour change program it has been extended from 12 to 20 weeks and includes additional support for victim-survivors and their families.

This is part of the Andrews Labor government's unprecedented $2.6 billion investment since 2017 to help end family violence and includes a record $60.1 million over four years for the changing perpetrator behaviour program. Our government will never stop our work to end our nation's number one law and order issue — family violence — putting the interests of women and children first, while making perpetrators accountable for their actions.

ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018

Second reading

Debate resumed from 8 March; motion of Mr JENNINGS (Special Minister of State).

Mrs PEULICH (South Eastern Metropolitan) (10:02) — I rise to speak on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018, noting some of the detailed work that has been done by our shadow minister, David Southwick in the Assembly, in consultation with stakeholders. While the opposition will not oppose the bill, it has a number of very serious concerns, which I will canvass during my contribution.

One of those issues has been raised by the Scrutiny of Acts and Regulations Committee, which basically identifies some of the unbridled power of Energy Safe Victoria, and certainly they are very, very significant powers with very little accountability apart from directly to the minister and perhaps by individual consumers or persons who are impacted by decisions of Energy Safe Victoria taking matters to the Supreme Court. I am personally aware of some fairly questionable practices in dealing with consumers by Energy Safe Victoria and some of their contractors, who appear to act with a sense of impunity.

The bill amends the Electricity Safety Act 1998 to implement the electrical equipment safety scheme, which is the intent of similar legislation in some of the other states — New South Wales, however, is not a participant. The intent is to harmonise the scheme for participating jurisdictions in Australia and New Zealand to work towards achieving consistent safety requirements in place for relevant in-scope electrical equipment.

The bill is of course littered with jargon that is particular to the industry, but 'in-scope electrical equipment' is defined on page 5 as:

> … electrical equipment that—
>
> (a) operates at or within a prescribed voltage range; and
>
> (b) is designed or marketed as suitable for household, personal or similar use—
>
> but does not include electrical equipment of a type that is declared under section 53 not to be in-scope electrical equipment …

However, Energy Safe Victoria can declare something to be in scope or out of scope simply by means of gazettal, so a very substantial amount of power rests in the hands of Energy Safe Victoria.

In addition to that I just want to place on record the vista of issues that are relevant to certain parts of the bill. Energy Safe Victoria is the regulator responsible for the supply of energy. This is a very, very substantial responsibility that rests with one regulator and therefore, because the bill touches on the powers of Energy Safe Victoria, could I say at the outset that the second-reading debate does allow for a very broad range of discussion of issues pertaining to energy, including the supply of energy, the safety of energy and the affordability of energy, because all of those are powers that ultimately rest with Energy Safe Victoria as the regulator responsible for supply. The minister has power over Energy Safe Victoria, and that power is made in some measure clear in a statement of expectation which was issued in, I think, June 2016. I will come back to that in a moment.

However, as we can see by this governance arrangement, a minister can simply issue a new statement of expectation which substantially changes the obligations of the regulator in terms of how they execute their responsibilities and how they conduct themselves in dealing with consumers, with suppliers and the like. Could I say I believe that the Andrews government has failed dismally in terms of its regulation of energy in the state, and if there is one issue that is a very, very substantial issue for consumers, domestic as well as industry, it is the security of supply as well as the affordability of energy, both electricity and gas. Again, the safety of electrical equipment is impacted upon by supply for things like, for example, planned outages —

Mr Leane — On a point of order, President. I respect Mrs Peulich being the first speaker for the opposition and the scope that she has in that role. I will just say as far as relevance goes that this bill pertains to electrical equipment — everything from a toaster to a drill — but it does not go to supply issues whatsoever. I think that Mrs Peulich gave us all a flu shot — everyone after her will talk about their pet hates, whether it be renewable energy or whatever — but I would flag that this is a very narrow bill as far as what it covers, and I think that people should be relevant to the bill.

Mrs PEULICH — On the point of order, President, the bill outlines very clearly the extensive powers and responsibilities of Energy Safe Victoria, and I would like to point to part 3 and new section 7B — and we will come back to this as well — which looks at the 'Use and disclosure of information by Energy Safe Victoria under part 4 of the Electricity Safety Act 1998'. When taken in conjunction with the recent announcement, for example, of a virtual generator, where information of users will be collected with a view to being able to regulate supply, all of these issues are pertinent and relevant to the bill and to consideration. You cannot look at one small component of the supply and regulation of energy and say it is unconnected to anywhere else, because indeed that would be a fallacy.

The PRESIDENT — I will have a look through the bill to establish whether or not I should set some parameters in terms of the debate. For now I do recognise that Mrs Peulich is the lead speaker and there is more scope for a lead speaker, so I will allow her to continue, and I will just have a quick look at this one section that I think may actually be the parachute. I will just check that and see if I should set some parameters for the debate. Thank you, Mr Leane, for the point of order.

Mrs PEULICH — Thank you, President, and whilst you are deliberating that — and thank you for the opportunity of laying on the table the relevant issues to the regulation of energy supply — I would also like to point out to you the enormous power that Energy Safe Victoria has, as seen under a whole range of sections littered through this bill, including the ability to declare electrical equipment not to be in scope, standards for electrical equipment that is not in scope, declaration of electrical equipment to be controlled and suspension of certificates of conformity. These powers are very, very extensive powers, and they certainly cross the differentiation or the distinction between in-scope and out-of-scope equipment and indeed fail to outline what avenues of appeal there are for people who are impacted by this enormous power. I have never heard or seen a government instrumentality — a regulator — having such unqualified power as Energy Safe Victoria.

Could I place on the record my concern in relation to the governance of this particular sector. It is no wonder that there are so many complaints that are lodged and so many issues that are lodged in relation to energy supply. Indeed there is the ability to suspend certificates of conformity and cancel certificates of conformity. The powers are just phenomenal. Also on page 24 it says under —

Mr Leane — What if there's a faulty product?

Mrs PEULICH — No, I just want to say that really when it comes to this legislation there ought to be nothing that should be outside the parameters of this debate, because Energy Safe Victoria has, for example, even the power to 'impose any conditions that must be complied with to maintain an exemption granted under' certain sections of this legislation. It is an absolutely amazing power and also contains a reversal of the onus of proof, which is obviously a legal concept that I think this Parliament has typically been reluctant to embrace. Whilst on the surface the bill looks well-intentioned, I think some of the issues that are within the parameters of this legislation point to why we have so many problems with the sector.

I will come back; I have touched on those. I wanted to just lay on the vista the breadth of issues that are relevant to this legislation, but I will come back to the specific details of the bill and will use that as a platform to touch on areas of concern that I have, that the Scrutiny of Acts and Regulations Committee has and that may actually even contribute to the committee stage of this debate. I think there is enormous capacity to interrogate the intentions of government policy when it comes to the regulator and when it comes to some of the announcements that have been made, some of the schemes that are in place and how they all fit into, for example, the supply of energy.

The bill replaces current separate jurisdictional schemes which have operated independently of one another in relation to the same electrical equipment, obviously the justification being that it creates confusion and additional regulatory burden. Victoria currently has a two-tier system divided between high-risk or prescribed electrical equipment and low-risk or non-prescribed equipment. The bill will introduce a third, medium-risk category and will relabel the existing categories as level 1, being low-risk; level 2, being medium-risk; and level 3, being high-risk.

The bill will require manufacturers and importers of in-scope electrical equipment in Australia or New Zealand and known as responsible suppliers to register themselves and the level 2 and 3 in-scope electrical equipment they supply in Victoria on a central database. But of course at any time Energy Safe Victoria can declare something to be not in scope or out of scope. The new registration requirement will enable industry to register themselves and their equipment once in a single database for the purpose of each participating jurisdiction, replacing duplicative registrations in multiple databases.

This whole direction of harmonisation of laws, given that we have interstate and globalised trade, makes absolute sense, but that should not only apply to safety conditions; it should also apply to labour laws in order to make things easier for business to do business. In particular, in a globalised environment you want international business to be able to invest with some degree of predictability and certainty in Australia and in Victoria. Having a multitude of layers of complex industrial laws makes it very difficult, so the whole direction of harmonising laws is a good thing on the whole. However, as I said before, the powers of the regulator in this instance, I think, raise significant concerns, and the power it will have to interfere with and control supply of energy to consumers will be substantial.

If data is gathered in an empowered database, it seems to me that in the future — probably not too far down the track — suppliers of electricity will be able to turn off certain uses as a way of protecting security of supply. They might decide, for example, that personal domestic air conditioners should be turned off or, who knows, maybe even washing machines, but there will be the ability to centrally control the supply of energy to users.

The PRESIDENT — In respect of the point of order, I have perused the bill. Without wanting to restrict and to anticipate areas that members may wish to go to in their debate, may I make the observation that this bill is very much from my perspective about protecting our electrical supply and the networks and so forth, so the regulatory role is about that protection and the efficiency and proper conduct of those people involved in this industry. Therefore, from my point of view, certainly debate that might touch on reliability of our electricity industry would be within the parameters of this legislation. Matters associated with costs and pricing of electricity from my point of view would not. If members fleetingly refer to that when I am not in the chair, perhaps they might get away with it, but I think the issue is really to look at that reliability and the safety of our systems, and that is what the regulator is all about. It is not about pricing matters, which I would see as being extraneous to this debate and not relevant to the legislation before us.

Mrs PEULICH — Thank you, President, for your guidance. I understand that your guidance pertains to detailed comments on the cost of electricity rather than the cost of the implications of decisions made by Energy Safe, which will impact on cost very, very substantially.

I am personally aware of one constituent — and I have actually raised this matter on several occasions in the Parliament — where he wanted a permit, which he got,

to build a townhouse. He was required by Energy Safe to replace a pole that was outside his property on the footpath, otherwise they would not give him a certificate to proceed. It was going to cost him tens of thousands of dollars to do that, but without doing it he could not proceed with his plan to build his townhouse. Now that to me sounds like a very clever, unacceptable plan to defray the cost of building infrastructure — energy infrastructure and electricity infrastructure — and deferring those costs to the consumer in an unacceptable way, especially given that that power pole was not on my constituent's property.

As I said, the unbridled powers of Energy Safe have been a concern to me for some time. As a result of their decisions, for which I cannot see avenues of appeal — this gentleman has actually tried appealing through me to the Parliament, to the minister and to various other agencies without any satisfaction — it seems to me that what is missing in this legislation is some sort of mechanism of appeal beyond that of the Supreme Court. Not everyone has the power to take matters to the Supreme Court, and nor should they go there. That should be reserved for the most grievous and most serious of matters. I thank you, President, for your guidance and the distinction between the types of costs that we may be discussing regarding this legislation.

The PRESIDENT — Mrs Peulich, you are absolutely right. In the context of such a run of debate, that is quite acceptable and apposite to this legislation.

Mrs PEULICH — Thank you. In coming back to the intent of the legislation, it is very much in line with the direction that this and previous parliaments have been taking with a view to harmonising laws and standards to make doing business, doing import-export and establishing businesses and so on consistent and business friendly. Australia certainly has a long way to go in being a more business-friendly environment.

Just as a small digression, I regularly take in interns from the University of Utah's Hinckley Institute — a political institute. I have students who are Democrats, students who are Republicans, students who are Independents, some who are Mormons and some who are not Mormons — and it was not by design, let me tell you — however, without exception each one of them, including some of the most ardent Democrat activists, have walked away from their internship experience saying, 'I cannot believe how anti-business Australia and Victoria are'. I think that does not bode well for a nation that should be absolutely the leader. Given our multicultural composition, given our wonderful democracy and given the talent that we have, we should be a leader in business and enterprise. The move to harmonise laws and standards is a good one provided that it achieves its intent acceptably.

The bill introduces a new requirement for responsible suppliers and on-sellers of in-scope electrical equipment to ensure that the equipment they offer or supply carries the approved regulatory compliance mark. The bill also introduces new and amended offences in the Electricity Safety Act 1998 to incentivise compliance with the new obligations. The penalty for one of these offences is not small. It is a maximum of 60 penalty units for individuals and up to 240 penalty units, which is approximately $30 000, for companies.

The bill gives further powers — and this is of great concern to me — to Energy Safe Victoria, including an ability to issue infringement notices in relation to the new offences and a continuation of the power to issue prohibition notices. So they have got the power to prohibit something — and I can understand that as a regulator they should have the power to do that — but there ought to be mechanisms for appeal, and they should be well-known. And they should not be the only ones — there ought to be an independent process that gives people some confidence that their issues are being considered on merit. They have a power to cancel registrations and refuse, vary, suspend or cancel certificates, subject to a right of review at VCAT — so yet another VCAT digression. I would have thought there would have been some other intermediary step before going to VCAT.

The bill includes transitional arrangements so that certificates that are in place at the commencement of the bill will remain valid for five years and compliant equipment that is already in stock may be supplied or offered for supply for six months from the bill's commencement date.

The areas of concern have been highlighted. The electrical equipment safety scheme has been in development for a number of years. New South Wales has expressed no interest in participating in the scheme, and I am yet to obtain more information about that. Perhaps the committee stage may lend itself to getting more answers. The costings associated with maintaining and operating the scheme I understand are to be covered by registration costs back-paid by suppliers; however, given the scheme is being driven primarily by Victoria and Queensland, we certainly want to ensure Victoria will not face additional costs if other jurisdictions are slow to join the scheme or ultimately do not do so.

Mr Southwick, our shadow minister for energy, has consulted with Energy Safe Victoria, the Energy Users Association of Australia, Consumer Electronics Suppliers Association, AusNet Services, Powercor, CitiPower and United Energy.

I think the intent of the bill is something that people would agree with, believing that the scheme would reduce the registration costs of electrical suppliers, who would no longer need to pay for registration for multiple electrical safety databases across Australia. Consumers could benefit from this legislation as different jurisdictional safety labels are simplified into one uniform and easy to understand label, helping to eliminate confusion and enhance electrical safety awareness and understanding.

That brings me now to the Scrutiny of Acts and Regulations Committee report on the legislation and the issues that have been identified by this committee — always referred to as a very powerful committee — in its *Alert Digest* No. 2 of February 2018. I note that it has four government members and three non-government members and that it inappropriately delegates legislative power. The details of this particular issue, in terms of how it engages with the Charter of Human Rights and Responsibilities, is that:

> The bill provides that the act will come into force on a day or days to be proclaimed. There is no default commencement date for the bill.
>
> The explanatory memorandum states that the bill:
>
> > … does not identify a default commencement date as the commencement of the electrical equipment safety scheme law is to be coordinated with Queensland and other participating jurisdictions. As an interjurisdictional scheme, the electrical equipment safety scheme law relies on each participating jurisdiction entering into an intergovernmental agreement to formalise the arrangements for the governance, implementation and administration of the scheme. Accordingly, to allow for any contingencies that may occur in any other jurisdictions entering into the intergovernmental agreement, no default commencement date is set.

The question that needs to be answered, perhaps in committee, is: does this mean that the bill will ever be implemented?

Another area that the *Alert Digest* identifies as a problem is the right to be presumed innocent with a legal burden to prove defence. It says:

> … in the charter report below, new sections 54 and 55 would make it an offence to supply certain electrical equipment 'unless' certain conditions are met or authorisations are in place.
>
> It is unclear from the statement of compatibility whether sections 54 and 55 would limit the presumption of innocence by imposing a legal burden on an accused to prove that the conditions are met. While the statement of compatibility states that a number of other offence provisions in the bill would impose an evidential (as opposed to a legal) onus on an accused, it does not refer to sections 54 and 55, even though those sections also impose an onus on the accused. It is therefore unclear to the committee whether sections 54 and 55 would impose an evidential or a legal onus.
>
> The committee's practice note provides that the committee will draw to the attention of Parliament, and seek further advice from the responsible minister or member, where a bill provides insufficient or unhelpful explanatory material, particularly in respect to rights or freedoms, such as the right to the presumption of innocence (i.e., provisions which reverse the onus of proof in criminal or civil penalty offences).
>
> The committee draws attention to the possible reversal of the onus of proof in sections 54 and 55 and, as noted in the charter report below, will write to the minister to seek further information as to whether sections 54 and 55 would impose an evidential or a legal onus on an accused.

I have not been able to see or find the minister's response. If there is one, I would be more than happy to receive a copy, and it may well be that it is addressed adequately.

It goes on also to say that there is a charter issue, that new sections 54 and 55 are not compatible with human rights because of the presumption of innocence exception to criminal offences, the onus being on the defendant to prove the exception applies. According to the *Alert Digest*:

> New sections 54 and 55 of the act make it an offence to supply certain electrical equipment unless certain conditions or authorisations are met or obtained. These sections may impose a burden on an accused to prove that these conditions are met.
>
> …
>
> The committee will write to the minister seeking further information …

These are issues that have been identified by the government-dominated Scrutiny of Acts and Regulations Committee.

New section 54 refers to the standards for electrical equipment that is not in-scope electrical equipment and the onus as being that:

> A person must not supply or offer to supply electrical equipment that is not in-scope electrical equipment unless the electrical equipment—
>
> (a) satisfies the standard prescribed for electrical equipment of the type of electrical equipment to which it belongs; and

(b) is safe to be connected to an electricity supply.

The implications of that are that anyone who imports anything in terms of a consumer electrical item will need to be responsible for their own testing. This is obviously a cost, and I am not sure how workable it is going to be.

New section 55, 'Declaration of electrical equipment to be controlled electrical equipment', says:

(1) Energy Safe Victoria may declare that an item, description, type or component of electrical equipment, that is not in-scope electrical equipment, is controlled electrical equipment.

(2) A declaration made under subsection (1) takes effect on the date specified in the notice.

(3) A person must not supply or offer to supply controlled electrical equipment unless the electrical equipment—

(a) is the subject of a certificate of conformity issued by Energy Safe Victoria that has not expired or been cancelled or suspended and is marked as prescribed; or

(b) is the subject of a certificate of conformity issued by a regulatory authority that has not expired or been cancelled or suspended and is marked as prescribed; or

(c) is the subject of a certificate of conformity issued by an external certifier that has not expired or been cancelled or suspended and is marked as prescribed.

According to the *Alert Digest*, the committee's analysis is that these sections:

> … make it an offence to supply certain electrical equipment unless certain conditions or authorisations are met or obtained. These sections may impose a burden on an accused to prove that these conditions are met. The statement of compatibility notes that various provisions in the new division 7 impose an evidential onus on an accused, and discusses the effect of these provisions on the presumption of innocence …

According to the Scrutiny of Acts and Regulations Committee:

> … the statement of compatibility does not consider whether new sections 54 and 55 limit the presumption of innocence.
>
> The committee notes that any provision that places a legal onus of proof on a person accused of a criminal offence may engage the charter right of an accused person to be presumed innocent until proved guilty according to law in s 25(1). The committee's practice note indicates that the statement of compatibility for a bill that places the onus of proof on an accused should state whether and how that provision satisfies the charter's test for reasonable limits on —

an individual's —

> rights. In particular where a legal onus is imposed the analysis in the statement of compatibility should address whether an evidential onus would be a less restrictive alternative reasonably available to achieve the provision's purpose.

And then the committee conclude that they are going to:

> … write to the minister seeking further information as to the compatibility of new sections 54 and 55 with the charter's right to the presumption of innocence, whether these sections impose an evidential or legal onus and, if the latter, whether an evidential onus would be a less restrictive alternative reasonably available to achieve the provisions' purposes.

I do intend to pursue that in the committee stage.

I mentioned earlier that Energy Safe is very much regulated by the minister in a way that I think many of us would have some issues with. Let me just find this.

Mr Leane — Maybe we should have a recess.

Mrs PEULICH — Play time? This is what happens when you are just about to log in and someone rings. It throws everything out of the system.

An honourable member — Can I have your mobile number?

Mrs PEULICH — Do you want my number? Anyway, I will have an opportunity to pursue these in the committee stage, hopefully by which time I will find the relevant documents and we will cover those in greater detail in the committee stage.

With those words, we do not oppose the intent of the legislation. I have concerns about the breadth of powers of Energy Safe Victoria. I have concerns about how it will exercise its unbridled power to regulate energy supply in a less certain environment, which has been identified by the Australian Energy Market Operator. In a document entitled the *Integrated System Plan* (ISP), dated July 2018, for the national electricity market I think there are issues that we are going to have to seriously deal with, and I am just referring to page 5.

> In the NEM —

the national energy market —

> market participants make investments in generation and storage in response to consumer demand and relevant government policies. The underlying assumption in the ISP is that, in an efficient and competitive market, investors will choose the lowest cost overall solution.

It goes on to talk about the level of investment that is going to be required in order to see a future industry develop in an efficient and competitive way:

> The investment costs associated with replacing old and retiring infrastructure with new plant, in one of the most capital-intensive industries, are significant and unavoidable.

It goes on to say that generators should be retained for as long as they can be economically relied upon. I think these are the problems here with an ideologically driven Labor government through its forced closure of the Hazelwood power plant, the impact this has had on energy supply and its reliability, and the powers that Energy Safe will have through its capacity to control supply and potentially cut off certain classes of consumers when energy supply is threatened or vulnerable.

This particular document also indicates that replacing old and retiring infrastructure will cost anywhere from $8 billion to $27 billion depending on assumptions that are made about economic growth and rate of industry transformation. It goes on to say:

> This level of capital investment is going to be needed, irrespective of this plan.

It is a document that I would certainly recommend to members. There are some other questions that I would like to pursue in the committee stage, like, for example, the push by government towards electric vehicles and what impact that will have on the use of power and on the safe supply of power. Because of course the damage and the cost of not having a safe supply of power is phenomenal, not just in terms of critical industries but in terms of any sort of manufacture. Anything that goes offline can cost a business substantially, can lay people off work and can force compromised health delivery outcomes in hospitals.

Security of electricity supply is vital. The virtual-based generator that the government recently announced it was going to support will give Energy Safe the power to be able to control who accesses energy when perhaps it is less reliable, and that will have a significant impact on consumers, both in terms of cost and in terms of employment, in terms of operations and so on.

Whilst the bill on the surface looks like a fairly well intentioned bill, the fact that Energy Safe, the key regulator, whose powers are phenomenal, is so critical to the operation of this scheme means there are a number of concerns that we have and we intend to pursue in the committee stage. I will end there.

Ms DUNN (Eastern Metropolitan) (10:42) — I rise today to speak on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. The Greens support this bill.

The ACTING PRESIDENT (**Mr Gepp**) — Thank you for that succinct contribution.

Mr LEANE (Eastern Metropolitan) (10:42) — I actually got a lot out of Ms Dunn's contribution then.

Ms Pulford — Your challenge is to beat it!

Mr LEANE — I am talking in comparison. I am very pleased to speak on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. This bill amends the Electricity Safety Act 1998 and the Energy Safe Victoria Act 2005. I have spoken on previous amendments to these acts, and I like to always say that the Electricity Safety Act 1998 is one of my favourite acts in Victoria because it covers my A-grade electrician's licence which, while Energy Safe Victoria (ESV) is in the box, I always keep financial.

Mrs Peulich — You might need to go back to it one day!

Mr LEANE — It is funny you should say that, Mrs Peulich, because I actually pulled it out of my wallet before I spoke and checked the expiry date, and it is 2022, so I reckon I might have to get my act together before then.

But as I said, I am very pleased to speak on this bill. I do not think this bill is as complex as Mrs Peulich may have described, and it is certainly not as sinister as Mrs Peulich may have described it as being. I think the regulatory powers — actually I know; I do not think — that Mrs Peulich expressed concerns about in her contribution have been in place since 1999. This bill does not introduce any of those powers that she is concerned about. I do not think anyone should be concerned with those particular powers, because these acts and ESV are really there to keep Victorians safe as far as their interaction with the electricity supply, electrical equipment and electrical products goes.

This particular bill is centred around those particular products for which Victoria, along with Queensland, is spearheading a new national scheme which will make it much easier for everyone involved in using equipment, including consumers. There will be a national regulatory compliance mark on all equipment, from toasters to drills, and consumers will be able to just identify this mark. They will be able to check anything about that particular product around its electrical safety. Also it will be much easier for the regulator if there has

been a problem with any equipment and there needs to be a recall. It will be a much easier process going forward for that to go ahead.

In line with this new safety regime, which as I said Victoria is leading the country on as far as nationalising this particular scheme —

Mrs Peulich — I don't think so.

Mr LEANE — Well, in this particular initiative —

Mrs Peulich — No, it was Queensland.

Mr LEANE — Mrs Peulich, you seem to think that ESV are some sinister communist front. Taking into account your contribution, you seem to think they are some sort of front to take over the world, whereas in my interactions with ESV I have found that they are actually men and women who want to make sure that the electrical supply, electrical equipment and the use of electricity in this state are as safe as can be for everyone. This is where this particular bill is coming into place.

Along with this new initiative of course there are some offences connected with not complying with it. These include offences connected with supplying or offering to supply unregistered in-scope electrical equipment, failing to register as a responsible supplier, the supply or onselling of in-scope electrical equipment which does not carry the regulatory compliance mark (RCM), falsely marking in-scope electrical equipment with the RCM, the supply or hiring out of in-scope equipment which is not safe or is not compliant with prescribed requirements and failing to supply ESV on request with the relevant documentary evidence for in-scope electrical equipment. I think they are all important parts of ESV, making sure that this regime is complied with.

I look forward to further opposition contributions on this bill. Actually I might have been misleading the house then. I am actually happy to admit that I probably did mislead the house then, because I am sure there will be all sorts of concerns around evil wind farms and solar farms. I know one of the members of the Liberal Party who looked to be coming into this chamber is anti-renewable energy unless it is a solar farm on her land that is going to make her a heap of money. There is that sort of thing going on.

As we have said, I am sure there will be all sorts of weird contributions from those opposite, but the bottom line is that this is a very sensible bill that further makes the electricity regime in this state safe.

Mr MORRIS (Western Victoria) (10:49) — Mr Leane, I am sure you will learn something after having listened to my contribution, and Mr Ramsay's, on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. I am pleased to follow other speakers — and I congratulate Ms Dunn for her significant contribution to this particular bill.

It is an important point to note that in this term of Parliament we have lost at least 22 per cent of Victoria's energy supply with the closure of the Hazelwood power station. I know Mr Leane is in denial about why it is that Hazelwood closed, but we all know why Hazelwood closed. It was because of the direct actions of the Andrews Labor government when they tripled the tax on coal. From there the operators of the Hazelwood power station said, 'This doesn't stack up anymore. We're going to pack up and go'. As a result we saw a 22 per cent loss of energy supply in the state of Victoria.

Every single Victorian knows that it is both electricity and gas prices that have spiralled out of control under this government. They know it is because of the direct actions of Daniel Andrews and his mates that this has occurred and that people are paying more for their electricity and gas. Then Daniel Andrews and his mates came up with the remarkable idea to give $50 of taxpayers money back to them if they logged onto a website and gave the government all their personal details.

I certainly share significant concerns about the use of personal details, owing to what has been exposed this week in the shocking, muckraking, mudslinging, desperate, bottom-of-the-barrel politics that this government has delved into. I certainly think that Victorians need to have a good, hard think about what type of Premier releases the details of a lawyer and details about that lawyer's young daughter publicly in an attempt to try to smear a political opponent. It is a shocking —

The ACTING PRESIDENT (Mr Gepp) — Order! Mr Morris, I invite you to come back to the bill. In the matters that you are now canvassing you have strayed a long way away from it.

Mr MORRIS — Indeed. There was a logical sequence to how I got to where I got to, Acting President, but I certainly will take your guidance and head back closer to the substance of this particular bill. I thought I might go to some of the snake-oil salesman tactics of this government with regard to the Warrenheip battery.

Mr Leane — What are you talking about? Are you talking about the bill at all?

Mr MORRIS — I am. This bill refers to reliability of supply and one of the —

Mr Leane interjected.

Mr MORRIS — Just listen for a moment. There was an announcement by some of the snake-oil salesmen in the government that there was going to be a battery in Warrenheip. I know Ms Pulford knows about this particular empty, hollow announcement.

Mr Leane — The bill doesn't talk about the battery at Warrenheip.

Mr MORRIS — No, not directly, but it talks about supply and reliability. This was one of the marquee announcements that was made by your government, Mr Leane, that this Warrenheip battery was going to ensure supply in particular into Ballarat. In February 2017 there was an announcement about ensuring supply of electricity in Ballarat through a giant battery — $25 million for a battery that was going to ensure supply into Ballarat. This came directly off the back of the forced closure of Hazelwood, and from there the government said that they thought they might introduce this battery. They said it was going to be in place before the summer of 2017. Before the summer of 2017 there was going to be a battery in Warrenheip that was going to ensure supply into Ballarat. However, since then it has come to pass that there was no battery in Warrenheip to ensure supply prior to the 2017 summer, and indeed there is still no functioning battery in Warrenheip to guarantee supply. The government have said they hope to have this battery in place and operational before a very interesting date this year. Mr Ramsay, do you want to have a stab in the dark at which month they want to have it operational by?

Mr Ramsay — Before Santa comes.

Mr MORRIS — They have said they might have it operational in November 2018. How remarkable that this government, if you believe them — and you could not believe them in the past, because they said it was going to be before the 2017 summer — might just have this Warrenheip super-battery operational by November 2018. Can we believe them? Well, if we take them on their previous track record, we clearly cannot. How is this massive battery going to ensure supply? How long —

Mr Leane — On a point of order, Acting President, the President made a ruling, and I think that the scope of this bill does not cover the battery in the particular area of Warrenheip. I think we are straying way off what the bill covers.

Mr MORRIS — On the point of order, Acting President, I did note closely the President's ruling and I actually jotted down a couple of things. The President said that reliability of electricity supply was certainly covered in this bill but not so much pricing. I have only just in passing mentioned pricing, but I have certainly focused on reliability, which is what the battery in Warrenheip is directly related to.

The ACTING PRESIDENT (**Mr Gepp**) — Thank you, Mr Morris. I do refer back to the President's earlier ruling that reliability is in scope within the bill, and there is a relationship between the battery that is being talked about and reliability. On that basis I will ask Mr Morris to continue.

Mr MORRIS — Thank you, Acting President, and I thank Mr Leane for his point of order. It is always good to be kept on one's toes with regard to these matters.

Again I raise the concern that we find ourselves in a situation where the government says one thing and does another. We simply cannot trust this government, whether it is with the Warrenheip battery, with personal information or to keep their word not to raise taxes and charges, as we know they will at every turn.

To go back more specifically to the bill at hand, the bill will replace current separate jurisdictional schemes which have operated independently of one another in relation to the same electrical equipment, leading to confusion and additional regulatory burden. That is something that we should be looking to reduce. Regulatory burden not only makes it hard for businesses to do what they do but also increases costs, and that is something that all governments of whatever persuasion should be moving to reduce rather than increase. Regulatory burden just makes it hard for people to operate and indeed just makes people's lives harder.

Presently Victoria has a two-tiered system divided between high-risk or prescribed electrical equipment and low-risk or non-prescribed equipment. This bill will introduce a third, medium-risk, category and will relabel the existing categories as level 1, being low risk; level 2, being medium risk; and level 3, being high-risk electrical equipment. The bill will require manufacturers and importers of in-scope electrical work in Australia or New Zealand, known as ' responsible suppliers', to register themselves and the level 2 and 3

in-scope electrical equipment they supply in Victoria on a central database.

The new registration requirements will enable industry to register themselves and their equipment on a single database for the purposes of each participating jurisdiction, replacing duplicative registrations in multiple databases. Furthermore, the bill will also introduce a new requirement for responsible suppliers and onsellers of in-scope electrical equipment to ensure that the equipment they offer or supply carries the approved regulatory compliance mark. I suppose this is a point that is important. When we go to an electrical store to buy a piece of equipment, whether it be a fridge or a hairdryer —

Mrs Peulich interjected.

Mr MORRIS — or a hair straightener — I do not have much use for a hair straightener, Mrs Peulich, with not much hair left unfortunately — we certainly as a community should know that we are not going to be injured or hurt.

Ms Pulford — On a point of order, Acting President, it is really cute this moronic filibustering that we have had going on all week, but I just make the point that Mr Morris's hair and his need or lack of need for a hair straightener is unbelievably far from the scope of the bill. I would encourage you, Acting President, to reflect on the President's ruling.

Mrs Peulich — On the point of order, Acting President, it is actually very much within the scope because it is talking about electrical equipment that is used by individuals in a personal consumer capacity rather than in an industrial or commercial capacity.

The ACTING PRESIDENT (**Ms Patten**) — Thank you. I do not uphold the point of order. However, Mr Morris, can you look at the bill and look at the big picture rather than getting a little bit too trivial in the matters.

Mr MORRIS — Thank you, Acting President. I can understand Ms Pulford being rather tetchy, with the corrupt, rorting government that she is a part of falling apart at the seams around her at this point in time. I look forward to, at any time Ms Pulford tries to make any cute contributions in this chamber, jumping to my feet and calling a point of order to make sure that she is always on task and never makes even the slightest bit of an irrelevant contribution. It is remarkable.

Mrs Peulich interjected.

Mr MORRIS — These things go both ways, Mrs Peulich, as we well know.

The bill further increases the powers of Energy Safe Victoria, including the ability to issue infringement notices in relation to new offences and the continuation of power to issue prohibition notices. Energy Safe Victoria will also have the power to cancel registrations and refuse, vary, suspend or cancel certificates subject to a right of review in the Victorian Civil and Administrative Tribunal, or VCAT. After the passing of the Residential Tenancies Amendment Bill 2018 last night I am quite sure VCAT is going to be overrun with requests for pets in properties, whether they be elephants or crocodiles, as Mr Dalidakis confirmed last night will be allowed into residential properties under the bill that was passed last night.

There have been a number of concerns highlighted, including one surrounding the electrical equipment safety scheme, which was developed around 10 years ago by various jurisdictions. To this point New South Wales, for example, has expressed no interest in participating in this scheme. That lack of consistency across the country is always going to be a concern. The costs associated with operating and maintaining this scheme are covered by registration costs paid by suppliers. However, given this scheme is driven primarily by Victoria and Queensland, it should be noted that Victoria should not be facing additional costs if other jurisdictions are slow to join this scheme or indeed if they ultimately do not join the scheme at any time at all.

Mr RAMSAY (Western Victoria) (11:04) — I do note Ms Pulford's point of order, but —

Ms Pulford — Your hair looks very nice, Mr Ramsay.

Mr RAMSAY — No, I was not going to mention my hair, Ms Pulford. I was actually going to make quite a brief contribution, but the President has rather opened up an opportunity and we need to talk about the liability of power. We need to talk about a couple of those things, but I will cut to the chase in respect to this particular bill, the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. It is an important bill, albeit a fairly minor one as far as the technical aspects go. I note that it came before our party room back in February, so this bill has sat around for a long, long time before coming before this chamber.

It appears that the government is slightly agitated about the time we are taking in the debate process, despite the fact that it has floundered around for nearly nine

months. Nevertheless, we will dispense with the bill today, Ms Pulford, hopefully. We will dispense with the bill because we have a non-opposed position and we strongly support anything that creates greater safety in the workplace, particularly in the electrical safety workplace. In a past life I had some experience with Energy Safe Victoria and also with electrical safety in the workplace and in the household, particularly within our farming communities that have no real separation between house and workplace with respect to the work they do.

This bill will amend the Electricity Safety Act 1998 to implement the electrical equipment safety scheme, a harmonised scheme for participating jurisdictions in Australia and New Zealand. It will ensure that consistent safety requirements are in place for relevant in-scope electrical equipment. That all sounds pretty good, up until the point where the harmonisation seems to break down with New South Wales because they do not seem to be interested in harmonising at all. So we have a significant state that, as far as I understand, does not want to participate in the scheme. I am sure Mrs Peulich will use the opportunity in the committee stage to gain a better understanding of why that would be so.

Also around the costing — I am not talking about the costing of the power supply but more about maintaining and operating the scheme by the registration costs, which will be provided by the suppliers — I would be interested to know how that trickle-down effect will occur in respect to the end user in respect to this scheme. I suspect that also will be teased out during the committee stage.

In essence, the bill will bring Victoria into a harmonised electrical safety scheme. I think that is a good thing. It will eliminate the regulatory burden faced by suppliers of electrical goods. I think that is a good thing. If fully implemented, the scheme will also reduce the registration costs for electrical suppliers — well, we will see if that happens — because they will no longer need to pay to register in multiple electrical safety databases across Australia. Presumably that is the benefit of harmonisation of the scheme. Again, we will wait and see if in fact that actually occurs.

Hopefully consumers will also benefit from the legislation as different jurisdictional safety labels will be simplified into one. That is a good thing. It will be a uniform and easy to understand label. Hopefully that will be so. It will also help to eliminate confusion and enhance electrical safety awareness and understanding. Again, that has very good merit as an objective to improve the safety aspects of electricity supply and access.

We have a two-tiered system in Victoria divided between high-risk or prescribed electrical equipment and low-risk or non-prescribed equipment. The bill is going to introduce a third category of medium risk and will relabel existing categories as level 1, being low risk; level 2, being medium risk; and level 3, being high risk. That should be easily read. The bill will also require manufacturers and importers of in-scope electrical equipment in Australia and New Zealand, known as responsible suppliers, to register themselves and level 2 and level 3 in-scope electrical equipment they supply in Victoria on a central database.

The new registration requirement will enable industry to register themselves and their equipment once in a single database for the purposes of each participating jurisdiction, replacing duplicative registrations in multiple databases. It is quite a mouthful, but really I think the point of all this is to create a simpler, uniform, harmonised scheme that all will benefit from. My hope is that will be the case.

Mrs Peulich and Mr Morris spoke about the potential new offences and the amended offences under the Electricity Safety Act 1998 to incentivise compliance with the new obligations. Unfortunately that is the big stick to try and encourage appropriate compliance. These penalties for these offences will be a maximum of 60 penalty units for individuals or, for those uninitiated in penalty units, around $9500, which is quite substantial, and up to 240 penalty units, or around $38 000, for companies. It is a quite big stick approach to compliance under the scheme for individuals and companies.

The bill also increases the powers of Energy Safe Victoria, including an ability to issue infringement notices in relation to the new offences and continuation of a power to issue prohibition notices. Energy Safe Victoria will also have the power to cancel registrations and refuse, vary, suspend or cancel certificates.

Mrs Peulich has raised a concern around the increase in the powers of Energy Safe Victoria. As we know, there are quite a lot of acts that sit under the domain of Energy Safe Victoria. The Gas Safety Act 1997 is one. Obviously we have raised concerns in relation to the reliability of gas supply to the state of Victoria, and it is disappointing to see that the Andrews government is still reluctant to provide conventional gas exploration in this state. It is an absolute necessity. It has to happen. You can keep the moratorium on fracking, but we must move towards being able to access gas onshore, in a

safe manner, with the agreement of landholders and with an appropriate royalty paid in the state of Victoria. You are just going to have to do it, Ms Pulford. Regardless of who is in government next year, that should be the main objective of the incoming government.

I have raised concerns around the plethora of wind farms for the very reason the President described in his ruling, the lack of reliability. We know that when the wind don't blow, the turbines don't flow. We also know that when the sun don't shine, solar power becomes intermittent. To have significant renewable energy targets — 40 per cent by 2020 — puts a huge impost on the state of Victoria. But at the same time, having a policy that actually removes coal-fired power generation is going to have a significant impact on the reliability of energy generation in this state for years to come.

Again, I implore the incoming government to make sure that we have reliability of energy generation, as well as the safety aspects as described in this bill, to be able to power the industries we need to provide economic growth and jobs and the standard of living. We know that, thanks to the federal coalition policies, we have strong economic growth in this country. Victoria is a beneficiary of that, but we cannot rest on our laurels. We have to keep investing in energy generation in this state, without huge taxpayer-funded subsidies, to provide the reliability that the President referred to in his ruling.

In all, without procrastinating, because there are more important things to do tonight and we do not want to prolong the agony of Ms Symes and others who want to see the quick passage of this bill, and given it is my last opportunity to speak on a Friday in this Parliament, in fact any parliament possibly, I could talk about all sorts of wonderful things. Perhaps I will wait until the valedictory speech next Thursday to fulfil some of those obligations on the things that I want to talk about. Nevertheless —

Mrs Peulich interjected.

Mr RAMSAY — Thank you, Mrs Peulich, it is very important. I see that my perhaps replacement is investing heavily in energy across Western Victoria Region — or is proposing to — without taxpayer-funded subsidies, I understand as well. She is not only doing the talk, she is doing the walk as well, so congratulations to her if she is successful in getting a council permit, not to mention a state permit of course, given that she said there would be no taxpayer subsidy to support that UK company to invest in Australia for solar power generation.

Having said that though, of course I am a strong supporter of the use of solar panels where possible and where safe, and that is what this bill is about — that is, providing safety within a harmonisation scheme for electrical use. Of course there are penalties applied to those that do not comply, but I would like to see New South Wales become involved in that harmonisation. It is ridiculous to have the largest state in the country not being a participating member in a harmonisation scheme that is supposed to be Australia-wide and includes New Zealand as well. I look forward to New South Wales coming on board in respect of this legislation to provide safety for electrical use.

Mr O'SULLIVAN (Northern Victoria) (11:16) — I rise to speak on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. Mr Ramsay covered quite a few of the areas that I was also going to speak about. I am not sure that I have got the eloquence of Mr Ramsay in his enunciation of these issues, but I will give it a try anyway. I will put it in terms that are more relevant to people in northern Victoria than they would be to the sophisticated people of western Victoria, where Mr Ramsay is from.

This bill is an important bill in relation to the safety of equipment used in the electrical world. I regard myself as being a practical type of person. Whether it is mechanics or whether it is plumbing or a whole range of other areas, I would like to think that I have got a practical application that I can bring to the table in relation to those things, but I will admit that anything to do with electronics is something that I am not as au fait with as I am with other areas. I am not an expert in electronics, but I do understand the need for safety when we are dealing with anything in the electronic world.

I do not want to bring a sour note to the chamber, but I would like to pay my respects to the worker who was killed yesterday in a workplace accident in Box Hill and to his family. That is an absolute tragedy. Safety is something that we need to ensure we can provide in the best possible way that we can. That is why I am certainly pleased to speak about the safety elements within this bill.

One thing that does concern me about the general area of this bill in relation to electricity is what we have seen in the last little while in this state in relation to the prices. I know that sometimes you have to spend a little bit of money to make things safer, and in some circumstances that is perfectly legitimate, but what we

have seen occur in this state in the last four years is a level of increase in the price of electricity, particularly for the mums and dads at home in their houses and also for business, which I find very difficult to comprehend. I know that people who have to actually pay those electricity prices are dumbfounded by the rise in their power bills over the last four years in particular.

Nonetheless we need to ensure that when power is connected it is done in a safe way. We need to ensure that when you are buying a product, an in-scope product, that that is safe as well, and I think we have come a long way in that space. By way of example, just recently I was at the Mallee field days up at Speed. I was involved in a stand up there, and one of the things that happened on the first morning of those field days was that the organisers of the field days came around to check that we had the prescribed safety requirements in relation to the supply of electricity to that particular site. I should say that my colleague at the time was Peter Crisp, the member for Mildura in the Assembly, and he was an engineer in the electrical world in a former life. He was right on the job and made sure that everything was in order and tagged appropriately to ensure the safety of the people involved. We have come a long way in that area, because that probably would not have happened 10 years or more ago when things were just left as they were. We are much more conscious of that now, and I was very pleased to see that we fully subscribed to that level of safety, which is paramount.

In terms of electricity here in Victoria, we have spoken and heard a bit about renewables here today, and certainly I support renewables, as I think everyone does. It needs to be done as part of the mix of electricity supply for the state, for not only housing and for the home but also for business. People need a reliable, safe electricity supply to undertake their business. That same safe supply is needed for the house, because one of the things that can create problems in terms of safety is when you do not have security of supply. There could be a break in the electricity supply for whatever reason, then it might come on, it might go off and then come on again. When that power comes on the volume of the supply can create a problem for some equipment in terms of the way that they start up. The influx of that electricity coming to that appliance at that time can create safety issues.

One of the things that I believe we need to do is ensure that our implements are safe. It is not only the implement itself; it is the supply of electricity coming to that implement. If there is a disruption in that, and that machine or appliance, or whatever it may be, has to go through a complete restart, that is where problems can occur and safety issues can occur. So I think that the safety of supply — readily having an appropriate supply of electricity — is also a part of the mix in terms of having safety in anything to do with electricity.

Some of the policies of this government have actually undermined that regular, safe supply of electricity to businesses and to homes. As we know, this government has closed down Hazelwood power station, down in the Latrobe Valley, which supplied 22 per cent of the baseload power for the state, and this government is trying to use renewables to cover the amount of power that Hazelwood did produce. But as we know, and as Mr Ramsay has already pointed to, the fact is that solar panels do not generate power when the sun is not shining, and at night-time the sun does not shine. And if it is not windy, wind turbines are not producing anywhere near as much power as they do when it is quite windy.

While absolutely I agree that there needs to be a place for renewables, and I think we all agree with that, they need to be a part of the general mix of power supply in this state. They are not reliable enough for baseload power, so we need to ensure that we have got a whole mix, and —

Ms Truong interjected.

Mr O'SULLIVAN — Batteries, Ms Truong, absolutely play a role in that, but as we know, the standard and quality of the batteries right now is not good enough to supply the whole of the state. That is something that will improve. There is no doubt that technology is amazing in this space, and mankind is very good at finding solutions. That is certainly a solution into the future. It is not there at the moment, but it will improve. That will be beneficial for the whole state, but it is not there yet.

I was talking to a gentleman last week who owns a hotel — a large hotel — and he said that to have a guaranteed supply of electricity to his hotel, because his power bills had gone up so much, he did two things. He put solar panels on the roof, so that was beneficial, but also he had to go and buy a diesel generator that would automatically kick in if there was a disruption to the power supply from the grid. He also made mention that at times he is actually contacted by the power company, and they ask him to turn on his generator because they want to use his supply elsewhere in the grid. They actually want him to turn on his generator at times to save power. I am not sure that is the solution, asking people to turn off their power. I am not sure that is the solution to a regular supply.

That is where we are. We also know that down at the desal plant there were many, many diesel generators brought in. I am not sure of the exact number.

Ms Bath interjected.

Mr O'SULLIVAN — My colleague Ms Bath says it was at Morwell. Diesel generators were brought in in shipping containers to be used as a backup for power supply. I am not sure, in 2018, that is the sort of continuity of supply that we require to cover off on the closure of the Hazelwood power station. That is not what we are about.

I was talking to my boss, Peter Walsh in the Assembly, the other day and he was recently at a business. This business does not want to be publicly named. This particular business is a reasonably sized business in regional Victoria. Their power bill has gone up by $5 million a year in just the last four years. That is really hurting their bottom line, and they are considering their options in terms of what they do next as a result of having such a massive increase in just one aspect of their input costs in terms of electricity.

What I found very amusing — and Mr Finn would probably understand this better than I would — is that we have heard in the last week or two the Premier and the Minister for Energy, Environment and Climate Change come up with a new excuse for the rise in power prices. What have they come up with? They have come up with a scenario related to something that happened some 25 or 30 years ago. They are blaming Jeff Kennett's privatisation of the power industry for the rise in bills today, which is absolutely ludicrous.

It is interesting that power bills were fairly steady for about the first 20 years, but now all of a sudden, in the last four years, they have gone through the roof. The government is going to blame it on Jeff Kennett, because they are telling us how bad privatisation is. What I find interesting, and Mr Finn might be able to help me out, is that I could come up with a couple of examples of how just recently this government has decided that privatisation is the way forward.

Mr Finn interjected.

Mr O'SULLIVAN — The land titles office — I thought you might have come up with that one, Mr Finn. I came up with another one: the port of Melbourne. They thought that one was worth privatising. There are a couple where they have decided that privatisation actually suits their argument, so they are happy to go with that. We could even go back to the state bank if we want to go back a while. We could go back to a whole range of other scenarios as well, but I am not going to go down that path.

I will say that it is an absolute fallacy to blame the massive increase in electricity costs in the last four years on something that happened under Jeff Kennett some 25 years ago. That is absolutely a stretch that is way too long. No-one believes that, and I think the more the Premier and the Minister for Energy, Environment and Climate Change say that, the more they actually hurt their own credibility. I suggest that that is something that no-one believes, so they are probably best to leave that one alone and not go back there.

One thing I do want to talk about, just in talking about household electricity prices, is something that is a sad issue whenever I think about it. I worry about the older people who are sitting in their homes on their fixed incomes — their pensions and so forth. They must dread it every time the mailman comes along to their house. They must absolutely dread it, because nowadays we know with email and so forth, and text messages —

The ACTING PRESIDENT (**Ms Patten**) — Order! Mr O'Sullivan, we had a ruling from the President earlier around the cost and pricing of electricity — it is out of scope. If you could bring yourself back to the bill for the last 90 seconds.

Mr O'SULLIVAN — My apologies. I was not in the chamber to hear that ruling from the President. If I have strayed a little from the bill, I do apologise. I can come back to that on another day in another speech, because certainly that is a topic that needs to be covered.

Safety in relation to the electrical equipment safety scheme is something that is paramount to everyone in this state. As I said earlier, we saw a tragedy yesterday where a worker was killed. It had nothing to do with electricity, I believe at this stage, but just ensuring that people can get home safely when they do go to work I think is a proposition that we can all expect is a given. So we should be doing anything we can to make our society and our community safer, particularly with electricity. You cannot see electricity. You cannot see it so it makes it —

Mr Melhem — You can feel it.

Mr O'SULLIVAN — Mr Melhem says you can feel electricity. Yes, that is true. You can feel it but you cannot see it. Sometimes the safety of something when you cannot actually see is difficult to fully comprehend

and respect, but you certainly can feel it. Mr Melhem, I grew up on a farm and there was —

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Mr O'Sullivan. Your time has sadly expired.

Ms BATH (Eastern Victoria) (11:31) — I rise this morning to make a few comments on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018. If I could just pick up the point of my colleague, Mr O'Sullivan, he was going to a point in terms of: you cannot see electricity but you can certainly feel it. I will finish his sentence because I am also a farmer's daughter and I know that. As a bit of entertainment when I was younger, my older brother would hold onto the electrical fence and then grab hold of me, and there was a lovely warm pulse that went through us, usually a yelp at the end of that conversation and an admonishing also from my brother. Thankfully we all knew that the electrical fences that exist on dairy farms are very, very low voltage and that it is to scare and ward off the cows from going through that fence rather than to do any damage. So I concur with Mr O'Sullivan that electricity is incredibly important.

It is actually the thing that is driving this house today. It drives our society, it enables people to perform operations in our hospitals, it enables students to sit at their desks and find out about the world, it enables industry and it is the pulse of our state and very, very important to us indeed. Also important is the fact that we need to have safe appliances and safe equipment, and it does concern me that in past times we have had equipment and appliances that have come in from overseas that have not met our standards and have created both small and localised accidents, and rather larger ones as well. So it is super important that we have a system that supports the safety of people using that equipment in a variety of formats, whether it be in a household situation or whether it be through industry. Safety is paramount, and I always go through the old adage of, 'Do not get the toast out of the toaster when the toaster is still connected and switched on. Please use that knife when everything is unplugged or, better still, hopefully don't burn the toast'.

So with that I would like to look at some specifics in and around this bill. The bill amends the Electrical Safety Act 1998 to implement the electrical equipment safety scheme, and in doing this it looks to harmonise with other jurisdictions in our country. Noting that, it is interesting that the scheme has been driven in Queensland and specifically here in Victoria. It has taken some years to independently work on this scheme. Indeed I wanted to do some research about the Queensland jurisdiction, under which this is operating in the current time, so I looked at the Queensland government workplace health and safety WorkCover website to see specifically what is meant by in-scope equipment.

This bill looks to increase the categories of in-scope equipment and change them up from there being only two categories, as there are now in Victoria, to inserting a third category and creating, therefore, different requirements for each category. Looking at the overall appliances and equipment across the state that would be used by Victorians, we have somewhere in the vicinity of 50 000 different pieces of equipment and appliances. Indeed those categories are based on safety requirements or at-risk requirements, so we can look at some of the types of appliances that are in category 3. Category 3 is a high-risk category, and it looks at arc welding machines, but also it looks at clothes dryers, toasters — to reference my point before — and microwaves. Category 3 looks at hedge clippers and kitchen machinery, lawn-care appliances and also heating appliances, and you have certainly got the full breadth of industrial equipment. Category 2 talks about floor polishers or scrubbers and flexible heating pads.

When there are three categories and the equipment needs to be distributed in and allocated to those, it is very important that the work done by this government relates to educating industry and key players in the marketplace about how this scheme will work and how that equipment can be registered properly so that there can be compliance and safety throughout this new scheme.

A number of other points were raised in the debate. I acknowledge the work done by my colleague in the lower house and our shadow minister for resources and energy. Mr David Southwick.

Mr Finn — He's a good man.

Ms BATH — He is a very good man — a very thoughtful man. In his contribution he went to the point that there is a concern that the cost burdens associated with creating this scheme may end up at the end point, meaning on the consumers. Will an extra burden be put on people who, in truth, are already suffering under additional burdens such as additional cost-of-living pressures, including the increased cost of electricity?

Another point in relation to this bill that I would like to raise is that the state of New South Wales has decided that at the moment they are not interested in going into this particular scheme. I question and wonder why they

prefer to remain outside this scheme. It is certainly unclear in relation to that.

There are some reasonable aspects to this bill, and The Nationals will be taking a not-oppose position. But as I have said before, we need to address how this cost burden will be borne by the market.

There is another issue that I find quite interesting in relation to the safety of our electricity supply and also making sure that there is security of electricity supply. It relates to a very recent announcement by the Andrews government in relation to microgrids. Indeed the government came and put some money on the table for a grant program in relation to microgrids. Only a few weeks ago, on 21 August, they said that there would be a program to set up new energy technology in the Latrobe Valley. I concur with previous speakers that it is vitally important that we continue to develop new, sustainable and renewable forms of electricity as well as keeping that despatchable baseload power there — that instantaneous, flick on the switch, there it is. We need to keep that while we are progressively and securely moving into a reliable market of renewables.

However, I have some questions in relation to this program. This program came out, as I said, on 21 August, and applications for this grant system close on 17 September. That is only a month for people to look into these projects. The announcement says:

> Eligible project types include microgrids, virtual power plants and smart embedded networks which have renewable energy as the primary energy source.

So there it is. There are some things happening there in that space, with a month for people to put in an application, which raises concerns for me about the fullness, comprehensiveness and scientific nature of these grants. Will they be properly submitted, and what will they look like? The other point in relation to that is that there has been some research in relation to microgrid initiatives. Over in the USA, in Massachusetts, research shows that these microgrid initiatives are fraught with challenges in terms of maintaining stability. We have already got a supply problem in terms of our summer electricity supply, our blackouts and our brownouts, so I am concerned that if overseas jurisdictions have found that microgrids can be fraught, then this system needs to be worked through very closely. The other point I make in relation to that is the fact that this government again and again seems to put the burden back onto businesses, to households, to consumers rather than finding their own energy solutions that give us that reliability.

In finishing my contribution on this bill I just want to go to something that was said earlier by Mr O'Sullivan. It relates to security of supply and the fact that we did see 105 diesel generators —

Ms Lovell interjected.

Ms BATH — Thank you. I advise our whip that I am very happy to continue talking; I am happy to discuss this. The other issue relates to the fact that they had to bring in diesel generators to the Energy Brix site in Morwell. When I quizzed the minister for energy in relation to that electrical supply guarantee the minister came back with an Australian Energy Market Operator (AEMO) report — 'Go and look in the AEMO report'. When I delved into that AEMO report it actually came up with the cost to sandbag last year's energy supply over the summer period. It was $51 million — $51 million for people to be able to turn on their electrical equipment at any point in time and use that equipment. I say to you that this was because they shut down the power station; they burdened the companies with $252 million worth of coal royalties tax.

The other concern is in relation to safety. If we are talking about safety in electrical equipment, if there are these brownouts that can occur and have occurred over periods of time, what will that do to our electrical safety equipment? What will that do to keeping our fridges working and any particular equipment?

We can also look at industry. I was speaking with a pharmacist recently in the Latrobe Valley. Again picking up the point of security of supply, we know that pharmacists often have to keep very expensive medicines and drugs in stock. In this particular pharmacy they keep chemotherapy liquids and treatments — concoctions for chemotherapy patients. They have had to go out and buy not one but two backup generators to make sure that if the electrical system fails during the summer period — or fails at any point in time — there will be security of supply. Not one but two very expensive diesel generators sit there taking up space in their pharmacy. They actually separate out their drugs and chemicals to make sure that if something happens, they have security of supply. That equipment is hugely expensive. So we see our local industries having to fork out thousands and thousands of dollars not only to sandbag their industry but also to be able to supply people in our communities with the things that they need to get better and to go about in some cases curing a disease and in other cases ensuring that there are healthy outcomes for them.

In summing up, as I have said, The Nationals will be taking a not-opposed position. This bill will certainly bring to Victoria a harmonised electrical safety scheme which will eliminate the regulatory burden faced by suppliers of electrical goods. It will also reduce confusion, but it is important that when the different appliances are being allocated there be communication and education for all of those key industry stakeholders so there is clear direction and there is clear support for that transition. My concern is, again, that the cost not be put onto the end point, the consumers in our state, particularly our country residents, who are struggling under additional sources of burden via our increased electricity costs as it is.

Mr FINN (Western Metropolitan) (11:46) — As we have heard from other speakers on the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018, electricity is a very, very important commodity, and I am sure this is something that will come as a huge shock to the Special Minister of State, Mr Jennings. It is a hugely important commodity, but not always. For example, last night, even without the light towers the Tigers lit up the MCG, and that in itself was something that had to be seen to be believed. It is just a great pity that I was not actually there to see it, but it is something that I look forward to seeing a repeat performance of at least a couple of more times this year. That is really something that we can all look forward to indeed.

I have to tell the house that I am not in any way, shape or form a handyman. The only thing handy about me might be that I live around the corner or something like that. That would be the only way that you would describe me as handy. I do not muck around with electrical wires and all that sort of thing, but a lot of people do. It is a great pity that Mr Leane is not still in the chamber, because he and I could discuss our mutual friend Dean Mighell, who is the former state secretary of the Electrical Trades Union (ETU). Dean and I used to be on radio together some years ago, and sometimes we had discussions about electrical safety. In fact I know he has appeared on a number of radio and television programs talking about that very thing.

Whilst Dean and I may have our differences on certain issues, in this particular sphere we are as one in that we believe safety when dealing with electrical appliances and when dealing with electrical connections is absolutely paramount, because all you need to do is have one slip-up and you are dead. That is the bottom line. There is no second chance here. Electrocution is probably the most effective way of killing somebody. I have not gone into that at any great length, it has to be said, but I would imagine that that is the most powerful way of killing someone. If you have got fat fingers, for example, and you are mucking around with electrical wires, you had better be very careful, because those wires bite, and when they bite there is no coming back. There is no second chance with that, as Jimmy Barnes has reminded us from time to time. So these sorts of electrical appliances and electrical connections are not to be mucked around with.

It is a great pity and, I suppose, a great irony when I say that we should not be mucking around with electricity that we have as the minister somebody who is mucking around with our electricity supply and our electricity reliability. If the Premier of this state was serious about our power supply in Victoria, he would not have as Minister for Energy, Environment and Climate Change the person he has. Putting her in that position tells all of Victoria that he is just not serious, because, quite frankly, nobody could be serious when dealing with this particular minister.

Mr Melhem — A fine minister.

Mr FINN — Mr Melhem says that Minister D'Ambrosio is a — what was it?

Mr Melhem — F-I-N-E.

Mr FINN — 'A fine minister'. Well, I tell you what, he can come around to my place anytime he likes, because he will be impressed by anything. If he reckons Minister D'Ambrosio is a fine minister, then he is very easily impressed, and I am very happy to embrace that.

We also should be aware that with alternative forms of power there are also dangers involved, particularly with home solar systems and their various connections — and I am not, I have to say, an expert on this — plugging into the normal electricity supply. That does create certain dangers that people should be aware of. It is not uncommon for people to muck around with these things, and it is a danger that people should be aware of. It is something that people really should have in the forefront of their minds when they are dealing with this in terms of safety. I would imagine there are probably thousands of homes throughout Victoria that have solar panels, and we do know that there are times of the year when those solar panels are pretty useless.

I am glad Mr Leane has come back. Mr Leane obviously has been listening to my contribution in his office, Acting President, and I was just talking before, as you will recall, about a mutual friend of mine and Mr Leane's, Mr Dean Mighell, from the ETU.

Mr Leane interjected.

Mr FINN — Mr Leane may be able to contribute to this debate further, perhaps by way of interjection, not that I would canvass interjections. The trouble is we agreed a bit too much, and no doubt about it that was a problem. I am sure Mr Leane will agree that it is good to see Dean Mighell pursuing the issue of electrical safety. As a sparky himself he knows what is going on, I have no doubt at all.

One of the issues that does concern me, particularly with regard to wind power — and there may well be somebody in the house who can enlighten me as to what can be done about this — is that there have been a number of fires in windmills. Now, I am not talking about windmills we used to have on the farm, because I grew up on a farm and we had windmills that pulled up water and that was all fine and dandy. I am talking about these dirty great huge things you can see from the moon. In fact I was down in Colac this time last week, and I could not believe that the things had even grown down there. These dirty great white windmills that stick out of the scenery are just a blight and aesthetically very unpleasant, and it is very unfortunate. I do not know what it is, but there have been a number of fires with these things, and to my way of thinking, particularly with summer coming up, it does not take much —

Mr Melhem interjected.

Mr FINN — Mr Melhem, it does not take much on a very hot day with a very strong wind to start a fire. My very great concern is that these windmills, if that is what they are called — turbines or something like that — could actually start a fire. That concerns me. We could have a situation where a major tragedy occurs as a result of a fire in these particular edifices. That does concern me very, very greatly.

It is extremely difficult when you think about it to imagine that just four years ago Victoria had the most reliable power supply of any state in Australia — now not so much. Now, what would have caused this? In my view it was — well, I do not think it is just my view, I think it is actually a fact — the criminal sabotage of the Hazelwood power plant and the fact that the Andrews government forced the owners of Hazelwood to close it. They were given no choice. They were taxed out of existence. Despite the fact that the Premier told us the day before the last election that there would be no new taxes — it was a fairly decent lie, there is no doubt about that — he did in fact tax the owners of Hazelwood out of existence. As a result of that we have lost up to a quarter of our base load.

We had during summer last year, on particularly warm days, some significant blackouts, in particular hitting, I am sad to say, the western suburbs of Melbourne. I raised those blackouts in the house with the minister, because she was quoted in the media as saying that they were due to a fuse blowing. I thought to myself, 'If you have got three-quarters of the western suburbs blacked out, that is a fairly significant fuse'. That is a huge fuse we are talking about there, and how many fuses blew? I did ask the minister after those comments exactly how many fuses we were talking about with regard to the blackouts that she had attributed to the fuses, and I am still waiting for a reasonable response. I would have thought, for somebody who was so quick to tell us what caused the blackouts in her view, that she would be able to back that up with the appropriate information. But here we are in September, many, many months after this occurred, and I am still waiting on a reasonable response.

With another summer not far away we are going to face again the same sorts of blackouts and quite possibly we are going to face worse blackouts and more blackouts than we did last summer. That is not something that should give any of us any joy. That is not something that we should be happy about at all. The fact of the matter is that in terms of reliability and supply Victoria has gone down the path that South Australia went down about a decade ago. We know what happened in South Australia. We know the old joke. What did South Australia use before candles? Electricity. Of course it was! Unfortunately Victoria will become the butt of those sorts of jokes unless we do something about it now.

We have to build up our base load and we have to build up our power supply with a reliable means of power. It is nonsense to say that we are going to put all our eggs in one basket. It is nonsense to say that we are going to put all our eggs in solar or we are going to put all our eggs in wind power, because some days the sun does not shine, some days the wind does not blow and some days you may not have either. On those particularly cold days where there is no sun and there is no wind, there is just a bitterly cold atmosphere that gets into your bones. We all know the sorts of days that I am referring to. There is no way that you can rely on either wind or solar energy to keep you warm on those days.

Mr Leane interjected.

Mr FINN — Some of us might be able to get around. Mr Leane should have a chat to Dean Mighell about this, because he would know what he is talking about. The fact of the matter is that there are going to be a lot of people suffering this summer and indeed in

following winters as a result of the unreliability of our power supply in this state. It is a huge issue, and I am very pleased that opposition leader Matthew Guy and the shadow minister, David Southwick, are tackling this issue head on. They are going to be dealing with this in a very real, very genuine way to provide for the future and to provide for Victoria's needs in decades to come. I think it is extremely important that that happens. It is a great, great pity that the Andrews Labor government refuses to do that, but I look forward to the Guy government doing just that after 24 November, and I am sure that Victorians will welcome that too.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Massage parlours

Ms PATTEN (Northern Metropolitan) (12:01) — My question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, represented by Minister Dalidakis, and relates to massage parlours — not assuming you have any knowledge of them here. Right near my electorate office on Sydney Road, near the intersection with Albion Street, there are three massage parlours. If you head 500 metres north up Sydney Road to the intersection with Moreland Road, there are another three. It is a pattern that repeats itself not only along Sydney Road but right across Melbourne — in fact just straight metres from here along Bourke Street. My question for the minister is: does she believe that there is an unusual epidemic of neck injury in Melbourne or perhaps that the incredible prevalence of these massage parlours may be symptomatic of something else?

The PRESIDENT — I will allow Mr Dalidakis to take the question, but I do have the view that the question as posed seeks an opinion rather than a response in terms of what the minister might have information available on. The question was posed in an interesting way, but the way it was directed to the minister, as I said, it is seeking an opinion, and that does concern me.

Mr DALIDAKIS (Minister for Trade and Investment) (12:03) — I am troubled by Ms Patten's question, because — and I do not think this was her intention — in the way that she has framed her question she has trivialised the taking advantage of women in an industry. She has trivialised the fact that there are many women that have been utilised as, in some reports, sex slaves, having had their passports taken by proprietors in a way that is not in keeping with what we would consider to be appropriate not only employment but also treatment of people.

As I understand it, the enforcement around these issues has predominantly fallen to local government. There are from time to time stories, for example in local papers where I live, about such establishments being closed down. I know that the member for Bentleigh in the other place has spoken about this in our region — in my electorate, given I live in the lower house electorate of Bentleigh as well — and about the concern about women being taken advantage of.

My view would be that, as in keeping with guidelines, I will take this question on notice and pass it on to the minister for her considered response, but I am not sure that we in this place should be making light of what is a very serious situation — a situation that treats people as less than what they deserve and especially exploits women from international backgrounds in a way that again would suggest that our society has unfortunately let them down as well.

Supplementary question

Ms PATTEN (Northern Metropolitan) (12:05) — Considering I have been raising this issue with this government for nearly four years, I take some umbrage at the lecture I have just received on this matter. By way of supplementary, assuming that unregulated sexual services, which the minister seems to be assuming, are being provided by these parlours, then obviously the current regulatory system is not working, as I have been saying in this house for some years. So I ask: is it not time that the government introduced a modern, best-practice approach, including the decriminalisation of sex work as the internationally recognised best practice, for the regulation of the adult industry?

The PRESIDENT — I indicate that I have concerns with the supplementary question in that the member cannot ask for legislation as such. I will take it in a broader context about addressing the regulatory system that is already in place, so I will allow it on that basis, but members need to be very careful about asking directly for legislation in questions.

Mr DALIDAKIS (Minister for Trade and Investment) (12:06) — I meant not to be disparaging to you, Ms Patten, in your substantive question. I listened intently when you gave your inaugural speech in this place and was moved by both your history and your experience, so I appreciate that you come to this position with experience within the industry and an understanding of the industry better than most people

both in this Parliament and across society. My comment was certainly just in relation to the construct of your question, not in terms of what you are attempting to elicit as a response.

In terms of regulatory settings, there are many different things that go towards the way they are set, the way they are constructed and of course the way that they are monitored. Being the minister representing the minister in the other place, I do not have a good appreciation of those settings, and as such I will seek the minister in the other place's response in relation to the very queries that you make regarding that. But again, I wish to reiterate that the government's view is that if we can do something to protect vulnerable women, that is what we will do.

Land rezoning

Dr RATNAM (Northern Metropolitan) (12:07) — My question is for the minister representing the Minister for Planning. Underlying the Ventnor saga that has played out this week is a deep problem with the integrity of our urban planning system here in Victoria. When land is rezoned in Victoria that drastically inflates the value of a piece of land, none of that new value, that uplift, is captured. Take Fishermans Bend, for example — millions of dollars were handed to big property developers and owners overnight with Mr Guy's rezoning decision. These windfalls should be going to funding new infrastructure, affordable housing, open space and community spaces that neighbourhoods need when more housing is allowed through rezoning. But instead, both Labor and Liberal planning ministers have sat on their hands and done nothing about curbing this honey pot — this part of the system that makes it rife for corrupting influences on decision-makers.

Minister, does the government record the changes in value that occur when rezoning so that the government and indeed the public have knowledge of the private wealth created by ministerial decisions?

Mr DALIDAKIS (Minister for Trade and Investment) (12:08) — I thank Dr Ratnam for her question. I am not prepared to accept the construct of her question — that somehow Labor's history in planning is even close to some of the appalling decisions that were taken by the previous planning minister. I am not here to make light of what are very serious allegations in relation to Ventnor, which you prefaced in your question, or indeed in relation to the rezoning of Fishermans Bend, which is in my electorate of Southern Metropolitan Region. These issues have ensured that the former government has not been open and transparent, in terms of the Ventnor decision, with the hiding and the withholding of documents from the Auditor-General and the Ombudsman. It has not been open and transparent in relation to the rezoning of Fishermans Bend, nor was it appropriate in terms of its planning for public space, for public transport requirements in the future, for educational requirements indeed in planning for future areas where schools would be required, whether they be primary or secondary, and for kindergarten places and spaces for our young people.

There are a whole lot of issues that this government has had to try and unpack with planning decisions, and decisions that I believe that Minister Wynne has taken with the highest level of both ethical consideration and integrity. In the fullness of time, history will show that Minister Wynne has probably been one of Victoria's best planning ministers, and I especially say that noting that he has had to deal with making changes to some of the planning requirements that the previous minister, Mr Guy, took when he was in government — planning changes, for example, again if I reflect on my own community, such as those in Bentleigh, where he changed height limits, which have really seen some streets in Bentleigh become high-rise destinations rather than destinations of communities.

Dr Ratnam, I will happily seek guidance from Minister Wynne in the other place in response to your substantive question, but I do not believe that it is fair for you to even draw breath to refer in the same sentence to Minister Wynne and Mr Guy and their planning decisions.

Supplementary question

Dr RATNAM (Northern Metropolitan) (12:12) — I look forward to a response regarding the very specific question I asked, which was about whether the government records the changes in value that occur when this rezoning happens. To that point, my supplementary question is: if these uplift and windfall gains are not recorded, how can the public be confident that a minister's rezoning decisions are benefiting the community as opposed to merely providing profit to property developers and land speculators?

Mr DALIDAKIS (Minister for Trade and Investment) (12:12) — I think that question is substantially different from the substantive. That would indeed probably have been better as the substantive question rather than the supplementary. In any respect, I will take that question on notice, pass it over to Minister Wynne in the other place and seek his response.

Duck hunting season

Ms PENNICUIK (Southern Metropolitan) (12:13) — My question is for the Minister for Agriculture. Today is Threatened Species Day, and it is also Biodiversity Month and the international Year of the Bird. The annual hunters' bag survey, which is coordinated by the Game Management Authority, is meant to be an important component of assessing the impact of duck shooting on our native waterbirds, which are protected species apart from when they are declared to be game species in the March-to-June duck shooting season. The 2017 *Aerial Survey of Wetland Birds in Eastern Australia* found that most game species' abundances were well below long-term averages, in some cases by a significant order of magnitude. Minister, the original concept of this survey was that it would be conducted widely across Victoria, but the number of surveys has fallen from around 110 wetlands to 19 this year. Minister, why are so few wetlands being surveyed by the Game Management Authority (GMA)?

Ms PULFORD (Minister for Agriculture) (12:14) — I thank Ms Pennicuik for her question, and I wish her a happy day, month and year for each of those things. At its heart I think Ms Pennicuik's question goes to the capability and function of the Game Management Authority, which is —

Ms Pennicuik — Questionable.

Ms PULFORD — I think it is a matter of public record that the GMA has not been managing its responsibilities well. There was an extensive report into the GMA. There have been I think some legitimate concerns around the GMA's budget, the level of which was set by the former government when they established the GMA in 2014 and which I am pleased to report to the house we have been able to resolve in recent times, which is good. There will be additional resources going to the GMA.

The Pegasus review, which is a public document on the GMA website — and it was public before that too — details the difficulties that GMA had in fulfilling its responsibilities around the 2017 duck season opening weekend. That report came back to government not terribly long before the opening of the 2018 season, and we put in place a range of measures to improve compliance and improve enforceability along with some additional resources. All of those things I think resulted in a much better outcome for the 2018 season. I thank our hunting community for their response to that. There were plenty of people in our hunting community who were not particularly thrilled with the new arrangements, but the leaders of Field & Game Australia, the Australian Deer Association and the Sporting Shooters Association of Australia were certainly conveying messages to their members about the need to be responsive to the new arrangements, and I thank them for that. I thank everyone for having done a much better job in 2018 than in 2017. I would also say that of course the overwhelming majority of hunters are doing the right thing, but on opening weekend in 2017 we had some completely unacceptable behaviour and behaviour that is unacceptable to most in our hunting community.

The surveying that Ms Pennicuik referred to is an important part of the preparation for the opening weekend and the arrangements for the 12-week-long season. The methodology has not changed, but one of the actions in the government's *Sustainable Hunting Action Plan* is to develop new methodology. That work is underway, but I am happy to share with the house — I think I have done it on previous occasions — that some of the deficiencies in the functioning of the GMA have been the higher priority in recent times. Policy work and delivery work on all of the actions in the *Sustainable Hunting Action Plan* are very much still underway. Some good progress is being made on many of those actions —

Ms Pennicuik — On a point of order, President, the question was simple: why have so few wetlands been surveyed in comparison to the past? The minister has just under 30 seconds to perhaps answer that question.

Ms PULFORD — I would respond by saying that, as I indicated earlier in my answer, there have been no changes made to the methodology in relation to those surveys. Those surveys are not conducted by the government or by the GMA. They are surveys that are run through the eastern states each year and that inform the decision that the GMA board makes, so —

The PRESIDENT — Thank you, Minister.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) (12:18) — Thank you, Minister. The survey is actually coordinated by the GMA, and the number of wetlands surveyed over the years has fallen, in particular in the years since the GMA was established. The other question I wanted to raise with regard to the survey is that every year I raise with you the number of non-game species that are caught up in the duck shooting season that are shot and left on the wetlands to die and are collected by duck rescuers and others. There is no section in this year's report on wounded or

unretrieved birds. For example, in just eight wetlands last year birds such as swans and pelicans were identified. Why is there no section on wounded or unretrieved birds in this year's survey?

Ms PULFORD (Minister for Agriculture) (12:19) — It is a bit of a leap from the substantive question to the supplementary question. Those numbers that Ms Pennicuik seeks are numbers that I would typically have to hand in the weeks immediately after opening weekend and at the conclusion of the season, which was some months ago, so I must confess I do not have that information immediately to hand, but I will seek, with your forbearance, President, the opportunity to provide Ms Pennicuik with a written response to provide her with that information.

As to why it is not in the contents of the report, I will similarly seek to respond to that. But I do not tend to tell my agencies what they ought and ought not report on. That is really a decision for the boards of those organisations and also a matter of compliance with various legislative and other regulatory requirements.

Timber industry

Ms BATH (Eastern Victoria) (12:20) — My question is to the Minister for Agriculture. Minister, there are reports that two recently closed timber mills were compensated for their closure by the Andrews government or bought out by the government. Can you inform the house of the nature of any compensation or buyout between the government and each of these mills associated with their closure?

Ms PULFORD (Minister for Agriculture) (12:21) — I thank Ms Bath for her question. I am advised that both the Dindi sawmill in Murrindindi and the P. R. Adams sawmill at Nowa Nowa have decided to cease their operations and that workers at those two mills have been advised. I am also advised that those workers will receive their full entitlements. Our department is meeting with the workers to provide the support that is available to people in circumstances where their business closes — so training and other support. I understand that the Dindi sawmill will cease its operations towards the end of the month and that P. R. Adams are planning a slightly longer term, staged approach to the redundancies at that business.

These businesses are both highly dependent on native forestry, and in recognition of that the government is providing some immediate support to both the businesses and the local communities. The specific nature of some of the information Ms Bath sought is commercial-in-confidence information, including information that we do not typically release in relation to companies that VicForests enters into contracts with, including things like the size of the timber resource that is contracted to them. But what I can indicate is that the mills will be provided with assistance, including contractual relief for forgone timber contracts and assistance with plant and equipment and site remediation. The workers in these businesses will receive support for entitlements and industry standards; a dedicated personal employment broker to help each worker identify and secure new employment; access to training, counselling and other work experience; and access to the back-to-work wage subsidies that are available to people across the state in similar situations.

I think it is important, in anticipation of Ms Bath's next question, to indicate to the house that these closures were driven by the mills, not by the government. Those mills have engaged with their workers and communities about the reasons for these decisions and will be coordinating with their local councils as well as support continues.

Supplementary question

Ms BATH (Eastern Victoria) (12:24) — I thank the minister for her response. Minister, the government purchased Australian Sustainable Hardwoods and has now involved itself with two other mill closures. Can you advise the house how many other timber mills the government is currently negotiating with in regard to their closure?

Ms PULFORD (Minister for Agriculture) (12:24) — VicForests, in the ordinary course of events, is always talking to the mills that it supplies about their future plans and desires for timber resource availability, so that is —

Ms Wooldridge — How many are talking about closure?

Ms PULFORD — The overwhelming majority of mills are very much looking forward to a good future and are very interested in securing further resources. The nature of those discussions between VicForests and individual companies is, I think, something that has always been and ought to continue to be a matter between those mills and VicForests. I think the words Ms Bath used — and correct me if I am wrong, Ms Bath — suggested that this was something that the government has initiated. That is not the case; these companies approached the government.

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:25) — My question is to the Leader of the Government. Minister, Steve Herbert lost his job because of ministerial impropriety. Adem Somyurek lost his job because of accusations put to the Premier and potential breaches of the ministerial code of conduct. Yesterday on the Faine morning program a listener stated:

> I'm a public servant. If I was responsible for releasing this kind of information, I would be in breach of privacy laws and have a high chance of losing my job. Will anyone in Parliament lose their job?

Minister, why hasn't anyone in the Andrews government lost their job yet over this massive privacy breach, which gets worse and worse as every day passes?

Mr JENNINGS (Special Minister of State) (12:26) — I can understand why Ms Wooldridge asked this question. I understand why she has hope that there may be some pathway so that she can claim some ministerial scalp in relation to it, but with the process, the legal exposure and what might be on the face of it some embarrassing circumstances in relation to personal information there is not a linear path that connects them all in terms of a legal obligation or actions being taken by ministers that would connect them to a situation where that would be the appropriate course of action.

The government does recognise responsibility to the Parliament, to the people, in relation to disclosure of information that we believe is in the public interest. We also recognise that there were unintended consequences in relation to a variation from normal scrutiny that would apply at a departmental level in relation to freedom of information or privilege considerations at a departmental level in terms of narrowing the scope of documentation that may have been provided by departments in relation to what they believed to be the scope of the reference from the Legislative Assembly. The government does accept its responsibility for making remedy. That is the reason why my colleagues in the Legislative Assembly have taken action to remedy that situation. They recognise that; they continue to do so. They do not resile from the release of information which they believe is to the public benefit in relation to the resolution of the Assembly. In terms of the scrutiny —

Mr Ondarchie — It doesn't matter who you hurt?

Mr JENNINGS — Mr Ondarchie, it does matter.

Mr Ondarchie — It doesn't sound like it.

Mr JENNINGS — It does matter. There are a whole range of public policy matters that the government considers matter; ministerial accountability is definitely one of those things. In fact that is at the heart of the reason why there has been the release of information that was denied the Ombudsman and the Auditor-General by the previous administration. That is the reason why we believe that these matters should be understood. In fact if any action needs to be taken in relation to the release of extraneous material, those actions are being undertaken. That is not being ignored, that is not being run away from; it is being acknowledged.

Honourable members interjecting.

The PRESIDENT — Thank you.

Honourable members interjecting.

The PRESIDENT — Mr Leane, people have counselled you to be quiet. I suggest that you accept their counsel.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:29) — Thank you, Minister. Minister, you talked about ministerial accountability, and you have also informed the house previously that the Premier requested the documents and is ultimately responsible for the production of those documents. The Premier's action in orchestrating this Ventnor documents debacle potentially amounts to multiple breaches of the ministerial code of conduct. Given the code is ordinarily administered by the Premier, will you now step in and refer the Premier's potential breaches of the ministerial code of conduct to the Department of Parliamentary Services secretary for immediate investigation?

Mr Jennings — To where?

Ms WOOLDRIDGE — Can I clarify — the Department of Premier and Cabinet. Will you refer the Premier's potential breaches of the ministerial code of conduct to the Department of Premier and Cabinet secretary for immediate investigation?

Mr JENNINGS (Special Minister of State) (12:30) — President, I will assist you, given your concerned look, by not drawing attention to the inappropriate nature of the question and the consideration. There is nothing in the member's question that indicates that she has identified what a breach of the code may be.

Honourable members interjecting.

Mr JENNINGS — She has not. It is not apparent to me what that is, and there is nothing in the question that would make me consider that a referral is appropriate.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:31) — My question is also to the Leader of the Government. Yesterday, just after 9.00 a.m., the President claimed that departmental officials and members of his private office had apologised to the innocent Victorian citizen whose personal, financial, banking and family details were published online. That citizen, however, indicated that no apology was forthcoming in the morning and in fact it only occurred after 1.00 p.m. Can the minister confirm that no apology had in fact been issued when the Premier claimed it had and it was not given until 4 hours later?

Honourable members interjecting.

The PRESIDENT — Order! Can I just have the opening words of that question again please.

Mr RICH-PHILLIPS — Yesterday, just after 9.00 a.m., the Premier claimed that departmental officials and members —

The PRESIDENT — Thank you. You said 'the President'.

Honourable members interjecting.

The PRESIDENT — Thank you. The question is in respect of a statement that was made by the Premier, and for clarification I made no such statement.

Mr JENNINGS (Special Minister of State) (12:33) — I am glad we are all listening; we are all on top of our game today. Can I say to you that I can say very, very clearly, regardless of relying on anybody else's words or anybody else's statements or any other speculation, that in the doorstop I did yesterday morning at 10 to 9 I apologised in a public manner to the person who was affected by this matter. The Deputy Premier, who I understand was on radio at the same time as I did that doorstop, did exactly the same thing. So any suggestion that an apology had not been issued within the time frame that Mr Rich-Phillips has conveyed in his question is wrong.

Honourable members interjecting.

The PRESIDENT — Enough!

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:34) — I thank the minister for his response. It highlights the depth to which this government has fallen that the minister indicates that a statement he made in a doorstop somehow constitutes an apology being conveyed to that citizen. Minister, that apology was required because of the breach of privacy associated with the Premier's documents debacle. In the last hour we have seen yet another citizen have their private bank details revealed in that document dump. Can you inform the house how many other private citizens' personal information has been breached through that document release and who are therefore liable for further apologies from the government?

Honourable members interjecting.

The PRESIDENT — Order! The supplementary question is at best tenuous.

Mr JENNINGS (Special Minister of State) (12:35) — Thank you, President, for your assistance. In fact Mr Rich-Phillips asked the first question about the real-time effect of something. He did not get the answer he wanted so he is actually now asking me to provide real-time updates on matters that I am not responsible for dealing with in the Legislative Assembly. The processes of the reconciliation of information that has been released in the Assembly is being managed in the Assembly. I am not managing it on a minute-by-minute basis, and I am not going to give you real-time appraisals that you will sometimes misconstrue and reinterpret and fit me up for something that I may or may not have said.

Production of documents

Ms FITZHERBERT (Southern Metropolitan) (12:36) — My question is also to the Leader of the Government. Minister, four documents motions were passed by this house months ago relating to the West Gate tunnel project, the $225 million AFL deal, the medically supervised injecting centre and the Cricket Victoria and Junction Oval agreement. These documents are clearly in the public interest. Will the Andrews government produce these documents before the rising of the 58th Parliament, or will its last production of documents remain as the medical records, financial records and psychiatric evaluations of Victorians?

Honourable members interjecting.

The PRESIDENT — Order! Mr Gepp! Mr Leane! I am prepared to hear from Mr Jennings.

Mr JENNINGS (Special Minister of State) (12:37) — In relation to Ms Fitzherbert's question, I will talk to my colleagues and see whether in fact I can answer in the positive or the negative in relation to her question before the end of the term.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:37) — Minister, given the demonstrated lack of assessment or filters on the production of documents by the Andrews government, what specifically has been the hold-up for these documents not being presented to the Council?

Mr JENNINGS (Special Minister of State) (12:37) — In relation to this matter, I do rely on the advice that is provided and the considerations that occur within departments — the legal and FOI considerations that may occur within those departments — what the consideration of my colleagues may be and the advice that may come to government in terms of the release of material, and that is considered within the government and responded to accordingly either by the release of information or by an explanation provided by the Attorney-General. That has been the process that has applied during the course of the term, and that will continue to be the case and situation until the end of the term.

Public sector employee information

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:38) — My question is again to the Leader of the Government. Last month the government was embroiled in another politically motivated privacy breach with the release of the salaries and personal details of former ministerial staff. Will the minister now update the house on the investigation by the public sector commissioner into that breach of personal information?

Honourable members interjecting.

Mr JENNINGS (Special Minister of State) (12:39) — My colleagues are encouraging me to provide some context to the question that Mr Rich-Phillips has asked. The context —

Honourable members interjecting.

The PRESIDENT (12:39) — Order! Mr Gepp, would you like to have a cup of coffee outside of this place? Fifteen minutes. Minister, without assistance. Thank you.

Mr Gepp withdrew from chamber.

Mr JENNINGS — The context of Mr Rich-Phillips's question was the release of information that did relate to the private salary of a number of individuals who worked in the previous administration that was released at the same time as other payroll material that related to the number of ministerial staff that had been appointed during the last few months of the Napthine government that clearly did not go on leave whilst they participated in campaign activities during the course of the election time frame. That has now been referred for the appropriate authorities to consider whether it is a misuse of public money or inconsistent with —

Honourable members interjecting.

Mr JENNINGS — You may choose to say that. I am giving the context of what has happened. It was about a massive increase in ministerial staff that looked as if they were recruited to work —

The PRESIDENT — Thank you. It seems there are some other people who would like to join Mr Gepp at the coffee table.

An honourable member interjected.

The PRESIDENT — Well, they might consider, then, before they interject. The minister to continue.

Mr JENNINGS — Thank you, President. I was giving context to the chamber in relation to the vast amount of public money that could have been used to support the outgoing Napthine government in relation to its election campaigning activity. That matter has been referred for the appropriate authorities to examine. I have provided the house previously with an explanation that, whilst some of that material had been subject to FOI consideration, some of it clearly had not, and the private matters that were released were subject, as Mr Rich-Phillips has reminded the chamber, to the consideration of referral to the public sector commissioner and a forensic examination of where this material may have been generated, who had access to it and how it may have subsequently arrived in the public domain.

Whilst I have provided that update to the house previously, I have not been afforded in the last couple of weeks what the outcome of that consideration may be. I will seek some information from the public sector commissioner about those matters, but as they are beyond what I have already contributed to the house, I do not have any further knowledge on the matter.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:42) — I thank the minister for his answer. Minister, complaints have also been made to the information commissioner by some former staff whose personal information was leaked. Has the information commissioner launched a formal investigation into possible criminal breaches by the government of the Privacy and Data Protection Act 2014 related to the release of that salary information?

Mr JENNINGS (Special Minister of State) (12:42) — The information commissioner, as I have also said to the house previously, operates in terms of his acquitting his statutory responsibilities independent of me, not requiring direction from me in relation to what he investigates and how he would deal with those matters. He has not provided me with any advice about whether he either has received a complaint or is pursuing it, but I am happy to take his advice about that matter.

Electorate office staff

Mr FINN (Western Metropolitan) (12:43) — I am loath to disappoint Minister Jennings, but my question is to the Minister for Families and Children. Minister, you were quoted in the Ombudsman's report on the red shirts rorts affair and subsequently confirmed in the Privileges Committee inquiry that you presigned time sheets for your electorate officer-cum-field organiser, so I ask: have you been contacted or interviewed by Victoria Police in relation to their fraud and extortion squad investigation into Labor's red shirts rorts scandal yet, and if so, when?

Mr Dalidakis — On a point of order, President, very clearly this matter is out of scope in the 58th Parliament but also has nothing to do with the minister's duties. It happened indeed in the 57th Parliament when my —

Honourable members interjecting.

The PRESIDENT — Thank you! Talk to me.

Mr Dalidakis — President, let me be very clear that, having sat on the Privileges Committee, unlike Mr O'Sullivan interjecting, I took my position on that very seriously. We dealt with the matter, and the matter referred to a range of issues that occurred in the 57th Parliament before Minister Mikakos was indeed a minister. It was dealt with, it was dispatched and a report was handed down. This is not a question or a matter for question time.

Mr Davis — Further to the point of order, President, the Minister has answered questions on this matter previously, and it is entirely within the house's purview to ask about simple matters of fact about whether she has been interviewed by the police or not.

Ms Shing — Further to the point of order, President, there have been rulings and consideration of the substance of this issue by you in the context of questions which have already been put to the Leader of the Government in this regard, and in this matter I seek that you have reference to rulings already made from the Chair as they relate to questions put in these terms.

Mrs Peulich — Further to the point of order, President, the reports were tabled in this Parliament. The Privileges Committee undertook its work in this Parliament. The minister, it can be argued, was a beneficiary of the activities which were the subject of those investigations. The ministerial code places certain obligations on the minister in terms of her accountability and transparency, and could I urge that you dismiss the complaints about the minister not answering the question. Clearly it is the business of this particular Parliament to have those questions answered.

The PRESIDENT — Order! Well, those points of order were all around the garden path. That was really interesting. None of them were relevant — not one! Mr Davis's got closest; there is no doubt about that. The reality is that the issue of scope, because what might have been the original incident occurred in the last Parliament, is irrelevant because there have been so many other aspects of that that have been explored in this Parliament by way of inquiries and so forth. This question is actually quite specific, and it does not go to matters of a historical nature; it goes to a relatively contemporary matter as to whether or not the minister has been interviewed by the police. It is up to her to respond to that question. I might tell you, I have been interviewed by the police.

Honourable members interjecting.

The PRESIDENT — It was in regard to how our guidelines operate — or don't.

Ms MIKAKOS (Minister for Families and Children) (12:48) — I have made it very clear previously that I will cooperate with any investigation. In fact the Ombudsman found in her report that I did cooperate with her. In fact that was never the subject of any commentary, either in her report or in the Privileges Committee. I find this question rather interesting coming this week, of all weeks, when it has become highly apparent that Matthew Guy, as Minister for

Planning, did not actually cooperate fully with the Ombudsman and actually withheld documents from the Ombudsman —

Mrs Peulich — On a point of order, President, Minister Mikakos is clearly debating the question rather than answering a very simple and direct question, which goes to the heart of her accountability and transparency, and honesty.

The PRESIDENT — There was an element of debate in it, but at this point the minister obviously has time to address the matter, which was a specific question. I think the issues she was raising were extraneous to the question that has been put.

Ms MIKAKOS — Thank you, President. I am just wishing to make the point that my cooperation, the level of my cooperation, stands in huge contrast to the Four Million Dollar Man, who did not hand over relevant documents to the Ombudsman. It actually needed to be the Legislative Assembly that brought these documents to light.

Mr Davis — On a point of order, President, the member is straying into territory that is extraneous and nothing to do with this highly specific question on whether she was interviewed by the police or not.

The PRESIDENT — Might I say that when we start to talk about some of these matters we should be mindful of due process, and there is process in place in some of the matters that Ms Mikakos has referred to, which I do regard as extraneous, and I would suggest that Ms Mikakos really do address the question. She has provided sufficient context I think, suggesting that she has been cooperative with the inquiries to date, so I ask her now to address the question itself.

Ms MIKAKOS — Thank you very much, President. You are absolutely right. There is an issue of due process here, yet those opposite have absolutely no interest in relation to allowing due process to occur. In fact Mr Finn has sought to take out of context information I provided to the Privileges Committee and tried to portray it in a particular manner, because I provided very lengthy information to the Privileges Committee around this issue and made it very, very clear exactly all the circumstances that occurred in relation to this matter. And in respect of contributions from those opposite during the course of various points of order, I remind those opposite that in fact —

Mr Finn — On a point of order, President —

Ms MIKAKOS — You are not actually interested in the answer.

Mr Finn — the question that I asked is very, very specific. It has nothing to do with what Minister Mikakos is now speaking about. I asked specifically: has she been contacted and/or interviewed by Victoria Police in relation to their fraud and extortion squad investigation into Labor's red shirt rorts scandal? I would have thought a yes or no and a date would have been a sufficient answer.

The PRESIDENT — Order! That might well have been the case, but the problem that I have from the chair is that the preamble actually mentions the Privileges Committee and evidence that was led in the Privileges Committee by the minister, and therefore her answer thus far, having moved on from what I regard as the extraneous information she was putting to the house, is now apposite to the question that was asked.

Ms MIKAKOS — Thank you very much, President, because both Mr Finn and his colleagues through the points of order that we have just had have made a number of assertions which I take strong exception to, and I think it is important that those opposite are reminded of the fact of what the Ombudsman actually concluded in her report. We know that those opposite do not actually like her report. They did not like her findings. They did not like her conclusions, which is why we had the Privileges Committee process in the first place.

The Ombudsman actually found that members of the government acted in accordance with advice that had been provided to them, acted in good faith and did not derive a personal benefit — these were her conclusions; these were her findings in relation to these matters — and in fact that we had acted on the advice provided to us by Mr Lenders. These were in fact findings of the Ombudsman. Again I reiterate to those opposite that I have said previously and I reiterate again that I will cooperate with any investigation, as I have done in the past, unlike your leader, who hid documents from the Ombudsman. And the answer to Mr Finn's question is in fact no.

Supplementary question

Mr FINN (Western Metropolitan) (12:55) — Minister, have you provided any documents to the Victoria Police fraud and extortion squad investigation, and if so, which documents are they?

Mr Dalidakis — On a point of order, President, I'm pretty sure that was asked and answered.

The PRESIDENT — Order! No, the question is apposite to the substantive question and it does go to a different matter in the sense that it is seeking a response

from the minister about the provision of documents, as distinct from an interview.

Honourable members interjecting.

The PRESIDENT — Nonetheless, I will allow that supplementary question.

Honourable members interjecting.

The PRESIDENT — Order! Thank you, Minister. I did hear an answer to the substantive question.

Ms MIKAKOS (Minister for Families and Children) (12:56) — Clearly Mr Finn was not listening to the answer I gave to his substantive question.

Honourable members interjecting.

The PRESIDENT — Order! Perhaps the reason why some of the members in the opposition did not hear the answer that the minister provided to the substantive question is that they were interjecting and only hearing their own voices. Minister, without assistance.

Ms MIKAKOS — I know this has been a very difficult week for those opposite, and unlike Mr Guy, who withheld documents from the Ombudsman that have only come to light this week, I reiterate that I will cooperate fully in respect of any investigation.

Honourable members interjecting.

The PRESIDENT — Order! I must say I have difficulty intervening on this one. Minister, without assistance, and preferably not reflecting on this week. I do not think it is a week that we should all be really proud of.

Ms MIKAKOS — Thank you very much, President —

Mrs Peulich interjected.

The PRESIDENT (12:57) — Mrs Peulich, 15 minutes.

Mrs Peulich withdrew from chamber.

Ms MIKAKOS — I reiterate again that I will cooperate with any investigation, as I have done in the past. No documents have been sought from me, and therefore none have needed to be provided.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:58) — There are 13 written responses to questions on notice: 10 989–92, 11 056, 12 522, 12 572, 12 699, 12 763–4, 12 828, 12 831, 12 870.

QUESTIONS WITHOUT NOTICE

Written responses

Mr O'Donohue interjected.

The PRESIDENT (12:58) — Mr O'Donohue, you are actually looking at me and I am on my feet. Go and keep Mrs Peulich company for the 15 minutes.

Mr O'Donohue withdrew from chamber.

Mr Mulino interjected.

The PRESIDENT — I am on my feet, Mr Mulino. Careful.

An honourable member — Go on, kick him out.

The PRESIDENT (12:59) — I would, except he has not been a repeat offender. In regard to today's questions, I seek written responses to Ms Patten's question to Mr Dalidakis, both the substantive and supplementary questions, in two days; Dr Ratnam's question to Mr Dalidakis, both the substantive and supplementary questions, two days; Ms Pennicuik's question to Ms Pulford, the substantive and supplementary questions, one day; Ms Bath's question to Ms Pulford, the substantive and supplementary questions, one day.

Ms Pulford — Her, I answered.

The PRESIDENT — I hear the minister, and yes, I thought that you did provide, particularly on the substantive, quite a comprehensive answer, but the question actually went to a fairly specific matter to quantify that compensation.

Ms Pulford — Based on the fact that is confidential information.

The PRESIDENT — I am giving you the opportunity to reflect on that and whether or not any part of that can be met. If it cannot, I will be accepting the answer, I think. In terms of the confidentiality, I respect commercial-in-confidence situations, but I give you the opportunity to reflect on that matter.

Ms Fitzherbert's question to Mr Jennings, the substantive question, two days. Mr Rich-Phillips's question to Mr Jennings, the substantive and supplementary questions, one day. Thank you.

Mr Jennings interjected.

The PRESIDENT — This is the second question.

In respect of other questions, Ms Wooldridge has written to me to request the reinstatement of question on notice 10 191. The answer provided by the minister is identical to an answer given the last time the question was reinstated in February 2017, and I did not regard it as an adequate response on that occasion. I have not changed my view and I reinstate the question again.

Ms Fitzherbert has raised with me a concern about the questions that she posed on 5 September to the Minister for Families and Children for the Minister for Mental Health in another place. I have considered both the original and supplementary questions that were put on that day and whilst the minister has provided some information which I think is useful to the member in respect of going to some of the matters that she raised, the specific questions that were posed have not been responded to, and therefore I reinstate those questions, both the substantive and supplementary, for a further written response.

Ms Wooldridge — On a point of order, President, I have received a written response from the Leader of the Government in relation to my question about the cost to the taxpayer of external agencies engaged to work on the Suburban Rail Loop policy. The response refers us to the annual reports. As you have ruled many times before, the capacity to ask a specific question in this house and have it answered in this house is entirely appropriate, rather than being referred to other, as yet unpublished, documents. So I ask you to reinstate the question.

The PRESIDENT — I have had the opportunity to look at that question, courtesy of Ms Wooldridge earlier today, and I am of the view that the response was not adequate in terms of the question. So I therefore do reinstate the supplementary question for a further written response.

Thanks to all the points of order we have actually got to the lunch break, I think. The chair will be resumed at 2 o'clock for constituency questions.

Sitting suspended 1.03 p.m. until 2.04 p.m.

CONSTITUENCY QUESTIONS

Eastern Victoria Region

Ms BATH (Eastern Victoria) (14:04) — My constituency question today is for the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio in the other place. Situated along Old Walhalla Road at Toongabbie is the C37 Track, which is a gazetted protected zone and under the auspices of the Department of Environment, Land, Water and Planning. In preparation for the oncoming bushfire season, a stretch of the track has recently been cleared by bulldozers, leaving a substantial amount of debris — in effect, fallen trees, branches and the like. One of my constituents has reported that the site is not a firewood collection point, but the debris, if it is not removed, will create considerable fuel load and actually add to the potential fire risk in that area. So my constituent wants me to ask: will the minister enable Toongabbie residents to collect this debris from the side of the road and enable there to be less fuel risk in that space?

Northern Metropolitan Region

Dr RATNAM (Northern Metropolitan) (14:05) — I recently met with a number of residents in Broadmeadows and members of the Broadmeadows Progress Association who are devastated that the government is planning to sell their parkland to property developers. The community has used this space as parkland for a decade. Ministers Wynne and Foley are trying to pull the wool over the community's eyes by saying that this sale is about inclusionary housing. It is not. The Labor government is proposing to sell 27 000 square metres of public land to a private developer in exchange for 15 affordable homes. Inclusionary zoning means asking private developers to build affordable housing on private land; inclusionary zoning does not mean handing public land at discounted rates to big developers in exchange for very few homes. If the government is serious about affordable housing, will the government stop the sale of this land and keep it for building new public and affordable housing with the remainder of the land being retained as vital green open space for this community?

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:06) — My constituency question is on behalf of Mrs Peulich, and it is directed to the Minister for Planning as it relates to the ongoing rezoning and development application for Kingswood golf course currently being decided by Kingston City

Council, with over 7000 objections being lodged thus far. Mrs Peulich brings the minister's attention to *Planning for Golf in Victoria: Discussion paper*, June 2017, on the Victorian government's planning website, and refers to page 24 of the document, which reads:

> Eight former golf courses in metropolitan Melbourne are presently being redeveloped. These include Kingston Links golf course, Kingswood golf course and Keysborough golf course.

Mrs Peulich notes that this is not a done deal and that the application is still live and the course is far from redeveloped. It is still an active golf course and is zoned thus. Can the minister assure the house that there are no state plans to support a rezoning of the Kingswood site as has been described in the government's own discussion paper?

Ms Pulford — On a point of order, Acting President, I seek your advice, either as Acting Chair or perhaps from the President at another point in time, about the appropriateness of the member delivering a constituency question on another member's behalf.

The ACTING PRESIDENT (**Ms Dunn**) — Thank you, Minister Pulford. I will certainly seek advice from the President in relation to referring to another member. It is the same constituency in this instance, but I will refer that to the President for you.

Ms Pulford — Maybe the President can consider both that scenario —

The ACTING PRESIDENT (**Ms Dunn**) — Yes, absolutely.

Western Victoria Region

Mr PURCELL (Western Victoria) (14:07) — My constituency question is for the Minister for Police. The Port Fairy Folk Festival is an annual event that attracts thousands of people from throughout Australia and overseas. It is a volunteer-run festival, and it has been running for more than 40 years. For the last two decades it has actually given about $4 million to the community and also $3 million to volunteer groups and organisations. Additional police are allocated to the event each year, but any charges for the extra police have usually been waived. It is an event that really does not incur much; I have never even seen a cross word, so it is not one that is heavily policed. However, this year more than $6000 was charged to the festival, which was reduced when the waiver was requested, but it still cost them $4600. I therefore ask the minister: will you waive the charge for the provision of the police services for this community event?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:09) — My constituency question is to the Premier. Premier, growth in Melbourne's west is continuing at a gallop. One only needs to travel to the municipalities of Wyndham, Hume and Melton to see they are centres of population growth and are set to remain so for decades to come. Infrastructure, health, education and policing are under extraordinary pressure in many parts of the west, and no action seems to be on the horizon to change this appalling situation. I ask: has the Premier given any consideration to instituting a west-specific plan to overcome this neglect?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:09) — My constituency question is for the Minister for Roads and Road Safety in the other place. It is in relation to an accredited transport industry driver education organisation in my electorate of Northern Metropolitan Region. They have some concerns about VicRoads criteria when it comes to the assessment for awarding a heavy vehicle licence. By way of example, this organisation in my electorate of Northern Metropolitan Region received a response from VicRoads that they may be reading the licensing criteria incorrectly when they fail applicants for speeding or stopping in the intersection. According to written advice from VicRoads, if a speeding incident does not appear to impact road safety, then the driver education organisation should look past that matter and give the applicant their heavy vehicle licence. Well, that does not sit well with the driver education facility that I am talking about, because that area is full of transport logistics, heavy vehicles and lots of trucks. The question I have for the minister is: could the minister advise me of the actual criteria that VicRoads use to determine who should get a heavy vehicle licence?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:10) — My question is for the Minister for Public Transport. It concerns the sky rail CD9 line and the advisory committee that was established in 2015 and reported secretly to a range of government bodies, including the Level Crossing Removal Authority (LXRA) and the minister herself. My understanding is she appointed the committee. She appointed as its chair Mr Steve Dimopoulos, the member for Oakleigh in the Assembly. I have seen in the FOI that I have obtained from the LXRA after a significant fight that there was a declaration of interest that was required for those members of the committee. I therefore ask the minister

whether Mr Dimopoulos filled out that declaration of interest. If he did, will she release that declaration of interest, and if he did not fill it out, why not? This is important because he had a clear conflict of interest, owning properties in that area, including Carnegie.

Western Victoria Region

Mr MORRIS (Western Victoria) (14:11) — My constituency question is for the Minister for Public Transport and relates to the Ballarat train line and the lack of trains on that particular line arriving on time. It is of great concern. I have met with many commuters at the Ballarat, Wendouree and Ballan railway stations when I have been there with our very hardworking candidates Amy Johnson and Andrew Kilmartin, who are doing an excellent job in highlighting the significant concerns that the Ballarat community have about our train service. I did want to ask the minister: in terms of the Ballarat train service, which has had a devastatingly low on-time performance, what is the minister going to do to fix this service that she has overseen and has become a complete mess?

ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018

Second reading

Debate resumed.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

Second reading

Debate resumed from 24 August; motion of Ms PULFORD (Minister for Agriculture).

Mr DAVIS (Southern Metropolitan) (14:14) — I am pleased to rise and make a contribution on behalf of the coalition to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. It is an important bill and a bill that lays out a number of significant changes. It is a bill with which we have some concurrence but also significant concerns, and I will lay those points out bit by bit.

The bill seeks to make it an offence for a person to carry out certain types of building work without being registered or licensed. It seeks to provide provisional registration for certain builders who carry out certain building work and introduce related offences; to provide a licensing scheme for building employees who carry out certain building works and introduce related offences; to make provision in relation to certain wall cladding products; to clarify the grounds for discipline of registered building practitioners in relation to breaches of dispute resolution orders; to provide for further regulation of swimming pools and spas; and to make a number of consequential other amendments and related minor amendments to other acts. It also amends the Local Government Act 1989 to provide for councils to enter into agreement to rectify cladding on buildings and to provide for councils to declare and levy charges to fund such rectification.

In effect the bill has a series of parts. It can be divided, I guess, into four categories: registration and licensing; pools and spa regulation; cladding product regulation; and strengthening of powers of the Victorian Building Authority (VBA) and Minister for Planning.

In registration and licensing, the objective of the bill is over a period of time to make it illegal to work in the building industry without being registered and licensed. After the expected passage of the bill a provisional licensing scheme will be implemented with the conditions to be determined by a subsequent regulatory impact statement (RIS). The commencement date of the bill is 1 September 2020. There are about two years to undertake the RIS. Once provisionally registered, trade contractors and employees will be expected to upgrade to full registration within a five-year period.

I just want to say something about this section of the bill in general first. There is an ongoing debate as to how arrangements in this Parliament should operate and whether it is a good principle — and it is more common in the federal Parliament than in ours — that a head of power is created and then regulations and licensing arrangements below that operate. I personally have been more persuaded that it is better to lay out the full details in black and white at an early point in the chamber so that the community can see and understand and so the debates can be had in more open session. I understand that it is easier to adjust and change regulation than it is to change legislation, and I understand that there is a legitimate countervailing argument, but this bill falls into the category of setting up the provisional registration but the actual detail of what will be there long-term is to be undertaken as a regulatory outcome, and that is, in theory, to follow the regulatory impact statement.

To answer the basic question of how the machinery will work, the information of course is not here, because the regulations, if this bill is passed, are down the track and yet to be made, and indeed the assessment of the regulations that are yet to be made are down the track too. They are basic questions like, 'How much will it cost, what will be the impact on the economy, what will be the impact on the building industry and', importantly, 'what will be the impact on housing affordability?'. Those are questions which from this bill we cannot answer, and the government has no answers to those questions because it actually has not done the detailed work that would give an answer. But let me be very clear here: this will add to the cost of regulation, it will add to costs for the building industry and it will add to the cost of new houses and apartments and make them less affordable. The question is by how much and what the balance to be struck there is in terms of having better quality. Will this advantage quality? Let us see if the RIS can demonstrate that that will actually be the outcome. But again the RIS is not there and the regulations are not there, so we actually do not know what the impact on quality will be.

When we look around other jurisdictions there are other jurisdictions with a greater level of building industry registration and licensing than Victoria. It is a question — an open question, I think — as to whether they have better building systems and better outcomes for their consumers. My point here is that these are very legitimate questions, and they are questions for which the government has no answer, because it has not actually done the work.

I would be more persuaded if parallel with this there was a set of regulations that had been proposed and was being tested, that the RIS process was part-way through that and if there was a paper that looked at this and some economic work that said, 'It's going to jack up the cost of a new home by 10, 15 or 20 per cent', a home that somebody might buy on the edge of the city for $500 000. With a 10 per cent increase on that, that is $550 000. That is a very significant impact on local communities and on young families, and these are points that are unanswerable from what we have in front of us today. I am not saying that there is not a case, because I think there is a case, for greater regulation of the building industry. There is a case for better registration process, and there is a case for better processes in terms of overall licensing and holding those in the industry to account for the results that occur — quality is an important outcome — but what you want to see is a regulatory system that actually delivers the improved quality but does it at the lowest cost and with the lowest impact on, ultimately, housing affordability.

I should say that for pool and spa regulation the bill requires councils to keep and maintain a swimming pool register consistent with Building Act 1993 regulations. It creates a new category of registered swimming pool inspectors and provides a framework to require an owner to undertake mandatory periodic self-assessment of their pool barrier's compliance and independent assessment of pool compliance as well.

In preparation for the bill's passage the government has requested the Victorian Building Authority to create a voluntary register and online interactive pool and spa barrier self-assessment tool. It is good sense to get ahead of the regulation rather than waiting for it to come in, so I certainly give that the tick. There are to be additional pool and spa regulations made after the bill's passage, but like registration and licensing, these will be determined by the subsequent RIS. Again, it is where the balance lies and how the balance is struck that is the salient point. This makes me nervous, even though regulations are in theory disallowable — and in fact I did disallow one earlier in this Parliament — because disallowing is a very rare event. In thinking back over the cases of disallowance when accepting planning scheme amendments and the disallowance of regulations, I can only think of one in my time in Parliament that I have moved — and that was successful — but it does point to the rarity of those cases. So I think it suits governments that prefer to do things behind the scenes with interest groups and deals and arrangements being struck. It suits them to do these regulatory changes rather than bringing these thing up-front so that everyone can see them.

I make the point that we in general agree with greater regulation of the pool and spa sector. We actually understand the importance of that. The desire to prevent childhood deaths in particular is something that has been discussed over a long period. Regulations were initially tightened in the 1990s in this area, and I think the community strongly supports any reasonable steps that actually do limit terrible outcomes. No-one would wish such a terrible event on any family, so sensible steps that can impact there are important.

In cladding product regulation the bill gives the Minister for Planning the power to declare a ban on the use of combustible external wall cladding product. The provision has been made in response to the Victorian Cladding Taskforce interim report, which recommends priority measures to prevent the use of aluminium composite panels with a polyethylene core, as agreed at the Building Ministers' Forum, and expanded polystyrene, or EPS, cladding for classes 2, 3 and 9 buildings of two or more storeys and for classes 5, 6, 7 and 8 buildings of three or more storeys. The bill also

provides for cladding rectification agreements to allow building owners and owner-operators to access low-cost finance to fund cladding works and allow long-term costs to be borne over time.

What I would say on this is this is a terrible situation that we as a broad community find ourselves in with these buildings, and it does point to inadequate regulation over a longer period of time. There was the fire down at Docklands that we saw several years ago, and the terrible situation in England with that tower — the images genuinely shock anyone who sees them. The images post the fire of the kitchens and the rooms where people perished are just genuinely shocking things to see. There has been I think a failure of regulation over a longer period. There are many layers to this, and I am thankful to the cladding task force for briefing me on some of these points; it was instructive.

I am going to make some criticisms. This is clearly step one in managing what is a very big and complex situation. There is a question about what can be used in the future and this takes one step on that. It does not deal with the longer term national issue of materials coming into the country and indeed being manufactured elsewhere around the country and being used and what is accredited and what is not accredited. It does not deal with the failure of those national bodies — I make the point 'national' as opposed to 'federal' quite clearly — to come to sensible conclusions.

I have been critical in this chamber of John Thwaites for holding a position on the task force at the same time that he held a position accrediting a number of products. Clearly that had the capacity for him to be seen to be checking his own work as it were, which was clearly an untenable position. I note that after that criticism he resigned from that position, although it does not fully diminish the concern that I think is there about his position at the head of the task force. I cast no broad aspersions on Mr Thwaites, who is well known to me from time in Parliament over a long period, but I just think that the need to be pretty sharply beyond reproach on these points is important. With respect I do not think that the task force has quite got there. I think there is still a long way to go here. I think that they have not understood that the mechanisms they are proposing here, or that the government is proposing via the Parliament, are only one wedge of this.

I do think that there is an aspect of unfairness where somebody in good faith — I will just use a case study as it were — buys into a tower and all the reasonable checks are done and then a small number of years later finds out that there is actually a cladding problem. There is no question that this has a direct hit on the value of the property. I in no way resile from the checking process — I think that the checking process must occur for public safety — but there is no question that when a building is designated as a building of risk, whatever level that is, that has a direct effect on the property. A loan may be advanced or some assistance advanced by a council through rates forgone for a period but later to be scooped back, so in effect a supplement to help deal with the problem now. I am not saying that is wrong in itself, I am saying this is not adequate overall. There is a real question about what is going to happen with the title and the debt that is attached to the title. Make no mistake here: this will directly hit the property value for people who bought in good faith.

Let us also be clear over here about who is responsible. People have been pointing in different directions on this. Is it the builder? Possibly there is some significant responsibility. Is it the building surveyor who has laid out what is required and then later ticked it or otherwise? I think building surveyors are also being put in the gun. Then there are the body corporates. What role does a body corporate have over a longer period? The body corporate will carry a lot of the difficult decision-making that will occur. I have spoken to a number of senior people in bodies corporate who are very concerned about what this means for their buildings, for their properties and for their saleability. These are quite serious issues.

I think the VBA itself ought not be immune from question and criticism. To be absolutely clear and fair, this is not pointing just at this government or just at the last one, but even going back much further into the 2000s. Matthew Guy, as planning minister, did try to take a significant step in reforming the VBA. I notice there are other steps in here and I do not resile from that, but there is a longer term question about the VBA's role and I think what can only be called a regulatory failure.

These products have been mandated or not mandated, ticked or not ticked as the case may be, but the question of how this has been regulated is a very real one. I think the truth of the matter is this bill starts the process where property owners, with a small bit of time assistance from councils, are going to be made to wear the costs. Let us be clear about what is actually happening here: this is not the community facing up and saying actually there are a broader set of responsibilities here. That is not what is in this bill; that is not there. There is nobody — not the VBA — stepping forward and saying, 'Oh, no, we got it wrong in the period in the early 2000s when many of these

buildings were built'. I do not hear that coming out of government.

In a sense I am putting some of these things on the agenda today because I think they are going to have to be confronted. And no-one should imagine that we are alone in this; to be absolutely fair there is a national issue here too — the national bodies that ticked products, the lack of clarity that there was about what product was suitable for what and the testing regimes that were in place or more often were not in place. These are all points that have not been fully grappled with, in my humble estimation, so in a sense I am putting these on the agenda because they are very concerning things. To the extent that this provides some time assistance to property owners, that is welcome.

I give another example to the chamber. I was down in a country shire in the last few weeks talking to the head planner in that municipality, and the head planner became aware, not through the authorities informing them but through a local building's owners corporation talking to the council and saying, 'Our building has been designated high-risk. What does that mean?'. It is an eight-storey building in a seaside town. Relatively recent — I think it is eight years old. So what does that mean? The owners were trying to understand that, seeking assistance from the council. The council had not been informed by the VBA. I would make a broader criticism of the VBA over a much longer period — it is not a great communicator.

It was by chance that the council was able to attend with the owner's corporation, the building owners, to be briefed about what that designation meant. The council had not at that point been fully brought into the process. Given that this bill actually gives them responsibilities, there are some real questions about how that will operate. I think there are some risks in the long haul that our building surveyor system will really take a pounding through some of this process, and we need to be very careful to make sure that there is the capacity for our building surveyors to insure and get the support that they need in that respect.

I do not want to see our system seize up or come to a halt because of the litigation that I think inevitably is going to result here. Others in the chamber would perhaps have the same view as me. If I was an owner of a building or a unit or an apartment in a large complex and we collectively were clobbered with a rating that meant that we had significant costs to meet, naturally you can see where this process is going to go. There is going to be litigation, I would hazard to suggest, and those owners corporations are going to be looking at the builders, at the developers potentially, at the building surveyors and potentially at the Reserve Bank of Australia and the regulatory authorities more broadly nationally.

If somebody has in good faith bought in and the certificates are in order, the processes appear to be in order but the wrong cladding is on the outside of the building, whose fault is that? And this particular matter is not easy to answer. You cannot answer it here. It is actually a matter of who signed what when, what checks went on, whether the material was the material that it was claimed to be and whether the national authorities had ticked that material for that purpose or not. There is a complex chain of course that we are talking about here.

I want to put on record my concern for the many families whose largest asset is going to be hit through the sequence that has occurred here. Again, I am not in any way trying to make this a party-political or partisan matter. I am trying to say that there is a broad sweep of responsibility, and this is going to have to be more generally managed as time goes forward.

The bill, as I say, also leaves greater power for the VBA and the Minister for Planning in a number of ways. There is the destructive testing power of authorised personnel to determine regulatory compliance of building products. This is going into the future and is supported. There is the increase in the power of the VBA in dispute resolution orders by enabling the VBA to suspend the registration of non-compliant practitioners. The Minister for Planning will also have powers to declare a ban on the use of combustible external wall cladding products, and the bill will allow the minister to issue ministerial directions to municipal building surveyors or private building surveyors that relate to their functions under the Building Act or regulations made under this act. There is no specific objection, and I do want to make the point that many of these steps we agree with, but we think that this is only the start of what is going to be a long and complex process.

The opposition will move some amendments here to remove licensing and to restrict the registration to a number of building categories. I note, and I will come to this in a moment, the input of the Housing Industry Association (HIA), the Master Builders Association of Victoria and others on this — and a number of people with various trade qualifications, and indeed a large number of consumers who have contacted me and other members of the opposition over a period about deficiencies in the processes and about the opportunity to improve some of these outcomes. So our

amendments will seek to put in place the registration but not include the licensing that is proposed.

We will also seek to regulate or to change the bill in a different way, which is to put in place requirements around the suitability of people to sit on panels and registration bodies and, if unsuccessful, amending licensing bodies. We will seek to argue that those who have been the subject of negative orders by the relevant authorities — Fair Work, Federal Court and the Australian Building and Construction Commission (ABCC) processes — will not be suitable to sit on a registration body or a licensing body.

We do not think that is appropriate. We think that people, whatever their background — whether they have an employer or a trade union background otherwise have perfectly good merit to sit on the relevant bodies. But we think people who have been subject to negative orders, adverse orders, ought not sit on those registration and licensing bodies. We think that is the wrong thing, and we do not think that will strengthen any system of regulation or any system of licensing.

I am happy for those amendments to be distributed.

Opposition amendments circulated by Mr DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr DAVIS — Obviously there will be a committee process later, and we will seek to amend the bill. I am not sure whether that will be today but whenever it is, we are happy to have that discussion. I should, as I have said, thank both the HIA and the VBA in particular for input on this bill. I think they have different viewpoints and I will put those on the agenda here. The HIA says:

> The bill includes provisions for the implementation of a registration and licensing of trades scheme in Victoria. There has been an expectation for some time that a registration of trade system may be introduced by the government. It was not expected that occupational licensing would also be introduced at the same time.

I think that is the position in effect of the opposition: that we see the need for the registration side. We are less excited about the position going forward on licensing.

The HIA's policy position supports licensing and registration of some types of building practitioners when a clear case is made to support this. In particular, the policy supports licensing registrations of builders undertaking building work and of trade contractors' high-risk work such as electrical, plumbing or gas fitting. It also supports the licensing registration of trade contractors who contract directly with consumers, subject to a reasonable monetary threshold. HIA does not generally support the licensing registration of builders who are working exclusively for builders as consumer protection is not required in these circumstances.

I understand the point that they are making, that if you have got a head builder who employs trades, that head builder remains responsible to the consumer and to the regulation authorities for the outcomes and for their workforce as well. In Victoria building practitioners who are engaged to complete building work by a property owner or consumer are currently required to be registered by the VBA. Building practitioners engaged by project managers also need to be registered. This includes contractors who work in trades, including but not limited to carpentry, waterproofing and bricklaying. These building practitioners are also exempted from registration when the contract price for their work is less than $10 000 or where they are only undertaking a single trade such as tiling or painting.

HIA — and I will quote their commentary directly lest I get it wrong because I think it is important to get this on the record:

> HIA has major concerns about part 2 of the bill, which includes provisions around the registration or licensing of trades.
>
> Lack of detail
>
> The most important difficulty with the legislation is the lack of detail about which trades will need registration or licensing and what qualifications and experience will be required. In particular, the qualifications and experience required by licensed trades is very unclear and there are reasons to suspect that the standards required of licenced trades will be much less than registered trades. While this means that the costs of the new registrations scheme cannot yet be qualified; it also means that the benefits, if any, of the scheme also cannot be identified.

This is the point I made before. The difficulty of registration is another point that the HIA makes:

> It is however clear from the bill that registered trades, unlike licensed trades, will need to prove that they are both capable of working for builders as subcontractors and owners as head contractors. That the registered trade has no interest in working for owners directly will be irrelevant. They will need to develop business management skills and hold domestic building insurance eligibility to continue in business as a registered trade. If the trade cannot or does not want to get registered, but wants to continue in the building industry, their only option is to apply for a licence and be an employee.
>
> It is not clear that builders will be willing to employ these workers.

So there is a risk to the workforce that has not been fully thought through or quantified. This is again where the cart is put before the horse.

The HIA also points out the impact on contractor and building businesses:

> The bill will have a significant impact on trades who have never had to be registered before and will disturb unnecessarily well-established business relationships. Initial feedback from members suggests that many trades will need to make a tough decision — to only get a licence and then hope to find an employer, or leave the industry. Many trades will not be interested in applying to be registered. The impact on the availability of trades —

and we already have significant shortages —

> and therefore the cost of building work, is obvious. It is unlikely that improvements, if any, in the quality and workmanship of trades will be enough to justify these costs.

That is the essence of much of this. If you are going to regulate, you need to understand what the costs of that regulation are and the benefits. These have obviously not been quantified at all.

Another significant concern is the ability of the proposed registration licensing authority, the VBA, to administer the new legislation. The VBA already struggles to administer the existing building registration scheme, with relatively simple applications to renew registration taking months. Even if significant funds were allocated to the VBA, it is difficult to understand how the right skills and experience will be available to allow the VBA to administer the new legislation without major disruption to the building industry.

Again, I intend to ask of the minister in committee: how do you intend to implement this? What resources are allocated now for the VBA? Where in the budget line item do I find the money to implement this scheme? I think these are very reasonable questions that the HIA is raising. Can we see what that line item is of money for additional work, and how much, and what will be the steps taken by the VBA to actually implement these points? The document continues:

> Interstate workers
>
> There are registered trades in other states. They could use the mutual recognition system to apply for registration in Victoria. There is a possibility that these workers will benefit over Victorian trades who have never experienced the registration or licensing system —

of this type.

Let us be clear what is going on here. A building worker registered in New South Wales will jump to the top of the queue because of the mutual recognition arrangements, whereas the Victorian builder — perhaps in Wodonga, just on the other side of the border to Albury — who has not been registered will be at the back of the queue. I think this is a legitimate point that is being made.

Let us understand how the government intends to address that point. Does the government have a way forward? The opposition has pointed to a cross-border commissioner role. Following the opposition's announcement we would fund one for four years and base it in Mildura, the government have said they will fund one for about a year. I think this is a classic role for a cross-border commissioner to actually get in and make sure there are not obscure and untoward things that happen and unusual sets of incentives that are perhaps not intended by anyone but have not been fully thought through. We will certainly be asking the minister to explain how that is going to work for those arrangements.

Regarding registration by the VBA — I just need to backtrack a tiny bit — the VBA company registration takes six to eight weeks is what I am told. That is quite a long time. There is no assessment of skill, just the last two months if a builder has a company already. There is a need, I think, to see how this process is going to be impacted by these registration arrangements too. To have the company you have got to be registered, as I understand it. I will be interested to hear the minister's view on all of this and how that will operate. How will the machinery of those points, with the company that you run and the builder who is registered, work? Economists would call this occupational closure, where you have a trade or profession that is registered and not only a protection in name and for certain procedures but a set of systems in place that only allow them to perform certain works. We are certainly going to have quite a strong system of occupational closure. Again this is a matter for the RIS to look at closely. The pity is that there is no RIS there now.

Also there are employment issues. What happens to the employment contract if a licensed trade employee loses their licence or fails to obtain a licence? Will the employee not be satisfying an inherent requirement of their position and lose their job, or will the employer be forced to continue employing the employee even if they cannot perform the work for which they were first employed? There are a set of questions there that I will be interested in the minister responding to, along with other sets of questions. We have said that we think removing the licensing arrangements, largely part 2 of the bill, is one significant way to go.

The Victorian Managed Insurance Authority (VMIA) does carry some load in the building area through the last-resort building insurance, and I would be interested if the minister can provide some information on the impact on the VMIA of these processes. How will the requirements around registration impact? How will the requirements and the financial hurdles impact? What will be the outcome in terms of that domestic building insurance that is required of all registered builders by the VMIA? Will those who are registered have to have their own insurance as well? I want to understand a number of those points as well.

The HIA on a broader front has published a state election policy document which lays out a number of its points to support a better housing sector and a more available housing sector. I think in this context it is worth looking at the whole industry and asking how this bill fits within that context. I am going to put the HIA policy imperatives on the record because I think they are significant. The first is regarding affordability and housing supply:

1. Land supply to support Melbourne and beyond

   Better monitor and manage the availability of land that is 'shovel-ready' at an affordable price.

The opposition has obviously said it will bring forward the 290 000 lots inside the urban growth boundary. We are also interested in a decentralisation policy that will see a better outcome in terms of the state's significant population growth of 143 000 last year in Victoria. Ninety per cent of that growth was in metropolitan Melbourne. We are in no way underestimating the very significant growth in our capital city, but our decentralisation policy will over time seek to move a bigger share of that growth into our regional centres and other country areas. That is one way we see to augment the supply.

The policy position document continues:

2. Responsibility for housing supply

   A dedicated ministerial portfolio responsibility to monitor, manage and promote housing supply in all forms.

Under 'Training for a skilled future':

3. Skilled trades for a future workforce

   Support trade training in residential building as a career of choice and work with industry to develop appropriate options for continuing professional development.

Under 'Cutting red tape':

4. Improving domestic building contracts

   Review domestic building contracts legislation to reduce overlap and unnecessary burdens on builders and consumers —

this bill in truth of course and perhaps in part justifiably add to burdens and red tape —

5. Streamlining domestic building disputes

   Implement immediate reforms to streamline the lengthy delays at Victoria's compulsory domestic building dispute resolution service (DBDRV) and ensure owners and builders can directly proceed without delay.

6. Managing trade contractors

   Support independent contracting in the housing industry and ensure a balance between skills development and registration requirements —

that is very much into the zone we are looking at now, but we really do have to look more closely at our trade colleges to get better outcomes.

7. Reforming property valuations

   Revise plans for centralised annual property valuations.

I think that is in this year, but I think there is great nervousness across a significant part of the building sector. Under 'Reforming planning and building laws':

8. Streamline planning approvals

   Expand Victoria's streamlined planning process 'VicSmart' to include a wider range of low-impact residential development matters.

9. Reducing planning red tape

   Implement the outcomes of the Smart Planning program to improve the performance of local councils in planning approvals.

Not all of the slowness in planning is due to local councils, I might add; some of it is due to slowness in the centre. The current minister is not always as fast as you would like in actually bringing forward approvals when there are opportunities to do so.

The next policy imperatives are:

10. Managing subsidised community housing

    Prohibit the use of mandatory affordable housing quotas and use broader financing methods to support community housing providers to deliver long-term affordable housing projects.

11. First home buyer loans

> Introduce a government supported loan program to assist low income earners to enter the housing market.

The government is already providing a significant subsidy via the assistance with stamp duty that is in place, and in truth I think that has had mixed effects. It has certainly helped in some regional areas, but it appears to have been a factor — not the only factor — in driving up the cost of housing on the edge of the city, where supply has been limited. If you make available more money to chase reduced supply, you get an obvious outcome: prices increase significantly. Particularly in some of the growth areas in the south-east and some in the north there has been a significant escalation in prices. We have already indicated that we will bring on more lots to help manage that.

Under the subheading 'Reduce the tax on housing' the next policy imperative is:

12. Reduce up-front levies and new home buyer taxes

> Reduce local council infrastructure contributions, allocate unspent state infrastructure contributions (GAIC), and reduce the triple dip application of stamp duty on a new home.

There are a couple of points that I will make here. This is the state government that promised it would not increase taxes, charges and levies. Daniel Andrews stood on the front steps of this building on the Friday night before the election and said, 'I make that promise to every Victorian' — that taxes, charges and levies will not be increased beyond the CPI. He said the same at the Sky News election forum in Frankston. He said the same on numerous occasions. 'I make that promise to every Victorian' is what he said — he would not increase taxes, charges and levies beyond the CPI. Well, he has. He has introduced new taxes, new charges, new levies. There are well over a dozen of them, depending on how you count them. If you count double hits on land tax and stamp duty increments over time on overseas purchasers, there are closer to 16 new and increased taxes, levies and charges.

We are not arguing that some of those were not justified in certain ways. One of the things I would say is that where the government does collect these taxes, charges and levies, they have to be applied properly. The case in point here is the growth areas infrastructure contribution (GAIC). The government is sitting on hundreds of millions of dollars of growth areas infrastructure contribution money. That is a tax by another name. Whatever you want to call it, it is a tax. That tax has been applied to land in the growth areas, and that growth areas land is now being developed, but the tax that is being collected there for the specific and express purpose of funding infrastructure in those growth areas is not being spent sufficiently by the government. The government is sitting on it. Tim Pallas is like a dragon sitting on a pile of gold. He does not want to let it go to the people in the growth areas from whom, in effect, it was indirectly collected, because they paid for it in the price of their land. Make no mistake: they paid for it, and that infrastructure should be available.

We have said we would do more in terms of works in kind, both for development contributions and GAIC. We would look at bringing forward as much of those works as we possibly can. We would do that because that is to the benefit of those communities — they would get the infrastructure sooner. It is also to the benefit of the land developers in those areas, because the land developers obviously have an interest in seeing that infrastructure built at the time rather than seeing a precinct structure plan with nice shaded areas — there is an oval over here, it looks all nice and green on the map, but there is nothing there at the moment. However, the money that could fund that is sitting in 1 Treasury Place over here and not being spent out in the growth areas, where it should actually be spent. So I say we have got to do more works in kind and we have got to make sure that Treasury does not impede the legitimate movement of those development contributions, the GAIC. Councils are sometimes reluctant and slow on this, but in many respects less so than the central government. I say we have got to get cracking with getting that funding brought forward.

As I have made clear, the impact of population growth is very significant. We want to see Victoria as a state of cities, not a city-state. We want to see a decentralised Victoria. We want to see proper transport links, but we also want to do what is necessary to bring forward land availability in our regional cities —

Mr Gepp — On a point of order, Acting President, on relevance, Mr Davis is straying way down into areas that are not covered directly by this bill and that are matters before the house at the moment. I have enjoyed his contribution up until the last few minutes, but I think he needs to come back to the substance of the bill now after he has been boring everyone for 50 minutes by straying down other avenues.

Mr DAVIS — On the point of order, Acting President, my contribution is directly relevant to the matters of the bill. The state faces challenges in its growth and —

The ACTING PRESIDENT (**Ms Dunn**) — It is not a time for debating, Mr Davis. There is no point of order, but I would ask the member to stick to the bill.

Mr DAVIS — I will make the point very strongly: our strong population growth means that we need effective trades to be available. We cannot build the new stock that we need without the trades being available. We need highly competent and well-educated tradespeople. We need to make sure that they are available, and we need to make sure that the quality is there. This bill potentially could improve quality, but we think that there are aspects of this that go, frankly, too far.

We think that the licensing goes too far, but we do agree with the registration component. We will seek to amend the bill to change it in that way and will also seek to amend it to make sure that those who sit on relevant panels and those who sit on relevant registration bodies or licensing bodies are not people who have been subject to negative or adverse findings by a court, the Federal Court, Fair Work or the ABCC. We think it is wrong that somebody that has been the subject of a negative report would sit on a licensing body. People who sit on there should be people who have got capacity and knowledge, but they have also got to be beyond reproach. If they have got convictions, if they have got other negative findings, that is a concern. We will seek to make those amendments in due course.

In speaking to this I want to also talk about some of the work that the Scrutiny of Acts and Regulations Committee (SARC) has done on this. Ms Bath and others will know that I have a penchant for following SARC's work closely. Very few people do, but I do. I have often recommended it, as I said earlier in the day, as an insomnia cure. If somebody is having trouble sleeping, they can always read the latest SARC report in detail. However, in relation to the building —

An honourable member interjected.

Mr DAVIS — No, no. It has not. As I make the point, I am probably unusual in that respect.

The SARC *Alert Digest* No. 12 of 2018 does make some legitimate points. It provides that part 2 would come into operation later, and this is a longstanding point. The committee is satisfied that the delay is legitimate, and I do not disagree with that. On the right to be presumed innocent — the reversal of the onus of proof — the committee will write to the minister seeking further information. I will come back to his points on the relevant points about the presumption of innocence. On the presumption of innocence, the report says:

> The committee observes that these provisions may be interpreted as requiring an accused to prove their innocence by either raising evidence of a reasonable excuse or actually proving that they have a reasonable excuse, for committing the relevant acts.

SARC makes some further points and says it will write to the minister seeking further clarification. The minister comes back to SARC on 30 August, just in very recent days. He talks about the default commencement date and responds to the committee's points about proposed new sections 169FA and 169FB, and the minister responds:

> The new sections do not remove the presumption of innocence or reverse the overall onus of proof on the prosecution to prove the offence beyond a reasonable doubt.

I am quoting Minister Wynne here.

> Rather, each exception is, in effect, an expressly recognised defence to the relevant offence. The new sections do impose an evidential burden on an accused or potential accused within the meaning of section 72 of the Criminal Procedure Act 2009 when it comes to demonstrating an exception to that offence. It is for an accused to provide evidence of the reasonable steps that they have taken. This is appropriate because, in many instances, knowledge of the steps taken may reside with the person who alleges that he or she took those steps, and will only be available to the authority if provided by a potential accused.

I accept that. The minister goes on:

> In the absence of express admissions, the offence provisions would not be able to operate effectively if, to make out the offence, a prosecutor had to adduce evidence of matters or knowledge of which may reside exclusively with an accused or potential accused. In my view, the exception provisions provide a potential accused with a clear defence and so are the best way to achieve the policy intent of ensuring that the offence does not apply when a person has taken reasonable steps in the circumstances.

I think it is worth putting those points on the public record in the chamber as part of this process.

I do want to point, as I did earlier, to the issues around union impact. It is possible that some of the provisions in this bill may be misused by union groups that actually seek to work with the shape of the legislation. That will mean that those people who are currently contractors, and independent in that sense, either become employees or are forced to take their full registration arrangement. I should also note that we want to ask some questions about provisional registration. I am conscious that I have only got a small amount of time. I have some questions about how the provisional registry will operate — the machinery of

that. I also seek to understand how the threshold will work for handymen, who may be doing small-scale works, and what the arrangements will be. In a sense I am putting those points on notice now so the minister can respond when I ask some questions about a number of those issues.

In conclusion, the opposition will seek to amend this bill with large tranches of amendments. We hope the chamber will support us on those matters.

Dr RATNAM (Northern Metropolitan) (15:11) — I rise to speak on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. I indicate the Greens will be supporting this bill. I want only to make some brief comments on two aspects of the bill in particular. Firstly, I want to indicate the Greens support for the provisions relating to the licensing and registration schemes. The building industry is a very important industry. We rely on the skills of those involved in the industry to ensure our buildings are safe and fit for purpose, whether it is a 30-storey tower or a suburban home. We also know that the building industry is one of the most dangerous industries. Yesterday's crane accident is only the most recent illustration of the danger of the industry. The Greens support the reforms in this bill that seek to provide an additional level of security that people engaged in the building industry have the necessary skills and experience.

The bill also introduces new provisions relating to flammable cladding, which we have seen on the outside of many buildings across Melbourne. The bill gives the minister the power to ban high-risk cladding materials. This is very welcome. We have seen the tragic outcomes of installing this cladding on buildings, both in Melbourne at the Lacrosse building and in London at Grenfell Tower. The dangerous flammable cladding should never have been allowed on Melbourne's buildings in the first place, but it was because successive governments took their eyes off the ball. When the Victorian Cladding Taskforce investigated the use of cladding across Victoria, it found that systems failures led to major safety risks and widespread non-compliant use of combustible cladding in the building industry across Victoria.

These system failures go all the way back to 1994 when the Kennett government took building surveyors out of local government and essentially privatised the service. When you privatise what should be an essential public service you see standards drop. We now have a crisis on our hands in terms of combustible cladding on many buildings. We believe it is a failure of government oversight and regulation which has created the situation we find ourselves in today, but the government is not willing to take responsibility for removing the dangerous cladding, instead placing the burden on owners of property.

The owners did not install this cladding; it was developers cutting corners and opting for the cheapest option — developers that have seemingly been more focused on the final profit than the quality of building materials, the design of the building or the safety of the people who ultimately live there. But this bill puts the onus to pay for the removal of cladding on home owners. The bill creates a scheme whereby home owners can apply to council for long-term loans to help them pay for cladding rectification. But this is not good enough. There is a significant cost involved in removing and replacing the cladding — up to tens of thousands of dollars. Many Victorians will struggle to meet these costs. If they do not, they are continuing to live in unsafe conditions and may also face eviction if they are given a non-compliance notice.

The Greens believe that because the state's lack of proper oversight and regulation is what has created this situation the responsibility for rectifying the cladding should lie with government. The Greens have called for a cladding safety fund to be established which would cover the up-front cost of replacing the cladding. The fund would include a mechanism for the government to seek to recoup costs from the company or the authority responsible for the improper use of the flammable cladding. This is a much fairer and more effective system. Government should act in the best interests of the people it represents. This includes taking responsibility for its own mistakes and using its financial power and resources to address these mistakes. While we will be supporting this bill, we call on the government to do more to help home owners and renters live in safe and secure homes.

Mr GEPP (Northern Victoria) (15:14) — I too rise to speak on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. This bill's objectives are to deliver better outcomes for domestic building consumers and building practitioners through further improvements to the practitioner registration and disciplinary system, improve compliance with swimming pool and spa barrier standards and implement some recommendations of the Victorian Cladding Taskforce and the Coroners Court.

I will not go into the depths of all aspects of the bill. They have been covered by other speakers, including Mr Davis. When I moved my point of order earlier, I was a bit churlish about Mr Davis's contribution, which up to a point —

Mrs Peulich interjected.

Mr GEPP — I do not need your help, Mrs Peulich, but if you want to provide it, then go ahead. Up to a point Mr Davis was making some very reasonable points in his contribution. Then of course he did stray. But he did cover many aspects of the bill, which I will not repeat. Of course the substantive parts of the bill that we are considering deal with a number of aspects, including the registration of building trades and employee licensing, an improved swimming pool and spa barrier compliance framework, changes to disciplinary measures, continuing professional development for plumbers, cladding-related measures and other measures to improve the operation of the Building Act 1993.

Consultation around this bill has been quite extensive with organisations such as the Master Builders Association of Victoria, the Housing Industry Association, the Australian Institute of Building Surveyors and the Victoria Municipal Building Surveyors Group. The trade registration employee licensing measures have been the subject of consultation with the Construction, Forestry, Maritime, Mining and Energy Union. The swimming pool and spa measures have been the subject of consultation with Life Saving Victoria, the Swimming Pool and Spa Association of Victoria, Kidsafe Victoria, Landscaping Victoria and the Real Estate Institute of Victoria. The cladding measures have also been the subject of consultation with the local government sector and the Municipal Association of Victoria. There has been widespread consultation on all elements of this bill.

I particularly want to leave the building aspects of the employee registration and licensing until the end, so I will come back to those. I will deal briefly with the other aspects of the bill and of course swimming pool and spa barriers. This bill will introduce a framework for the creation of a better funded and more proactive and systemic compliance and enforcement regime for pool and spa barrier compliance. Much of that framework will be delivered by the regulations. The other key aspect of the bill in relation to this area is that it introduces amendments that will now require councils to keep and maintain a swimming pool register in accordance with those regulations. We can never do enough, as we know, to improve the safety of our kids in particular around water and swimming pools and spas. One drowning is too many, and this government, as it has demonstrated time and time again over the past four years, is committed to doing everything that we can to keep our kiddies safe. There have been coronial findings to support the introduction of a compliance barrier under the current framework, so I am very pleased that this bill will go to some of those issues.

On the cladding-related measures, Mr Davis touched on some of these and reflected upon two fires in particular — the Lacrosse building fire in Melbourne and the fire in the Grenfell Tower in the UK. Who will ever forget the horrific scenes that we were all watching on television of the fire in Grenfell and the aftermath of the reporting. I think everybody who watched any of that footage was touched deeply by those images. We of course formed a task force to look at the circumstances here in our state, and that task force continues its work to reduce the risks of combustible cladding. Through the work of that task force we are well ahead of other jurisdictions on auditing, assessment and rectification orders. What this bill will do is enable dangerous cladding products to be banned.

I just want to deal very quickly with Mr Davis's contribution. I do note that he acknowledged that we go way back in time in terms of the materials that were allowed in the use of construction for many years, so I do acknowledge that. But I was a little bit confused. I was not quite sure whether he was saying we should do this or we should not do it. Of course when you undertake rectification and examination of these sorts of things, inevitably there are consequences, but that does not mean that we do not do it. We only have to again remind ourselves of those horrific images from Grenfell in London and that in itself has got to be enough incentive for us to do something in this area.

What this bill will also do is enable dangerous cladding products to be banned, but it will also give the power to the Victorian Building Authority to carry out destructive testing and sampling, again strengthening our efforts and endeavours to ensure that construction in this state is done in the safest possible way using materials that we can be confident will be as safe as we can possibly get them for the citizens of this state.

I want to spend most of the rest of the time on the registration of building trades and employee licensing. I heard some of the objections coming from Mr Davis about the regulatory impact statement, the RIS. What does that mean and when should it be done? Should it be done now, should it be done afterwards, what is the cost factor et cetera? But what I did not hear about from him during that part of his contribution in any great depth was the impetus behind this.

Think about, just for a moment, the types of dwellings and commercial buildings that we are talking about being constructed. We want them to be done by people who are properly trained, who are properly skilled and

who are properly licensed to be able to carry out this work. We do not want sham contractors. We have all heard the stories over the journey, and we want to weed that element out and we want to get rid of it, and prior to this bill we were actually lagging behind. If you look at, for example, registrations in places like Queensland and New South Wales. I think our registrations for domestic builders, limited, is 4956; for commercial builders, limited, 3396. Contrast that with the estimates of the Master Builders Association of Victoria — 46 000 registered or licensed trade practitioners in Queensland and 40 000 in New South Wales. So there is a job of work that needs to be done, and we are concerned about building work being performed by people that are insufficiently trained and the lack of accountability for non-compliant work. This bill will create the capacity in the act to restrict building work to tradespeople who hold the requisite skills and experience.

I cannot imagine in too many other circumstances where we would not support the introduction of a regime that requires people who we are placing a great amount of trust in, in terms of construction, to be licensed, registered and properly trained. The end goal of this scheme — and we must bear this in mind — is that the trade contractors would become registered building practitioners and employees would need an employee licence or registration to perform restricted building work. Mr Davis touched on skills shortages, and to avoid any shortage and to provide fairness there will be a provisional licensing and registration regime that will be put in place. So despite the assertions of those opposite, these things have been thought through by the minister and the minister's department. They are areas that we will continue to work on with the industry, but the bottom line here is that we need a regime that is applicable across the board so that we can all be very, very confident that we have got very highly skilled, trained, registered and licensed people carrying out the building works, both domestic and non-domestic, in the state of Victoria.

With just a hint of latitude, I hope those opposite will be okay with this. I do not want to suggest for a moment that what we saw yesterday in Box Hill had any relationship to any one person being at fault. There will be processes and investigations that will go on that will determine those matters, but what it did highlight for all of us I think is that we are talking about an industry where we all have heard the stories, as I said earlier. We all know of the sham contractor or the shonky building arrangement that has occurred where people get it done on the cheap, but of course inevitably that means you are getting a product that is defective and inevitably will lead to significant problems. What we know is that in terms of health and safety the industry that most suffers from workplace injury and death in this state is the construction industry, and unfortunately we saw it yesterday all too starkly with the death of a construction worker and the hospitalisation of two others. One person is at this very moment fighting for their life.

I was very moved when I saw those images again on television last night, and in full disclosure my son is a mechanical services plumber. He works on non-domestic construction sites, and I hear again and again and again some of the issues in relation to health and safety. He has not worked for a couple of weeks now because his job has been shut down because it is unsafe, and I have got to say that when he told his mother that he would not be at work for a couple of weeks because the job is unsafe, she said, 'Thank goodness. Thank goodness you were able to come here and tell me that in person', because last night — and I do not want to get emotional — there was a family that was grieving for the loss of another worker on a construction site, killed. When are we in this state going to be outraged about that? We need to be outraged about it.

I often hear across this chamber barbs thrown at me about my relationship with the CFMEU. I have got to say to you that I take my hat off to those people from the CFMEU who I spoke with last night who were traumatised, the women and men from the CFMEU who were down on that site, who today have spent all day wrapping their arms around the family and colleagues of the worker who passed away and the others who are in the hospital, because that is what they confront every day. I also take my hat off to the emergency services workers who had to go to that site yesterday and perform what I am sure were for them very, very difficult tasks.

I know Mr Dalla-Riva and Mr Bourman, whom I have had private conversations with, have told me about the worst aspects of their role in a past life as police officers, and to those people who went to that site yesterday and performed the wonderful work that they did, thank you, and please, please, please, we need to be outraged. We cannot allow this to continue. I commend the bill to the house.

Mr MORRIS (Western Victoria) (15:30) — I do rise to make a contribution to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018, and I think there are times that we can agree on things in this place. I certainly was quite moved by Mr Gepp's contribution there and think it is something that we recognise, that having a safe workplace and

ensuring that mothers and fathers get to come home is just so incredibly important. That is why we are here.

I have often said in this place that the first and most important role of any government is to protect the community, and that is not in any one sense, whether it be through crime or whether it be through unsafe workplaces. I certainly concur that this is the most important role of government and something we should all in this place be working together to achieve, to make sure that, whether it be a son, daughter, mother or father, they do get to come home at the end of each working day. I think we were all devastated to hear of another death at a workplace, and it is something we should always be striving to ensure does not happen. I think it is something that we should reflect upon very deeply, the fact that we have this very important role to play, and ensure that everybody does get home safely. Mr Gepp, I think we all agree on that point.

I did want to go to the specifics of the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. I note that the purpose of this bill is to amend the Building Act 1993, but it also seeks:

> (b) to amend the Local Government Act 1989 to provide for—
>
> (i) Councils to enter into agreements to rectify cladding on buildings; and
>
> (ii) Councils to declare and levy a cladding charge to fund the rectification …

There are two points I want to raise about this particular matter. One is that the Local Government Act 1989 is an act that Mr Leane spoke about as his favourite act earlier today. The Local Government Act is one that I have a great affinity for, but I also think it needs significant reform. It was a very small act when it was first introduced and it has been amended a number of times. As a result it has become rather voluminous. I think it has gone too far in some directions and certainly should be reined in.

With regard to the cladding on buildings, I think this is an important area and that there are certainly many lessons that need to be learned from what we have seen. The Grenfell Tower fire certainly did make us all absolutely aghast — seeing those 72 deaths in a fire that continued to burn for 60 hours. It was something that was certainly horrifying to see, and something that we need to learn from to ensure it does not occur here in Australia. We have obviously had a couple of near misses with regard to cladding fires here in Victoria. The work of the group who are assessing what to do about that non-compliant cladding is important work and it is to ensure the safety of all Victorians because we certainly would not want to see a fire like that occur here in Victoria. That significant loss of life was absolutely devastating, and this situation is something that we need to ensure is rectified here in Victoria.

This bill would make it an offence for a person to carry out certain types of building work without being registered or licensed. It also provides for the provisional registration of certain builders to carry out certain building work and introduces related offences. It also provides a licensing scheme for building employees who carry out certain building work and introduces related offences. It makes provision in relation to certain wall cladding products, clarifies the grounds for disciplining of registered building practitioners in relation to breaches of dispute resolution orders and provides for the further regulation of swimming pools and spas. I have certainly had some concerns raised with me personally with regard to this particular area.

I think many in this house would agree with me — I am the father of children who are not young but are still on the younger side — that we do need to ensure that swimming pools are kept safe to ensure that the possibility of the sort of tragic events we hear happening about all too often is reduced, to keep our children safe from drowning. It is important that we get this regulation right. We would not want to get it wrong and have an overly burdensome regime that people might try to get around. At the same time it is incredibly important that our children are kept safe.

The bill will further go on to make consequential and other miscellaneous amendments and also make related minor and consequential amendments to other acts. I suppose when describing this bill one could say that it is best divided into four categories: the registration and licensing, the pools and spa regulation, the cladding product regulation and the strengthening of powers of the Victorian Building Authority and the Minister for Planning.

With regard to the registration and licensing and these objectives of this bill, over a period of time the bill would make it illegal to work in the building industry without being registered and licensed. If this bill were to be passed, a provisional licensing scheme would be implemented, the conditions of which would be determined in a regulatory impact statement (RIS), which I know Mr Gepp made reference to in his contribution. The commencement date of the bill would be 1 September 2020 as a result of the two-year time frame in which to complete that RIS. Once a provisionally registered contractors and employees would be expected to upgrade to full registration within

five years, so there is a significant time frame there in which people are able to get that registration.

With regard to the pools and spas regulations, this bill requires councils to keep and maintain a swimming pool register consistent with Building Act 1993 regulations. It also creates the new category of 'registered swimming pool and spa inspector' and provides a framework to require owners to undertake mandatory periodic self-assessment of pool area compliance and an independent assessment of pool barrier compliance.

A significant issue, and one that I certainly became aware of when I was a little more closely involved in local government, is the cost shifting that can occur from state government to local government. Now, we all know that this government today introduced a rate capping regime which has had some extraordinarily negative impacts, particularly on regional and rural councils, which are experiencing significant growth and, due to that significant growth, are struggling to keep up with the infrastructure needs of their communities. When we are talking about the more rural communities, some of these communities are not having growth; they are actually having negative growth. Indeed they are contracting in the size of their population. However, what is not contracting is the number of roads they have and the many other bits of infrastructure, whether it be football ovals or tennis courts or the like, that they need to maintain.

When you are in an inner-city council, you have got significant population in a very densely populated area. Therefore for your kilometre of road you might have thousands of people that are paying rates to maintain that road. However, in a regional council you may have 100 kilometres of road that just a couple of ratepayers are making a contribution to maintain, so the rigidity of the rate capping regime that this government has implemented has certainly adversely affected regional and rural councils. I suppose this is just further evidence of the metro-centric style of this government and that Daniel Andrews is the Premier of Melbourne, not the Premier of Victoria, as is often said to me by my many constituents. One of the concerns that may arise is that this registry —

Mr Dalidakis — Are you talking to yourself in the mirror again?

Mr MORRIS — No, not at all. I have certainly heard Mr Andrews described as the Premier of Melbourne on many, many occasions, and that is not just in my office, Mr Dalidakis. It is by others outside of my office who have certainly addressed —

Mr Dalidakis — As you are walking into the office.

Mr MORRIS — It has actually been printed a couple of times in the Ballarat *Courier*. I will send it to you if you like, Mr Dalidakis.

The substantive concern that I raise is that this potential cost shifting to local councils could make implementing this very difficult. When you introduce a new role for local government without an income stream that is going to pay for that role, you have got a finite budget and there needs to be cost cutting in some areas. We would not want to see child and maternal health services, we would not want to see libraries and we would not want to see road infrastructure funding being cut as a result of this change. That is not to say that this is not important, but that we should be looking at ensuring that there are not adverse impacts due to this piece of legislation.

With regard to the cladding product regulation, this bill gives the Minister for Planning the power to declare a ban on the use of a combustible external wall cladding product, and this provision has been made in response to the *Victorian Cladding Taskforce: Interim Report* that, from memory, Mr Baillieu and Mr Thwaites were working on. This report recommended:

> … priority measures to prevent the use of aluminium composite panels (ACP) with a polyethylene core (as agreed at the Building Ministers' Forum) and expanded polystyrene (EPS) cladding, for class 2, 3 or 9 buildings of two or more storeys, and class 5, 6, 7 or 8 of three or more storeys.

The bill further provides for cladding rectification agreements, also known as CRAs, to allow building owners and owners corporations to access low-cost finance to fund cladding works and to allow for any long-term costs to be borne over time. I think the legislation just during this week might have had a record number of acronyms involved, but that is probably by the by.

The bill also strengthens the power of the Victorian Building Authority (VBA) and the Minister for Planning in a number of ways, for the VBA one being with regard to destructive testing powers of authorised personnel to determine the regulatory compliance of building products and another increasing the power of the VBA dispute resolution orders, also known as DROs. So we have got the DROs enabling the VBA to suspend registration of non-compliant practitioners. For the Minister for Planning, these powers include the aforementioned power to declare a ban on the use of a combustible external wall cladding product as well as allowing the minister to issue ministerial directions to municipal building surveyors or private building

surveyors that relate to their functions under the Building Act 1993 or regulations made from the act.

I do note that Mr Davis has had the amendments that he had drafted circulated. I certainly do commend these particular amendments that deal with prohibited persons. I think we do need to ensure that people involved in this particular industry are of a high standing and are ones that adverse decisions have not been made against as a result of undue behaviour, unsocial behaviour, illegal behaviour and the like in the past. I certainly look forward to the committee stage. It remains to be seen whether or not we will get to that today, but I certainly —

Ms Symes — No, not today. Mary ruled that out. Doesn't your whip tell you what's going on?

Mr MORRIS — I am just over here keeping my head down, Ms Symes, and doing the very best I can. So on that point, thank you, Acting President.

Ms BATH (Eastern Victoria) (15:46) — I am pleased to make a few comments this afternoon on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018, and as I do so I just note that the commencement date for this particular bill, if enacted, is in late 2019. Indeed being on the Scrutiny of Acts and Regulations Committee (SARC) and acknowledging the great work that SARC does from time to time, we did write to the minister to understand why there is a greater length of time than a year, which is the usual time that once a bill is enacted it would come to fruition. The minister responded and felt that there was a significant amount of work that still needed to be done on this behind the scenes, and so a reasonable acceptance of that came through from SARC.

There are about four key measures in this bill. In effect it is to amend the Building Act 1993, and it looks at four main specific sectors. One is in terms of registration and licensing of professionals. I know we have some comments around licensing, and the fact is that some amendments put forward by Mr Davis propose to remove that licensing component. There seem to be some considerable issues around that and concern out in the marketplace, particularly from builders in my patch of Eastern Victoria Region. The government is looking over a period of time to make it illegal to work in the building industry without being registered and licensed.

The second part goes to swimming pools and spas, and it looks at forming and shoring up the regulations around them. Councils will be mandated to keep and maintain a swimming pool register, and owners will be required to conduct periodic self-regulation.

The third part to this amendment in this bill will be cladding product regulation, which will include the banning of aluminium composite panels, such as polyethylene core. This has come about in accordance with the Victorian Cladding Taskforce's interim report. I believe that task force was set up in response to a ministerial request through the Victorian Building Authority as a result of terrible occurrences that happened at the Grenfell Tower in London back in 2017 and in response to fires back in 2014 in our own Docklands area. Fires involving inappropriate cladding material have caused great tragedies, particularly the Grenfell fire, where lives were lost and poor and helpless people suffered terrible fates which their families are still living with.

The fourth area is the strengthening of the powers of the Victorian Building Authority and the Minister for Planning.

Indeed the opposition has its own amendments. I know Mr Davis foreshadowed the fact that the Liberals and The Nationals will be proposing a number of amendments, including one about the removal of licensing from this bill to at least make that side of it, which is unacceptable to us, a more proper process, but not overly onerous and restrictive so that people can conduct their businesses and make a dollar out of them.

Another measure is to restrict registrations to a number of categories. A lot of amendments in the bill will be in relation to the suitability of the people who are to sit on panels that will be looking at the registration of other professionals — the type of people we have there and the type of people we should have there. Naturally if somebody has gone through a process — for example, if Fair Work has deemed that they have had some negative orders placed on them because they are not practising in a professional, competent and responsible manner — then they should be deemed to be unsuitable to sit on a board. I think that is quite appropriate.

Looking at some particular clauses of the bill, we know that — and I alluded to it just then — clause 79 talks about compliance in terms of cladding and non-compliant cladding. I do not feel in reading that section that the definition of what is non-compliant cladding is specified in the bill. It seems to me that there is a lack of clarity around that. Certainly if you want to have something be compliant, you need to know and understand — and the industry needs to know — what is non-compliant.

The bill looks to the registration of swimming pools and spas. That is around clause 26. It points to the fact that councils will be responsible for maintaining a register of swimming pools and spas within their own municipality and for carrying out routine inspections. Now, what it does put to me — and I think Mr Morris alluded to this in his contribution — is the fact that there are many councils now who feel, rightly or wrongly, that there is an ever-increasing burden on them to provide additional services and infrastructure, and certainly services, in a pressurised market.

We do have a thing called a rate cap on there, and rate caps have certainly been well received by a vast proportion of the population, but rate capping also comes with limitations. My question is: what is this government doing to provide additional support and services to the councils that then have to implement a register and monitor swimming pools in their municipalities? Of course safety is one of the most important things that we need to provide in this place and in all tiers of government, particularly too as responsible landowners, house owners and swimming pool owners in our electorates and in our towns.

Data from the Coroners Court says that there are two main risks of toddlers drowning. This is a huge sadness when it happens to any family. One risk is, unfortunately, the lack of adult supervision. This can happen with the most wonderful, supportive and vigilant parents. Unfortunately sometimes toddlers can just evaporate, as it were, into thin air, fit through a very small space, hop down the street and be away in the blink of an eye. It is an absolute tragedy if that happens — if a child wanders off and comes to harm via a pool. I am sure all parents are quite vigilant about that. There has been a lot of advertising in relation to water safety and pool safety. I commend all levels of government for that, because it is so important to keep our children safe.

Another issue relates to non-compliance of existing standards in relation to the types of pools. Indeed the types are classified in three different ways, depending on their date of construction.

The framework within this bill comes into effect after the regulatory impact statement (RIS) has been completed. I have some concerns around the fact that this bill will go through. Yes, it is great that there will be close inspection of swimming pools and spas, but what does that mean for the council and what does it mean if the RIS has to be completed before there are real eyes on that?

In relation to some other points within the bill, I would just like to raise something that has come through for me from my own electorate. A builder in my electorate — a registered building practitioner — has some concerns in relation to this legislation. My constituent runs a small to medium-sized company in central Gippsland, and he has now focused his work, honed his work, to specialise in renovations, extensions, bathrooms and the like.

There was a time when he was able to quote large-scale building construction — large homes et cetera — and win tenders for their construction, but there seems to be a glut of volume builders moving into certain patches of Gippsland so that they can in effect squeeze out the smaller players. They are registered and totally kosher — they are allowed to be in that marketplace; it is a free marketplace — but what we do see is some of those smaller players being squeezed out in terms of the home construction market.

To paraphrase my constituent, he says that you often find that the client will just go for the cheaper option. What we see sometimes with the cheaper option is that people do not get quality fittings and fixtures, quality roof trusses and a depth and quality of build. At the end of the day it is the client's choice, but my constituent feels that the larger scale builders often undercut. Again, this is a fact of life.

One of his concerns in relation to the bill is that he feels, as a sole trader and someone who also relies heavily on subcontractors, that each subcontractor will have to be provided with a copy of the client's plan — yes, you do if you are a subcontractor — and then you bid back in after seeing the overall value of the job. In a competitive environment my constituent fears that the mandatory registration and licensing of these subcontractors will push up the price of each trade, resulting in, again, a higher value that will be hard to compete with in a larger market. He feels that this bill and the discussion around this have caused confusion in the market and clarity is lacking. He goes to the fact that he feels that the wider building community has not been communicated with consistently and well. Indeed part of the discussion of the concerns that we are having is that the peak bodies of the building industry — for example, the Master Builders Association of Victoria and the Housing Industry Association — are in fact opposing this section that deals with licensing; hence why the Liberals and The Nationals have listened to this and are keen to have that section removed from the bill.

There are some needed and important positives in this bill, but there are also some parts that need to be removed or amended. I look forward to Mr Davis's amendments being agreed to as part of a sensible approach to finessing and improving this bill.

Mr RAMSAY (Western Victoria) (15:58) — I would just like to make a few statements in relation to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. When I had a look at the bill I thought, 'What does this mean to me?'. What it means to me is I do not think I will be able to continue building pergolas anymore. I am quite handy at building pergolas, and I am going to have to go and get myself a licence, get registered and do a whole lot of other things to whack up a pergola for all my mates that want to have barbies out on the back terrace.

But in all seriousness I actually think most of the components of this bill are good. It actually puts more compliance and rigour around workmanship for those in the building trade, particularly the head contractor, but it also makes the subcontractors responsible for their own workmanship in relation to compliance and registration.

I also believe the clauses around safety for pools and spas are good. I heard the discussion with Neil Mitchell about six or seven months ago when this bill was mooted. There was a range of questions that were raised through the interview process about what the bill will mean for interlocking —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr RAMSAY — As I was saying, I was listening to 3AW and Neil Mitchell when a number of callers were asking about some of the detail around what the bill will mean for old pool and spa fences and for those interlocking doors in houses that have pools right outside the door, which are potentially used as the fence for either the pool or spa, and how they would be impacted by the new legislation and also the regulatory impact statement (RIS), once we know what that is. Perhaps I might get the opportunity to talk about that impact in the committee stage.

Generally speaking — and it has all been said before — there are new cladding restrictions and compliance requirements in relation to fireproofing and cladding that is used on the outside of buildings. We have seen some horrific incidents of buildings with very substandard cladding catching fire — mainly overseas cladding, I might add, that obviously, for whatever reason, met the regulations in this country, but the material itself was obviously a very high fire risk. This bill weeds out the poor cladding material that has been used on some of these buildings and gives them a greater fire safety rating, and that is a good thing.

As has been identified in other contributions, the Housing Industry Association (HIA) of course do have some concerns in relation to licensing and registration. Again, in the committee stage we might have a better understanding of the regime that will be introduced to have head contractors and subcontractors licensed to enable them to carry out building works.

The purpose of bill will amend the Building Act 1993 to make it an offence for persons to carry out certain types of building work without being registered or licensed — we have covered that off; to provide for the provisional registration of certain builders to carry out certain building work and for the introduction of related offences — we talked about that; to provide a licensing scheme for building employees to carry out certain building work and the introduction of certain offences — obviously HIA have got some concerns about that; to make provision in relation to certain wall cladding products — I talked about that; to clarify the grounds for discipline of registered building practitioners in relation to breaches of dispute resolution orders; to provide further for the regulation of swimming pools and spas — I have briefly covered that off and will look for more detail in respect of that in the committee stage; to make consequential and other miscellaneous amendments — we will learn more about that; to make minor and consequential amendments to certain other acts; to amend the Local Government Act 1989 to provide for councils to enter into agreements to rectify cladding on buildings; and to provide for councils to declare and levy charges to fund such rectification, and I am interested to know on what basis and how that collection will take place.

There is quite a lot of responsibility sheeted back to local councils. I am not sure if there is going to be some sort of support for local councils to carry out these new functions; I may have missed all of that in the bill. There is a requirement for councils now to create a register and to inspect pool and spa safety fences going back to the year 2000 and something — I cannot remember the date; I will find that out. Again, that is quite a lot of responsibility to sheet back to councils. I know they have responsibility now in relation to the issuing of permits, but I suspect if you go out to some of the outlying houses that have pools around Melton most of them would not have even been inspected, far less any of them having some sort of pool fence. So I can perhaps have some reservation about whether councils have the capacity, resources and/or even

funding to be able to complete their obligations under this bill. Perhaps that is a question we might ask the minister when the opportunity arises.

Registration, licensing, pool and spa regulation, cladding product regulation and strengthening the powers of the Victorian Building Authority and the Minister for Planning are the essence of this bill. Of course if you do not have the appropriate registration or licence and are working in the building industry, it will be deemed that you are working illegally and then come with some costs associated with that. I see there are some terms of time here. After the expected passage of the bill a provisional licensing scheme will be implemented, the conditions of which are to be determined by a subsequent regulatory impact statement, which we are yet to see.

The commencement date of the bill is 2020. It is expected to take two years to complete the RIS analysis. Once provisionally registered, trade contractors and employees will be expected to upgrade to full registration within five years. So we have got a bit of a time frame to work on, and obviously the RIS is a sort of living document in motion.

I do not wish to prolong my contribution at this stage. I do not know if we are getting to committee today, but there are a number of questions I would like to ask, particularly in relation to the licensing and registration of subcontractors and other workers and also with respect to the council's responsibility in relation to this bill for both the cladding and the pool fence and spa regulations.

I do note Mr Davis has foreshadowed a number of amendments that we will be seeking in relation to this, but overall we are not opposing. We are seeking some amendments to make the bill better, but at the end of the day this bill will make it safer in relation to having our children protected, particularly around pools and spas. It will improve the material used for cladding to give our communities greater safety in respect to fire risk, and hopefully it will improve the workmanship and compliance within our building industry by the use of some registration and licensing powers.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018

Committed.

Committee

Clause 1

Mrs PEULICH — As we do not have amendments I am hoping that perhaps all of our questions can be answered under clause 1. We want to start off with the two concerns that were raised by the Scrutiny of Acts and Regulations Committee, the first one being that there is an inappropriate delegation of legislative power. I understand that the committee has written to the minister.

Mr Jennings — Yes.

Mrs PEULICH — And I was not quite sure of the response.

Mr JENNINGS — In fact I can actually read the response from the minister if you are happy for me to do that. It states:

> I refer to your letter of 20 February 2018 seeking clarification as to whether new sections 54 and 55 in the Electricity Safety Act 1998, as proposed to be inserted by clause 7 of the Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018, would limit the presumption of innocence by imposing a legal burden on an accused to prove that certain conditions are met. I note:
>
> > section 54 creates an offence for a person to supply or offer to supply electrical equipment that is not in-scope electrical equipment, unless the electrical equipment satisfies the acceptable prescribed standard and is safe to be connected to an electricity supply; and
> >
> > section 55 creates an offence for a person to supply or offer to supply electrical equipment which has been declared to be controlled electrical equipment by Energy Safe Victoria, unless it has been issued with a certificate of conformity that is current and the equipment is marked as prescribed.

It goes on to the most relevant bit — that is, the introduction of the concept:

> I confirm that it is intended that these two offences impose an evidentiary and not a legal onus on the accused.
>
> As with other offences in the bill, the burden of proof would thereby rest with the prosecution to prove each element of these offences. If the accused were to subsequently produce evidence of an exception applying, the burden would shift back to the prosecution to prove the absence of the exception.
>
> The exceptions for these two offences generally relate to matters which are likely to be known by both the prosecuting

> authority and the accused (e.g. the applicable standard applicable to the electrical equipment whether a certificate of conformity has been issued in respect of the electrical equipment). Nevertheless, and consistent with the reasons given in the statement of compatibility for this bill, I consider that it is reasonable to require participants in a regulated industry to be sufficiently apprised of the standards applicable to them, and of certification labelling requirements applicable to regulated electrical equipment.
>
> I therefore consider it appropriate in this case for the accused to bear the evidentiary onus of proving that an exception to the offence applies, and I consider that these provisions do not unreasonably limit the right to be presumed innocent.
>
> Thank you for the opportunity to respond to the committee's concerns. I trust that this information is of assistance. Please contact my office should the committee require additional information …

Now I formed my layperson's view about what that was and you may have formed your own during the course of it so maybe we can compare. Somebody who has electrical equipment — in most instances that would be a distributor or somebody who is using a piece of electrical equipment — has an obligation to make themselves aware of the standard that should apply. If they make themselves aware of that standard and the way in which they become aware of that standard — so that can actually be the evidence that I know it complies with what the standard is, I can demonstrate that and I have relied on that and I can therefore produce that as a piece of evidence — then it is the regulator's responsibility to demonstrate something to the contrary to indicate that you have not got that evidence.

Mrs PEULICH — Can I just ask for a point of clarification there. I was reading the material on the Energy Safe Victoria website. Clearly they have got a role in terms of providing information about standards, but to actually obtain the certificate of conformity is another matter. Is that the responsibility of the distributor or whose responsibility is it, and who issues the certificate of conformity?

Mr JENNINGS — Most of the responsibility within this piece of legislation in terms of regulatory environment falls to the distributor, as you would be aware. It is basically the clearing house between the range of electrical products and the distribution; and then within the compliance regime and the standards that apply within this, whether it be in the retail sector or whether it be being used, in fact the distribution network is the key clearing house of compliance and the recognition of those standards.

But what we are talking about here in terms of these two categories in sections 54 and 55 is that they are higher order and more risky or more complex electrical systems that would not be in a domestic situation. They are likely to be industrial applications or of higher risk and therefore in terms of those who are more likely to use them, not only would it be a distribution issue, but because of the nature of that industrial scale or the complexity of the risk associated with it, you would expect the purchaser or the person who is applying this piece of equipment would be in a position to be able to ascertain and form a view of the relative compliance. If they can demonstrate how they have formed that view, based upon standards and the evidence that is available to them, then in fact that would be a defence where the onus is not on them to prove that the equipment was not compliant. The onus is reversed because they had already taken the pre-emptive effort of ascertaining that standard.

Mrs PEULICH — One small clarification: this entire legislation actually applies overwhelmingly to in-scope electrical equipment, which is basically designed or marketed as suitable for household, personal or similar use, rather than the industrial use to which you referred, so I assume that you will just want to correct that on the record.

Mr JENNINGS — These two categories as I am advised —

Mrs Peulich — Three categories, three levels.

Mr JENNINGS — I will have a conversation with the people in the box and then come back to you. No, sorry — the three categories that you are describing in relation to risk —

Mrs Peulich — They are all in-scope — apply to in-scope electrical equipment.

Mr JENNINGS — I will come back and talk to you about that.

I will stick to what I have actually said, but we will work our way through it. In relation to clauses 54 and 55, in clause 54 there is a reference to 'not in-scope electrical equipment' and in 55 it is 'controlled electrical equipment'. Your question related to the in-scope risk.

Mrs PEULICH — Thank you for that clarification. You answered two of the three issues of concern raised by the Scrutiny of Acts and Regulations Committee. The first one was the delegation of legislative power in relation to the commencement date by proclamation. Basically the explanatory memorandum states that the bill does not identify a default commencement date, as the commencement of the electrical equipment safety scheme law is to be coordinated with Queensland and

other participating jurisdictions. So does this mean that this scheme will not begin unless all of the jurisdictions are participating?

Mr JENNINGS — In the first instance it is expected that Victoria and Queensland will enter into an intergovernment agreement that will allow for the scheme to be introduced in our two states, and then there is an expectation that the desirability for other jurisdictions to join would soon follow from that. We do not want to get too far ahead of our own enthusiasm — New South Wales have not indicated that they will be participants in the scheme — but we would hope that in fact we would be able to have a harmonised system with New South Wales eventually. Our ambition is that by demonstrating a critical mass and a regulatory environment that applies across the states we can harmonise it as much as possible. That is our intention. The intergovernment agreement between Victoria and Queensland is imminent. We are hoping to conclude that by the end of this calendar year, and then in relation to the proclamation and the introduction of the operative date of the scheme it will come in within the first half of 2019 after that intergovernment agreement has been struck.

Mrs Peulich — Just between Victoria and Queensland?

Mr JENNINGS — In the first instance, yes.

Mrs PEULICH — Thank you, Minister. My comments earlier were that the broad thrust of trying to harmonise laws in an environment where we have interstate and international businesses makes a lot of sense, but obviously we do have a number of concerns that we wanted to explore. Are you able to shed some light as to the reason why New South Wales is apprehensive about joining the scheme? I know you cannot speak for that —

Mr JENNINGS — No, in fact I am not speaking for them, but I did have a conversation with the briefing officers in relation to this. They are confident that in fact there will be a critical mass that is established and a regime that is actually seen to be popular with the distribution network and that will be closer in its form to a streamlined compliance regime that will have a critical mass and a consistency and therefore be more appealing to New South Wales, who have actually been cautious about not wanting to relinquish their scheme, which they have confidence in. It is not a matter of their not being confident; it is a matter of whether they have increased confidence about this being the national model. The people that advise me do not want to get too far ahead of that. They want to be appropriately diplomatic and respectful of New South Wales integration, but we believe that we have tried to create a scheme that can ultimately be harmonised and that they would see as desirable ultimately to join.

Mrs PEULICH — I know that it does take time for states to come on board with a harmonisation process. Given your reference to New South Wales's concerns about a critical mass, are we talking about the cost imposts? One of my concerns is that Victoria may be left with the costs of the harmonisation process if other states do not participate. Are you able to comment on that?

Mr JENNINGS — I will have a conversation. This has not been drawn to my attention. Ultimately in terms of cost structures and compliance you would appreciate the industry itself in a federation would like as much as possible to have a consistent, harmonised regime. In terms of cost structures, if you have a look at the relative size of the markets just as market forces you would have to actually say that Victoria's and Queensland's combined market will have a larger centre of gravity than New South Wales. In terms of the market pressures in relation to that regulatory regime, you would expect, subject to New South Wales's satisfaction, that the industry actually would probably be pushing market forces in that direction, but I will have a conversation with the team about that.

I have been encouraged to stick with what I said, but I will add that in terms of the way in which the registration system under this scheme would be designed, registration would be maintained in the Queensland jurisdiction, where those fees are established, and the funds for the national rollout would be derived from those revenues. Everything else that I said to you in relation to the desirability of distributors to be registered if they can through one harmonised scheme would be a market force that we believe will assist us in delivering on the harmonisation that I described before. So the market itself will lead to a regulatory regime that is cost-effective for it and effective in relation to reaching its markets.

Mrs PEULICH — If you could just clarify for me, when Victorian stakeholders pay for registration into the scheme, will that go to Queensland?

Mr JENNINGS — Yes.

Mrs PEULICH — So money will actually go into Queensland?

Mr JENNINGS — To enable the registration process then to be harmonised by the compliance regime. So effectively the regulation will actually cover

Victoria for the money. At one level you could say that the money is leaving Victoria, but it is coming back in terms of supporting the regulatory environment in Victoria, so it is basically a closed loop.

Mrs PEULICH — Given that we do not control the cost structure — presumably it is based on the Queensland model — how will the Victorian government protect Victorian taxpayers from incurring additional costs if this scheme is not fully adopted by other jurisdictions?

Mr JENNINGS — The nature of how the regulatory environment works is that it has been designed to provide certainty, clarity and greater cover from a consumer's perspective or a user's perspective in relation to the compliance regime ultimately to reduce duplication of accreditation standards, of notification of how standards apply and of accreditation. It is introducing a scheme that is consistent and will reduce the regulatory burden significantly. It provides greater confidence for the distributor, for the retailer, for the purchaser and for the user through this scheme. There are a lot of in-built savings from a streamlined, consistent process beyond the critical mass question which you and I were talking about a minute ago in relation to where the scheme may apply across markets across Australia.

Those factors will come together to mean that whilst the range of electrical products and the range of the market may increase in the future, the dynamics that have been established by having a consistent and more streamlined process will significantly reduce the regulatory compliance burden for businesses. By design, the answer to your question is this is meant to assist greatly in relation to their compliance challenge and their compliance cost because it is actually creating consistency far beyond what currently exists.

Mrs PEULICH — Is this subject also to an annual indexation of charges?

Mr JENNINGS — The additional protection — to answer your question beyond what you have asked me in the last two questions — is that under the intergovernmental agreement which underpins this scheme, there are requirements for fee structures to be agreed between jurisdictions. So there will be default settings in Victoria to represent the interests of Victoria's distributors or users of electrical equipment in relation to those cost breaches. Whilst there may be some variation of what the annual licence or the licensing fee may be over time, it will not be able to be introduced by Queensland potentially at the expense of Victorian distributors or users of electrical equipment without Victoria agreeing to it.

Mrs PEULICH — Does that mean that each participating jurisdiction must agree, a bit like the GST, to an increased fee structure for that to proceed, given that it is a cost recovery model? If one disagrees, does that mean no fee increases?

Mr JENNINGS — That is the nature of the agreement that has been drafted, yes.

Mrs PEULICH — Are you able to shed some light on what those fee structures are?

Mr JENNINGS — The team who are advising me in the box have been very good to me because rather than me going through the book, they have been able to give me the direct page. So in the first instance, the fees to register equipment will be, approximately, for the first-year registration, $75; for the second-year registration, $150; and for a five-year registration, $375. As you can see, the longer that you have confidence in your product in the marketplace, you would actually register —

Mrs PEULICH — Say that again, that last bit.

Mr JENNINGS — Register of equipment will be, as I have described, $75 for the first year, $150 for two years and you get a slight discount if you actually register it for five years, $375.

In relation to certification, certification of a product will not change from the current structure. A new fee of $200 per year will apply to register a responsible supplier as well as a new fee of $75 per year to register level 2 and level 3 in-scope equipment.

Mrs PEULICH — So of the fees and the levels that you have now shared with us, how many of those are new charges?

Mr JENNINGS — Everything that I have outlined to you is a new fee, a new charge.

Mrs PEULICH — In view of your answer, could you indicate, based on present-day market conditions — and perhaps the department has done this work — how many unique products these charges would apply to and how much money would be generated as a result of this new scheme?

Mr JENNINGS — I will get advice on the first bit. I can answer the second bit.

The bit that I could have answered whilst I was here is that there are 2800 responsible suppliers across the

country and there are 60 000 items, in scope, of electrical equipment. We believe that the annual revenue derived from this scheme would be in the order of $3 million a year.

Mrs PEULICH — Thank you very much. In addition to the $3 million of extra revenue that will be generated by this scheme, are you able to indicate what other costs will be borne by, say, Energy Safe Victoria or any other authority or agency in terms of the administration of the scheme?

Mr JENNINGS — Do you mean from the other functions that Energy Safe Victoria undertakes?

Mrs Peulich — No, related to the scheme.

Mr JENNINGS — Related to this scheme —

Mrs Peulich interjected.

Mr JENNINGS — Yes, that is why I was trying to work out exactly what the question was.

Mr JENNINGS — I have been provided with two estimates in relation to your question. There is an allocation of somewhere in the order of $420 000 a year. That will include responsibility for maintaining the administrative database and compliance activity that supports the scheme. We think the database will in the first instance cost in year one about half a million dollars to generate and then an on-cost on average of about $250 000 a year to run.

Mrs Peulich — By?

Mr JENNINGS — That is by the scheme. In relation to the first issue, in relation to your question about Energy Safe Victoria's issue about its administrative costs and its other activities, somewhere in the order of $420 000.

Mrs PEULICH — Given, obviously, that Victorian households are struggling with cost-of-living pressures and under this government paying $300 more for electricity and $500 more for gas, will this bill only serve to push up the cost of basic household electrical items and, worse than that, the cost of living?

Mr JENNINGS — No. You and I are not going to have a debate about energy prices, but what I want to draw to your attention is my answer to a previous question. There are significant regulatory savings in terms of the regulatory and compliance burden that businesses and the electrical safety equipment or supply process will lead across the market. Somewhere in the order of about twice the amount of savings is anticipated to the market, to suppliers and therefore then to consumers from the administrative costs that I have outlined to you. We estimate the administrative costs being in the order of about $420 000 and we estimate the savings in the regulatory burden being in the order of $900 000 a year.

Mrs PEULICH — Will the government be putting an additional tad under $500 000 per year into the Energy Safe coffers, or is that going to be funded out of its own operational costs?

Mr JENNINGS — Energy Safe Victoria has already incurred the establishment costs out of its existing budget. Beyond that, in terms of Victoria's share, when I talk about the cost of the national database Victoria's share of that is expected to be in the order of about a quarter of that cost going forward. We are anticipating that being costed within the funding envelope that is available to Energy Safe Victoria.

Mrs PEULICH — Are you able to outline or perhaps list the distributors, or some of the distributors, who have been consulted as part of the devising of this scheme, as part of the development of this legislation, and indicate whether there were concerns expressed by some of those impacted by the new regime?

Mr JENNINGS — There has been a national process that has run through a national forum called the Electricity Regulatory Authorities Council, which brings together the industry and the regulatory environmental bodies across the country. They have assiduously worked their way through these issues, as I am advised, since 2007. Within that time frame they have engaged with the peak bodies that are representing industry — and there are distributors and consumers — in relation to these matters, which include, in terms of the industry side of the equation, the Australian Industry Group, which has been participating through that process; the Consumer Electronics Suppliers Association; the Australian Cablemakers Association; and Lighting Council Australia.

Mrs PEULICH — Were there concerns expressed by any of those significant industry groups?

Mr JENNINGS — I am aware that they are supportive of this regulatory environment. Indeed as participants they have had ample opportunities to have their matters resolved, and they are supportive of the structure of the regulatory environment in the bill before the house.

Mrs PEULICH — Why has the government jumped the gun and commenced with a solar-for-households scheme prior to this Electrical

Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018 passing the Parliament?

Mr JENNINGS — I am not sure where Mrs Peulich is getting her direct feed of questions from now, but that seems to be a different matter than what we have been discussing in relation to the regulatory environment. The government's policy on renewable energy, as you know —

Mrs Peulich — No, we are talking about electrical safety at the moment.

Mr JENNINGS — Well, your question is not about that.

Mrs Peulich — Yes, it is.

Mr JENNINGS — No, it is not about that, because solar panels already exist in Victoria; they are subject to a regulated environment, and we are adding to a regulated environment in relation to compliance. The only intent of your question is to have a discussion about the policy merits of the Victorian government supporting an increase in the rollout of solar panels, which is not in any shape or form jumping ahead, as you describe it, of this piece of legislation.

Mrs PEULICH — Perhaps I can ask a clarifying question so that you can better understand where I am coming from. How can the government ensure the safety of all workers operating under the government's solar-for-households scheme given it has not yet passed this bill?

Mr JENNINGS — Not only will this bill actually assist in the area of activity that you described, it will assist in the future in terms of a more consistent and reliable compliance regime for all electrical goods into the future. The question that you asked may more directly relate to the confidence level in the training and registration of those who undertake the installation of electrical equipment to provide for that confidence in a situation where, yes, there will be increased opportunities for employment and distribution of solar panels because of the policy settings of the Victorian government, but we are not in a situation where there is an existing deficit in the regulatory or training regime, apart from wanting to scale it up from what currently exists.

Mrs PEULICH — I have a couple more questions from a couple of other angles as well just to wind things up. Given the increased frequency of power outages or blackouts and brownouts and the possibility, ultimately, of Victorian consumers' energy being controlled in times when security cannot be maintained, as a way of directing it to critical sectors, who is responsible for equipment that fails or that is damaged as a result of brownouts and blackouts that emanate from a lack of security of electricity supply? For equipment that may have met compliance and conform to standards and all of that, is it just the insurance companies that people make a claim to? Who actually picks up the tab for equipment, including some of the equipment that may actually be covered by this legislation, when there is damage to that equipment as a result of brownouts, blackouts and power surges?

Mr JENNINGS — In the first instance, in regard to your assumption that the number of outages is increasing, you should be mindful of long-term trends and the long-term outcome in relation to circumstances where there may be load shedding or blackouts that occur in Victoria or elsewhere within the national electricity grid. On that basis the premise of your question would not be that over the long term there is an increase of those occurrences, although the system always has to be alive to what happens in terms of the need for load shedding or where there is an inability to meet peak demand. You are right to assume that any adverse outcome would be subject to assessment about the fault in the network that may have led to damage or equipment, which may or may not have anything to do with lack of supply. Certainly the insurance industry will be well-versed in dealing with circumstances such as apportioning responsibility, whether that be any stage of the generation or distribution network or from the suppliers to the distributors of electricity, and any other aspect of identification of where the blame may lie for those circumstances.

Beyond that I might have a quick conversation with the people in the box, and I will be interested to hear if they can augment my answer to you.

They were happy for me to stick to the answer I gave you.

Mrs PEULICH — The reason I asked that question is that I know a lot of people and a lot of businesses who lose product — sometimes food — and sometimes their electrical devices are damaged beyond repair as a result of the brownouts, blackouts, power outages and so forth. I noted in reading through some of AusNet Services' reports on the net that there are a lot of obligations in terms of the strengthening of infrastructure, but if that is not done, then the security of supply is compromised and the damage and the cost are worn either by the consumer or by the insurer. I just wanted to lay that on the record.

Lastly, and I am mindful of the clock, it never ceases to amaze me, the power that the regulator has under this

act. Could you explain to me the process of appeal, where perhaps the regulator may have deemed something as not meeting a standard or may have declared that electrical equipment may be controlled electrical equipment or many of the other —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Mrs PEULICH — I am looking at the other powers of Energy Safe Victoria. For example, under new section 62H, Energy Safe Victoria may at any time require any controlled electrical equipment or level 3 in-scope electrical equipment that is subject to a certificate of conformity that it has issued to be re-examined or tested by Energy Safe Victoria; that a certificate of conformity may be suspended or some other fairly significant action can be taken that would certainly impact on the consumer and perhaps the distributor. Could you outline the process of appeal, because it seems to me that most of the power is vested in Energy Safe Victoria, and whilst we all recognise the importance of occupational health and safety it seems to me in terms of a governance model that perhaps it is a little too weighted in favour of the regulator.

Mr JENNINGS — In terms of the simple coverall, to answer your question, administrative decisions, whether they relate to the regulatory environment, whether they relate to the compliance regime or whether they relate to the certification of products, they are all appealable to VCAT — that is, appealable within the state of Victoria.

If ESV does not actually certify a product, somebody may seek remedy through VCAT, but they also could go to see whether they can achieve compliance and certification in another jurisdiction. That is possible for them. In fact in terms of the checks and balances in the scheme, ultimately we want it to be consistent and we want it to be applied. But in terms of the way in which it works, a distributor, because they operate in national markets, may go to a different jurisdiction if they do not get the result they want. Presumably if they do not get that result either, they will either then challenge it in VCAT or whatever is the administrative appellate body in that other jurisdiction.

Clause agreed to; clauses 2 to 18 agreed to.

Reported to house without amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Racecourse Road, Flemington, safety

Mr ONDARCHIE (Northern Metropolitan) (17:06) — My adjournment matter today is for the Minister for Roads and Road Safety in the other place, and it is regarding Racecourse Road, Flemington. Racecourse Road and the overhead bridge is one of the worst black spots in Melbourne for trucks hitting rail bridges and tram wires. Truck crashes are causing lengthy delays for motorists and tram passengers on this busy arterial road, and these delays are on average happening once a week and causing major traffic and public transport problems.

Yarra Trams has recorded 12 major incidents since February this year near or under bridges at Newmarket station and Boundary Road. In the latest major incident a truck brought down tram and power lines during the morning peak hour on 30 July, causing major delays. The Public Transport Users Association has said that further safety measures are required, such as the rollout of rail bridges at Montague Street, South Melbourne, and Napier Street in Footscray.

There are safety issues with these roads, because if a truck were to lose its container or cargo after hitting a bridge, it could seriously injure or even kill somebody. The action that I ask for from the minister is to instruct VicRoads to investigate Racecourse Road, Flemington, and act to make the road safer and more efficient for motorists and tram users, perhaps through the use of laser beams or some sort of gantry in that area.

Wallan aquatic centre

Ms SYMES (Northern Victoria) (17:08) — My adjournment matter this evening is for the Minister for Sport, and it relates to the proposed aquatic centre in Wallan. As the minister would be aware, the Andrews Labor government has been a huge supporter of local sporting and recreational facilities in the growing Wallan community.

The sportsground on the Wallan Secondary College site has been upgraded to a full-sized Australian Rules football oval to host a range of school sports and the local cricket club. We have also funded a new netball court and upgraded the change-room facilities at Greenhill Reserve, the home of the Wallan Football and Netball Club.

I think this is news to the Liberal candidate for the Assembly seat of Yan Yean. Not that I have actually met this woman, but she is reported as saying on her Facebook page that Labor has not provided any funding in 18 years to this football club, which is not true, but it is still on her Facebook page despite that having been pointed out to her. Perhaps it is this lack of an eye for detail which has seen this candidate miss Labor's announcement in relation to the new aquatic centre for Wallan. Ms Klein is currently operating a petition gauging the community's interest in a local swimming pool. We actually already know that locals would like closer access to a swimming pool in their community. We have provided $150 000 to develop a master plan and determine the site, size and features that best suit the community. So I am not quite sure how asking them whether they want one or not is really going to help her. She might want to just have a look at what we have already been doing.

Labor has a great record working with Mitchell shire on recreational facilities. That of course is identifying what the community wants. One of the best assets of Wallan is the adventure playground and splash park, which is certainly a favourite feature for families, including my children, who very much like playing in that space. So the action I ask of the minister is to provide an update on the Wallan master plan in relation to timing and also advise whether there are any plans, from a departmental perspective, in relation to community engagement that will accompany the finalisation of that planning stage.

Nursery equipment program

Ms FITZHERBERT (Southern Metropolitan) (17:10) — The issue that I am raising is for the Minister for Families and Children. It is in relation to the nursery equipment program. I have previously raised this issue but to the incorrect minister; I raised it with the Minister for Health.

The minister is of course familiar with this program. It is a Victorian state government initiative of some years standing, and it is about providing basic equipment for vulnerable Victorian families at no cost when a maternal and child health nurse has identified a safety concern. It is open to all clients of the maternal and child health service, and it is currently administered by Each on behalf of the Victorian government. It provides baby cots and car seats to families and ensures that these meet Australian safety standards. The service requirements are to manage orders; to procure and arrange delivery and assembly or installation of the equipment; to administer payments for all equipment purchases, delivery and installation; and also to provide timely and accurate reports on all aspects of service delivery.

The action that I am seeking is to be provided with performance data on the program for the last complete financial year for which data is available. In particular I would like to know how many families were assisted, how many cots and car seats were distributed, what the cost was per unit and what the total cost of the program was.

West Footscray factory fire

Ms TRUONG (Western Metropolitan) (17:12) — A community meeting held at Maribyrnong council last night on the West Footscray fires was well attended and had representatives from the Metropolitan Fire Brigade, Environment Protection Authority Victoria (EPA), all local councillors, the Department of Health and Human Services (DHHS), WorkSafe Victoria and various others invited by council. It was clear to those attending that there is no comprehensive record about the impacts on people's health, and there was a resignation that Stony Creek is indeed dead.

'How do we assess the true impacts for the recovery efforts and management of future incidents?' was the question left hanging. The EPA only doorknocked within a few blocks of the fire to warn residents, but we know that the impacted area was much, much larger. They were asked last night about accountability for the incident, and as I am learning is quite typical, they were vague in their responses, citing a pending police investigation. DHHS representatives said that not enough people presented at hospital or at GPs to warrant an investigation. Our community survey, that hundreds of residents have responded to, tells us otherwise. A look at the advice on the fire on the VicEmergency website this morning was telling. There are blanket claims that there is nothing to worry about in regard to asbestos, but they will test for it anyway.

We want the minister to hear for herself how distressed and confused we are feeling about this fire. We are still getting conflicting information that is abstract, and it is unclear which authority will ultimately help us recover and regain confidence that the risks of these industrial areas are being properly monitored and managed.

The action I seek is that the minister comes to meet with our communities in the west next week to share all the data the government has been relying on to assess the impact of the fire and to listen to the impacts and concerns we still have. I would also like to add that I would be happy to share the questions and data from our community survey and help in any way that will help restore the safety of the air, water and the local environment for impacted communities and businesses.

Prostate Cancer Awareness Month

Ms SHING (Eastern Victoria) (17:13) — My matter this evening is for the attention of the Minister for Health in the other place, Ms Hennessy, and it relates to September being Prostate Cancer Awareness Month. Prostate cancer is the most commonly diagnosed cancer in men in Australia. There are almost 20 000 diagnoses every year and close to 3500 deaths every year from this disease.

Prostate cancer is an area which is, as many know, very dear to my heart. I lost my brother to prostate cancer coming up to three years ago. He was diagnosed at 39 and he died at 42. One of the things that he imparted to so many around him in the last stages of his life was that no-one ever died of embarrassment and no-one ever died from getting their symptoms checked out. In this regard it is important this September, as we do come around again to an opportunity to talk about prostate cancer awareness, to highlight the symptoms, which include feeling a frequent or sudden need to urinate, finding it difficult to urinate, feeling discomfort when urinating or finding blood in urine or semen, and pain in the lower back, upper thighs or hips, which may be indicative that further examination and a test for the purposes of prostate cancer are required. To that end I note that there is a power of work going on to raise awareness. The Prostate Cancer Foundation of Australia is putting a lot of work into social media this year to make sure that people are aware of the need to get tested if they are over 50 or over 40 and have a family history of prostate cancer.

To this end the action that I seek from the Minister for Health this Prostate Cancer Awareness Month is to allocate resources for the purposes of specific social media information to be distributed which highlights the need for men to get their prostates checked in the event that they feel there may be an issue, if they are 50 or older or if they are 40 or over with a family history, and to make sure that that information is also made available to people who can share it with those whom they love. Anyone with a prostate should be aware of this as a significant health issue, and I ask that these resources be committed as a matter of priority.

Duncans Road, Werribee

Mr FINN (Western Metropolitan) (17:16) — I wish to raise this evening an adjournment matter for the Minister for Roads and Road Safety. I have previously raised with him the need for a diamond interchange at Duncans Road, Werribee. I want to make it very, very clear that the issue that I wish to raise with him tonight is not that; it is not that at all. That is certainly still very much on the agenda, but what we are very keen to do — and I noticed that there have been a number of calls for this in local newspapers this week — and what we need is an urgent upgrade of Duncans Road. It is interesting that Ms Mikakos is in the chamber; she would be well aware of Duncans Road because it is near where her youth prison was going to be.

In fact it is an area which leads to Wyndham Harbour, which is a new development in Werribee and a very, very exciting development in Werribee. Naturally, as happens with these new developments, it is going to bring a lot of traffic and a lot of cars, and Duncans Road is really going to struggle with the amount of traffic that it will have to carry. Werribee South is also at the end of Duncans Road. Werribee South is, I suppose, somewhat of a hidden jewel in the western suburbs but more and more it is becoming an unhidden jewel, so that too is leading to much more traffic, to greater numbers of cars heading down to Werribee South.

Clearly there is a need for an upgrade, and I would suggest not just an upgrade but a significant upgrade to Duncans Road, because we are going to be struggling to cope with residential traffic as well as the tourism traffic which will be going to Wyndham Harbour, as I said, Werribee South and also the tourism precinct of Werribee — the Werribee zoo, Werribee Mansion, Werribee Park and surrounds. It is already an issue, but it is going to be a major issue in the years ahead. I would suggest that the minister get on top of this now, and I ask him to direct VicRoads to provide the appropriate upgrade to Duncans Road and ensure that local residents and also those who are visiting the area are able to travel safely and efficiently on that particular road.

Tamil community

Dr RATNAM (Northern Metropolitan) (17:19) — My adjournment matter is for the Minister for Multicultural Affairs. Victoria is home to thousands of first and second-generation migrants of Tamil descent. Many chose to make Melbourne their home after having to leave Sri Lanka after the war, including my family. The Sri Lankan Tamil community is also joined

by Tamil communities from India, Singapore, Malaysia and beyond. Much of the community settled in the south-east metropolitan area of Melbourne following migration and have established themselves as a resilient, vibrant and thriving community.

However, the impact of war on the Tamil culture has been felt deeply, with many having to leave their communities in haste to escape the conflict. Many arrived in Victoria with few possessions and little social support. The community developed some informal systems of support that have helped people to connect with others, particularly in the early days post arrival. However, this support has not been able to reach many. As a culture and a community that values collectivism and cooperation, the loss of community support post migration has impacted many detrimentally.

The success of Australia's multicultural story has been built on supporting migrant communities to nurture the very best of their cultures as people move through the settlement journey. The freedom and support to maintain cultural identity have helped people navigate the grief and isolation that many people who migrate experience.

Having secured a site, the Tamil community is now working towards establishing Victoria's first Tamil community centre in Dandenong and is seeking community and government support to make this a reality. This comes at an important time for the Tamil community here in Victoria. The centre will provide activities for seniors and youth, spaces for community events, library and language supports and more. There are many newly arrived people from Tamil backgrounds, some of whom have arrived as asylum seekers and refugees, who will especially benefit from the proposed social programs and activities planned for the centre. It will also provide a space for the established Tamil community to provide support for those who have arrived more recently. This is likely to reduce demand on other government-funded services, as has been experienced when other multicultural communities are provided with the support to resource organic networks of people who are able to support others. I ask the minister to outline what support the government is providing to help establish Victoria's first Tamil community centre here in Victoria.

Ovine lice

Mr O'SULLIVAN (Northern Victoria) (17:21) — My adjournment matter this evening is for the Minister for Agriculture. It is something of a technical matter, but I am sure that the people in her department will understand what I am going to be requesting of the minister. Under the Livestock Disease Control Act 1994 there are a set of regulations in relation to the declaration of diseases and exotic diseases. Under schedule 1 of the regulations in terms of what are declarable diseases, in 2016 ovine lice was included on the list of declarable diseases under part A, 'Diseases of mammals and birds'. In 2017 ovine lice was left off that list. The action I am seeking from the minister is that she explain why ovine lice does not appear on schedule 1 of the regulations. If it is an oversight, can she consider asking the department whether ovine lice can be reinstated in that schedule?

As we know, biosecurity in the agricultural sector is very important in terms of lice in sheep. If sheep go through a set of saleyards or are transported by truck — even if a lousy sheep rubs itself against a fence post to try and seek relief from the itching — as a result lice can be left in an area where they can be picked up by the next sheep that is in the same vicinity, and therefore ovine lice can spread to other sheep, into other flocks, into other farms and very quickly into other states and communities.

Our reputation in the agricultural sector is very important in terms of biosecurity. I am interested to see if the minister can give some sort of an explanation and rectify this issue with Agriculture Victoria so this situation can be fixed. I am not sure why ovine lice is not on the list for 2017, but I think it would be in the best interests of this state and of farmers if this biosecurity matter could be dealt with.

Moolap wetlands

Mr RAMSAY (Western Victoria) (17:24) — I congratulate Ms Shing on her contribution. I am a rural ambassador for the Prostate Cancer Foundation of Australia, which is very separate from my adjournment matter. Anyway, it needs actual money — funding — as well as social media communication.

My adjournment matter tonight is for the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio. The action I seek is for the minister to indicate when the final plan is going to be released for the Moolap wetlands. I raise this because just recently the government announced a $590 000 grant for the Victorian coastal wetland restoration project through the Department of Environment, Land, Water and Planning. Deakin University are also partnering up with this restoration project, contributing $100 0000 for their part, but in addition to that we also have a government that is about to release a draft plan for the wetlands — I suppose to transition from draft to implementation this year.

The confusion for industry and other stakeholder groups is that we have a Victorian coastal wetland restoration project that is being funded by the government. We have a draft wetlands project, which is still to transition into implementation, but we also have the Moolap structure plan, which encompasses Point Henry and a number of other private landholdings, including Winchester and others, as well as some of the wetlands and the salt flats. Ridley Corporation, which is the other one I was thinking of, also has substantial holdings in that precinct. There has been a lot of interest, and I have raised it in this Parliament before, about when the government, through the Department of Environment, Land, Water and Planning, will release the Moolap structure plan, because it is important for the development of that particular area of Geelong.

It is becoming more complicated now, with the government making all these grants for these different restoration projects and wetland projects, when we do not know what the infrastructure plan will show in respect to land use and planning around that precinct. I have called on the Minister for Planning, and now I am calling on the Minister for Energy, Environment and Climate Change to indicate when the Moolap structure plan will be released so we can have a better understanding about all of these other small projects that the government is currently funding and how they fit into the larger vision for that area.

Latrobe Special Developmental School

Ms BATH (Eastern Victoria) (17:26) — My adjournment matter this evening is for the Minister for Education, the Honourable James Merlino in the other place, and relates to a school in my region called Latrobe Special Developmental School. Latrobe Special Developmental School is just an absolutely amazing school and does incredibly wonderful work under arduous conditions. They have been in operation for the last 60 years, and they are committed to educating children from five years to 18 years who reside in the Latrobe City area. They are supported by a great group of specialist teachers, teacher aides, allied health staff and school parents and friends who do a really great job. They have been sticking bandaids on their dilapidated buildings for many, many years now.

We have put considerable pressure on the government. I presented on behalf of the school community a petition signed by almost 3000 people from the Latrobe Valley community in this place some months ago. The Labor government has come back with some funding. The funding commitment is $6 million, but it incorporates funding for Traralgon Secondary College and also Latrobe Special Developmental School. The community actually feels quite in the dark about this, and I will explain why. They have so far completed an asset requirement list, or asset list, of what they would like to have done and what their needs are for the special children in their school. They have comprehensively completed that. They are now waiting for the Department of Education and Training to come back and sit down with them to have proper and complete dialogue as to what the school will look like and where it will be. They have concerns that it will be co-located — as in a dual facility — with Traralgon Secondary College and that the individual needs of their students and their school community will not be heard. Indeed they are concerned that their voice in relation to choosing an architect will not be sufficiently heard, and they feel that their wishes will be overlooked in some form by the education department and the Labor government.

In fact I have had quite in-depth discussions in relation to this. They do not want a retrofit of their school that will mean the needs of their students are not met. The action I seek from the minister is for him to, A, provide transparency about whether it will be a standalone school or whether it will be co-located, and B, ensure there is weight, measure and significance given to the wishes of the parents and the school community about the architect that will be chosen to ensure a best fit for their school and for their students going forward for the coming decades.

Ms Shing interjected.

The PRESIDENT — I think the action is for consultation with the parents of the school.

Indian cultural precincts

Mrs PEULICH (South Eastern Metropolitan) (17:30) — The matter that I wish to raise is for the attention of the Minister for Multicultural Affairs, and it is in relation to a 2014 commitment to establish several Indian cultural precincts. One was presumably building on some of the Indian characteristics in Dandenong. Another one was proposed for the north, and another was for the west. A fourth one was considered for the City of Monash. That was in 2014. Four years later the community has got no further advice or evidence of those promises being delivered. So the action that I seek from the minister is that he provide information about the progress that has been made on the establishment of those Indian cultural precincts on those proposed sites, because there seems to be a lot of uncertainty and certainly no evidence of that commitment being delivered.

I note that many groups from the Indian community are seeking representation on having infrastructure developed to serve their communities. To me much of that need would have been picked up if indeed the government had delivered on its commitment to deliver cultural precincts for the Indian community in some of those proposed sites, but there seems to be no advancement on that. So the action that I am seeking from the minister is a report on the extent to which those promises have been delivered or progressed and any outstanding time lines that may apply.

Taxi Services Commission

Mr DAVIS (Southern Metropolitan) (17:32) — My matter is for the attention of the Minister for Public Transport in the other place, and it concerns an ongoing issue about the behaviour of the taxi services commissioner towards those who hold taxi licences. Some who had held taxi licences before had the value of those licences destroyed on 9 October last year. Licences are now essentially close to valueless, but the government has continued with its process of targeting and harassing a number of individuals. I have had a number of cases brought to my attention. Some of these are quite serious, but what now appears to be happening is a targeted witch-hunt is occurring, where those who have stood up to the government and undertaken political campaigns against the government are now being targeted for special attention, where they are being investigated by the taxi services commissioner. Some taxidrivers obviously have regular clients, particularly disabled people, and they provide by and large a very good service.

I am aware of a number of these cases, but a further one has come to my attention today. Andy Thompson, who has been very vocal in putting the case of taxi licence holders, now appears to be the target of the Taxi Services Commission, with large detectives being sent around to interrogate his regular clients about their usage of taxis. This appears to be a coordinated pattern, and I am deeply concerned that this government knows very little in the way of bounds. It is prepared to use political and other harassment tactics to attack those who are prepared to stand up and be critical of it.

What I am seeking from the minister is that she ensure that there is a review of the behaviour of the taxi services commissioner, in particular in relation to the case of Mr Andy Thompson, to make sure that there is no targeting of or other untoward focus on his particular case. What we need is a situation where those who are providing services to the public are able to do so without fear or favour and that those who have been prepared to stand up and make political commentary about the government's approach are not targeted.

We, after all, live in a modern democracy, where the ability of people to enjoy their political rights is a central tenet. This is a longstanding democracy that we have here, and the idea that the government would be turning the powers of the state onto individuals — I am worried too in Mr Thompson's case that he may be taking a significant —

The PRESIDENT — Thank you, Mr Davis.

Responses

Ms MIKAKOS (Minister for Families and Children) (17:35) — This evening I received the following adjournment items: from Mr Ondarchie to the Minister for Roads and Road Safety; from Ms Symes to the Minister for Sport; from Ms Truong to the Minister for Energy, Environment and Climate Change; and from Ms Shing to the Minister for Health. I acknowledge her personal and family tragedy that she referred to in her adjournment. I know she feels very deeply about these issues in light of that, and I thank her for her continued advocacy around these issues. There were also adjournment items from Mr Finn directed to the Minister for Roads and Road Safety; from Dr Ratnam directed to the Minister for Multicultural Affairs; from Mr O'Sullivan directed to the Minister for Agriculture; from Mr Ramsay directed to the Minister for Energy, Environment and Climate Change; from Ms Bath directed to the Minister for Education; from Mrs Peulich directed to the Minister for Multicultural Affairs; and from Mr Davis directed to the Minister for Public Transport. All those matters will be referred to the relevant ministers for a response.

In addition, Ms Fitzherbert referred a matter to me. She addressed it to me in my capacity as Minister for Families and Children, but it is actually within my portfolio responsibilities as the Minister for Early Childhood Education that it falls. She referred specifically to the nursery equipment program, which is an excellent program funded by our government that provides safe nursey equipment for vulnerable Victorian families at no cost where a safety concern has been identified by a maternal and child health nurse. The program is open to all clients of the maternal and child health service, which, as members would be well aware, is a free universal service available to all families in Victoria with children from birth through to school age.

I am very proud that as a government we have provided record funding to our maternal and child health service.

In fact we have seen it significantly expanded, not only with a record budget investment of $133 million over four years to grow the service and enable more nurses to be recruited but also with the enhanced maternal and child health program, which particularly supports vulnerable families, to be expanded from currently where a family no longer receives support when a child turns 12 months to eventually match the universal service to when a child turns three and a half. We have also provided additional visits for women at risk of family violence, additional staff on the 24/7 maternal and child health phone line and many other supports for Victorian families.

In relation to the particular program the member referred to, this is a very important program that we are funding as a government. It is in fact Each that administers the nursery equipment program on behalf of the Victorian government. The way it works is that in attending to a family through a normal maternal and child health visit, if the maternal and child health nurse believes that a family meets the eligibility criteria, then they would contact Each to provide specific equipment to that family. It is a checklist that they look at around safe sleeping, and it is open, as I explained, to all clients of the maternal and child health service, both the universal and the enhanced program, that meet the eligibility criteria. Essentially they are looking at issues such as drug and alcohol issues and mental health issues, but also other issues around vulnerability and disadvantage. By providing this equipment they are really seeking to improve the health and wellbeing of the child and give them a safe physical environment. The available nursery equipment is a cot ensemble, including a cot mattress and mattress protector, and car restraints. They are all incredibly important pieces of equipment that vulnerable families might struggle to get. Of course this program means that the equipment that is provided, those baby cots and car seats, meets Australian safety standards.

Regarding the funding the member sought, my advice is the funding for the 2017–18 financial year was $1.4 million. In terms of numbers — there was a bit of chatter and I could not quite catch it — there were quite a few subquestions within that adjournment matter around detail, but it went to things like the number of cots and the number of different types of equipment if I heard correctly. I can seek some further information for the member around that level of detail. I was surprised that she did not actually put those types of questions through as questions on notice, but nevertheless, if we can provide that further detail, we will do so. Of course, as I explained, it is in fact Each that is contracted by my department to run this program; it is not run directly by the department. We can see what further detail is able to be provided.

I thank Each for administering this program. It is vitally important because essentially what this program is aiming to achieve is a reduction in the number of children dying through sudden infant death syndrome every year because they have not been placed in safe sleeping positions or are being exposed to risk by being put into cars without being properly restrained. This is a very targeted program; I think it is important that the member understands that in terms of the nature of the program. I believe that there are about 1200 families that receive support each year, but we can provide some further information to the member around that level of additional detail.

I have no written responses to adjournment matters this evening.

The PRESIDENT — Then the house stands adjourned. Go Demons!

House adjourned 5.42 p.m. until Tuesday, 18 September.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form provided to Hansard and received in the period shown.

27 August to 7 September 2018

Epilepsy Foundation

Question asked by: **Ms Patten**
Directed to: **Minister for Families and Children**
Asked on: **25 July 2018**

RESPONSE:

I am advised that:

The Andrews Labor Government is committed to better support for people with disability. That means getting the NDIS right and delivering a better deal for NDIS participants.

Clarifying the intersection between the health system and the NDIS is a critical step along the way and a priority for Government as it negotiates with the Commonwealth Government for a NDIS Full-scheme Bilateral Agreement.

The Department of Health and Human Services recently hosted a meeting with the Victorian Neurological Alliance (the Alliance) and other organisations to discuss the links between health services and the NDIS and their implications for health and disability services to Victorians.

Alliance members include the Epilepsy Foundation, Alzheimer's Victoria, Epilepsy Foundation, Huntington's Victoria, Multiple Sclerosis (MS) Ltd, Motor Neurone Disease Victoria (MND), Muscular Dystrophy Association (MDA) and Parkinson's Victoria.

The Andrews Government understands their concerns in regard to ongoing support for Victorians deemed ineligible for the NDIS and for some NDIS participants whose needs will be a health system responsibility. For example, the complex and episodic nature of epilepsy means that an individual might need a combined health and disability response.

The Government values the contribution that the Epilepsy Foundation and other affected organisations make to the health and disability needs of Victorians. We will continue to work with them on these issues, including funding arrangements, together with the National Disability Insurance Agency and the Commonwealth Government.

Government media policy

Question asked by: **Mr Davis**
Directed to: **Minister for Regional Development**
Asked on: **21 August 2018**

RESPONSE:

Complaints relating to content shown on City Loop TV screens have been made to Metro Trains and the Victorian Government via letter, email, phone and through social media channels.

I am advised that this includes at least 73 formal complaints to Metro Trains and Public Transport Victoria, as well as hundreds of additional complaints on social media.

River Red Gum Parks Management Plan

Question asked by: **Mr O'Sullivan**
Directed to: **Special Minister of State**
Asked on: **22 August 2018**

RESPONSE:

The release of the River Red Gum Parks Management Plan sets out long-term goals and strategies the protection of over 100 historical parks and reserves across Victoria.

Stretching over 215 000 hectares across Victoria, the plan will collectively manage parks along the Murray, Ovens and Goulburn Rivers.

Bookable campsites in these areas are not unusual. For example, campsites at Hattah-Kulkyne National Park have required a booking for the past 5 years. This has proved to be an effective management practice that ensures protection of the environment and the continued provision of high quality camping experiences.

The plan recognises that dispersed self-select camping experiences will continue to be the main form of camping for the over 800 sites along the Murray River, ensuring that families can still access their favourite spots.

There will be minimal change to the camping experience. Three new camp grounds located at Wills Bend, Farley Bend and Stanton Bend, and eight other camping areas, are to be established in high-use areas. These may include bookable campsites and limit the length of stay to manage demand. Installation of visitor facilities may be considered at these sites.

As with all new initiatives, Parks Victoria will engage the community ahead of any proposed changes, such as planning for changes such as safari style tents. New initiatives identified within the plan will be investigated and rolled out during the 15-year period the plan will be in place for.

Department of Education and Training WorkCover claim

Question asked by: **Mr Rich-Phillips**
Directed to: **Special Minister of State**
Asked on: **23 August 2018**

RESPONSE:

Mr Allman's claim for compensation was originally rejected by the WorkCover agent, consistent with the information provided by the Department of Education and Training (DET). However, following a partial hearing of this matter, noting all of the risks in the litigation under this no-fault scheme, WorkCover determined that it was preferable to settle this matter consistent with the model litigant guidelines.

The County Court made orders on 10 August 2018 that determine Mr Allman is entitled to weekly payments of compensation pursuant to the Workplace Injury Rehabilitation and Compensation Act 2013 and to reasonable medical and like expenses.

As Mr Allman has now established a lawful entitlement to compensation under the Act, his claim will be periodically reviewed to ensure that he continues to satisfy the legislative requirements for an ongoing entitlement to compensation.

This decision does not affect the underlying entitlement for DET to terminate Mr Allman when faced with the admissions he made under oath during the IBAC public hearings. The department is entitled to summarily dismiss public servants without notice in relevant circumstances under the public service executive contact.

Australian Sustainable Hardwoods

Question asked by: **Ms Bath**
Directed to: **Minister for Agriculture**
Asked on: **23 August 2018**

RESPONSE:

I am advised by the Minister for Industry and Employment that the Heyfield sawmill is a viable business and the Andrews Government's intervention means that the sawmill can continue to contribute to the regional economy, provide local employment and produce world-class materials. ASH Management are responsible for day to day operations.

FURTHER RESPONSE:

I am advised by the Minister for Industry, responsible for ASH Heyfield, that the company have revised their operations in line with their log volumes and is operating as a profitable business.

The Andrews Government's intervention means valuable Gippsland jobs have been saved and the sawmill can continue making timber products and contribute to the local Heyfield economy.

Firearms licensing

Question asked by: **Mr Young**
Directed to: **Minister for Corrections**
Asked on: **23 August 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

Under Part 2 of the Firearms Act 1996 (the Act) a person applying for a firearms licence must demonstrate that the licence is required for a mandated reason. Depending on the category of licence, those reasons include:

– sport or target shooting;

– hunting;

– professional hunting;

– primary Production;

– security or Prison guard;

– official, commercial or prescribed purpose or a purpose authorised by another Act.

Depending on the category of licence and demonstrated reason, an applicant must produce certain evidence or information to establish that reason. For instance, for a Category A or B licence for the reason of hunting, if the applicant is a holder of a game licence issued under the Wildlife Act 1975, they must produce the licence.

Pursuant to Part 2 of the Act, an applicant renewing a firearms licence must continue to demonstrate that they have the reason for which the licence was initially issued.

RESPONSE TO SUPPLEMENTARY QUESTION:

Please refer above to the response to the substantive question. The Firearms Act 1996 sets out all of the mandated reasons for which a firearms licence may be sought.

Native forest logging

Question asked by: **Ms Dunn**
Directed to: **Special Minister of State**
Asked on: **23 August 2018**

RESPONSE:

The government understands the importance of certainty to business and the need to account for fluctuations in resource supply over time in a planned and fair manner.

It is difficult to confidently forecast how much timber will be available from State forests in 2040. To put this into context, the Victorian Environmental Assessment Council's 2017 Fibre and Wood Supply Assessment report found that sustainable harvest levels have reduced by more than 50 per cent over the past decade.

VicForests regularly forecasts the amount of timber that can be sustainably sourced from State forests over the medium-term through its Resource Outlook. The report, last published in 2017, is regularly updated to incorporate several factors, including bushfire events and regulatory and policy changes, such as threatened species protections, that influence the amount of timber that can be sustainably supplied to the timber industry. VicForests continues to use the Resource Outlook to inform commercial decisions on allocating timber from Victoria's State forests.

The government is committed to the long-term future of Victoria's forestry industry. This has been demonstrated by our decision to allocate $110 million for new plantation establishment in the 2017-18 budget. Work continues within government on how to effectively work with stakeholders to maximise economic, social and environmental benefits.

Port Fairy and Terang ambulance stations

Question asked by: **Mr Purcell**
Directed to: **Minister for Families and Children**
Asked on: **23 August 2018**

RESPONSE:

The Port Fairy and Terang stations were funded as part of the $144 million provided by the government in the 2016-17 Budget to fund and improve ambulance services and response times.

The ambulance station capital program is being delivered by the Victorian Health and Human Services Building Authority who are currently reviewing the designs and procurement for both stations to ensure that they are fit for purpose and fully align with building regulations and Ambulance Victoria requirements.

For both stations, construction is expected to begin in 2019. Operational dates will be determined as works approach completion and will be subject to Ambulance Victoria commissioning and roster processes.

Abortion services

Question asked by: **Ms Patten**
Directed to: **Minister for Families and Children**
Asked on: **24 August 2018**

RESPONSE:

I am advised that:

As you are aware the Abortion Law Reform Act 2009 means that women in Victoria have a lawful right to a termination of pregnancy at any gestation.

Surgical and in recent years medical terminations, are provided by a wide range of providers including by general practitioners, women's health services as well as public and private hospitals and day procedure centres.

The number of public appointments scheduled is not available. Access to public funding, through Medicare, means that for most women termination services can be provided at low cost.

Easy, local access to contraception (including long acting options), together with improved access to medical termination, good partnerships for pathways between health care providers is critical to ensure women can make decisions about their reproductive options.

This government is proud to say it released the state's first Women's sexual and reproductive health: key priorities 2017-2020 is the Victorian Government's plan to improve the sexual and reproductive health of all Victorian women including access to contraception and termination services.

The plan is supported by $6.6 million dollars of new funding to improve services and support across four key priority areas including improving access to reproductive choices.

To date the following has been delivered:

– The Royal Women's Hospital is being funding to train more clinicians to provide surgical terminations.

– The new 1800 My options website and phone line to provide women with free and confidential information and advice regarding termination services across Victoria (established in March 2018).

– four new community-based family planning hubs are already underway in Bendigo, Ballarat, Frankston and Melbourne's West to improve women's access to affordable, reliable and confidential access to contraception, pregnancy support and terminations services.

Roadside livestock grazing

Question asked by: **Mr Purcell**
Directed to: **Minister for Agriculture**
Asked on: **24 August 2018**

RESPONSE:

The Government is actively responding to farmers experiencing drought.

VicRoads assesses applications to allow grazing stock on the road reserve of the arterial road network — taking into account road safety risks and environmental impacts.

We encourage anyone who needs to make an application to get in touch with VicRoads by calling 13 11 70.

Furthermore, many local Councils in Victoria allow grazing of livestock on local roads to support farmers and reduce fire risk. Farmers in these areas can apply for grazing permits, issued under Local Laws, with certain conditions. Councils may require a site inspection and consultation with neighbouring landholders before a permit is issued.

Child out-of-home care services

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **24 August 2018**

RESPONSE:

On 15 August 2018, the Salvation Army advised the Department of Health and Human Services of their intention to cease delivery of all out of home care services across Victoria as from 30 June 2019.

I am advised that, following a recent National restructure, the Salvation Army reviewed their social services across Australia and made the decision to withdraw from providing out of home care services.

The Salvation Army are a key provider of social services and will remain providing a range of other services to vulnerable Victorians.

The Andrews Labor Government is committed to meeting the needs of, and strengthening services to, vulnerable children and young people. This includes strengthening family reunification where appropriate and reducing the likelihood of entry into residential care services.

The number of children requiring out of home care can change on any given night. I am advised by the Salvation Army that they have met with the affected staff and are in the process of meeting with foster carers and the department is making appropriate arrangements for young people and their families to be supported to receive the advice.

The department is working with the Salvation Army to develop a plan that will enable a smooth transition for all children, carers and staff impacted.

Metropolitan Remand Centre

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **24 August 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

Firstly, I reject the member's assertion that I have tried to downplay this incident. My response in the House simply states the facts. It is Mr O'Donohue who, again, has put his desperate attempt to create scandal above fact.

The advice I have received from Corrections Victoria is that no edged weapon was identified as having been used in this incident and that Mr O'Donohue's claim that 80 prisoners refused direction simply is not true.

I am also advised that ten staff did not submit WorkCover claims as stated by Mr O'Donohue, but rather five claims have been submitted and four officers have returned to work to date.

It is very concerning that Mr O'Donohue continues to make claims about Corrections Victoria that are simply not true.

Corrections Victoria staff do a very difficult job each and every day they put their uniform on. It can be dangerous work, but it is work that keeps our community safe.

I urge Mr O'Donohue to desist with his baseless, unsubstantiated and unjustified claims that do nothing to help our prison officers do their important jobs.

RESPONSE TO SUPPLEMENTARY QUESTION:

The safety of staff and prisoners is our highest priority.

Prison officers have tough jobs, often dealing with complex and dangerous prisoners.

Victoria's prisons have a well-established system to respond to serious incidents and all facilities have dedicated teams on site which specialise in emergency response.

The Security & Emergency Services Group are a team of specially trained officers who can also be deployed across the state to provide support where required.

Serious incidents between prisoners occur less now than they did under Mr O'Donohue's time as Corrections Minister.

Metropolitan Remand Centre

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **24 August 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

As stated in my response in the House, all recommendations from the Walshe Investigation into the riot at the Metropolitan Remand Centre (MRC) have been actioned.

RESPONSE TO SUPPLEMENTARY QUESTION:

Mr O'Donohue has yet again based his question on inaccuracy. Operation Oyster was replaced by the State Correctional Emergency Response Plan which was part of the Government's response to the findings in the Walshe review.

Production of documents

Question asked by: **Ms Wooldridge**
Directed to: **Special Minister of State**
Asked on: **4 September 2018**

RESPONSE:

The Government adopts a principled approach to claiming executive privilege in relation to Garments that are subject to an order for documents. An overriding principle is whether the release of information would be in the public interest.

These principles were set out in the Attorney-General's letter to the Clerk of the Legislative Council dated 14 April 2015. Those Provisions ensure that documents are protected that, if released, would;

a) reveal, directly or indirectly, the deliberative processes of Cabinet;

b) reveal high-level confidential deliberative processes of the Executive Government, or would otherwise jeopardise the necessary relationship of confidence between a Minister and the public service;

c) reveal information obtained by the Executive Government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions (e.g. section 10.1.30 of the Gambling Regulation Act 2003);

d) reveal confidential legal advice to the Executive Government; or

e) otherwise jeopardise the public interest, in particular where disclosed would:

   i. prejudice national security or public safety;
   ii. prejudice law enforcement investigations;
   iii. materially damage the State's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy);
   iv. prejudice intergovernmental and diplomatic relations; or
   v. prejudice legal proceedings.

The Government's approach is consistent based on a considered analysis of the law

Major event ticketing

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business**
Asked on: **4 September 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

As previously advised, the Department of Economic Development, Jobs, Transport and Resources is developing a process to seek the views of stakeholders in relation to their details being released.

This is required as permission was not initially sought at the time of the consultation. An update will be provided once the process is finalised.

RESPONSE TO SUPPLEMENTARY QUESTION:

I refute the premise of the question and refer to my answer provided in the substantive response.

Timber industry

Question asked by: **Mr Rich-Phillips**
Directed to: **Minister for Agriculture**
Asked on: **4 September 2018**

RESPONSE:

Decisions on the release of Cabinet documents is a matter for Cabinet consideration.

Timber industry

Question asked by: **Mr O'Sullivan**
Directed to: **Minister for Agriculture**
Asked on: **4 September 2018**

RESPONSE:

The Victorian Government is currently considering how to most effectively invest this $110 million. In its considerations the government recognises the importance of planning and aligning the development of plantations with industry needs. Plantation establishment has not yet commenced.

Trespass legislation

Question asked by: **Mr Bourman**
Directed to: **Minister for Corrections**
Asked on: **4 September 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

The Government takes community safety very seriously and our criminal laws are continually monitored to ensure that they remain adapted to Victoria's needs.

There are a number of existing laws in place to safeguard the rights of community members, including where a person trespasses on farming land. Section 9 of the Summary Offences Act 1966 makes it an offence to enter private premises without the consent of the owner or occupier. This offence carries a maximum penalty of 25 penalty units or 6 months' imprisonment.

In addition, there are a range of other summary and indictable offences that may apply to individuals trespassing on farming land for the purpose of protesting, depending on the circumstances. These include:

– entry likely to breach the peace (section 9(1)(g) Summary Offences Act), which carries a maximum penalty of 25 penalty units or 6 months' imprisonment;

– wilful damage of property (section 9(1)(c) Summary Offences Act), which carries a maximum penalty of 25 penalty units or 6 months' imprisonment;

– criminal damage (section 197(1) Crimes Act 1958), which carries a maximum penalty of 10 years' imprisonment;

– contamination of goods (section 249 Crimes Act) which carries a maximum penalty of 10 years' imprisonment or a fine of 1200 penalty units, or both; and

– unlawful assembly (common law offence, penalty prescribed in s 320 Crimes Act) which carries a maximum penalty of 5 years' imprisonment.

RESPONSE TO SUPPLEMENTARY QUESTION:

There are a range of offences that apply to make unauthorised entry to private land unlawful, and which can be relied on by police to arrest and charge trespassers.

The Government believes that the existing laws strike the appropriate balance between protecting the community and respecting the rights of all Victorians to lawfully engage in freedom of expression, peaceful assembly, and freedom of association.

Gambling regulation

Question asked by: **Ms Patten**
Directed to: **Minister for Trade and Investment**
Asked on: **4 September 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

The government has no plans to introduce a $1 maximum bet on gaming machines. Thanks to the previous Labor Government, Victoria was one of the first Australian jurisdictions to adopt a maximum $5 bet limit at pubs and clubs. In NSW and the ACT, the maximum bet limit is $10, and no Australian jurisdiction has a maximum bet limit of less than $5. A $1 bet limit has been rejected by the Commonwealth Government and all Australian states and territories. There is also no limit on the amount that can be placed on other forms of gambling, such as wagering or certain casino games.

RESPONSE TO SUPPLEMENTARY QUESTION:

Although the Andrews Government will not be introducing a $1 maximum bet limit, we have implemented or will be introducing a range of measures to address the harm associated with gaming machines. These include:

– the establishment of the YourPlay pre-commitment scheme

– limiting daily EFTPOS cash withdrawals in venues to $500 per card

– capping machine numbers in the state at the current level until 2042

– further restricting regional and municipal caps that apply to pokies

– prohibiting gaming venue operators from cashing cheques for patrons

– imposing new harm minimisation requirements in relation to cashless gaming

– redeveloping the Responsible Service of Gaming training

– reviewing the Responsible Gambling Codes of Conduct that apply to gaming machines

– ensuring that the Victorian Responsible Gambling Foundation is one of the nation's most highly funded organisations to address problem gambling.

Timber industry

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **4 September 2018**

RESPONSE:

The assertions of the member are incorrect.

Public land use

Question asked by: **Mr Young**
Directed to: **Special Minister of State**
Asked on: **5 September 2018**

RESPONSE:

The Victorian Government recognises that public land is valued by, and an asset for all Victorians, for a variety of recreational and commercial uses, social and cultural purposes and environmental values.

Members of the public have access to Victoria's national parks, including for recreation and tourism activities, however there are regulations around specific uses to preserve and protect the natural and cultural values of the parks.

This is supported by the Victorian Environment Assessment Council's (VEAC) draft proposals paper for the Central West Investigation which states that "four-wheel driving, trail bike riding, mountain biking, horse riding, car rallies, camping, bee keeping, and dog walking in specified designated sites, can all be accommodated in national parks".

However, some of these activities are limited to some areas or to specific times of the year, to preserve Victoria's natural assets, protect particular values, minimise conflicts and ensure public safety.

VEAC is due to submit its final report on the Central West Investigation to government in March 2019. The government will then consider VEAC's findings and final recommendations. In accordance with the Victorian Environmental Assessment Council Act 2001, the government will have six months to respond to VEAC's final recommendations.

Aboriginal child removal

Question asked by: **Ms Springle**
Directed to: **Minister for Early Childhood Education**
Asked on: **5 September 2018**

RESPONSE:

I am advised that:

The Andrews Labor Government acknowledges the ongoing suffering and trauma experienced by Aboriginal Victorians who are members, and descendants of members, of the Stolen Generations.

We know that the impacts of past policies and practices of forcible removal of Aboriginal children have been devastating which is why the Government continues to advocate for a national redress scheme, in line with the recommendations of the Bringing Them Home report.

However, we acknowledge that it has now been 20 years since the Report was released, and the Commonwealth Government has still not implemented the Report's compensation recommendations.

The Andrews Labor Government has taken action towards several other elements of reparations for Stolen Generations members, including a formal apology in the Victorian Parliament, restitution and rehabilitation through targeted responses to members of the Stolen Generations, and broader efforts to address Aboriginal disadvantage and dispossession.

Last month we also announced $975 000 in funding to support Connecting Home Limited in Collingwood to deliver a range of services for Stolen Generations survivors. These include case management, family reunion, counselling, support group and other healing services.

Crown Casino

Question asked by: **Dr Ratnam**
Directed to: **Minister for Trade and Investment**
Asked on: **5 September 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

Skill-based games to be used in gaming machines incorporate at least some element of player skill in determining the outcome of the game. Currently there are no skill-based gaming machines or games approved to operate in Victoria.

A gaming machine and games must be approved by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to be operated in Victoria. In determining whether to approve a gaming machine or game, the VCGLR must have regard to player return, game fairness and security and responsible gambling, a certificate of a person listed on the Roll of Manufacturers, Suppliers and Testers as well as whether the gaming machine or game complies with the Australian and New Zealand Gaming Machine Standards, including the Victorian Appendix.

The VCGLR has recently received an application from a manufacturer for approval of a gaming machine game with a skill-based component. I understand this application is under consideration.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Responsible Gambling Ministerial Advisory Council has been asked to provide the Minister for Consumer Affairs, Gaming and Liquor Regulation, the Hon Marlene Kariouz MP, with advice on emerging products, including skill-based gaming.

The Minister will consider this advice.

Production of documents

Question asked by: **Mr Rich-Phillips**
Directed to: **Special Minister of State**
Asked on: **5 September 2018**

RESPONSE:

You would be aware that Mr Guy has not agreed to release documents to the 58th Parliament relating to the Previous Baillieu/Napthine Government; but he did consent to release information which was then included in the Government response to summonses issued by the Royal Commission into Family Violence.

Mr Eccles AO said in his letter to the Opposition Leader dated 10 April 2018 that in responding to the resolution of the Legislative Assembly of 29th March 2018 he was acting in accordance with a direction of the Premier.
Mr Eccles was thereby acting within the terms of his employment contract and his responsibilities under the Code of Conduct for Public Sector Employees. He also clearly stated in his correspondence that failure to do so would have jeopardised compliance with his obligations under the Code.

Suburban Rail Loop

Question asked by: **Ms Wooldridge**
Directed to: **Special Minister of State**
Asked on: **5 September 2018**

RESPONSE:

Work to develop the Victorian Government's Suburban Rail Loop policy has been undertaken in accordance with the regular activities of Development Victoria and Rail Projects Victoria.

Information relating to costs incurred for work undertaken by consultants and contractors is outlined in the regular annual reporting of departments and entities.

North Richmond supervised injecting facility

Question asked by: **Ms Fitzherbert**
Directed to: **Minister for Families and Children**
Asked on: **5 September 2018**

RESPONSE:

I am advised that:

The transitional medically supervised injecting room in North Richmond opened on 30 June 2018 and is already saving lives.

There have already been more than 8000 visits to the medically supervised injecting room, and trained staff have safely responded to more than 140 overdoses that may otherwise have been fatal had they happened elsewhere. The Government is not providing information related to unique client numbers due to privacy concerns for those accessing the MSIR.

Feedback shows clients are engaging with staff, seeking treatment for a range of health issues and asking for referrals for drug dependence treatment.

The recently announced purpose-built facility for the medically supervised injecting room will provide more counselling and treatment rooms, and more capacity for treatment and support services to help people ultimately overcome their drug dependency.

Production of documents

Question asked by: **Mr Rich-Phillips**
Directed to: **Special Minister of State**
Asked on: **6 September 2018**

RESPONSE TO SUBSTANTIVE QUESTION:

Citizens of Victoria need to have some confidence that the material that has been provided to the Parliament does protect their privacy. There is work currently being undertaken with the authority of the Legislative Assembly to constrain uploading of information — a process to remedy that and reduce that risk of the exposure of inappropriate access to personal information.

RESPONSE TO SUPPLEMENTARY QUESTION:

In this matter where important documents have been provided to the Legislative Assembly which were denied to the Ombudsman and the Auditor General, a number of broader documentation relating to this case were deemed to be in scope by the Department and provided to the Executive Government. Thereby, the usual process of redactions or limiting the scope of documents because of privilege was not undertaken by Legal Officers or Freedom of Information Officers within those Departments. In this regard some additional vetting would have been warranted.

Production of documents

Question asked by: **Mr Rich-Phillips**
Directed to: **Special Minister of State**
Asked on: **6 September 2018**

RESPONSE:

In my response yesterday, I said the following in relation to the Ventnor document release.

In this matter, material that was withheld from the Ombudsman and withheld from the Auditor-General during the life of the previous administration has now seen the light of day material that in fact the (then) Minister Matthew Guy worked assiduously to prevent his department releasing to the Ombudsman and releasing to the Auditor-General, matters that would have shown him to be acting in a totally inappropriate way. The Government formed the view that this release was clearly in the public interest.

There may be circumstances when a decision to release information may be constrained by the availability of departmental resources that could be allocated to its assessment. Members of Parliament, the media and the community should be aware that sometimes the scope of requests may be far broader than necessary to hone in on relevant information.

ANSWERS TO CONSTITUENCY QUESTIONS

Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers and received by Hansard in the period shown.

27 August to 7 September 2018

Eastern Metropolitan Region

Question asked by: **Ms Dunn**
Directed to: **Minister for Public Transport**
Asked on: **25 July 2018**

ANSWER:

PTV reviews the performance of Transdev bus services on a daily, weekly, monthly, quarterly and annual basis. Should Transdev fail to deliver the minimum level of services, it may result in financial penalties, or PTV requiring a remedial plan to address service delivery performance.

Pursuant to Clause 35 of the Bus Safety Act 2009, if a bus is at full capacity, additional passenger pickups will be suspended until the bus has capacity to pick up passengers.

The Andrews Labor Government has invested more than $200 million in improving bus routes across Victoria.

Eastern Victoria Region

Question asked by: **Ms Bath**
Directed to: **Minister for Roads and Road Safety**
Asked on: **25 July 2018**

ANSWER:

Through the Victorian road safety partnership, the State Government delivers an extensive program of road safety education, including reinforcing road rules. We approach road safety from many different angles that takes into consideration the fact that people make mistakes, including adopting safer road designs.

Wire rope barriers are just one of the road features used to improve road safety and are being installed on sections of the state's 20 highest-risk rural roads. Safety barriers have been proven to reduce head-on and run-off road crashes — the most common types of crashes on regional roads— by up to 85 per cent. In Gippsland specifically, I am advised there has been a 40 per cent reduction in serious injury and lives lost through road trauma since 1987, due to such road safety programs. The current Gippsland Road Safety Plan is aiming for a further 20 per cent reduction in lives lost and 25 per cent reduction in serious injuries by 2020 through a Safe System philosophy. This involves a holistic view of the road transport system and the interactions among roads and roadsides, travel speeds, vehicles and road users. To reach this goal, VicRoads has sought assistance from local community road safety groups, local government, Victoria Police, DELWP and the heavy vehicle industry.

Victoria's road safety education program begins at preschool with the Starting out Safely program and continues through to Road Smart; a young driver education program delivered in Victorian schools as part of the Young Driver Safety Package. The Transport Accident Commission will soon open the doors of Victoria's highly innovative Road Safety Complex. The complex will feature the latest in visual and digital technology to help students and the wider community understand how to remain safe on the roads.

VicRoads uses its website and social media channels to notify drivers and riders about existing and changing road rules. The website includes summaries and animations, a downloadable version of The Road to Solo Driving and an electronic newsletter. The newsletter provides timely and regular updates on legislative changes that impact Victorians including road rule changes, as well as new road features such as wider centre lines.

Western Victoria Region

Question asked by: **Mr Morris**
Directed to: **Minister for Health**
Asked on: **25 July 2018**

ANSWER:

The Andrews Labor Government is committed to improving the health and wellbeing of Victorians, by investing in our hospitals and health professionals.

In the 2018-19 Victorian Budget, hospitals received an additional $2.1 billion which built on our commitment from the previous year of an additional $1.67 billion. This means that this financial year, health funding is $4.86 billion higher than it was in the last year of the former Liberal Government. This funding will see the biggest elective surgery boost in our history with an additional $217.6 million allocated to elective surgeries in 2018-19 alone.

If you are able to provide the details relating to your constituent's care, I would be happy to ask the Department of Health and Human Services to make enquiries on her behalf.

Western Victoria Region

Question asked by: **Mr Morris**
Directed to: **Minister for Health**
Asked on: **26 July 2018**

ANSWER:

The Andrews Labor Government is committed to improving the health and wellbeing of our community by investing in our hospitals and health services.

While those opposite who cut $1 billion from our healthcare system, the 2018-19 Andrews Labor Government State Budget included an additional $2.1 billion package for hospitals. This additional funding will see the biggest elective surgery boost in our history with $217.6 million allocated to public hospitals to reduce waiting times.

In 2018-19 Ballarat Health Services received $297.8 million in funding, $27.6 million or 10.2 per cent more than last year and 31 per cent more than they received in the last budget delivered by the Liberals in 2014-15.

The Andrews Labor Government has also committed $461.6 million to redevelop the Ballarat Base Hospital. This will provide additional capacity to meet service demand including replacement of outdated operating theatres, a new emergency department, a critical care "hot floor" and over 100 additional inpatients beds. It will deliver contemporary best practice enabling local people to get the appropriate range of health services they need at a location that is close to their homes.

Northern Metropolitan Region

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Public Transport**
Asked on: **26 July 2018**

ANSWER:

Works at the Regent Station car park were completed in December 2017 with 121 upgraded car parking spaces. These spaces were part of the approximately 8000 new or upgraded station car parks being built across Victoria by the Andrews Labor Government.

Works at Regent Station were complex, with Melbourne Water concurrently undertaking water main renewal at the same location. VicTrack and Melbourne Water worked together during construction to minimise the impacts to nearby residents and deliver on the committed number of car parking spaces.

In March and April 2018, VicTrack received advice from residents of illegal dumping at the site; this was subsequently removed by VicTrack and Metro Trains Melbourne (MTM).

MTM, as the operator responsible for Regent Station, will continue to monitor for any further illegal dumping. The issue of the pooling water has also been referred to MTM for consideration as part of its ongoing maintenance arrangements.

A site visit on 31 July found almost 40 vehicles still using the gravel area. It will be considered for funding under a future car park program by Transport for Victoria.

Northern Victoria Region

Question asked by: **Ms Lovell**
Directed to: **Minister for Health**
Asked on: **26 July 2018**

ANSWER:

The former Chief Executive of Goulburn Valley Health, Mr Trevor Saunders, tendered his resignation from his position effective 21 June 2018. In accepting his resignation, the board recognised Mr Saunders' service and contribution to Goulburn Valley Health.

The board has appointed Mr Matt Sharp, Executive Director of Clinical Operations at Eastern Health, as Interim Chief Executive for 6 months.

The board is now focused on finding a long term candidate that will forge a bright future for the service, delivering and building on the government's $169.5 million investment in the Goulburn Valley Hospital redevelopment.

Western Metropolitan Region

Question asked by: **Mr Finn**
Directed to: **Minister for Police**
Asked on: **27 July 2018**

ANSWER:

I thank the Member for his question, however I completely reject the premise. As the Member knows, the Andrews Labor Government is delivering a record $2 billion investment to ensure Victoria Police has the powers and resources it needs to crack down on organised crime and protect the community from gang violence.

As the Member knows, the Government has introduced specific and targeted stand-alone offences for aggravated home invasions and carjackings. Bail laws have also been tightened, with a presumption against bail applying to aggravated burglary, home invasion and carjacking. These laws reflect the seriousness of these crimes and as the community expects, the penalties are significant to reflect the significant impact they have on victims.

Across Victoria, the latest crime statistics show that crime is continuing to come down, with the offence rate decreasing by 9.5 per cent across the State. The data shows we have the lowest rate of burglary and break and enter offences and the lowest rate of arson offences across the state in a decade.

The rate of assaults on police and emergency services workers is lower than in 2014. The rate of aggravated robbery has dropped 7 per cent, and is now lower than it was in 2011, 2012 and 2013. The rate of aggravated burglary has reduced 16.4 per cent, and the overall theft rate as a category has reduced by nearly 15 per cent. Motor vehicle theft is also lower now than it was 10 years ago.

Therefore, as documented by the independent Crime Statistics Agency, the Government's record investment in police and community safety is making a real difference.

The Andrews Labor Government has also stepped up its fight against organised crime, giving Victoria Police the powers and resources, it needs to crack down on organised crime and protect the community from gang violence.

We have legislated new Firearm Prohibition Orders which has given police new powers to target and search individuals from outlaw motorcycle gangs and serious criminal organisations — including those who associate with organised crime figures.

We have funded 20 new specialist officers, adding to the ranks of the Victoria Police Anti-Gang Squad. The Victoria Police Gang Crime Squad focuses on specific aspects of emerging and active criminal gangs, organised and network groups. The squad proactively targets organised crime offenders and high risk offenders who are managing and/or mentoring gang members for organised crime purposes.

The Government passed legislation to ban the use of cash payments in the scrap metal industry, denying organised crime a crucial source of revenue. Police have also been given new powers to enter and search scrap metal dealers without a warrant.

We have strengthened Victoria's asset confiscation scheme and closed loopholes previously used by criminals by making clear that property purchased with a loan repaid using the proceeds of crime is not to be considered 'lawfully acquired'.

We've also introduced legislation to strengthen Victorian unlawful association laws to give Victoria Police additional tools with which to disrupt organised crime syndicates and prevent the commission of crime — and help stop young people from becoming involved in organised crime.

We have further committed to cleaning up the debt collecting industry, by overhauling Victoria's regulation of debt collection to make sure we drive out organised crime from this industry. This will include setting up a dedicated commission to oversee the debt collection industry in Victoria and will increase penalties for persons engaging in unlicensed debt collecting.

Victoria Police continues to work closely with the National Anti-Gangs Squad to respond to incidents relating to organised crime at a national level. Members of the National Anti-Gangs Squad are embedded within the Victoria Police Gang Crime Squad. These members are deployed to Victorian regions to assist with operations involving high level offenders linked to organised criminal groups, with a focus on disruption, prevention and arrest.

Western Victoria Region

Question asked by: **Mr Morris**
Directed to: **Minister for Roads and Road Safety**
Asked on: **27 July 2018**

ANSWER:

I note Mr Morris' continued opposition to improving road safety in Ballarat without providing any solution of his own.

I had the pleasure of announcing the Mair Street Stage 1 works in Ballarat during March this year, at which time I issued a Media Release about the upgrades and parking.

VicRoads, in collaboration with key stakeholders, has undertaken extensive consultation during the development of the upgrades. At all stages of consultation, VicRoads has ensured traders and property owners along Mair Street have opportunity to provide input into the plans.

A Project Monitoring Group comprising VicRoads, the City of Ballarat and trader representatives, has been formed to work together and help with the practicalities of the upgrade to minimise the impact on businesses. This group has been meeting regularly as the project gets closer to construction.

Eastern Metropolitan Region

Question asked by: **Ms Wooldridge**
Directed to: **Minister for Public Transport**
Asked on: **7 August 2018**

ANSWER:

I thank the Member for Eastern Metropolitan for her continued interest in the Andrew Labor Government's investments along the Hurstbridge line as we are building the infrastructure needed for long-term solutions for the northeast.

As the people of Melbourne's north east are well aware, the Andrews Labor Government has just completed the $395 million Hurstbridge Line Upgrade. The new timetable, made possible by these works gives Eltham Station passengers 35 new and extended services between Eltham and Flinders Street each week, including 20 new and 15 extended services.

The $530 million second stage of the Hurstbridge Line Upgrade will give local commuters even more train services, and a more reliable and consistent "clock-face" timetable, during peak periods. The benefits for commuters can be provided by duplicating three kilometres of track between Greensborough and Montmorency, and 1.5 kilometres of track between Diamond Creek and Wattle Glen.

Together these projects will provide substantial improvements for all commuters, all the way to Hurstbridge.

The Andrews Labor Government knows how to deliver the second stage of the Hurstbridge line upgrade because we've delivered the first stage already. Only a Labor government can get this project done.

Northern Metropolitan Region

Question asked by: **Ms Patten**
Directed to: **Minister for Public Transport**
Asked on: **7 August 2018**

ANSWER:

A feasibility study into extending the Route 86 tram line four kilometres to South Morang was undertaken in 2017. The economic assessment of this study found none of the seven options proposed for extending the line would be viable for some time due to forecast low patronage, caused by low dwelling and population density along the route.

Importantly, the design of the new tram terminus at Bundoora will allow for any possible future extension of Route 86, and VicRoads has also allowed for a future extension within the road reserve as part of the Plenty Road widening project.

Currently, bus services provide a frequent and reliable connection between Bundoora, South Morang and Mernda.

Northern Victoria Region

Question asked by: **Ms Lovell**
Directed to: **Minister for Public Transport**
Asked on: **7 August 2018**

ANSWER:

V/Line is investigating the circumstances of this incident and apologises for any inconvenience that may have been experienced by the constituent. However, as you would be aware, all coach drivers must adhere to strict fatigue management guidelines to ensure the safety of every passenger and staff member. Should these guidelines not be upheld or put in place, it may result in errors of judgement that may lead to injury or death.

The Andrews Labor Government has invested $356 million to upgrade the Shepparton line, the biggest upgrade to the Shepparton line in a generation, and it's being delivered by a Labor Government.

This investment includes new stabling, signalling and track upgrades, level crossing upgrades and platform extensions at Shepparton, Mooropna, Murchison East and Nagambie stations. It will deliver VLocity trains to Shepparton and pave the way for nine return passenger services a day.

While this work is underway, 29 extra weekly coaches between Shepparton and Seymour have been introduced to give passengers greater travel choice. In addition, the Andrews Labor Government added nine services between Melbourne and Shepparton in 2017, with more to come next year.

In the coming weeks, V/Line is a delivering more than $10 million in major maintenance works. Over time, these significant investments and maintenance works mean that passengers will experience improved reliability, more frequent and faster modern services.

Contrast this with the announcement of only $77 million for the Shepparton line by the Liberal/National Opposition, which won't deliver the public transport improvements the Shepparton community is calling for.

Northern Metropolitan Region

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Public Transport**
Asked on: **7 August 2018**

ANSWER:

Public Transport Victoria and Transport for Victoria recognise the important role that buses play in meeting the travel needs of people living in Melbourne's outer suburbs, and continuously review the entire metropolitan bus network.

The new timetables better reflect actual running times and improve connectivity, reducing late arrivals and missed train connections. I am pleased to see significant improvements for punctuality of the services running to Craigieburn station since its implementation in June, with on time arrivals increasing to 90.5 per cent.

Western Victoria Region

Question asked by: **Mr Ramsay**
Directed to: **Minister for Energy, Environment and Climate Change**
Asked on: **7 August 2018**

ANSWER:

The Victoria Energy Compare website has had more than 1.2 million visitors since it was launched in 2016. Seven out of every ten users of the Victorian Energy Compare website can save money by switching retail offers.

If your constituents do not have access to a device such as a computer, tablet or smart phone with connection to the internet, I recommend they ask a friend or a family member that has access to the internet to help them claim the Power Saving Bonus.

Alternatively, your constituents may wish to seek assistance from a local library or community group. Many libraries offer free or cheap computer and internet access. Neighbourhood houses and community centres are also great resources.

There are other local community groups that can help with access to a computer. If your constituents are a part of a social, cultural, activity, or learning group (like U3A, for instance) these groups can be contacted for assistance.

I also note that the Victorian Government has partnered with the Brotherhood of St Laurence to run an energy brokerage service to help vulnerable consumers. This pilot will reach up to 10 000 vulnerable households and help them find a cheaper, more suitable energy offer. This will include working with consumers who pay high prices and have low switching rates, including those with no internet access, limited English proficiency, who are experiencing energy stress, and older people.

Northern Victoria Region

Question asked by: **Ms Lovell**
Directed to: **Minister for Roads and Road Safety**
Asked on: **8 August 2018**

ANSWER:

The Andrews Labor Government is listening and responding to the needs of the Strathmerton community when it comes to road safety. VicRoads is currently undertaking a speed review for the Murray Valley Highway.

To ensure feedback from all sectors of the community is considered in the review, VicRoads hosted a road safety community information session at the Strathmerton recreation reserve on the evening of 26 July 2018. The event was well attended and attracted those that either live locally, work locally or visiting the township. The views of both pedestrians and motorists were obtained.

A total of 130 survey responses were collected on the night, with further responses are being collected from an online survey. The survey closed on 24 August 2018.

VicRoads will now review community feedback, feedback and other data in collaboration with Victoria Police and the Moira Shire Council, and an informed decision will be made on the safest speed for the Murray Valley Highway through Strathmerton. The outcome will be shared with the community soon.

Eastern Metropolitan Region

Question asked by: **Ms Dunn**
Directed to: **Minister for Public Transport**
Asked on: **8 August 2018**

ANSWER:

I thank the Member for Eastern Metropolitan for her interest in the Andrews Labor Government's Hurstbridge Rail Line Upgrade project.

As part of the Lower Plenty Road Level Crossing Removal Project, the Level Crossing Removal Authority is providing over $2 million of cycling infrastructure at Rosanna. This includes a new shared use path along Turnham Ave, signalised pedestrian and cycling crossings at Lower Plenty Road and a new three-metre wide continuous shared-user path on the eastern side of Ellesmere Parade, between Lower Plenty Road and Davies Street, which will be completed in the coming months.

Signalling infrastructure is required within the rail corridor in order to meet operational needs and run the additional services we've introduced for Melbourne's north-east. Due to the constrained corridor width at this location, this infrastructure could only be constructed on the western side of the rail corridor.

Between Burgundy Street and Turnham Avenue, existing constraints including topography and the necessary rail operational infrastructure, make it challenging to provide a shared-user path within the rail corridor that complies with the relevant design standards.

The Andrews Labor Government is committed to continuing to investigate options for a strategic cycling corridor between Rosanna and Heidelberg.

Western Victoria Region

Question asked by: **Mr Ramsay**
Directed to: **Minister for Public Transport**
Asked on: **8 August 2018**

ANSWER:

I thank the Member for Western Victoria for his question, and advise that he should instead direct this question to the Minister for Roads and Road Safety, who has portfolio responsibility for dedicated bike lanes on roads.

Eastern Metropolitan Region

Question asked by: **Mr Leane**
Directed to: **Minister for Roads and Road Safety**
Asked on: **8 August 2018**

ANSWER:

I am pleased to confirm that $4 million has been committed through the 2018-19 Victorian State Budget to provide a shared user path along the Burwood Highway in this location. This will provide a safer connection for pedestrians and cyclists between the EastLink and Dandenong Creek trails and will also provide a more direct link to the existing shared use path along the Burwood Highway, towards the Knox City Shopping Centre.

I am advised that VicRoads has commenced planning work for the project and expects that various planning approvals will be required before construction can commence. I understand these approvals may include cultural heritage, environmental, and approvals associated with works near Dandenong Creek.

VicRoads expects construction to commence in late 2019.

Western Victoria Region

Question asked by: **Mr Morris**
Directed to: **Minister for Regional Development**
Asked on: **8 August 2018**

ANSWER:

I am advised by Transport for Victoria that local buses will primarily enter and exit the Station Precinct at Nolan Street via Scott Parade. However, the entire length of the internal (access) road within the Precinct and the intersection with Lydiard Street will be designed to accommodate the occasional movement of local buses if there are disruptions with access via Nolan Street. Furthermore, in response to the Member's question about V/Line buses, I can confirm that there are no plans to move the V/Line bus bays from the south side of the Station at this time.

Western Victoria Region

Question asked by: **Mr Morris**
Directed to: **Minister for Regional Development**
Asked on: **8 August 2018**

ANSWER:

On behalf of the Minister for Public Transport:

Transport for Victoria advise that local buses will primarily enter and exit the Station Precinct at Nolan Street via Scott Parade.

However, I am advised that the entire length of the internal (access) road within the Precinct and the intersection with Lydiard Street will be designed to accommodate the occasional movement of local buses if there are disruptions with access via Nolan Street.

There are no plans to move the V/Line bus bays from south side of the Station.

Western Metropolitan Region

Question asked by: **Mr Finn**
Directed to: **Minister for Planning**
Asked on: **8 August 2018**

ANSWER:

In May 2016, I decided to refuse Amendment C190 to the Hume Planning Scheme, which sought to apply the Public Acquisition Overlay to land required for the proposed Bulla Bypass and Melbourne Airport Link and to include an incorporated document to facilitate the projects.

In making my decision I sought to ensure that all feasible road alignment options were explored to minimise impacts on agricultural land along Oaklands Road. I therefore asked the Minister for Roads and Road Safety to consider further options for the proposed alignment.

I understand that VicRoads, on behalf of the Minister, is actively working on this matter and I will assess any future request on its merits.

Southern Metropolitan Region

Question asked by: **Mr Davis**
Directed to: **Minister for Planning**
Asked on: **8 August 2018**

ANSWER:

I have approved plans for works north of Carnegie Station, along Woorayl Street, to facilitate the Caulfield to Dandenong Rail Upgrade Project, including indicative landscaping surrounding the station. The approved final design of Carnegie station provides for open space along Woorayl Street and retains some existing vegetation, including the mature River Red Gum at the western end of Woorayl Street, while incorporating new vegetation. I can confirm that no building development plans are approved within Woorayl Street reserve and any future proposal would be subject to separate planning approval.

Eastern Metropolitan Region

Question asked by: **Ms Wooldridge**
Directed to: **Minister for Public Transport**
Asked on: **9 August 2018**

ANSWER:

I thank the Member for Eastern Metropolitan for her continued interest in the Andrew Labor Government's investments along the Hurstbridge line as we are building the infrastructure needed for long-term solutions for the north east.

As the people of Melbourne's north east are well aware, the Andrews Labor Government has just completed the $395 million Hurstbridge Line Upgrade. The new timetable made possible by these works gives Eltham Station passengers 35 new and extended services between Eltham and Flinders Street each week, including 20 new and 15 extended services.

The $530 million second stage of the Hurstbridge Line Upgrade will give local commuters even more train services, and a more reliable and consistent "clock-face" timetable, during peak periods. The benefits for commuters can be provided by duplicating three kilometres of track between Greensborough and Montmorency, and 1.5 kilometres of track between Diamond Creek and Wattle Glen.

In addition, this project will benefit locals on the Andrews Labor Government's new Mernda line — which just opened on 26 August — as they will get five extra train services during the morning peak, with a major upgrade of the Clifton Hill junction where the Mernda and Hurstbridge lines connect.

The vast majority of the project cost will be spent on the Hurstbridge line portion of the works.

The Andrews Labor Government knows how to deliver the second stage of the Hurstbridge line upgrade because we've delivered the first stage already. Only a Labor government can get this project done.

South Eastern Metropolitan Region

Question asked by: **Ms Springle**
Directed to: **Minister for Roads and Road Safety**
Asked on: **9 August 2018**

ANSWER:

The Environment Effects Statement (EES) process that is currently underway, was announced on 25 September 2017 to investigate and assess any potential environmental, social, economic and cultural impacts of the freeway during construction and in operation. The community will be invited to review and provide feedback on the EES documentation later this year.

Eastern Victoria Region

Question asked by: **Ms Bath**
Directed to: **Minister for Roads and Road Safety**
Asked on: **9 August 2018**

ANSWER:

The Andrews Labor Government has committed $941 million to the largest regional road maintenance and improvement program this financial year.

I am advised that on Monday 20 August, VicRoads contractors undertook works to achieve a smoother ride onto and off the Tarwin River bridges.

Eastern Metropolitan Region

Question asked by: **Ms Dunn**
Directed to: **Minister for Roads and Road Safety**
Asked on: **21 August 2018**

ANSWER:

No members have resigned from our Walking and Cycling Technical Discussion Group and the North East Link Authority looks forward to working more with them over the coming months to provide genuine community input into the North East Link project.

The group aims to provide another level of engagement for North East Link. It allows the North East Link Authority to understand ideas from walkers and bike riders in the community, for innovation or refining the design. This is the first major project that has provided this level of consultation.

All suggestions from the group have been assessed by multiple specialists in the project team. Much of the input from the group has been incorporated into the reference design, and they will be taken through the design in the coming weeks. In another first for a major project, the group's input will be provided in a report to bidders while they are developing their tenders, which can help to add innovation to their designs.

Northern Victoria Region

Question asked by: **Mr Gepp**
Directed to: **Minister for Tourism and Major Events**
Asked on: **22 August 2018**

ANSWER:

The Andrews Labor Government recognises the importance of the tourism industry as an economic driver for regional Victoria, with tourism contributing $7.5 billion to the regional economy.

In the year ending March 2018, the Murray region received approximately 5.6 million total visitors, an increase of 15.1 per cent from 2014, and the total tourism expenditure was $1.3 billion, an increase of 5.5 per cent from 2014.

A strong and sustainable calendar of regional events allows regions to showcase their tourism strengths and builds Victoria's reputation as an events destination. The 2016-17 State Budget provided $20 million for a Regional Events Fund (REF) to attract, create and bring people to the biggest and best events all over regional Victoria.

The Echuca-Moama Winter Blues Festival is supported through the REF and provides visitors the opportunity to listen to the nation's best blues bands perform. Held over four days at the historic Port of Echuca's heritage precinct and surrounding venues, the event generates significant economic benefit for the local community. Other events in the region supported through the REF include the Massive Murray Paddle, Southern 80 Water Ski Race and the Riverboats Music Festival.

Other investment in the region includes $500 000 to develop the Murray River Adventure Trail. This funding was provided in the 2018-19 State Budget to develop a business case to create a multi-sport adventure trail that extends along the length of the Murray River. The trail will incorporate walking, cycling, kayaking, canoeing and other forms of water transport.

Additionally, as part of the 2018-19 State Budget, the Victorian Government has provided $2 million for a Regional Events and Innovation Fund (REIF), to help Regional Tourism Boards or recognised Victorian tourism organisations grow their local economies and local jobs, by attracting new visitors and new events.

I look forward to announcing projects supported the REIF in coming weeks.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Tuesday, 4 September 2018

Bowel cancer screening

Raised with: **Minister for Health**
Raised by: **Ms Fitzherbert**
Raised on: **21 June 2017**

REPLY:

In April 2018, the Andrews Labor Government announced an additional $12 million funding for Victorian public hospitals to fast-track access and cut waiting list times for colonoscopy procedures. This funding has been delivered and hospitals have commenced work, prioritising those requiring urgent care.

On 1 July 2018, the Department of Health and Human Services in collaboration with public hospitals implemented the *Colonoscopy categorisation guidelines*, a risk-based approach for determining which patients need a colonoscopy, their clinical risk and the urgency with which the procedure should be performed. The guidelines, developed in partnership with the Royal Australasian College of Surgeons, will ensure that colonoscopy patients are prioritised in the same way irrespective of the specialist or hospital to which they are referred. Additionally, the guidelines will support the collection of comparable data to facilitate consistent system-wide public reporting of colonoscopy performance in Victoria.

Palliative care

Raised with: **Minister for Health**
Raised by: **Ms Wooldridge**
Raised on: **23 May 2018**

REPLY:

In 2018-19, the Andrews Labor Government is investing close to $30 million more funding in palliative care than was the case in 2014-15.

In November 2017 this Government announced more than $62 million in additional funding over the next five years for palliative care and end-of-life services.

This investment stands in stark contrast to the demonstrable record of Liberal National Governments in Victoria, which is to cut health funding and services.

HaiR-3Rs

Raised with: **Minister for the Prevention of Family Violence**
Raised by: **Ms Patten**
Raised on: **20 June 2018**

REPLY:

As part of the Andrews Labor Government's commitment to the prevention of family violence and all forms of violence against women, the Eastern Domestic Violence Service was funded in 2017-18 to develop the HaiR project. The funding was provided through the government's $3.85 million Community Partnerships for Primary Prevention grants program, which funded 34 primary prevention partnerships across Victoria.

Each project funded through the Community Partnerships for Primary Prevention program is currently preparing individual acquittals/evaluations. The outcomes from these will inform future project funding decisions about which programs to scale up, as part of the Andrew's Labor Government *Free From Violence* primary prevention strategy and action plan.

Chiltern health services

Raised with: **Minister for Health**
Raised by: **Ms Wooldridge**
Raised on: **22 June 2018**

REPLY:

Indigo North Health is open to discussions with interested parties regarding the leasing of rooms, including the potential for a general practice.

The Department of Health and Human Services will continue to work alongside key stakeholders to seek the best outcomes for the Chiltern community.

Mair Street, Ballarat

Raised with: **Minister for Roads and Road Safety**
Raised by: **Mr Morris**
Raised on: **24 July 2018**

REPLY:

I note Mr Morris' continued opposition to improving road safety in Ballarat without providing any solution of his own.

I had the pleasure of announcing the Mair Street Stage 1 works in Ballarat during March this year, at which time I issued a Media Release about the upgrades and parking.

VicRoads, in collaboration with key stakeholders, has undertaken extensive consultation during the development of the upgrades. At all stages of consultation, VicRoads has ensured traders and property owners along Mair Street have opportunity to provide input into the plans.

A Project Monitoring Group comprising VicRoads, the City of Ballarat and trader representatives, has been formed to work together and help with the practicalities of the upgrade to minimise the impact on businesses. This group has been meeting regularly as the project gets closer to construction.

Community safety

Raised with: **Premier**
Raised by: **Mr Finn**
Raised on: **24 July 2018**

REPLY:

The latest release of quarterly crime statistics shows that there is a now a clear trend of the crime rate coming down in Victoria. The most recent crime statistics show a significant decrease in crime across Victoria. This includes an 8.4 per cent decrease in the number of criminal incidents across the North West Metro police region.

This is a demonstration that the Victoria Labor Government's historic $2 billion investment is delivering 3135 new police, officers over the next five years to ensure communities have the police they need, when they need them.

There are thousands more police officers on their way — and they will have the equipment, the facilities and the laws they need to fight crime.

We will continue our work to keep Victorians safe. While we do that, you should apologise to people in Western Metro for lying about going to church on Good Friday.

Sports funding

Raised with: **Minister for Sport**
Raised by: **Ms Bath**
Raised on: **24 July 2018**

REPLY:

Active Victoria's strategic direction of meeting demand identifies the necessity to find new sources of investment to deliver community infrastructure. In response to this, an innovative $100 million Community Sports Infrastructure Loans Scheme was announced in the 2018-19 Victorian Budget.

This scheme is in addition to, not instead of, our Community Sports Infrastructure Fund. In fact, since 2014 we have committed a record level of funding, over $420 million towards community' sport and recreation facilities.

We have a number of grant programs including the Community Sports Infrastructure Fund, Female Friendly Facilities Fund, The World Game Facilities Fund, Better Indoor Stadiums Fund and the Country Football and Netball Program to support community clubs develop or upgrade their sport and recreation infrastructure.

During this term of Government, Latrobe City has benefited from a number Victorian Government community sports infrastructure grants, having received over $1.4 million for projects such as; the construction of the Latrobe City Synthetic Field Pavilion in Churchill; and the development of new netball courts at Leongatha Recreation Reserve.

In addition to these programs, the Andrews Labor Government has provided an $85 million investment in sport infrastructure and support programs for the Latrobe Valley which will create more than 575 local jobs through the construction and operation of facilities and support for local community programs, which will have flow on benefits to the rest of the Valley.

There are many larger sporting organisations, facility managers, education institutions and local councils that have the capacity to take on a loan.

The Community Sports Infrastructure Loans Scheme is a significant addition to existing grants programs that support community sport and recreation infrastructure projects across Victoria.

I would encourage Churchill Rams to continue working with Latrobe City Council to develop an application for future grants.

Glen Eira planning scheme

Raised with: **Minister for Planning**
Raised by: **Mr Davis**
Raised on: **24 July 2018**

REPLY:

I have approved planning scheme Amendment C157 to the Glen Eira Planning Scheme, which will help protect the Bentleigh, Carnegie and Elsternwick Activity Centres from inappropriate development while the local council proceed through a full amendment process for permanent controls.

Amendment C157 introduces built form controls with a range of mandatory and discretionary building height and setback controls. The council's adopted structure plans for Bentleigh, Carnegie and Elsternwick have informed the built form controls and the council's vision for the role of each Activity Centre in the city's future development. Each structure plan went through a 12-month community consultation process.

The scale and density of development approved and proposed in Glen Eira's activity centres has increased significantly in recent years. Amendment C157 will ensure new development does not compromise the character of the activity centres.

The prompt approval of interim controls will allow for an orderly planning process to proceed for the implementation of the council's adopted structure plans on a permanent basis. This process will ensure that in the interim period development does not occur that will compromise the liveability of the area and prevent the permanent controls from having their full effect.

Lal Lal wind farm

Raised with: **Minister for Planning**
Raised by: **Mr Morris**
Raised on: **25 July 2018**

REPLY:

The Lal Lal wind farm was approved in April 2009. Preliminary construction works have commenced.

An amendment to the planning permit was considered by a planning panel during November 2016. The panel found that testing undertaken by Marshal Day Acoustics was acceptable.

Since the panel process, the wind farm developer has engaged Sonus to undertake a follow-up noise assessment. The Sonus report comes to the same conclusion as the Marshal Day Acoustics report considered by the planning panel in November 2016, that the operating wind farm can comply with the noise limits specified in the planning permit.

The Sonus report introduces a 'curtailment strategy' whereby selected turbines are operated in a noise-reduction mode. The report does not state that this is required for the wind farm to meet limits specified in the planning permit.

Ambulance services

Raised with: **Minister for Ambulance Services**
Raised by: **Ms Fitzherbert**
Raised on: **26 July 2018**

REPLY:

The implementation of a new funding model in 2014-15 under the previous Liberal Government has seen Ambulance Victoria increase its fees annually, consistent with annual indexation. Further, these fees are published annually in the Department of Health and Human Services Policy and Funding Guidelines, which are readily available on their website.

The 'Cost per Road Incident' figure, which continues to be published in Ambulance Victoria's annual report, is calculated by dividing the total costs of providing emergency care by the number of road incidents. The total cost of providing care includes, but is not limited to, equipment and fleet, medications, wages, and a proportion of corporate costs. The figure has risen as investment in additional staff, new equipment, training, clinical procedures and medications have been delivered to provide better response times and improved patient outcomes.

Poker machines

Raised with: **Minister for Consumer Affairs, Gaming and Liquor Regulation**
Raised by: **Ms Patten**
Raised on: **27 July 2018**

REPLY:

The Victorian Government is not currently considering reducing the maximum bet limit on gaming machines or reducing the operating hours of gaming venues.

Victoria already has the equal lowest bet limit for gaming machines in Australia at $5 per spin on gaming machines outside the Melbourne casino.

Under the *Gambling Regulation Act 2003*, all gaming venues must not operate gaming machines for at least four consecutive hours each day.

This government has introduced a range of measures to reduce the harm associated with gaming machines, following extensive consultation with community and industry stakeholders.

These measures include limiting EFTPOS cash withdrawals in gaming venues to $500 per card in a 24 hour period, prohibiting venue operators cashing cheques for patrons and imposing new harm minimisation requirements in relation to cashless gaming.

The government has also increased the number of municipal districts subject to regional caps on gaming machine entitlements. Regional caps on gaming machine entitlements apply to a total of 25 regions throughout the State.

These are important harm minimisation measures that build on other work of the Victorian government to reduce gambling-related harm.

Merri Creek

Raised with: **Minister for Planning**
Raised by: **Ms Dunn**
Raised on: **27 July 2018**

REPLY:

I thank the Member for Eastern Metropolitan for her question, and note that she has raised a related adjournment matter with the Minister for Water, the Hon Lisa Neville MP, about this same issue.

In responding with regards to planning issues, there are two components to the question. The first component relates to the management of sediment during the construction process, which generally occurs through planning permit conditions in a construction management plan.

State land use planning policy in all planning schemes stipulates that the *Victorian Environment Protection Authority's Environmental Guidelines for Major Construction Sites (1996)* and *Construction Techniques for Sediment Pollution Control (1991)* should be considered in new development to protect water quality, where relevant, and consider best practice environmental management objectives.

The guidance details strategies to avoid and reduce the risk of erosion and sediment pollution through a variety of measures. Developers are required to consider these measures as relevant. Councils are required to consider the degree of erosion hazard in approving an application or plan.

The second component relates to the management of erosion through land management practices.

At a local government level, Hume City Council has identified in their planning scheme that an integrated Growth Area Plan will be developed to guide planning of Hume's rural areas, including identifying areas at risk of significant erosion.

The development of Precinct Structure Plans that will be incorporated into the local planning scheme is also underway in this area. These plans establish the future structure for a suburb and guide development accordingly.

The Victorian Planning Authority has set out guidelines for the preparation of Precinct Structure Plans, which include guidance for managing erosion as part of integrated water management.

In addition to current land management processes, there is a clear commitment through the implementation of *Plan Melbourne 2017-2050* to improve planning scheme responses to natural hazards and risks, to ensure the built environment responds appropriately to the impacts to people, infrastructure and in this instance, the environment. Improvements to the Erosion Management Overlay are being considered by the Department of Environment, Land, Water and Planning.

Illegal tobacco

Raised with: **Minister for Police**
Raised by: **Mr O'Sullivan**
Raised on: **27 July 2018**

REPLY:

Legislative responsibility for the regulation of the illegal tobacco industry is a matter for the Commonwealth government.

The Australian Border Force (ABF) is responsible for the protection of Australia's border in partnership with a range of intelligence, law enforcement and other agencies.

The *Australian Border Force Act 2015* established the ABF as the frontline operational border control and enforcement entity of the Department of Immigration and Border Protection charged with enforcing customs and immigration laws and protecting Australia's borders.

I can assure you that Victoria Police is undertaking proactive work with major cigarette distributors to gather intelligence at the local level in order to disrupt the sale of illegal tobacco in Victoria.

In addition, the Andrews Labor government is giving police the powers they need to disrupt serious and organised crime such as the illegal trade of tobacco in Victoria through new legislation.

The Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018 will amend and clarify laws designed to prevent the formation of criminal networks, by prohibiting those convicted of serious offences from associating with others.

These laws were developed in consultation with Victoria Police, and are designed to help police prevent serious offending by outlaw motorcycle gangs, organised crime families and small numbers of violent young people.

Bendigo rail line

Raised with: **Minister for Public Transport**
Raised by: **Ms Lovell**
Raised on: **7 August 2018**

REPLY:

The Andrews Labor Government's $1.75 billion Regional Rail Revival package includes $91 million for important track and signalling upgrades between Bendigo and Echuca that will improve reliability and deliver extra services to Epsom; Eaglehawk and Echuca. This upgrade will deliver better public transport for Bendigo's growing community.

This is in direct contrast to the previous Liberal-National Coalition Government which cut funding from V/Line and filed to order a single regional carriage in two years.

Jobs Victoria Employment Network

Raised with: **Minister for Public Transport**
Raised by: **Mr Leane**
Raised on: **7 August 2018**

REPLY:

The Andrews Labor Government's major transport infrastructure projects are strongly encouraged to create additional social and economic value as part of the delivery of the infrastructure projects.

The Level Crossing Removal Authority (LXRA) has a target that 3 per cent of the total contract spend will go to social enterprises, Aboriginal businesses, and direct employment of disadvantaged jobseekers in the supply chain,

utilising the Andrews Labor Government's Jobs Victoria program and its network of partners under the Jobs Victoria Employment Network (JVEN).

Programs such as the Veterans in Construction program on the Caulfield to Dandenong Level Crossing Removal Project, and the TRANSIT (Transition into Transport) and GROW (Gain Real Opportunities in the Workforce) programs create pathways for disadvantaged job seekers into LXRA projects.

The TRANSIT and GROW programs showcase the breadth of opportunities available across the rail and public transport sector, including rolling stock manufacturing, plant maintenance and operations.

The programs focus on the practical skills and training required to work in a construction and railway environment. TRANSIT focusses on showcasing new opportunities to workers from declining industries, including automotive, while GROW introduces people from marginalised or disadvantaged backgrounds to training and employment opportunities within the industry. GROW aims for a 50 per cent female participation rate.

Through these initiatives, investments in Aboriginal businesses and employment through LXRA's program of works has resulted in the removal of 26 level crossings with 316 617 Aboriginal employment hours, along with a $31.5 million investment in Aboriginal businesses and social enterprises. In addition, 155 people from marginalised and disadvantaged backgrounds, including those from refugee and asylum backgrounds (33.1 per cent), Aboriginal backgrounds (5.6 per cent) and people with disability (2.8 per cent) had completed the GROW program, with 23 securing employment outcomes as a result. This includes 37 retrenched auto workers in the TRANSIT program.

For further information regarding the use of JVEN in other sectors of Victoria's infrastructure programs, I refer to you to my colleague, the Minister for Employment.

Nursery equipment program

Raised with: **Minister for Health**
Raised by: **Ms Fitzherbert**
Raised on: **8 August 2018**

REPLY:

The Nursery equipment program is the portfolio responsibility of the Minister for Early Childhood Education, Minister Jenny Mikakos MP.

Broadmeadows Primary School site

Raised with: **Minister for Planning**
Raised by: **Mr Ondarchie**
Raised on: **9 August 2018**

REPLY:

On 12 March 2018, I approved planning scheme Amendment C222 to the Hume Planning Scheme. The intent of the amendment was to rezone former Commonwealth land east of Blair Street, Broadmeadows (Lot 2 TP4812A) from Commonwealth Land Commercial 2 Zone and Road Zone-Category 2 to Public Park and Recreation Zone. The zoning map correctly showed the changes in the planning scheme.

This rezoning was necessary to help support the Victorian Government's commitment of $2 million to construct the Meadowlink Shared Trail. The project will construct a new shared walking and cycling path connecting the Merlynston Creek to Broadmeadows Railway Station.

The Department of Environment, Land, Water and Planning (DELWP) became aware of an administrative error in the amendment documentation shortly after gazettal in April 2018. The documentation incorrectly included reference to other nearby land owned by the Victorian Government west of Blair Street, Broadmeadows, including 2-16 Nicholas Street, Broadmeadows. DELWP officers have contacted the Broadmeadows Progress Association and Hume City Council to explain the error and apologised for the confusion.

On 14 June 2018, a corrigendum was gazetted which stated the amendment should read "The Amendment rezones land parcel Lot 2 TP4812A".

The land at 2-16 Nicholson Street, Broadmeadows is part of the Inclusionary Housing Pilot since February 2017, along with five other surplus government sites with potential for mixed housing types in Boronia, Parkville, Wodonga, Reservoir and Noble Park.

The pilot offers the opportunity to be part of a collaborative approach to providing additional housing for Victoria's growing population, including housing for the most vulnerable members of our community.

A minimum of 100 social housing dwellings and additional affordable housing homes will be provided across the sites.

On 8 August 2018 I released an expression of interest for the future development of the Broadmeadows site. The development of the site will include an area of 0.75 hectares for open space / parkland consistent with the open space requirements of the Development Plan Overlay-Schedule 30.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Wednesday, 5 September 2018

School-wide Positive Behaviour Support

Raised with: **Minister for Education**
Raised by: **Dr Carling-Jenkins**
Raised on: **26 July 2018**

REPLY:

I am informed as follows:

School-wide positive behaviour support (SWPBS) has been developed from evidence and data, demonstrating the most effective ways to prevent and respond to problem behaviour at school. Research has shown that SWPBS is successful in reducing problem behaviour, improving school culture, and increasing academic performance.

In August 2017, the Government committed to enhancing and extending the uptake of SWPBS with the establishment of a state-wide SWPBS team, which includes 17 coaches who will support schools to implement the framework.

To date, each area has now appointed a coach and with the establishment of our state-wide coordination team we will be able to monitor the progress and implementation of SWPBS to provide targeted support to schools to increase wellbeing, engagement and achievement and in turn reduce behaviours of concern.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Thursday, 6 September 2018

Berwick public housing tenants

Raised with: **Minister for Housing, Disability and Ageing**
Raised by: **Mrs Peulich**
Raised on: **26 July 2018**

REPLY:

I am advised that the Department of Health and Human Services has completed all requests for maintenance works that Mr and Ms Banks' have requested.

Mr and Ms Banks are aware that they can contact the department's Maintenance Call Centre to report any future maintenance concerns. The property will continue to be maintained in accordance with the department's responsibilities under the Residential Tenancies Act.

RTR-Planeta

Raised with: **Minister for Housing, Disability and Ageing**
Raised by: **Mr Davis**
Raised on: **27 July 2018**

REPLY:

The transmission of a Russian TV service, RTR-Planeta, has been available to many public housing residents in the Prahran and South Yarra areas since my colleague Minister Wynne as Minister for Housing introduced the service in the last Labor Government.

The service is provided by accessing a free satellite service, utilising specific centralised equipment, managed and installed by the Department of Health and Human Services. The equipment is fully maintained and is operational, and will remain so under the Andrews Labor Government, contrary to the baseless smears of an irrelevant opposition.

The ongoing provision of this service relies upon the source broadcaster maintaining its satellite service in its current configuration. As it is a free service, the department does not have any service agreement in place for access to the service.

There are occasional intermittent service issues as a result of the source broadcaster re-configuring the transmission of its satellite service. When any service interruption becomes known to the department, the equipment is reconfigured to re-establish transmission.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
Headings reflect the portfolio of the minister answering the question.

Tuesday, 4 September 2018

Ambulance services

10 191. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Ambulance Services): Regarding the thunderstorm asthma event across Victoria on 21 November 2016 —

(1) which of the Minister's advisors was first advised by Ambulance Victoria of the unfolding thunderstorm asthma event;

(2) at what time was that ministerial advisor advised by Ambulance Victoria of the unfolding thunderstorm asthma event;

(3) at what time was the Minister first informed of the thunderstorm asthma event; and

(4) who first informed the Minister of the thunderstorm asthma event.

ANSWER:

I am informed that:

The events of 21 and 22 November 2016 are subject to an investigation by the Inspector General of Emergency Management.

This investigation is ongoing and a final report will be released later this year. The Government will consider the recommendations of that report.

A preliminary report was released on 1 February 2017 and it can be found at: https://www2.health.vic.gov.au/emeraencies/thunderstorm-asthma-event.

[*Question 10 191 reinstated by order of President on 2 May 2017. Hansard reference to original answer: 7 February 2017, page 359.*]

Finance

11 478. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Finance): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 478 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1890.*]

Industry and employment

11 479. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 479 reinstated by order of President on 21 February 2018. Hansard reference to original answer: 6 February 2018, page 316.*]

Major projects

11 482. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Major Projects): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 482 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1890.*]

Finance

11 500. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Finance): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 500 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1892.*]

Industry and employment

11 501. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 501 reinstated by order of President on 21 February 2018. Hansard reference to original answer: 6 February 2018, page 320.*]

Major projects

11 504. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Major Projects): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2017.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 504 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1892.*]

Finance

11 523. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Finance): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 523 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1893.*]

Industry and employment

11 524. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 524 reinstated by order of President on 21 February 2018. Hansard reference to original answer: 6 February 2018, page 323.*]

Major projects

11 527. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Major Projects): How many full time equivalent ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 527 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1894.*]

Finance

11 545. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Finance): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 545 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1895.*]

Industry and employment

11 546. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 546 reinstated by order of President on 21 February 2018. Hansard reference to original answer: 6 February 2018, page 326.*]

Major projects

11 549. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Major Projects): How many female ministerial staff (including those working on secondment from departments or agencies) were working within your ministerial office, as of 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 549 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1895.*]

Finance

11 567. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Finance): How many new employees commenced work within your ministerial office (including those working on secondment from departments or agencies) between 1 July 2015 and 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 567 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1897.*]

Industry and employment

11 568. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many new employees commenced work within your ministerial office (including those working on secondment from departments or agencies) between 1 July 2015 and 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 568 reinstated by order of President on 21 February 2018. Hansard reference to original answer: 6 February 2018, page 329.*]

Major projects

11 571. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Major Projects): How many new employees commenced work within your ministerial office (including those working on secondment from departments or agencies) between 1 July 2015 and 1 July 2016.

ANSWER:

Unlike the Liberals who did nothing but cut services for four years — we make no apology for employing the people we need to deliver the things that matter most to Victorians.

Whether it's building thousands of new and upgraded schools, better hospitals, road and rail projects, and removing 50 dangerous and congested level crossings — we're working hard to deliver for all Victorians.

I refer you to the updated response from the Premier.

[*Question 11 571 reinstated by order of President on 7 June 2018. Hansard reference to original answer: 8 May 2018, page 1897.*]

Health

12 566. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): In relation to the Heat health plan for Victoria —

(1) how many heat health alerts have been issued for each of the Victorian districts this summer; and

(2) which health services undertook a formal debrief following extreme heat on 18 and 19 January 2018.

ANSWER:

I am informed that:

A total of 46 heat health alerts were issued throughout the 2017-18 summer.

I am advised that no health services undertook a formal debrief as there were no significant impacts across the state due to the extreme heat conditions on 18 and 19 January 2018.

Public transport

12 689. **MS WOOLDRIDGE** — To ask the Minister for Agriculture (for the Minister for Public Transport): In relation to the media release 'More Trains, Less Level Crossings' of 29 April 2018, what were the four extra peak services introduced on the Hurstbridge rail line in 2017.

ANSWER:

There were two AM Peak extensions under the August 2017 timetable change.

The 8:23 a.m service from Heidelberg to Flinders Street was extended to start from Greensborough at 8:11 a.m, and the 8:15 a.m service from Greensborough to Flinders Street was extended to start from Eltham at 8:08 a.m.

The information from 29 April 2018 has been updated.

Industry and employment

12 723. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Industry and employment

12 724. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Industry and Employment): How many full time equivalent staff employed by the Department of Economic Development, Jobs, Transport and Resources worked within your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Public transport

12 727. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Public Transport): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 1 Spring Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Public transport

12 728. **MR RICH-PHILLIPS** — To ask the Minister for Agriculture (for the Minister for Public Transport): In relation to staff, employed by the Premier, working in your ministerial office located at 1 Spring Street, Melbourne, between 1 January 2018 and 1 June 2018, how many full time equivalent staff were employed by —

(1) the Department of Economic Development, Jobs, Transport and Resources; and

(2) Public Transport Victoria.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Energy, environment and climate change

12 735. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Energy, Environment and Climate Change): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Energy, environment and climate change

12 736. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Energy, Environment and Climate Change): How many full time equivalent staff employed by the Department of Environment, Land, Water and Planning worked within your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Water

12 740. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Water): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Water

12 741. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Minister for Water): How many full time equivalent staff employed by the Department of Environment, Land, Water and Planning worked within your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Aboriginal affairs

12 745. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Aboriginal Affairs): How many full time equivalent staff employed by the Department of Premier and Cabinet worked within your ministerial office located at 1 Spring Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Families and children

12 747. **MR RICH-PHILLIPS** — To ask the Minister for Families and Children: In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 50 Lonsdale Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that:

Ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Families and children

12 748. **MR RICH-PHILLIPS** — To ask the Minister for Families and Children: In relation to staff, working in your office located at 50 Lonsdale Street, Melbourne, between 1 January 2018 and 1 June 2018, how many full time equivalent staff were employed by —

(1) the Department of Health and Human Services;

(2) the Department of Justice and Regulation; and

(3) the Department of Education and Training.

ANSWER:

I am informed that:

Ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Tourism and major events

12 765. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Tourism and Major Events): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Tourism and major events

12 766. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Tourism and Major Events): How many full time equivalent staff employed by the Department of Economic Development, Jobs, Transport and Resources worked within your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Treasurer

12 814. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How much has the Department of Treasury and Finance spent on payments to staff members who are 'on suspension' during —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 817. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How many official complaints have employees of the Department of Treasury and Finance made against their employer during —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 820. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How much has the State Revenue Office spent on payments to staff members who are 'on suspension' during —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 822. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How many legal proceedings is the State Revenue Office currently involved in that relate to its current employees.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 823. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How many complaints have employees of the State Revenue Office made against their employer during —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 824. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How many complaints has the State Revenue Office received regarding alleged breaches of the privacy of its employees in —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Treasurer

12 825. **MR RICH-PHILLIPS** — To ask the Special Minister of State (for the Treasurer): How many complaints has the State Revenue Office received regarding alleged breaches of the privacy by the department in —

(1) 2016-17; and

(2) 2017-18.

ANSWER:

Details of department activity can be found in the Annual Report as required by the Financial Management Act 1994.

Corrections

12 826. **MR O'DONOHUE** — To ask the Minister for Corrections: In relation to presentation of prisoners to court —

(1) how many prisoners have not been presented to court by Corrections Victoria, in contravention of a court order in —

(a) 2016;

(b) 2017;

(c) from 1 January to 18 June 2018;

(2) what is the total cost to taxpayers for these failures to present prisoners to court in —

(a) 2016;

(b) 2017; and

(c) from 1 January to 18 June 2018.

ANSWER:

The number of prisoners not delivered to court in contravention of a court order in the 2013/14 financial year under former Minister for Corrections, Edward O'Donohue was 277. In 2016/17 was 319 and in 2017/18 it was 296 (as at 18 June 2018).

The cost of court orders made against Corrections Victoria for non-delivery of prisoners in contravention of a court order in the 2013/14 financial year under former Minister for Corrections, Edward O'Donohue was $276 846.58. In 2016/17 it was $280 991.64 and in 2017/18 it was $263 290.81 (as at 18 June 2018).

It is important to note that the 2013/14 financial year data does not include the months of July and August 2013.

This was at a time when the corrections system in Victoria was severely mismanaged by the previous Minister for Corrections, Edward O'Donohue.

A significant factor in the record costs ordered against Corrections Victoria was the Coalition Government's failure to manage Victoria's police cells. Mr O'Donohue presided over the highest number of prisoners in police cells due to his botched expansion of Victoria's prison system.

It is also important to note that there were far fewer prisoners in Victoria's Corrections system when police cell numbers reached their peak under Mr O'Donohue in 2013. Since 2013, Victoria's remand numbers have doubled and the sentenced prisoner population has grown by nearly 2000 people.

Public transport

12 833. **MS WOOLDRIDGE** — To ask the Minister for Agriculture (for the Minister for Public Transport): What are the 'planned maintenance works' due to be carried out on the historic trestle bridge in Eltham.

ANSWER:

I thank the Member for Eastern Metropolitan for her continued interest in the Andrews Labor Government's investments along the Hurstbridge line as we are building the infrastructure needed for long-term solutions for the northeast.

To ensure the historic trestle bridge continues to be structurally sound for trains to run safely, an independent engineering assessment was undertaken earlier this year. In response to the assessment, Metro Trains Melbourne replaced deck timbers and timber girders to address areas of deterioration on the bridge. These works subsequently allowed a temporary speed restriction that had been put in place to be lifted in July. Additional girder replacements and pier strengthening works are scheduled to be undertaken during further upcoming planned occupations.

In addition, I am pleased to advise that, under the new MR4 contractual arrangements for Melbourne's train and tram services which commenced on 30 November 2017, there will be a 37 per cent increase in maintenance and renewal investment. This vast increase in maintenance spending will continue to improve network infrastructure and service reliability across the network.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
Headings reflect the portfolio of the minister answering the question.

Wednesday, 5 September 2018

Police

12 742. **MR RICH-PHILLIPS** — To ask the Minister for Training and Skills (for the Minister for Police): How many full time equivalent staff employed by the Department of Justice and Regulation worked within your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Education

12 754. **MR RICH-PHILLIPS** — To ask the Minister for Training and Skills (for the Minister for Education): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 1 Treasury Place, East Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) How many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed as follows:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Education

12 755. **MR RICH-PHILLIPS** — To ask the Minister for Training and Skills (for the Minister for Education): In relation to staff, working in your ministerial office located at 1 Treasury Place, East Melbourne, between 1 January 2018 and 1 June 2018, how many full time equivalent staff were employed by —

(1) the Department of Education and Training; and

(2) the Department of Premier and Cabinet.

ANSWER:

I am informed as follows:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Veterans

12 767. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Veterans): How many full time equivalent staff employed by the Department of Premier and Cabinet worked within your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
Headings reflect the portfolio of the minister answering the question.

Thursday, 6 September 2018

Attorney-General

12 756. **MR RICH-PHILLIPS** — To ask the Minister for Training and Skills (for the Attorney-General): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and

(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Attorney-General

12 757. **MR RICH-PHILLIPS** — To ask the Minister for Training and Skills (for the Attorney-General): In relation to staff, working in your ministerial office located at 121 Exhibition Street, Melbourne, between 1 January 2018 and 1 June 2018, how many full time equivalent staff were employed by —

(1) the Department of Education and Training; and

(2) the Department of Justice and Regulation.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
Headings reflect the portfolio of the minister answering the question.

Friday, 7 September 2018

Health

10 989. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): What was the number of residents residing in postcode 3093 who were waiting for public dental appointments at 31 December 2015 and 31 December 2016.

ANSWER:

I am informed that:

The Andrews Labor Government is committed to improving the oral health of Victorians, and is investing $226.1 million in public dental services in 2017-18.

The Government signed the new National Partnership Agreement on Public Dental Services for Adults, which covers the period 1 January 2017 to 30 June 2019 to ensure that Victoria continues to receive this vital funding from the Commonwealth.

However, the Government remains disappointed that funding under this new Agreement represents a cut of approximately 30% on previous Commonwealth investment.

In Victoria, this is a loss of almost $30 million over two and a half years.

Had the Commonwealth maintained its previous level of investment, Victoria's dental health program would be able to treat approximately 20 000 additional disadvantaged people per annum.

In stark contrast to the Commonwealth Liberal Government, we have taken action to drive down dental waiting lists with a $12 million boost to fast track people with urgent needs to the front of the queue.

I encourage the community who will be affected by the Turnbull Government's cuts to contact their local Federal Liberal MP's to urgently restore funding to public dental.

Health

10 990. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): What was the number of residents residing in postcode 3094 who were waiting for public dental appointments at 31 December 2015 and 31 December 2016.

ANSWER:

I am informed that:

The Andrews Labor Government is committed to improving the oral health of Victorians, and is investing $226.1 million in public dental services in 2017-18.

The Government signed the new National Partnership Agreement on Public Dental Services for Adults, which covers the period 1 January 2017 to 30 June 2019 to ensure that Victoria continues to receive this vital funding from the Commonwealth.

However, the Government remains disappointed that funding under this new Agreement represents a reduction of approximately 30% on previous Commonwealth investment.

In Victoria, this is a loss of almost $30 million over two and a half years.

Had the Commonwealth maintained its previous level of investment, Victoria's dental health program would be able to treat approximately 20 000 additional disadvantaged people per annum.

In stark contrast to the Commonwealth Liberal Government, we have taken action to drive down dental waiting lists with a $12 million boost to fast track people with urgent needs to the front of the queue.

I encourage the community who will be affected by the Turnbull Government's cuts to contact their local Federal Liberal MP's to urgently restore funding to public dental.

Health

10 991. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): What was the number of residents residing in postcode 3095 who were waiting for public dental appointments at 31 December 2015 and 31 December 2016.

ANSWER:

I am informed that:

The Andrews Labor Government is committed to improving the oral health of Victorians, and is investing $226.1 million in public dental services in 2017-18.

The Government signed the new National Partnership Agreement on Public Dental Services for Adults, which covers the period 1 January 2017 to 30 June 2019 to ensure that Victoria continues to receive this vital funding from the Commonwealth.

However, the Government remains disappointed that funding under this new Agreement represents a reduction of approximately 30% on previous Commonwealth investment. This will mean less funding for these important services.

In Victoria, this is a loss of almost $30 million over two and a half years.

Had the Commonwealth maintained its previous level of investment, Victoria's dental health program would be able to treat approximately 20 000 additional disadvantaged people per annum.

In stark contrast to the Commonwealth Liberal Government, we have taken action to drive down dental waiting lists with a $12 million boost to fast track people with urgent needs to the front of the queue.

I encourage the community who will be affected by the Turnbull Government's cuts to contact their local Federal Liberal MP's to urgently restore funding to public dental.

Health

10 992. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): What was the number of residents residing in postcode 3088 who were waiting for public dental appointments at 31 December 2015 and 31 December 2016.

ANSWER:

I am informed that:

The Andrews Labor Government is committed to improving the oral health of Victorians, and is investing $226.1 million in public dental services in 2017-18.

The Government signed the new National Partnership Agreement on Public Dental Services for Adults, which covers the period 1 January 2017 to 30 June 2019 to ensure that Victoria continues to receive this vital funding from the Commonwealth.

However, the Government remains disappointed that funding under this new Agreement represents a reduction of approximately 30% on previous Commonwealth investment. This will mean less funding for these important services.

In Victoria, this is a loss of almost $30 million over two and a half years.

Had the Commonwealth maintained its previous level of investment, Victoria's dental health program would be able to treat approximately 20 000 additional disadvantaged people per annum.

In stark contrast to the Commonwealth Liberal Government, we have taken action to drive down dental waiting lists with a $12 million boost to fast track people with urgent needs to the front of the queue.

I encourage the community who will be affected by the Turnbull Government's cuts to contact their local Federal Liberal MP's to urgently restore funding to public dental.

Health

11 056. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): What was the number of residents residing in postcode 3095 who were waiting for public dental appointments in 2015 and 2016 at Healthy Bite Dental at Main Road, Eltham.

ANSWER:

I am informed that:

The Andrews Labor Government is committed to improving the oral health of Victorians, and is investing $226.1 million in public dental services in 2017-18.

The Government signed the new National Partnership Agreement on Public Dental Services for Adults, which covers the period 1 January 2017 to 30 June 2019 to ensure that Victoria continues to receive this vital funding from the Commonwealth.

However, the Government remains disappointed that funding under this new Agreement represents a reduction of approximately 30% on previous Commonwealth investment. This will mean less funding for these important services.

In Victoria, this is a loss of almost $30 million over two and a half years.

Had the Commonwealth maintained its previous level of investment, Victoria's dental health program would be able to treat approximately 20 000 additional disadvantaged people per annum.

In stark contrast to the Commonwealth Liberal Government, we have taken action to drive down dental waiting lists with a $12 million boost to fast track people with urgent needs to the front of the queue.

I encourage the community who will be affected by the Turnbull Government's cuts to contact their local Federal Liberal MP's to urgently restore funding to public dental.

Health

12 522. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): In relation to security personnel at hospitals with emergency departments —

(1) how many of the 123 full time equivalent security guards are now fully deployed in their roles;

(2) what de-escalation training will those security guards have undertaken before commencing their roles;

(3) what minimum qualification and training requirements will be required of those security guards.

ANSWER:

I am informed that:

The deployment of the 123 full time security guards, announced in October 2017, is underway.

Health services are expected to provide training for staff in accordance with the principles set out in the department's *Guide for violence and aggression training in Victorian health services*. The training principles are based on a tiered approach for different staff groups, including security staff. Core training includes knowledge of predisposing factors and triggers for aggression and violence, recognition of early signs of agitation, communication skills and de-escalation techniques.

Tourism and major events

12 572. **MS DUNN** — To ask the Minister for Trade and Investment (for the Minister for Tourism and Major Events): In relation to signing the development agreement with Apple Corporation for the proposed flagship retail store at Federation Square, prior to the signing what public consultations took place regarding the siting of the Apple store.

ANSWER:

The Victorian Government Architect, Jill Garner, and the original architect of Federation Square, Professor Don Bates, have been closely engaged throughout the design process of the Apple Flagship Store.

Since being publicly announced in December 2017 Apple has engaged with Melbourne City Council through several design workshops, and has subsequently refined the Flagship Store design.

All relevant design documentation has been made publicly available online.

Health

12 699. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): In relation to the four components of the $50.9 million boost for palliative care funding in the 2017-18 budget update, which are for —

(1) home based care;
(2) a 24 hour expert advice line;
(3) regional palliative care consultancy services; and
(4) grants for end of life auxiliary services

ANSWER:

I am informed that:

Base funding for Victorian palliative care services is $144.7 million for 2018-19, compared to just $116 million in 2014-15.

Details of the $62 million five year package were publicly announced on 16 November 2017.

Planning

12 763. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Planning): In relation to ministerial staff, employed by the Premier, working in your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018 —

(1) what was the number of full time equivalent employees and what were their specific job titles; and
(2) how many of these full time equivalent employees were female and what were their specific job titles.

ANSWER:

I am informed that ministerial staff are employed by the Premier. Information regarding staffing numbers would be best addressed to the Premier.

Planning

12 764. **MR RICH-PHILLIPS** — To ask the Minister for Trade and Investment (for the Minister for Planning): How many full time equivalent staff employed by the Department of Environment, Land, Water and Planning worked within your ministerial office located at 8 Nicholson Street, Melbourne, between 1 January 2018 and 1 June 2018.

ANSWER:

I am informed that numbers regarding departmental staff on secondment are not held by my office but their own relevant agency.

Health

12 828. **MS WOOLDRIDGE** — To ask the Minister for Families and Children (for the Minister for Health): In relation to the flying squad of specialists to be sent to hospitals to tackle bullying in 2018 —

(1) how many Victorian hospitals have been visited by the flying squad;

(2) which hospitals have been visited by the flying squad;

(3) when were these hospitals visited by the flying squad; and

(4) what have been the outcomes of the visits by the flying squad at each hospital.

ANSWER:

I am informed that:

The department has established a panel of independent experts, who specialise in human resources, industrial relations and organisational culture. These experts may be engaged by the department in response to identified concerns and health services may utilise the panel to undertake their own review and inform improvements in organisational culture.

In 2017 the department engaged an independent expert to visit three hospitals: Goulburn Valley Health, West Wimmera Health Service and Central Gippsland Health Service. In addition, a number of health services have also undertaken proactive reviews.

Victorian health services that have undertaken a review by an independent expert receive a report that outlines key findings and recommendations to their relevant boards. The reports cannot be released as they are completed under legal privilege to enable staff to honestly contribute without being identified.

In response to each of the departments commissioned independent expert reviews the health services have put in place action plans to address identified areas of concern. The department will continue to monitor progress post each review.

Energy, environment and climate change

12 831. **MS WOOLDRIDGE** — To ask the Special Minister of State (for the Minister for Energy, Environment and Climate Change): How many people in postcodes 3095, 3094 and 3088 have taken up the Government's $50 energy offer.

ANSWER:

It appears that your enquiry is about the Victorian Government's Power Saving Bonus Program, which provides a $50 incentive for Victorian households who use the Victorian Energy Compare website between 1 July and 31 December 2018.

I am unable to provide postcode specific data for the postcodes 3088, 3094 and 3095. The Honorable Member may also be interested to know that I am unable to provide postcode data for 3101, 3102, 3103 and 3104. However I can tell you that after the first two months of the program, there have been more than 420 000 visitors to the Victorian Energy Compare website. Of those 420 000 visitors, nearly 40% have taken up the Power Saving Bonus offer and submitted a claim for their household's $50 payment.

Seven out of ten people can save money by using the Victorian Energy Compare website, with typical annual household savings of $330 on energy bills in the first year alone.

Education

12 870. **MS CROZIER** — To ask the Minister for Training and Skills (for the Minister for Education): In relation to the Department of Education and Training's Program, how many young people have participated in each of the following areas —

(1) Mallee;
(2) Central Highlands;
(3) Western Melbourne;
(4) Hume Moreland;
(5) Goulburn;
(6) Ovens Murray;
(7) Southern Melbourne; and
(8) Bayside Peninsula.

ANSWER:

I am informed as follows:

Your questions lacks sufficient detail for me to be able to furnish it with a response.

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