

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

Thursday, 10 March 2016

(Extract from book 3)

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HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources	The Hon. L. D’Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁴	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁵	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁶	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.
(*Council*): Ms Bath, Mr Purcell and Ms Symes.

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

Economic, Education, Jobs and Skills Committee — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.
(*Council*): Mr Bourman, Mr Elasmr and Mr Melhem.

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

Law Reform, Road and Community Safety Committee — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Mr Eideh and Ms Patten.

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

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

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Thursday, 10 March 2016

PETITIONS

The SPEAKER (Hon. Telmo Languiller) took the chair at 9.33 a.m. and read the prayer.

Following petitions presented to house:

JOINT SITTING OF PARLIAMENT

**Senate vacancy
Victorian Health Promotion Foundation
Victorian Responsible Gambling Foundation**

The SPEAKER — Order! I report that yesterday this house met with the Legislative Council to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Michael Ronaldson and that James Paterson has been duly chosen to hold the vacant place.

I also report that the house met yesterday with the Legislative Council to elect three members to the board of the Victorian Health Promotion Foundation and that Ms Colleen Hartland, MLC; the Honourable Wendy Lovell, MLC; and Ms Natalie Suleyman, MP, were elected. In the same sitting Ms Maree Edwards, MP; Mr Tim McCurdy, MP; and Mr Graham Watt, MP, were elected to the board of the Victorian Responsible Gambling Foundation.

Mr Wakeling — I am raising a point of order, Speaker, regarding the operation of sessional order 7, ministers statements, particularly around new initiatives, projects and achievements. Yesterday the Minister for Education indicated that the action he was seeking to take related to writing to the federal government.

Honourable members interjecting.

The SPEAKER — Order! I ask the member to come to the point of order.

Mr Wakeling — Speaker, I draw your attention to a ruling you made. On 15 September the Minister for Industry indicated that her action was going to be writing a letter to the federal government and during that proceeding you indicated that that was not an action that met the terms of the sessional orders. I just request that you provide some guidance to the house as to whether in fact writing a letter to the federal government does constitute a new initiative, project or achievement.

The SPEAKER — Order! The Chair will review that matter and will report at a later stage.

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

By Mr WATT (Burwood) (11 signatures).

Gardiners Creek Reserve, Burwood

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the current state government has granted Deakin University committee of management rights over Crown land in the Gardiners Creek Reserve, Burwood. The purpose of this grant is to allow the university to erect a high-level bridge across the parkland. This has created an actual, and perceived, conflict of interest as Deakin University has had a continuing desire to develop the very same land between its campuses, despite sustained community opposition.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the minister for the environment to return the committee of management of the Crown land in question to the City of Whitehorse.

By Mr WATT (Burwood) (421 signatures).

Protective services officers

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the Andrews Labor government has failed to provide protective services officers at all stations along the Alamein train line. This situation leads many of the travelling public to have concerns relating to safety along this line, especially during the night.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Police in the Andrews Labor government to place protective services officers on all train stations along the Alamein train line, from 6.00 p.m. until the last train.

By Mr WATT (Burwood) (221 signatures).

Residential planning zones

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Andrews Labor government's proposed changes to residential planning zones in their *Residential Zones State of Play* report, including applying mandatory multistorey development zones to all streets within 100 metres of any activity centre or commercial zone, and furthermore, applying that zone to the entire length of the street.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Planning in the Andrews Labor government to reject these recommendations.

By Mr WATT (Burwood) (92 signatures).

Bus route 782

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw to the attention of the house community support for bus route 782 to be extended from Crib Point to the Stony Point ferry terminal.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on Public Transport Victoria to ensure the community of French Island, Phillip Island and Mornington using the bus route 782 can end their journey at the Stony Point ferry terminal so they have the same access to public transport currently available to all other PTV bus users.

By Mr BURGESS (Hastings) (7 signatures).

Tabled.

Ordered that petition presented by honourable member for South-West Coast on 9 March be considered next day on motion of Ms BRITNELL (South-West Coast).

Ordered that petitions presented by honourable member for Burwood be considered next day on motion of Mr WATT (Burwood).

Ordered that petition presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

DOCUMENTS

Tabled by Clerk:

Subordinate Legislation Act 1994 — Documents under s 16B in relation to the *Victoria Racing Club Act 2006* — Victoria Racing Club Amendment Regulations 2016.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Reporting date

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That the resolution of the house of 17 September 2015 be amended to extend the final reporting date for the Environment, Natural Resources and Regional Development Committee's inquiry into the CFA training college at Fiskville to no later than 16 May 2016.

Motion agreed to.

MEMBERS STATEMENTS

Pakenham small business

Mr BURGESS (Hastings) — On 16 February I was pleased to visit a number of small businesses in the Pakenham area with the wonderful member for Bass. These small businesses form the very backbone of what our state is and build our state's resilience and strength, yet this government ignores them. I would like to thank the member for Bass for the opportunity to meet with these important small businesses.

Vietnam veterans

Mr BURGESS — On 21 February I was invited to Crib Point, with the Crib Point RSL, to participate in a Vietnam War veterans gravesite vigil for Colin Joseph Whiston, a soldier who died on active service in August 1966 during the Vietnam War. The Victorian branch of the Vietnam Veterans Association of Australia arranged for services and vigils to take place at 35 cemeteries across Victoria to provide veterans, families, young people and the community with the opportunity to commemorate and honour the 98 Vietnam veterans interred in Victoria who died on active service during the Vietnam War.

Tooradin law and order forum

Mr BURGESS — On 24 February I attended a coastal villages law and order community forum that was organised by the Tooradin and Coastal Villages Commerce Committee in response to the crime wave that is hitting Victoria. Present at the well-attended forum were two Cranbourne police officers who came along to provide local residents with strategies for making their homes safer. The forum was held to address concerns of locals about the lack of police resources and the dramatic increase in crime being

experienced throughout the community. Another forum is planned for Hastings, which is coming up shortly. While many issues were canvassed and strategies discussed, the information that was most disturbing to the people of the area was that while the City of Casey has got more people, it has got less police.

Cultural Diversity Week

Mr SCOTT (Minister for Multicultural Affairs) — Victorians will once again come together during Cultural Diversity Week to celebrate who we are — a proudly multicultural state with a vibrant diversity that has genuinely worked and which provides an example to the rest of the world. Now in its 14th year, Cultural Diversity Week will run from Saturday, 12 March, to Sunday, 20 March, to coincide with International Day for the Elimination of Racial Discrimination on 21 March. Coordinated by the Victorian Multicultural Commission, Cultural Diversity Week will be launched with the Premier's Gala Dinner on 12 March. 'Together we stand in harmony' is the overarching theme for this year's celebration, and I invite Victorians from all walks of life, including all members of this place, to unite and celebrate the wonderful diversity and unity of our state by taking part in the hundreds of events being planned by community organisations throughout the week.

Hundreds of community events will be run across the state during the week, with the support of the Victorian Multicultural Commission. The week will be launched this Saturday with the gala dinner and will be attended by over 1430 community representatives covering 33 cultures. The night will feature performances from 17 different cultural groups. One of the highlights of Cultural Diversity Week will be Victoria's Multicultural Festival, formerly known as Viva Victoria, which will be held on Sunday, 20 March, at Federation Square. This free family-friendly festival will feature live dance and music, international cuisine, free children's activities, roving performers and exhibitions. I urge all Victorians to participate in this wonderful week.

Wangaratta marathon and fun runs

Mr McCURDY (Ovens Valley) — Congratulations to the organisers, participants and volunteers of this year's Wangaratta marathon and fun runs held last month. Almost 2000 entrants competed in the event, from the marathon to the 2-kilometre primary school challenge. Now in its sixth year, the event's directors, Justin and Sharon Scholz, continue to successfully stage the event with a keen focus on participation, with the motto of the event being 'More people moving

more often'. This year more than 100 volunteers were on hand to help out in a variety of roles in order to ensure the event ran smoothly and that everyone enjoyed their participation.

Bright Lions Club

Mr McCURDY — The Bright Lions Club celebrates 40 years of service to the town this year, coinciding with Lions Clubs International's 100th year. I wish Bright Lions Club president Brian Kelly and all the members well as they prepare to mark the 40-year milestone in the coming weeks. The club had 26 members when it was first chartered in 1976 and continues to attract a regular membership numbering in the 30s. Some members have been involved for more than 20 years, serving the community, contributing to events and community organisations, assisting individuals and fundraising.

Boosey Creek Cheese

Mr McCURDY — Congratulations to the Cameron family from Boosey Creek Cheese. Their cheeses have now been introduced to 10 Woolworths supermarkets. Boosey Creek Cheese is a family company that started making cheese on their Cobram East dairy farm in 2007 and selling it at farmers markets. This is a fine example of a well-run small family business in regional Victoria clawing its way into the major supermarket chains.

Clean Up Australia Day

Mr McCURDY — Well done to those who volunteered to clean up rubbish in the Ovens Valley on Clean Up Australia Day on Sunday. In Yarrowonga people met at the Rotary pavilion at the showgrounds, with people encouraged to do something that was immediately beneficial to the town. In Cobram volunteers concentrated on beautifying the Murray River area stretching between the two bridges joining Cobram and Barooga.

Bellarine Agricultural Show

Ms NEVILLE (Minister for Environment, Climate Change and Water) — As always, the upcoming Labour Day weekend is a big one on the Bellarine — a weekend where there is plenty on offer for both locals and visitors alike. On Sunday I will once again have the pleasure of opening the Bellarine Agricultural Show. The show is an important regional event where not only the peninsula's farming history but also current and future agriculture initiatives are highlighted. It is also a great opportunity to celebrate our wine, our food and our aquaculture industry. The Bellarine show also

provides the opportunity for locals to display their wares, exhibit their livestock and show their horses and dogs. I take this opportunity to thank all those who will volunteer their time on the day, and I particularly acknowledge Janet McDonald, Graeme Brown, and Kerry and Rick Peacock, who work tirelessly each and every year to make the show the success it is.

Shell Road Reserve, Ocean Grove

Ms NEVILLE — Also coming up this weekend is the much-anticipated opening of the Shell Road Reserve sports pavilion. Over the last decade I have had the privilege of being part of building this new precinct from the pool and the soccer fields to the kindergarten and childcare facilities. We saved the secondary college, which is part of that precinct as well. Now the final puzzle piece of that is about to be opened on Sunday, and it has been a real pleasure to work with the range of sporting clubs that were part of that reserve's redevelopment.

A month ago Cr Jan Farrell and I announced our election commitment funding for the interchange benches and netting for the reserve, and on Sunday I will be delighted to be part of the opening with the Ocean Grove Football Netball Club, the Surfside Waves Soccer Club and the new Shell Road board of management.

Clean Up Australia Day

Mr WAKELING (Ferntree Gully) — On Sunday my daughter and I had the great pleasure to join representatives of the 8th Knox Scout Group and Friends of Blind Creek Billabong to participate in the annual Clean Up Australia Day event to help clean up the Blind Creek, and I pay tribute to the work that is being done by the friends group that does such a fantastic job along that section of Blind Creek.

Knox Hockey Club

Mr WAKELING — Last night I had the great pleasure to join members of the Knox Hockey Club and to recognise their young members who participated in the recent hockey program, and I congratulate the club and everyone on their active involvement.

Boronia RSL

Mr WAKELING — I recently had the pleasure to attend the annual general meeting of the Boronia RSL, a fantastic local organisation doing great work for our returned servicemen and a great community. I congratulate Rod Canobie, who has been re-elected as

president, and Carl Sorensen, who has again been re-elected as secretary.

St Luke's Primary School, Wantirna

Mr WAKELING — I had the pleasure of joining with principal Louise Mackay at St Luke's Primary School in Wantirna, a great local parish school. I had the pleasure to talk to the students about the role of government. The students were very inquisitive. It was a great opportunity to explain the three levels of government, and there were some fantastic questions. I congratulate the grade 5 and 6 teachers on their work in this important area.

Wantirna South Primary School and Waverley Christian College

Mr WAKELING — Recently I had the great pleasure to attend both Wantirna South Primary School and Waverley Christian College to participate in their leadership assemblies. I was there to recognise their incoming leaders. These are two great schools in Wantirna South, and I congratulate the student leaders and also their respective principals.

Sevil Francis

Mr CARROLL (Niddrie) — In this week as we celebrate International Women's Day I rise to congratulate Avondale Heights local Sevil Francis, who has made history recently by becoming the first female president of Avondale Heights Football Club — the first in the club's 50-year existence. Like many volunteers Sevil's first involvement with the club commenced as a committee member when her son, Mehmet, started playing with the under-14s in 2007. A true family affair, Sevil's husband, Richard, also volunteers his time as a timekeeper. Commenting on her rise to the presidency Sevil said to the *Moonee Valley Leader* on 8 March:

It's surreal to think that I am the president of the football club ...

It's (because of) the love for Avondale and Avondale Heights as a community, I wanted to give back ...

...

We're (women) not just going to run the canteen, we're not just going to wash the jumpers, we are going to make the decisions on what is best for the club ...

In this day and age, it may be archaic to say it, but we need to say 'We can make the decisions and we do as good a job as the men can do'.

Congratulations, Sevil. You have set a fine example for women to follow in your footsteps. Working alongside

secretary Lisa Riitano and vice-president Glen Graham, I wish you all the best for season 2016.

Moonee Valley Festival

Mr CARROLL — On Sunday, 28 February, I joined friends, family, colleagues, constituents and local businesses at the 39th annual Moonee Valley Festival. This fantastic community event, held in Queens Park, Moonee Ponds, is a celebration of art, culture, food and music, as well as providing a place for businesses, community groups and of course our local Labor representatives to meet residents. I was pleased to see strong turnouts from the Rotary Club of Keilor East, the Moonee Valley Legal Service and the Bully Zero Australia Foundation. I even had my photograph taken with the King, Elvis Presley. This event is a great example of community spirit, with individuals and families, young and old, from all walks of life taking part. I congratulate everyone involved in the 2016 Moonee Valley Festival, especially the City of Moonee Valley, the staff, the volunteers, the generous sponsors and of course the vibrant local community.

Geelong region rail services

Mr KATOS (South Barwon) — If the Andrews government is serious about improving rail services in southern Geelong, then it needs to get on with submitting to Infrastructure Australia a proposal for the duplication of track from South Geelong station to Waurn Ponds station. This is an important project for rail commuters and for Geelong's future growth. The federal member for Corangamite, Sarah Henderson, has certainly been championing this cause, but as this project will cost in excess of \$100 million, it must be submitted to Infrastructure Australia for the federal government to consider it.

This project would see the duplication of track between South Geelong and Waurn Ponds station as well as new platforms and associated infrastructure. The single track, with a tunnel, that runs between Ryrie Street and Little Myers Street is a limiting factor for the expansion of rail services for commuters south of the Barwon River. Duplicating the approximately 15 kilometres of track from South Geelong through Marshall station and then on to Waurn Ponds station would allow more trains to run in some of the fastest growing areas of Geelong. If this city-centric Labor government is really serious about improving and expanding rail services in regional Victoria and Geelong, then it must submit this project to Infrastructure Australia.

Jan Juc Surf Life Saving Club

Mr KATOS — Last Friday I had the privilege of having the Leader of the Opposition visit the Jan Juc Surf Life Saving Club. He was given a tour of the facility by committee member Naomi Madigan. The coalition committed \$1 million to the redevelopment of this club at the last election, but unfortunately Labor did not. The government needs to get on with funding this important project for the Torquay and Jan Juc communities.

Natak Vihar

Mr PERERA (Cranbourne) — Family violence is a common problem in all communities, irrespective of race, religion, education or geographical location. Dr Manjula O'Connor is a psychiatrist, and she observes a large number of South Asian family violence victims. She also sometimes sees women from migrant communities who are particularly vulnerable to the effects of violence and who face barriers when seeking help. They may have little English, have no family or friends nearby, be unaware of laws prohibiting family violence in Australia or worry that reporting violence will compromise their right to future residency. Also some come from societies where there are strong cultural prohibitions against separation and divorce. Some come from societies where they have no confidence in law enforcement officers doing the right thing. Among the perpetrators, some genuinely want to change their behaviour and do change, but others may simply be keen to appear reformed for upcoming court appearances.

In her role as the executive director of the Australasian Centre for Human Rights and Health, Dr O'Connor has designed a forum theatre project which will see people from Australia's South Asian community bring stories of family violence from their everyday lives to be turned into a drama script. The play will then be performed for the community in Melbourne and Sydney. This great initiative, called Natak Vihar, which means 'theatre space', was recently launched at the Victorian Parliament. The public is invited to explore the dynamics of South Asian families through Natak Vihar.

Melbourne electorate science prize

Ms SANDELL (Melbourne) — As a scientist, encouraging more scientists into politics is a real passion of mine. I was saddened to learn that of the 128 Victorian members of Parliament only 10 have some sort of scientific university education. That is less than 8 per cent of MPs with a university scientific

education. Science is about more than just knowing facts or loving David Attenborough. A scientific approach means forming a hypothesis and then actually using evidence, facts and data to support your conclusions. It is an approach we could do with a lot more of in this Parliament. That is why each year I offer prizes to female students in secondary schools in my electorate who have excelled in science.

Honourable members interjecting.

The SPEAKER — Order! Both sides of the house will allow the member to continue.

Ms SANDELL — Last year I was very pleased to present these prizes to three incredible women from University High School, St Aloysius College and Princes Hill Secondary College. Congratulations to these remarkable women and all students at these schools who study science. It is my hope that more women will go into scientific fields, where they are currently underrepresented. And it is my hope that more scientists, especially female scientists, will get involved in decision-making and public policy, because our governments, parliaments and society would be much richer, more sensible and better off for it.

Bosnian Festival

Ms KAIROUZ (Kororoit) — On Sunday I was delighted to attend the Bosnian Festival at the Australian Bosnian Islamic Centre in Deer Park. The festival is an important acknowledgement of Bosnian cultural heritage as well as a sharing of that culture with members of the broader community. As a country built on migration, Australia has opened its arms to ethnically, culturally and spiritually diverse peoples from across the globe. We are all richer through sharing these diverse cultures and faiths, and in particular the wonderfully vibrant Bosnian culture and traditions with origins dating back to ancient times.

This year's festival marked 36 years of service for the Australian Bosnian Islamic Centre and the 9th anniversary of the official opening of the Bosnian Islamic Deer Park Mosque. I would like to congratulate the Bosnian Islamic centre for its leadership over that period of providing a focal point for the Bosnian community and for its efforts in ensuring this festival gets better and better each year. The members of the Islamic centre make a large contribution to cultural diversity in Victoria. I wish to thank the Bosnian community for all its contributions over many years. Its efforts have assisted in making Victoria one of the most successful multicultural communities in the world.

Yarram Yarram Landcare Network

Mr D. O'BRIEN (Gippsland South) — I rise to support the wonderful work of our Landcare volunteers across the state. Last week I had an opportunity to have a briefing and tour with members of the Yarram Yarram Landcare Network, who showed me some of the work they are doing in the Jack and Albert rivers restoration project. The successful project has improved stream vegetation, planted thousands of trees and re-established wildlife corridors through farmland to neighbouring areas of forest. One thing that was impressed upon me was the importance of maintaining funding for all coordinators, without whom much of the volunteer work would be impossible.

Great Southern Rail Trail

Mr D. O'BRIEN — It was also a pleasure to attend the opening of the missing link in the Great Southern Rail Trail, which involves bridges over the Black Spur Creek between Koonawarra and Meeniyan. This \$1.9 million project, funded with \$1.3 million from the former coalition government, now ensures the continuous stretch of rail trail from Leongatha to Port Welshpool, bringing tourists and jobs to South Gippsland. I am proud to be from the party that funded this project.

Port of Melbourne lease

Mr D. O'BRIEN — I am also proud that it is The Nationals with our coalition colleagues that have ensured at least 10 per cent of the proceeds of the port of Melbourne lease will be returned to transport infrastructure in country Victoria. Did Labor members opposite stand up and demand a fair share for the country? No. Did the member for Macedon speak up in caucus and say, 'Hey, what about the country?', or the member for Buninyong or the member for Wendouree? Where were the members for Bendigo West and Yan Yean? The member for Melton has a lot to say about The Nationals and country Victoria. What about the Minister for Public Transport, the Minister for Environment, Climate Change and Water and the Minister for Sport? Did they or the Minister for Agriculture, Jaala Pulford, speak up in cabinet and say, 'Hey, country Victoria needs a slice of this'? No, they did not. It was The Nationals that stood up for country Victoria while Labor again toed its city-centric party line.

Heidelberg West bank closure

Mr CARBINES (Ivanhoe) — I am very disappointed that tomorrow the Heidelberg West

branch of the Commonwealth Bank of Australia, located at 8–10 The Mall, Heidelberg West, will close. I am very concerned that the closure of this branch will impact the long-term viability of The Mall and the livelihood of those many small businesses that rely on local residents to shop there when they visit the bank. I have also written, along with the federal member for Jagajaga, the Honourable Jenny Macklin, to the chief executive officer of the Commonwealth Bank, asking that they reverse this decision as a matter of urgency. The Commonwealth Bank recently recorded a half yearly profit of \$4.8 billion. Surely they can keep this branch at The Mall, Heidelberg West, open for our community.

There have been great efforts from people in the community to rally against this closure. On 23 February the *Heidelberg Leader* reported:

Centre manager Stavros Zikou said the branch closure was disappointing and a big loss for Heidelberg West.

‘From my observation, the bank is always very busy and I would be surprised if the 80-odd businesses in The Mall didn’t all use that branch’, he said. Mr Zikou said bank staff knew the community well and catered to all its needs.

Along with our federal member, Jenny Macklin, I am also concerned that West Heidelberg is home to many elderly pensioners and low-income families who do not have the ability to travel to banks in adjacent suburbs and do not have access to internet banking. I want to say a huge thankyou to all those people in The Mall and across West Heidelberg who are fighting to retain our Commonwealth Bank branch at The Mall. That fight will continue.

Gippsland rail services

Mr BLACKWOOD (Narracan) — Gippsland V/Line commuters will welcome the news that Gippsland V/Line services will almost return to normal by 21 March. This may solve the immediate problems the Gippsland line faces, but the longer term fix must be a third and fourth line from Pakenham to Caulfield. As long as Gippsland takes second place to the Metro trains from Pakenham to Southern Cross and return, Gippslanders will never get a reliable and timely service, especially during peak times. The level crossing removal program and the proposed sky rail must provide extra tracks for Gippsland trains.

Andrew Balfour

Mr BLACKWOOD — Andrew Balfour of Willow Grove was named this year’s Shire of Baw Baw Citizen of the Year. The award was very well deserved, given Andrew’s service to community over many years. As a

former captain and long-serving member of the local Country Fire Authority brigade, as a primary school council member, as a coach of junior sport, as a representative on numerous dairy industry committees, as a successful, hardworking dairy farmer and as a devoted family man, clearly there was no better choice for this year’s award than Andrew Balfour.

Kokoda awards

Mr BLACKWOOD — Congratulations to the 2016 George Collins Kokoda Award winners, Annaleise Henderson, Jacob Stuckey and Jarred Carrol. They were presented with their awards in my electorate office last week by George Collins, our 95-year-old veteran of the 2nd 14th Battalion, who turned 21 on the Kokoda Trail in 1942.

The award winners will now commence training and take on the challenge of Kokoda in July this year. Thanks to our sponsors who make this award possible each year and who have now funded this opportunity for 27 year 11 students from West Gippsland over the past nine years.

Brentwood Park Primary School

Ms GRALEY (Narre Warren South) — ‘The most effective way to do it is to do it’, said Amelia Earhart. Recently I had the great pleasure of presenting the new school leaders at Brentwood Park Primary School with their leadership badges. The new school captains, Will Smith and Caitlyn Foster, are well supported by the vice-captains, Ricky Prvul and Yuvarnika Ramesh. The new house captains for Casey are Emma Maslen and Jack Howell. The new house captains for Gardner are Alex Cox and Chloe Jones. The new house captains for Cardinia are Vincent Ferlauto and Sandavi Hewapathage, and the new house captains for Akuna are George Steere and Tyson Leys. Well done to everyone for taking on these important leadership roles.

Berwick Fields Primary School

Ms GRALEY — Berwick Fields Primary School will be celebrating its 10th birthday in a few weeks, and what a decade it has been. In 10 short years the school has grown from 140 students to well over 1000, yet each and every student has received the very best support, care and education from principal Stephen Wigney and his hardworking team.

Alefosio Laki

Ms GRALEY — Speaking of hardworking, how about Alefosio Laki from Hampton Park Secondary College? Alefosio, who suffers from cerebral palsy, has

been selected to represent Victoria in the 100-metre sprint and the discus at the national athletics championships. Good luck, Alefosio; we will be cheering for you. Thank you to Uniting Care Connections for providing much-needed financial support to ensure Alefosio can compete.

Dandelion Wishes charity gala

Ms GRALEY — I was delighted to recently attend the Dandelion Wishes charity gala to support the new Monash Children's hospital. This fantastic event was organised by two wonderful parents, Lincoln and Veronique Wulff. Two of their children spent a significant amount of time in the Monash Children's hospital neonatal intensive care units, and they have always wanted to do something to say thank you. Together they have raised almost \$200 000 for the new Monash Children's hospital.

All those mentioned have stepped up, taken on challenges, inspired others and cared for others, and their success is greatly appreciated by every one of us.

Sarah Tait

Mr T. SMITH (Kew) — It is with a heavy heart that I rise today to mourn the loss of Sarah Tait, a 33-year-old Olympic silver medallist and mother of two who passed away on 3 March, just last week. Sarah was a good friend of mine, as is her husband and as is her cousin David Crawshay. Sarah was an extraordinary lady. She represented Australia at three Olympic Games. She was the captain of the Australian rowing team in 2008 and 2012, winning an Olympic silver medal in London in 2012 and the World Championships in 2005 in the women's pair. I had the pleasure of serving on the Australian team with her in 2005 and 2006.

Sarah was diagnosed with cervical cancer in 2013 whilst her second child, Luca, was still in the womb. She is the only Australian rower to ever represent our country at an Olympics as a mum, and I am just so sad for her husband, Bill Tait, who is the head coach of the rowing program at the Victorian Institute of Sport, her two children, and the Outhwaite and Tait families, the Outhwaite family being based in Perth. Australian rowing has lost a terrific warrior and a lot of us have lost a very dear friend, and I extend my condolences to her family.

Warrandyte Bridge

Mr DONNELLAN (Minister for Roads and Road Safety) — I want to congratulate the Andrews

government for upgrading another important bridge, that being the Warrandyte Bridge in the member for Warrandyte's electorate. I want to congratulate those people who have worked very hard to deliver this exercise — that is, the Labor candidate for Warrandyte, Steve Kent, who made this his no. 1 priority during the last election and did a marvellous job, and also the member for Yan Yean, who understands the importance of providing extra capacity on this bridge for safety purposes.

I want to actually point out that the wombat for Warrandyte effectively failed comprehensively. He said this was his no. 1 priority and failed to deliver a brass razoo to get this bridge upgraded. He was very good at putting out letters congratulating himself and so forth for delivering this, but unfortunately he was not honest enough with the community to say it took the Andrews Labor government to deliver this vital piece of infrastructure. The work was done by the residents association, the member for Yan Yean and Steve Kent, who have worked on this for many years and raised this with me any times.

But I did note that the member for Warrandyte was very quick to get a letter out to congratulate himself for doing nothing, effectively. Then we also had Twitter. He said he had been 'butting heads' with the government — I guess that was against a brick wall, because he failed there. Then on his website he said, 'After two year' — not two years but two year. He needs to go back to school.

Great Ocean Road safety

Mr RIORDAN (Polwarth) — The sad deaths recently in the Coorimungle area of Chinese nationals who were driving back to Melbourne after a daylong trip along the Great Ocean Road to the Twelve Apostles again highlights a growing problem in the Polwarth district. With nearly 1.2 million overseas travellers making the journey along the Great Ocean Road every year, and with both state and federal governments investing heavily in the promotion of visiting these areas, keeping our roads safe is an increasing problem. My office has been inundated with concerns about small accidents, large accidents and near misses. If we plan to get anywhere near the zero road toll VicRoads is seeking, then urgent investment is required in road signage, road quality and understanding the complexities with a growing self-drive foreign driver tourism industry.

Lake Colac

Mr RIORDAN — On a happier note, I am pleased to report to the house that the Colac community came together recently to discuss the future of its near dry lake. Organised by locals Maddy Mahoney and Cr Chris Smith, nearly 200 people gathered to call for action. The community will be asking the government to direct the seven departmental areas that currently control the lake to work together with the community to help finalise a workable future for the lake. Lake Colac can no longer survive with seven masters, and the community is calling for one simplified management body. In late breaking news, while organising a lake clean-up last weekend, the largest known inland boat anchor was found in the drying mud. At over 2 metres tall it is a proud symbol of the lake.

Education funding

Mr STAIKOS (Bentleigh) — I am proud that the Andrews Labor government is making Victoria the education state. In last year's budget it invested \$730 million to rebuild, upgrade and maintain school buildings across the state. This included a record \$18.6 million to upgrade McKinnon Secondary College and Bentleigh Secondary College, as promised by Labor at the last election. Both projects are at the detailed design stage and will go to tender later in the year. We are rebuilding our TAFE system following the harsh cuts of the former government. Our TAFE Rescue Fund is delivering a new student hub for the Moorabbin campus of Holmesglen TAFE, ensuring that young people have the skills they need to get a job. We are giving opportunities to every child, supporting children with disabilities to attend mainstream schools by investing in the program for students with disabilities to meet growing demand and introducing the Inclusive Schools Fund.

We fully support the Gonski funding agreement. We hear a lot about Gonski. It is a much-needed school funding system that ensures every child gets a great education, regardless of their postcode, but Malcolm Turnbull has walked away from it. This means that schools in my electorate will miss out on up to \$8.9 million per year from 2019. This is funding that pays for important resources such as extra teachers in the classroom, personalised reading programs for kids falling behind, speech therapists and helping schools cover the cost of electronic devices for families that cannot afford them.

South-West Coast electorate youth support

Ms BRITNELL (South-West Coast) — I am pleased to be involved with Communities That Care and the Great South Coast Leadership Group, which invest in youth and developing leaders to help keep students engaged, with a regional aim to raise year 12 attainment and increase entry to tertiary study in our region. Having the option to study in the region at university level is critical. Another organisation supporting our youth is Standing Tall, which inducted former Premier Denis Napthine as its ambassador. I thank him for continuing to advocate for our youth.

Sungold Field Days

Ms BRITNELL — The dairy industry, our region's no. 1 export earner, was showcased at the Sungold Field Days.

South-West Coast electorate festivals

Ms BRITNELL — This weekend the world renowned folk festival celebrates 40 years and is bringing 15 000 extra people to Port Fairy. The Heywood Wood, Wine and Roses Festival is a fantastic event. The first Music in the Vines festival was held in Macarthur and organised by a small local committee. The organisers and volunteers who put these events together and showcase South-West Coast electorate to visitors deserve our praise and congratulations.

Wander Victoria program

Ms BRITNELL — Last week the Andrews government launched the Wander Victoria program to boost regional tourism, but this government has not provided the infrastructure for people to get there. Massive cuts to rural road funding and the scrapping of the country roads and bridges program has resulted in the disintegration of many roads.

Visitors travelling to our region have to dodge potholes along some of Victoria's most distressed roads, according to VicRoads' own data. Travelling by public transport is no better. Train travellers to the folk festival might not get a seat for the 3½ hour journey, and if they arrive on time, it will be a miracle. In Heywood a visitor had a lucky escape when a truck slammed into her car at an intersection in the middle of the town where locals have been lobbying for reduced speed signs. South-west Victoria is key to Victoria's regional tourism, attracting travellers on its world famous tourist roads. Without a commitment to roads and rail in Victoria, the city-centric government's regional Victoria campaign is a farce.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — The community that the Australian Security Intelligence Organisation identified as a terrorism recruitment hotspot, where unemployment under the convergence of coalition governments, state and federal, rose to equal the rate in Greece and youth unemployment topped 40 per cent, is the hardest hit by the Turnbull government's abandonment of needs-based education funding and has now been denied access to almost \$1 billion. After underwriting prosperity for generations with its muscle, sweat and manufacturing nous, Broadmeadows has been abandoned at its most vulnerable time. Such wilful blindness is cruel and dangerous, especially given today's headline in the *Age*, which states 'Violent gun acts highest since 2014', and given that Broadmeadows is the worst in this shooting wave.

Australia needs enlightened federalism, with the three tiers of government, business and civil society combining to deliver a long-term bipartisan commitment to address entrenched disadvantage. Therefore I offer an open invitation to the Prime Minister and the federal opposition leader to join such leaders at the next economic and cultural development summit in Broadmeadows, because this is a proud community whose innovation and strategy to deliver lifelong learning and enterprise is internationally acclaimed. We must break the pattern of political bias where Broadmeadows and other postcodes of disadvantage are abandoned by coalition governments, where they are denied funding or have funding redistributed in a reverse Robin Hood strategy. Such cynicism is perilous.

ROOMING HOUSE OPERATORS BILL 2015

Second reading

Debate resumed from 9 March; motion of Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Mr NORTHE (Morwell) — Continuing from my contribution yesterday, at the time I was raising some concerns that were expressed by the Registered Accommodation Association of Victoria. It has some concerns that the current disqualification criteria may force operators to walk away from their obligations. That would mean, of course, that tenants and residents would be impacted as well. They have also raised some concerns that the appeal rights that they have available to them are basically non-existent.

One of the other concerns that has been raised is the disqualification criteria that are set to be part of this bill, which talks about a number of offences across a range of acts, as I said in my earlier contribution. The concern is that we do not really know how many current operators might be impacted by that.

There have also been some concerns around the lease agreements that have been in place. I note that — without any consultation, of course — yesterday a number of amendments were circulated to probably address the majority of the concerns that had been put forward by the Registered Accommodation Association of Victoria. One would have to say that very clearly if proper consultation had been undertaken with that organisation prior to the legislation being drafted, the government would not have to move the amendments that it has proposed.

In closing, from a coalition point of view we are supportive of the licensing regime that is introduced with this legislation. However, we do have some concerns about the disqualification criteria, from the perspective not only of rooming house operators but also those tenants and residents who need that accommodation, particularly as in many cases those residents are the very, very vulnerable in our community.

Mr FOLEY (Minister for Housing, Disability and Ageing) — I rise in support of the Rooming House Operators Bill 2015 and the house amendments circulated. As the shadow spokesperson has indicated, if a little bit inaccurately in some of his contribution, this bill is very important for a wide range of people. It is particularly important for those people who depend on rooming houses as an affordable option — indeed, if not their preferred option — for safe and secure housing. It is important for those most vulnerable people at the bottom end of our housing market, who find themselves — sadly, all too regularly — in dangerous if not illegal rooming houses that all too often operate at the edge or beyond the legal bounds of the housing market.

It is an important bill for many good and legitimate rooming house operators, particularly those who are unfairly tarred with the brush of criminality and indeed greed because of the unscrupulous if not illegal end of operations that this bill seeks to address. It is an important bill for those people who have exploited rooming house tenants — ripped them off, abused them or intimidated these tenants through either indifference, neglect or, sadly, malicious intent. This bill seeks to put an end to their business model. It is an important bill for this Labor government because it represents the

unfinished business from the 2009–10 Rooming House Standards Taskforce. We promised to deliver on every one of the recommendations of that task force, and this bill, after a wasted four years, delivers that commitment.

This bill is particularly important to the memory of Christopher Giorgi and Leigh Sinclair. These two young people suffered a terrible death as a result of a fire in Brunswick in October 2006. Whilst their sad deaths were the subject of a coroner's inquest, there have in fact been a series of other deaths in rooming houses right across the state, both before and after. But it was these two young people who became the vehicle through which the coroner and the then Brumby government responded to the regulation of this sector. Their deaths were directly attributable to the appalling state of the property they were living in.

The coroner was scathing in his assessment of the standards and the governance involved, particularly the administration of this sector by the local council at the time. Whilst six years might well have been sadly too long a period between the report of the Rooming House Standards Taskforce and this final chapter in the implementation of recommendations, this bill really cannot come soon enough, particularly for the family of Christopher Giorgi and the campaign they have run to make sure that the death of their son is not unmarked in terms of regulatory response. So today it is with a heavy heart, certainly on their behalf, that we as a Parliament — I note from the opposition spokesperson, seemingly with its support — complete the unfinished business of regulating this sector.

The Brumby government initiated the first wave of reform around new minimum standards arising from that report and indeed went well beyond what the coroner recommended in terms of physical conditions for properties, the setting up of a register of properties and governance, both through Consumer Affairs Victoria and the building regulation powers of local councils. Whilst that process was underway at the change of government in 2010, despite what the shadow spokesperson might assert, the former government dragged its heels and indeed watered down the proposition so as to take this particular provision out of the arrangements as they applied at that time.

Whilst the now opposition, then government, might well have dropped the ball, it is the intention of this government to deliver on its election commitment of making sure this provision is acted on. It is not just in the interests of the entire housing market that we are dealing with this bill. We are dealing with a particularly vulnerable cohort of people from many walks of life,

and it is in their interests that we seek to introduce this provision.

This is not an ordinary industry. It is an industry that is based on addressing a market failure — a gap in the affordable housing market that, if not appropriately regulated, is too readily prone to abuse. Most people living in rooming houses are there because they have run out of alternative housing options. Regularly they come from being homeless or are on the verge of sleeping rough. They are more likely to have significant challenges beyond a simple lack of anywhere to live. Whether that is through poverty, whether it is through alcohol and drugs, whether it is through unemployment, whether it is through mental health challenges or whether sometimes it is simply through the bad luck of life dealing them particular challenges, many people find themselves in this sector unwittingly.

But indeed the market is also changing, as we see young people who cannot live at home, women and families who are escaping family violence, older people who are facing housing stress, those leaving the justice system and increasingly a growing market of overseas students all responding to the pressures of housing affordability in Melbourne in particular but also outside of Melbourne. Sometimes it is not an ideal mix. Usually it is not an ideal home, but a home it is, so we need to make sure that every aspect of the home environment is as safe, secure and supported as it can be. That is why an important package was put together in 2009–10 with the support of the entire sector to address issues around building regulations and minimum standards, and a register was an important part of that regulatory framework.

The same applies to the rooming house operators. You need to be a hands-on operator, given the people who seek to use your business as their home. That is why this particular test has been brought in. It is an appropriate test on operators and owners in the circumstances of this market as to what is needed. If you have been convicted of a serious crime, then there are concerns as to whether you are a legitimate operator in this sector. If indeed you are someone whose character suggests that you might subject your tenants to crime, abuse or manipulation, particularly vulnerable people, then this is not the sector that we want you in. We cannot take that chance. We cannot legitimately face up to the parents of the Christopher Giorgis and Leigh Sinclairs of the future, with their untimely deaths on our minds, and not act.

We need to take this action now because, despite the improvements on the physical and regulatory side following the 2009–10 task force, this important plank

of regulation remains to be done. We know that the pressures on the housing market are much greater than they were a decade ago or even when the original report was tabled in 2010. We know more people are suffering housing stress and more people are staying longer in the rental market. We know that there is more pressure on rents and there are reduced housing options for far too many people. We know that pressure is being created as more and more women flee from family violence and seek other options for accommodation. We know that the accommodation industry is a lot smarter in terms of using disruptive technologies such as Airbnb and other arrangements that need this kind of regulatory challenge put in place.

That is why we know that a fit and proper person test is the best way to prevent the potential for exploitation in the sector. That is why the Council to Homeless Persons, the Tenants Union of Victoria, the Victorian Council of Social Service and Justice Connect all support the government's position. They see many of the less dramatic cases than the sad deaths of Christopher Giorgi and Leigh Sinclair. They see examples every day of people who live in fear in their own homes because their houses are sometimes run by inappropriate people, indeed including criminals. We have worked closely with them to get this legislation right and, with the last amendments circulated today, to protect legitimate operators, to weed out the bad operators and to deliver a better quality of life to some of the people who need it.

This bill deserves to be supported, and indeed I wish the bill a speedy response and passage through this Parliament.

Ms VICTORIA (Bayswater) — I rise to speak on the Rooming House Operators Bill 2015, which seeks to introduce a licensing scheme for rooming house operators. When I was the Minister for Consumer Affairs in the Napthine government we started the preliminary work, if you like, on this, realising that there were some unscrupulous operators in the industry but also recognising that it certainly is an important industry when it comes to housing those who are in a predicament where they may not be able to afford a mortgage or private rental. Sometimes this is the only alternative between having a roof over their heads and ending up homeless on the street. There are some very good operators of course.

When we were in government, and Mary Wooldridge was the minister at the time, we introduced a whole lot of reforms around initiatives for safety within the houses. So it was everything from minimum standards of power points in rooms, cupboard space in kitchens,

locks on bathroom doors and all of those types of things — things that we take for granted as the common amenities you expect in a home that you are living in, regardless of whose home it is. All of that was put in place by our government. We dragged the industry, sometimes kicking and screaming, into a more tenable situation. Then, as I said, when I was the minister we looked at further ways that we could reform the industry and take it further. The licensing of operators had been talked about. At the time it was certainly one of the options. Consultation across the industry was beginning and a discussion paper was put out in 2015, if my memory serves me right.

The problem with what we have before the house now — apart from the fact that last night we were handed four pages of amendments, which to me says that the drafting was substandard at the very least, when there has been plenty of time to go through this — is that there has not been enough consultation with the rooming house operators. There are a lot of organisations out there that believe they are just all evil and horrible. I can honestly say that in the electorate of Bayswater we have some extremely good operators. I have met with some of them and appreciate the fact that they have come into my office, explained the situation and talked me through the bill, clause by clause. Some of the initiatives they think are fantastic. They certainly believe there should be a fit and proper person test to weed out those who are bringing the industry into disrepute. They believe that is a good start.

However, there are some areas of the bill that are not going to work, and I think we will be back in this house amending them further down the track. I will go to a couple of clauses in a minute, but I want to give an example of one of the ladies who came in who is a new rooming house operator. She said to me, 'Do you realise that if you take this bill verbatim, if an inspector comes in and I am not there — and they can come in between 9.00 a.m. and 5.00 p.m. without permission and without supervision — and if there are 10 residents, they can say there should be 10 dining chairs at a dining table. If a couple of the residents have decided to put posters up on their walls and have taken a chair from the dining table because they needed something to elevate themselves to put the Blu-Tack on the wall, and an inspection is done at that time and there are only eight chairs around that table, by the definition in the bill a person can have their licence taken away'. That is extreme, but you have to take the bill as it is written. In a very extreme situation that sort of thing can happen. If you look at that, it may not just be that it is the 10 people in the house who are affected.

I note that one of the amendments relates to a long-term rental agreement between an operator and a person living in a house. Their agreement can be broken if the operator loses their licence. The operator would have to give 120 days notice. Obviously there is an anomaly there. One of the amendments is that if you have, say, a 12-month agreement with the tenant but you have to throw them out after 120 days, where is the liability in all of that? To my way of thinking, one of the amendments put before the house is logical — that is, that the tenant can give 28 days notice once they have been served with the 120-day notice by the operator to vacate in the case that the person becomes unlicensed.

One of the things that the lady I am talking about, the operator, said to me was, ‘There is no sense of appeal on this. I don’t have the right to appeal if I am banned from having a licence’. It could have been something as simple as that. I am not saying this would ever happen, and certainly the people I worked with at Consumer Affairs Victoria and the inspectors in various portfolio areas, if you like, within that office were fantastic, but you just never know and we have to apply the letter of the law here. If, for example, somebody’s licence is taken away from them, you have to look at that and say, ‘All right. It is the 10 people in that house’. But what happens in circumstances where operators own more than one premise? What happens if they own three rooming houses that each have 10 people in them? That is 30 people who within 120 days will be potentially homeless unless they can find another person to come in and operate that rooming house. If they do not have a connection who is interested in rooming houses or a partner within the business or somebody who is interested in taking it over, those rooming houses will close.

As I said, I am fully in favour of some of the measures in the bill. There are certainly unscrupulous people who need to be brought to account and they need to be told that it is unacceptable to go around and treat people with disrespect. However, I think we have not got the balance right here. In my mind there are some major flaws with the bill, and I am sure when it gets to the upper house and goes into committee my colleagues will thrash those out.

I was going to go into some of the clauses, but I think it is more important that we talk about the intention, if you like, of the bill. As I said, the intention is good, but I think some of the actual execution of it is not quite right. Some of the things that people can have their licence cancelled for, or prevent them from being able to apply for a licence, are logical. So there are things like fraud and dishonesty, drug trafficking, sexual slavery or servitude, child pornography or violence and

the sorts of offences that call into question somebody’s character. Certainly those are good steps forward.

Perhaps for the advisers, one of the things I would like clarified in the upper house when the bill goes there is that under clause 17 one of the provisions is about where a person’s licence was cancelled in the preceding five years. It just says ‘licence’. We are not talking about a renewal; this is actually during the application for a licence. But it does not specify what sort of licence it is talking about. Is it their driving licence? I would think not. Again, that is one of the things that the government might need to put yet another amendment forward for.

There are some areas of concern. The Registered Accommodation Association of Victoria has flagged that consultation was far too brief, and certainly it had not seen what had been put before the house before the bill was second read, which disappoints the association greatly. It saw a lot of anomalies, a lot of things it thought were inappropriate and a lot of things it thought it could have had input into to make this far more workable. It sees the ramifications some of the things within the bill will have, both on itself and also on tenants. I am disappointed that the government has brought this in in this format without going to the peak body. The last thing I want to do is see more people applying to the office of housing when we already have an absolute crisis, and we know that we have because there are people in my office every week seeking accommodation assistance. So I think there are still some things that need to be worked out.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak on the Rooming House Operators Bill 2015. I actually want to firstly congratulate the Minister for Consumer Affairs, Gaming and Liquor Regulation for bringing this very important legislation into the Parliament. This is really about government intervention to ensure we protect our most disadvantaged and our most vulnerable. To be very frank, we had four years of inaction on the issue of rooming houses. I want to congratulate the parliamentary library, and I urge all opposition members to get a copy of the parliamentary library’s rooming house research brief, because they will see in that a time line beginning with very tragic circumstances in 2006 when there was a fire in Brunswick where residents, sadly, died. That led then to Peter White, a Victorian coroner, releasing his investigation shortly after and detailing the deaths of Leigh Sinclair and Christopher Giorgi.

I want to thank Minister Foley, the Minister for Housing, Disability and Ageing, whom I know was

integral during that preceding period. The coroner did note that Mr Maatouk testified that he was not aware of his statutory responsibilities under the building code, the Health (Prescribed Accommodation) Regulations 2001 or the Residential Tenancies Act 1997. That is the name of the gentleman who was running the rooming house. That was in 2008–09, and then essentially we have a blank space until Labor returned to office to implement this important legislation to ensure our rooming house sector, which is very much accommodation often for older, single men or people from disadvantaged backgrounds, gives people the assistance they need.

We also know that there has been incredible market growth in the housing sector and the rental market. Houses are very expensive. It is very difficult to get short-term cheaper accommodation, and Fairfax Media, I think, has done a lot of work in putting this issue on the agenda. The *Sunday Age* of 5 July featured a Farrah Tomazin article headed ‘Shonky rooming houses targeted’. The *Sunday Age* of 21 June 2015 ran an article headed ‘High-rise “slums”’ written by Aisha Dow, and Aisha Dow appears again on 29 June 2015 with an article headed ‘Council crackdown on illegal housing’.

When I worked in the Victorian Government Solicitor’s Office at the then Department of Justice back in the Brumby government’s time I got to do a little bit of work on rooming houses. In particular I got to work on doing some advice for the government of the time to ensure that our local councils at the local government level were key partners in the rooming house sector. If you wanted to operate a rooming house, it had to be registered. The owner had to be transparent, and the local council needed to have all the details of the rooming house.

For lawyers that are around, we all have to go through a fit and proper person test if we want to have our practising certificates, and we are introducing a fit and proper person test if you want to own and operate a rooming house. I think this is a fantastic reform that Minister Garrett is bringing in. It will go to the heart of making sure that the rooming house sector is very much governed but is also run and operated by people of a fit and proper nature. Also, it is very important that once you get your licence it is not transferable; it is not a licence that you can transfer. You must satisfy the requirements and the definition of a fit and proper person.

I just want to go to the heart of how the fit and proper person test is outlined in the legislation. A fit and proper person test within the meaning of the bill means

a person who does not meet any of the licence disqualification criteria, which are set out in clause 17 for new licences or clause 18 for licence renewals. The criteria, under clause 17(1)(a), include that the relevant person not be convicted or found guilty within the preceding 10 years of:

- (i) an offence involving fraud, dishonesty, drug cultivation or trafficking, sexual slavery or servitude, child pornography or violence that was punishable by a term of imprisonment of 3 months or more at the time of the conviction or finding of guilt or a sexual offence or an offence connected with sex work that was punishable by a term of imprisonment of 3 months or more at the time of the conviction ... or
- (ii) an offence that, if committed in Victoria, would constitute an offence referred to in subparagraph (i) ...

It is very important that this test, which has very wide support from stakeholders, actually follows the recommendations of the coroner, Mr White, in relation to the tragic circumstances back in 2006.

Consumer Affairs Victoria, for the work it has been doing with the Salvation Army, should be congratulated on bringing this important legislation through. As I said at the beginning of my contribution, it is really about ensuring that our most vulnerable Victorians, particularly people who might be single, homeless and not have much family, have the support they need.

I think it is very interesting that the parliamentary library briefing note highlights who often might be found to be in a rooming house. Historically rooming houses were common choices amongst men who had social disadvantage issues and sometimes mental health issues, and housing affordability was a key driver of the growth in rooming houses. We have seen a proliferation of student accommodation across Melbourne. Fairfax Media highlights the issue where apartments essentially are becoming rooming houses, with accommodation for rooming houses in Melbourne being advertised in Shanghai. Again, no-one knows who the operator is or how the rooming house is being conducted. The operator is certainly not passing the critical fit and proper person test that Minister Garrett is introducing with this reform.

I think that what we are passing today is very much a Labor Party reform. After four years of nothing being done, we are now bringing this reform in, and it delivers on our commitment at the election to introduce a fit and proper person test for operators of rooming houses. More importantly and more broadly it reinforces the Labor Party’s commitment to social justice and to safeguarding the needs of our most vulnerable. It is incredibly crucial and important that

people's accommodation rights are protected, and that is why these measures are going to pass this Parliament very shortly. This government is very much one of action, as is the minister. We have immediately commenced delivery on our promises, and the fit and proper person test for operators of rooming houses is one.

The member for Bayswater highlighted that she was very worried about appeal mechanisms if operators could not get a licence. I have got to say that from my reading of the legislation, if an application has been refused, it can be appealed. It is very open. If it has been refused by the Business Licensing Authority, you go to the Victorian Civil and Administrative Tribunal. If the member for Bayswater is worried about people not getting licences, there are appeal mechanisms available so that they can go through a natural justice course to get their licence. If you are a fit and proper person, you are working with your local council, you are transparent and you have got a good history, so you should have nothing to worry about. But it is very important that we do introduce this test, because it will be very timely and critical for this sector.

I have highlighted the previous government's inaction, but I think it is very important to say that following the election the Andrews Labor government really worked hard with our stakeholders. It is very important to note that the Tenants Union of Victoria has come out as a strong advocate for this rooming house legislation. The tenants union is fully aware that for too long a criminal element sometimes has been operating amongst our rooming house sector. With this legislation, if you are doing the right thing by your tenants, then you have got nothing to fear. This is really about making sure that we have the vital protections for our most vulnerable members in the community. I think that the minister and Consumer Affairs Victoria, working with key stakeholders, whether it be the Salvation Army or the Tenants Union of Victoria, are to be congratulated.

This is a reform that has been needed for too long. The introduction of a fit and proper person test for the operation of a rooming house is a reform that has waited too long, indeed since the coroner's recommendation all the way back in 2008–09. After four years of nothing being done on this issue, the Andrews Labor government, through Minister Garrett, is delivering on this important reform. It is going to go a long way to ensuring that our rooming house sector is brought up to speed, that rooming house operators cannot escape the law, that they be people of high repute and that they do the right thing by our most vulnerable Victorians. I commend the bill to the house.

Ms SANDELL (Melbourne) — I am pleased to speak on this bill. The Greens will be supporting this bill. We have spoken with many groups that work with tenants of rooming houses, and by all accounts it is a good bill that reflects a good round of consultation, so I want to congratulate the government on that.

Mr Pearson interjected.

Ms SANDELL — It sounds like the member for Essendon does not like it when the Greens congratulate the government. Perhaps he should be a little bit more humble and accept the congratulations.

As the Greens spokesperson for housing and the member for Melbourne, I take a very strong interest in rooming houses and also housing availability and affordability overall. More stringent standards and regulation and licensing in rooming houses has been sorely needed for decades, as has been mentioned by many previous speakers. Especially in the current environment, where private rents are so astronomically high and completely out of reach for some people, it has never been more important to address the substandard conditions that we see in so many rooming houses across the state. We support the focus of the bill on rooming house operators and on the efforts to improve their accountability for the conditions in the rooming houses that they run.

Rooming house operators have of course suffered penalties since March 2013 for non-compliance with the rooming house standards, but the big thing that was missing from those standards and that this bill seeks to address and I hope will address is the requirement that operators be fit and proper people to hold licences to operate rooming houses.

This bill, like the rooming house standards of 2013, is really a testament to the unwavering staying power of the people and organisations who have fought for this reform for many, many years. As we have heard, in 2006 there was the tragic and senseless loss of Christopher Giorgi and Leigh Sinclair, the young couple who died in a Brunswick rooming house that caught fire on the night of the AFL Grand Final. Soon after this senseless death, 40 organisations got together and launched the 'Call this a home?' campaign, which then prompted the Brumby government to put together a Rooming House Standards Taskforce. The 2013 standards came out of that task force, and it is difficult to see how this would have happened without the 'Call this a home?' campaign.

Likewise, this bill is the outcome of continued campaigning by groups, including the Tenants Union of

Victoria, Consumer Action Law Centre, the Housing for the Aged Action Group, the Council to Homeless Persons among many other groups, so I want to congratulate those groups. In collaboration with those and other groups, the Greens have been active for a long time in wanting better and more effective regulation of rooming house operators. I want to take this opportunity in particular to acknowledge Alison Clarke's effort as the mayor of the City of Yarra and in her other roles.

I also want to take a brief moment to talk about some of the broader issues surrounding this bill. Rooming houses exist because we do not have enough affordable housing in this state. I listened to the contributions from both the Labor and Liberal speakers, and both Labor and Liberal mentioned that rooming houses are an important industry for those who cannot afford a mortgage or private rental, but I would say we should not accept this. We should not just accept this as a fact and throw up our hands and say, 'There is nothing the government can do. We just have to accept that dodgy rooming houses are a necessary part of our housing mix'. They are not, they should not be and the government should not wash its hands of this.

Just because people cannot afford the escalating rents and prices in the private housing market, it does not mean that they should just be kicked to the kerb and left with substandard rooming houses as their only option. I just cannot just accept that that should be our only option. The government has a responsibility in the housing space, and we need to do better by people who cannot afford these astronomical rents and mortgages that we are seeing in the market at the moment.

In fact we are actually in a real housing crisis at the moment. The public housing waiting list in Victoria has over 32 000 applicants on it, so those are 32 000 people or families who are eligible for public housing and who have applied, let alone the thousands of people who are experiencing homelessness who have not applied for the waiting list. If you are on the general waiting list for public housing in this state, you can wait 20-plus years just to get the home. Victoria spends less per capita on public housing than every other state and territory in this country, and that is a pretty terrible situation that we find ourselves in, but there is something we can do about it.

It is virtually impossible to get into public housing. Most people in this state have given up thinking that they will ever get a public housing unit. But when they do get a public housing unit, a lot of tenants move into a public housing estate and find the conditions are quite atrocious and not at all what they expect and not at all

what they deserve. We are seeing huge maintenance backlogs, poor security and other problems that are regularly brought up with me by renters of public housing units, and I see people weekly who have problems with their public housing.

Inner Melbourne — my area and the neighbouring electorate of Richmond — has more public housing than any other place in the entire country. Many of my constituents, more than 1000, live in public housing. Many more are on the waiting lists, and frankly they are fed up with the situation. Yesterday I joined over 100 public housing tenants on the steps of Parliament in calling on Labor to do something about this appalling situation and to invest more in public housing, both in maintaining existing stock and in security but also in building more public housing. As we know, it is impossible to get a transfer because there are simply no new public housing places available.

Public housing tenants make up diverse and vibrant communities, and many of them have opened their arms to take me into their homes — and I am so grateful for that — but they are not being given a chance to improve their circumstances because the government will not, and has not, invested in public housing for decades. It is a problem created by successive governments. We probably expected that the Liberal government would not care so much about public housing tenants and would not care so much about public housing, but we did expect more from Labor. We expected that Labor would care more about public housing tenants, and we have not seen any commitment of money that will address the problem. I find that quite disappointing, and a lot of tenants are finding that quite disappointing because they did expect more from Labor in this area.

It is part of a broader ideological problem as well. I am quite worried that governments all around the country — and I became more worried about this when I heard the representations of state governments at the National Housing Conference in Perth last year — seem to see public housing as a drain on the budget rather than as the vital service that it actually is, just like public education or public health care or any other public service. The only way we are actually going to improve this situation is if government finally realises that doing something about public housing actually requires a commitment of money and actually steps up to the plate and invests that money. It is not just money down the drain or down a hole, as governments seem to think it is, but it is actually money that will lead to jobs in construction and maintenance industries, stimulating the economy and leading most importantly to better

social outcomes for people who are able to live close to where they work and live safe, happy, healthy lives.

That is good for society, and it is good for the economy, so I do not quite understand why the government will not step up and put a large amount of money into public housing. We can put large amounts of money into other public services like public transport, which is excellent, but we should be looking at public housing as a similar priority because housing is an absolute human right, and unless it puts money into it, I will not be able to take this government seriously on its commitment to social inclusion in this state.

We are also seeing housing affordability in the private market at absolute crisis levels. We have got young people in this country unable to buy their first home while our tax system actually incentivises people to buy their sixth or seventh investment property. A lot of that is affected by policy levers at a federal level, and I am pleased to see the federal Labor Party finally adopting the Greens policy of reducing negative gearing. It has been a long time coming, but congratulations. Good on you. However, there are a lot of levers at state level as well, particularly to do with the planning system.

At the moment our planning system does very little, if anything, to encourage affordable housing. Labor did promise a small trial of inclusionary zoning, but, as far as I am aware, we are yet to see any results from that, even though Labor is a third of the way through the government's first term. We have got a situation where, out of all the properties that were acquired as part of the east-west toll road, only 20 were given to social housing. Despite myself and the sector calling for all of them to be given to social housing, only 20 were given to social housing, and the rest were flogged off by the government. I do not think that is good enough.

We are also seeing laws brought in to further peel away the rights of renters, such as the laws that would enable renters to be evicted via email. This failure of the planning scheme and these new laws that the government is bringing in make me wonder: does the government care about affordable housing in Victoria, or is it just something that it is paying lip-service to? I would like to see the government put some action behind its words. If we really want to get people out of homelessness situations, if we actually want to give young people a leg up and a chance to buy their own home and have a society where people are safely housed so that they can live dignified, productive lives, we need to do something. We need to do everything in our power.

If we do not, this city of Melbourne is at risk of becoming completely unlivable.

The rooming house bill is good, the sector thinks so, and that is why we will be voting for it. Regarding the amendments, we have only just seen them — four pages of amendments at the last minute. I do not think that is very good practice for the government. We will need to look closely at those before the bill goes to the upper house, but in the meantime we will not be opposing it in this house.

Mr BROOKS (Bundoora) — It is a real honour to be able to join the debate on the Rooming House Operators Bill 2015. It is a very important bill that will help to ensure the safety of and better lives for many vulnerable Victorians and also people from other places — students who come to live here in Victoria and Melbourne in particular who are in some sense vulnerable because they are in a different country, sometimes without English, and through economic circumstances are forced into rooming houses. I will come to that in a moment.

It is always a little bit grating to get a lecture from the Greens about our values. They will never have to frame a budget in this place, so it is hard to listen to them pontificate about the performance particularly of this side of the house, which has a very strong track record in providing the sorts of services that vulnerable Victorians need. The important aspects of this bill, from listening to the debate on it so far, have widespread support from all sides of the chamber. A couple of voices have raised some concerns, and I will come to some of those concerns in a moment.

The thrust of the bill is that it introduces a licensing system for rooming house operators and it introduces a fit and proper person test. These are great reforms. They are reforms that were an election commitment of Labor when it was in opposition — the now Andrews Labor government. Importantly the bill introduces offences for those people who operate illegal rooming houses — that is, those who operate rooming houses without licences. This is an important reform because it sends a very clear message to rogue operators — people who would house people for profit in dodgy circumstances, in unsafe circumstances, in unhygienic circumstances. Their premises will be inspected, and if they continue to operate illegal rooming houses, they will face sanctions.

This is such an important area; it is such a critical area. We have heard examples mentioned today in debate, but we have seen examples reported in the media and through coronial inquests, unfortunately, where people

have lost their lives in fires and in dangerous circumstances because of shoddy rooming house operators. That is why this legislation is so important. It has taken the Andrews Labor government to introduce these strong reforms. We saw four years of inaction by those opposite, and it is great to now have a Labor government delivering protection to these people, the vulnerable people who are in these rooming houses.

The member for Bayswater in her contribution raised a really strange point. She raised the point that potentially a rooming house operator could be disqualified for not having enough kitchen chairs at the kitchen table. That is nonsense. I suggest that the member for Bayswater check the legislation, because what it in fact does is it provides for disqualification of rooming house operators based on the current disqualifications. That is things like health and safety, it is things like basic hygiene, it is things like having fire escapes and not breaching building regulations. These are very basic standards that all of us would expect of rooming house operators. None of us would want to live in those circumstances, and we should not allow people to house other people in those circumstances. I just want to place on record that the point raised by the member for Bayswater was just plain wrong.

It is also important to note that in other jurisdictions, places like New South Wales and Queensland, there are similar provisions to the ones we are introducing now. In New South Wales there is a boarding house register and there is a suitable person test. The New South Wales government has already gone down this path. It is the same in Queensland, where under the Residential Services (Accreditation) Act 2002 the government there requires boarding house operators to be registered, and that includes a character test and criminal history checks.

The argument that introducing a licensing system with a fit and proper person test is going to somehow lead to the closure of rooming houses and people being turfed out onto the streets is just wrong. We have seen these systems in operation in places like New South Wales and Queensland for some time, and they certainly have not led to the sort of proposition that was put by the member for Bayswater, which again is false.

A key issue I want to pick up on here is in relation to the reasons people find themselves in rooming houses. Those include of course homelessness, poverty and the sorts of issues — —

The ACTING SPEAKER (Mr Crisp) — Order! The time has come for me to interrupt government

business under sessional orders for questions without notice and ministers statements.

Business interrupted under sessional orders.

RULINGS BY THE CHAIR

Ministers statements

The SPEAKER — Order! Following the point of order raised by the member for Ferntree Gully this morning, I wish to clarify what constitutes a new government initiative in relation to sessional order 7. The member for Ferntree Gully indicated that I had ruled in September that writing a letter to the federal government was not a new state government initiative. That is not quite correct. On that occasion the Minister for Industry called on the federal government to do something. That in itself was not an initiative, and I upheld that point of order accordingly.

Yesterday the Minister for Education indicated that the education department had completed some new analysis. Based on that analysis the government's new initiative was to write to the federal government to explain the analysis and to request the federal government to address an issue depicted by the analysis. Although not clearly expressed by the minister at the time, I am comfortable that writing a letter to the federal government in these circumstances is a state government initiative for the purposes of sessional order 7.

However, I do point out that sessional order 7 requires ministers to advise the house of new government initiatives, projects and achievements. It would help the Chair and all members if ministers when making a statement begin by advising what the new initiative, project or achievement is that they are addressing.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Police resources

Mr CLARK (Box Hill) — My question is to the Acting Minister for Police. In April 2015 the Minister for Police declared that the government does not support the forcible closure of police stations against the wishes of local communities. Despite this promise, the Somerville police station is completely closed to the public, the Nunawading police station is now closed to the public and stations such as Minyip are effectively closed with no regular opening hours, so I ask the minister: is closing these police stations not just another

broken promise which this time is putting community safety at risk?

Mr SCOTT (Acting Minister for Police) — As members of the opposition would well know, but appear not to know, decisions about allocations of police resources, including the opening times of police stations and including those mentioned by the manager of opposition business, are matters for the Chief Commissioner of Police under section 10 of the Victoria Police Act 2013, legislation introduced by members opposite, so the answer to the question is no.

Supplementary question

Mr CLARK (Box Hill) — Given that there are now plans to close the Hastings police station at night, leaving the entire eastern side of the Mornington Peninsula without a single police station open to the public, will the minister reverse the government's broken promise and honour the commitment the Minister for Police made in April 2015 to stop closing police stations?

Mr SCOTT (Acting Minister for Police) — What a ludicrous situation that a former Attorney-General suggests that we breach section 10 of the Victoria Police Act, legislation introduced under him in the former government.

The SPEAKER — Order! The member for Warrandyte on a point of order in silence. The member for Warrandyte will refresh his mind before making the point of order on what constitutes a point of order.

Mr R. Smith — On a point of order, Speaker, it appears the acting minister is misleading the house. In an article it says the member for Bellarine last year would reinstate operational police in Bellarine —

Honourable members interjecting.

The SPEAKER — Order! The member will resume his seat. In anticipation, the Chair was right. The Chair is beginning to get to know the member for Warrandyte so well, on reflection. The minister is in order. I ask him to continue.

Mr SCOTT — Of course this government will respect section 10 of the Victoria Police Act and such decision will be left to the chief commissioner.

Ministers statements: Murray River algal bloom

Mr ANDREWS (Premier) — I rise to update the house about the status of the algal bloom currently

affecting communities along part of the Murray River. The bloom, which commenced on 26 February, is continuing to spread down the Murray and now extends from Lake Hume to Koondrook, approximately 500 kilometres in length.

As honourable members and communities along the Murray know, blue-green algal blooms are natural events. They do happen from time to time, but they are a real concern to our government and to those affected communities, and it is very important that the community understands that the government will stand with them. Later on today the government will have a special meeting of the security and emergencies management committee of cabinet
to — —

Honourable members interjecting.

Mr ANDREWS — The record can reflect that those opposite think this is a laughing matter. This is a very serious matter, and those opposite are at best disinterested, at worst — —

Honourable members interjecting.

Mr ANDREWS — Well, they find fault with us updating the house on how we are going to support these communities. We will support these communities, while those opposite are doing what they do best — acting like children and nothing like an alternative government.

Provision has already been made by Grampians Wimmera Mallee Water and also Goulburn-Murray Water, where some 4000 of its customers can be — some have been and many others run the risk of being — impacted in the lower Murray water system. This is a very serious issue, and one we take seriously. The committee will meet and determine any further support that we can provide, but the message is a clear one, particularly on this coming long weekend. Those in Melbourne and those in other parts of regional Victoria should visit the Murray, a great region. You will be warmly welcomed and you will enjoy one of the truly great regions of our state. We stand with these communities, unlike those opposite.

Mr Walsh — On a point of order, Speaker, can I ask the Premier to withdraw his comments? I find those absolutely offensive — —

An honourable member interjected.

Mr Walsh — I wasn't laughing; I was watching and listening intently. As someone who represents those

communities, I find your comments absolutely offensive.

The SPEAKER — Order! The understanding of the Clerk and the Chair was that the Premier referred to members collectively. Therefore I do not uphold the point of order.

Police resources

Mr CLARK (Box Hill) — My question is again to the Acting Minister for Police. I refer to the government's refusal to recruit additional sworn police officers despite rising crime, and I ask: can the minister confirm that on Tuesday night for the first time ever the Springvale station had to close due to insufficient police staff and, on top of that, the Cranbourne police station also had to close for a substantial part of the same evening?

Mr SCOTT (Acting Minister for Police) — There are a couple of elements to the question. In terms of the details on the police stations, those of course are matters for the chief commissioner in terms of resource allocation, but I will check the information provided by the manager of opposition business and provide further information to the member.

In terms of the assertion that we have not provided extra police resources, including sworn officers, that is actually false. In terms of the assertion that extra police resources are not available on the front line, which is an inference that is often drawn by members opposite, the investments that this government has made, particularly the investment of 700 extra police personnel, includes custody officers, who will free up frontline police — they will free up police from the duties they have in caring for persons in police cells — and in addition there are sworn officers being recruited to deal with terrorism, which members opposite seem unaware of.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook! The Acting Minister for Police is entitled to silence. The opposition asked the question; the minister will continue to respond in silence.

Mr SCOTT — Of course in terms of these issues the opposition is well aware that we are investing extra resources, but you cannot wake up people who are only pretending to be asleep.

Supplementary question

Mr CLARK (Box Hill) — I again refer the minister to the government's refusal to recruit more police, and I

ask: can the minister confirm that the introduction of the two-up policy last year, coupled with the failure of the government to provide Victoria Police with the extra police numbers needed to make up for this, has seen the number of highway patrols virtually halved?

Mr SCOTT (Acting Minister for Police) — The question is the same, and the answer is essentially the same. Operational matters are matters for the chief commissioner. We provide resources to the police, and the chief commissioner makes determinations as to how they are allocated.

The SPEAKER — Order! Has the minister concluded his answer?

Mr SCOTT — Yes.

The SPEAKER — Order! The minister has concluded his answer.

Mr R. Smith — On a point of order, Speaker, if the minister has concluded his answer, then I would submit to you that he did not answer the question that was asked. The question was not about the allocation of resources; the question was about whether the minister could confirm — —

Honourable members interjecting.

The SPEAKER — Order! I remind members that there is standing order 125, which can attract money to a fund to be used for the obvious purposes. The Chair would not wish to use that. I ask members to cooperate, and, by the way, I welcome members on both sides who volunteer the names of their mates so I can use that for standing order 125. May I say there were quite a few offers! I will not reveal the names.

Mr R. Smith — Can we vote on that? I am not sure they would have the numbers on that one! The fact of the matter is — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte, in silence.

Mr R. Smith — Seriously! I submit to you, Speaker, that the question was not answered. The minister answered in the way of saying that the chief commissioner had responsibility for the allocation of police. In fact the question was about whether he could confirm that highway patrols were effectively cut in half.

The SPEAKER — Order! The Chair does not uphold the point of order.

Ministers statements: health funding

Ms HENNESSY (Minister for Health) — I rise to update the house on new initiatives the government has undertaken to protect the Victorian health system from savage cuts by the commonwealth government. Speaker, in light of your recent ruling, by way of summary, those initiatives include making representations to the federal health minister to reverse those cuts. We have arranged a meeting between the administrator and the Secretary of the Department of Health and Human Services to advocate on behalf of Victorian hospitals, and we have conducted an investigation into the impact of the cuts on Victorian patients.

The house would be aware that Malcolm Turnbull has attempted to claw back \$73 million from Victorian hospitals and Victorian patients — and to make it clear, this is money that has already been spent on patients that were treated, in some circumstances, up to two years ago.

As part of our investigation, the Royal Melbourne Hospital has told us that this will mean it losing \$5.1 million. It will mean it will have to cut the long wait elective surgery waiting list. That will impact 1000 Victorian patients that rely on its services. Monash Health has informed us that these federal government cuts will make it pay back \$9.9 million in terms of creating the black hole in the budget of Monash Health. That would force it to cut 3000 elective surgeries to fill that gap.

I understand that the federal Minister for Health is in town today and will be out at Monash today cutting the ribbon of a federally funded Labor project — and it is a good one. Malcolm Turnbull has promised us an agile government. Well, let me tell you, today is the day to get agile. The federal government could today announce to Monash Health that it will reverse those cuts and will not require it to pay back that \$9.9 million — and if it does not we will certainly be telling the Victorian people more about this in coming weeks.

Elevated rail proposal

Mr HODGETT (Croydon) — My question is to the Minister for Public Transport. Given her proposed sky rail for Caulfield to Dandenong is only for one track each way and she has today confirmed that future expansion will either go wider or higher, can she confirm that sky rail will need to be torn down and rebuilt as high as seven storeys to accommodate the

extra tracks that Public Transport Victoria says are required within the next 10 years?

Ms ALLAN (Minister for Public Transport) — I thank the shadow Minister for Public Transport for his question and for the opportunity to say no, I cannot confirm that nonsense proposition that he has just put to the house. What I can confirm to the house is that this Andrews Labor government is getting on with delivering the removal of nine level crossings — —

Honourable members interjecting.

The SPEAKER — Order! The minister, to continue through that Chair and be heard in silence.

Ms ALLAN — We know that those opposite do not like hearing this, but my goodness we are going to keep talking about it because it is absolutely vital.

Honourable members interjecting.

Ms ALLAN — We will get on with removing these nine dangerous congested level crossing where the boom gates are down for up to 80 to 90 minutes in every 2-hour peak period in the morning. — —

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook is warned — and today, it is the member for Gembrook.

Ms ALLAN — We are going to build five new stations along this corridor. We are going to order the trains that we need for this line, and let us remember that when we are talking about this Dandenong line, this of course is the foundation line — one of the parts of the foundation line — for the Melbourne Metro rail project. That is why this package of works — —

Mr Clark — On a point of order, Speaker, the question asked was a very specific one about aspects of the design of sky rail, including the height of it and the impact on neighbouring residents. If the minister does not want to go beyond saying no, then she should simply sit down, but the community are entitled to know the extent of the government's proposals and the impact on their neighbourhoods. I ask you to require the minister to either return to answering the question or to sit down.

Mr Pakula — On the point of order, Speaker, the manager of opposition business should have heard that the question from the member for Croydon was one where he asked the minister if she could confirm a bunch of assertions that he then made. She opened her

answer by saying, ‘No, I cannot confirm those ridiculous assertions’ and is now providing the house with additional context and information. But the question has essentially been answered, and in that case there is no point of order.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister, to continue.

Ms ALLAN — As a result of this program of works — and let us remember that this is a program of works those opposite could not even dream or think about doing, let alone get around to doing — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Members for Kew, Nepean and Wendouree

The SPEAKER — Order! The member for Kew and the member for Nepean will withdraw from this house for the period of 1 hour, as will the member for Wendouree.

Members for Kew, Nepean and Wendouree withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Elevated rail proposal

Questions and statements resumed.

Ms ALLAN (Minister for Public Transport) — This program of works will see an overall capacity increase of 42 per cent on Melbourne’s busiest rail corridor. That allows us to provide more services to increase passenger movements on this line by 42 per cent. We will not be deterred by the stomping and stamping of the feet of those opposite. We are going to deliver this vitally important project, and that is what Victorians voted for.

Supplementary question

Mr HODGETT (Croydon) — Given that sky rail has not been to cabinet, has not been seen by Infrastructure Victoria, has not been presented to Infrastructure Australia, was never canvassed with local residents before the election, was never brought to the minister’s own caucus and will cost over \$1 billion and is likely to have to be torn down and rebuilt in little more than a decade, why will the minister not show

some common sense, scrap this second-rate option and do the job properly, underground, as she originally proposed?

Ms ALLAN (Minister for Public Transport) — In answering the question, what is common sense is rejecting the approach of those opposite that would see, as a result of their approach, 8 kilometres of open trench through this corridor — 8 kilometres of open trench is their solution — and a rail line, Melbourne’s busiest rail line, would have to be shut down for seven months, which would require 2.3 million passenger movements to be transferred onto buses on local roads. That is the alternative that is being suggested by those opposite. It is a proposal that is not practical; it is not common sense.

We are pushing on with a proposal that is about getting rid of those nine level crossings and creating 11 MCGs worth of open space. Particularly in a community that has, in Glen Eira, the least amount of open space of any municipality in Melbourne, that is a positive outcome for that community.

Ministers statements: national disability insurance scheme

Mr FOLEY (Minister for Housing, Disability and Ageing) — I rise to advise the house of the Andrews government’s investigation of the full extent of and our response to the Turnbull government’s 11½ -hour stunt to seize control of the national disability insurance scheme (NDIS) at the expense of people with disability and their families. This was an attempt that was made clear at last Friday’s meeting of the Disability Reform Council. This should be seen for what it is: a repudiation of the Council of Australian Governments agreement of 2013 signed by the Napthine government and the 2015 bilateral agreement signed by Premier Andrews and Prime Minister Turnbull.

The national disability insurance scheme does not belong to the commonwealth government; it does not belong to any state or territory government. It belongs to people with disabilities and those who have campaigned for it for many years. We have seen in recent days the Prime Minister trying to back out of the very first commitment he made as Prime Minister — to sign the national disability agreement rollout and secure its rollout here in Victoria starting in three months.

At this last minute the Turnbull government is proposing changes to how the Medicare levy that is being levied on every working Australian will be allocated to the NDIS. He has sought changes to how the board of the NDIS will be appointed and that his

minister have control and direction of the activities of both the board and the national disability insurance scheme.

Victoria secured agreement to the rollout of the NDIS over the next three years. In January we finalised the detailed operational agreement as to how that will work. Victoria will increase its contribution to the national disability insurance scheme from \$1.3 billion to \$2.5 billion over the next three years. This is a nation-building opportunity, and the Prime Minister should be held accountable to his word.

Elevated rail proposal

Mr HODGETT (Croydon) — My question is to the Minister for Public Transport. Can she confirm that the government is secretly considering compulsorily acquiring private land — family homes — particularly around Carnegie and Murrumbeena to make sky rail twice the size of what she is telling people it is going to be?

Ms ALLAN (Minister for Public Transport) — No, again, I cannot confirm that proposition that has been put together by the Deputy Leader of the Opposition in his desperate attempt to have a campaign of opposition to this project. In recent days there has been a development in this Parliament where a Parliamentary Friends of Public Transport group has been formed. Sadly, Liberal Party members have not even bothered to join; they cannot even bother to join the Parliamentary Friends of Public Transport group.

Honourable members interjecting.

The SPEAKER — Order! The minister, to continue in silence.

Ms ALLAN — The crocodile tears of those opposite when it comes to public transport are badly exposed for what they are, and we will push on with delivering this and a suite of public transport projects across Melbourne.

Honourable members interjecting.

The SPEAKER — Order! Has the minister concluded her answer? The minister has concluded her answer.

Supplementary question

Mr HODGETT (Croydon) — My supplementary question is directed to the Minister for Public Transport. As a desperate minister in search of a positive headline who could not care less about

inflicting further misery on families and her own colleagues, why is the minister deceiving people about the true extent of the sky rail projects that she is planning across all Melbourne?

Ms ALLAN (Minister for Public Transport) — The Deputy Leader of the Opposition talked about deceit. The lovers of space rail over here talk to us about deceit. The deceit was perpetrated on the Dandenong line community by those who had a secret plan to privatise this rail corridor. They did not have a plan to remove nine level crossings and to build five new train stations. Their proposition, what they wanted to put on this rail corridor, was to remove only four level crossings and then pack off the whole line to a private operator, isolating it off from the rest of the network, which is clearly not in the best interests of running an integrated public transport system. That is the deceit from those opposite that we roundly reject.

Ministers statements: Melbourne Metro rail project

Ms ALLAN (Minister for Public Transport) — I am very pleased to provide new information to the house about action that the Andrews Labor government is taking to move on as quickly as possible with delivering the vital Melbourne Metro rail project. I am very pleased to advise the house that last week I travelled to Canberra and I had a great opportunity — —

Honourable members interjecting.

Ms ALLAN — It was a great day. I had the opportunity to travel to Canberra to meet with the new infrastructure minister, Darren Chester and with the federal minister for major projects, Paul Fletcher. This was a great opportunity to go through the details of the business case, which shows that we have got not a moment to lose with delivering this project.

It is a project that stacks up. It is a project that delivers \$1.10 for every \$1 that is invested, and we do not have a moment to waste. Given the \$4.5 billion that we are seeking from the commonwealth to be an equal partner in this project, this comes at a time when we of course receive only 9 per cent — 9 per cent of federal infrastructure funding comes to Victoria.

The Prime Minister has the opportunity to put his money where his selfies are. He runs around Melbourne jumping on trams, jumping on our public transport system, taking selfies along the way.

Honourable members interjecting.

Ms ALLAN — He says he loves public transport. Well, here is the opportunity to put his money towards this project.

Mr Pesutto interjected.

The SPEAKER — Order! I will not warn the member for Hawthorn again.

Ms ALLAN — Can I say I particularly appreciated — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Gembrook

The SPEAKER — Order! The member for Gembrook will leave the house for 1 hour.

Honourable member for Gembrook withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: Melbourne Metro rail project

Questions and statements resumed.

Ms ALLAN (Minister for Public Transport) — I particularly appreciated the productive and positive exchange I had with the new infrastructure minister — of course he is a Victorian — Darren Chester, who understood not only the need and the benefit of this project but also the jobs it would create for our state and our nation. We look forward to this ongoing dialogue, particularly with Minister Chester, as we get on with delivering this vital project.

Minister for Public Transport

Mr GUY (Leader of the Opposition) — My question is to the Minister for Public Transport. When the minister said there would be no train strikes, there were. When she said they would be no tram strike, there was. When she said she had consulted on sky rail, she had not. And now she is saying that Melburnians will not have any need to fear more union-led rail chaos. With the system facing that chaos yet again, why should Melburnians believe a thing the minister says, given her record of lies, deception and incompetence in her short time as transport minister?

Ms ALLAN (Minister for Public Transport) — I would like to thank the Leader of the Opposition. Certainly we will not be taking lessons on competence from those opposite. Can I remind the Leader of the Opposition that he promised a new rail line for Doncaster, and there is not one. He promised a new rail line for Rowville, and there is not one. He had a secret plan for a space rail. He promised a rail line to Mernda, and there was not one.

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, by way of relevance, I know the minister finds it hard to defend her own performance given it is so bad, but the question was about her performance and her failures, and maybe she needs to front up and answer for them.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister, to continue on the question asked by the opposition.

Ms ALLAN — It goes to major transport projects and what has been delivered. The Leader of the Opposition promised a rail link to Avalon Airport, and there is not one. They started to look at Melbourne Metro, then walked away from it and then promised a station at the casino with their Melbourne rail link project. When it comes to delivering — —

Honourable members interjecting.

Ms ALLAN — We will not, and I certainly personally will not, be taking lessons and instructions on competence from the failed former planning minister, who did not deliver one single kilometre of rail line in Melbourne during four years in government.

Supplementary question

Mr GUY (Leader of the Opposition) — The transport minister's record is one long list of dismal failures — train and tram strikes, the breakdown of V/Line, Metro and V/Line timetable chaos, the complete inaction on Uber and the secret plans for a mega sky rail. Can the minister confirm that her only successful achievement in the last 16 months has been to arrange for herself a private suite at the Bendigo railway station to avoid the travelling public, whom she is comprehensively failing?

The SPEAKER — Order! The minister will respond to a very broad question, if I may point that out. The minister will endeavour to be relevant and responsive to the question.

Ms ALLAN (Minister for Public Transport) — I will do my very best under your instruction, Speaker. Who would have thought that you would go to a train station to run away from the travelling public? I do not understand the logic that has been put forward by the Leader of the Opposition, and I am very —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition asked a question. The Leader of the Opposition will allow a response to be advanced to the house. The minister, to continue.

Ms ALLAN — I might have reflected on this yesterday. The office space that we are using at the V/Line office — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition is warned.

Ms ALLAN — Shush! You asked the question. Do you want the answer?

The SPEAKER — Order! The minister, to continue through the Chair.

Ms ALLAN — My office at the Bendigo railway station allows me to conduct my ministerial duties close to my family, close to passengers and close to the community I represent.

Honourable members interjecting.

The SPEAKER — Order! The member for Caulfield is warned!

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Caulfield

The SPEAKER — Order! The member for Caulfield will withdraw from the house for a period of 1 hour.

Honourable member for Caulfield withdrew from the chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Minister for Public Transport

Supplementary question

Questions and statements resumed.

Ms ALLAN (Minister for Public Transport) — They are three duties that I take very seriously and I am very proud to uphold.

Ministers statements: western distributor

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise to advise the house of a government project to deliver Australia's longest stretch of managed motorway through the Andrews Labor government's western distributor project, which will deliver a streamlined traffic system from Geelong all the way to Pakenham.

On Tuesday I announced that the Monash widening project would move to its next phase, with three highly experienced construction teams short-listed to complete the design and construction for this magnificent project. Consortium CPB Pty Ltd and BMD Constructions, Fulton Hogan and John Holland have been invited to tender, with the successful company to be appointed by midyear and construction to start soon thereafter. The Andrews government is getting on with delivering the infrastructure Victoria so badly needs after four years of neglect.

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte has been warned.

Mr DONNELLAN — My attention was recently drawn to comments from the federal member for Latrobe, Jason Wood. We know he has great difficulty with the English language, and he made some comments on the Monash upgrade. He claimed — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 7 which, as you have ruled on many occasions, is about informing the house of new government initiatives, projects and achievements. The minister is not complying with that requirement, and I ask you to instruct him to do so.

The SPEAKER — Order! I ask the minister to come back to making a ministers statement.

Mr DONNELLAN — This is related to the comments Jason Wood made that the federal government had somehow or other contributed funding to this project. Let me be very clear: he claimed the \$400 million project will be equally split-funded by the commonwealth government and the urban toll network.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will desist. The member for Hastings will stop providing advice to the Chair. I am afraid the member is seated to my left, and I continuously hear the member.

Mr R. Smith — On a point of order, Speaker, the minister is defying the ruling that you made just a moment ago. He is continuing to talk about the federal government and the member for Latrobe. You have already instructed him to come back to making a ministers statement. I ask that you do so again, and hopefully he will listen to you this time.

The SPEAKER — Order! The minister will continue on a ministers statement.

Mr DONNELLAN — Somehow or other Jason Wood thinks the commonwealth government has assisted in funding this Monash upgrade. That is just absolute rubbish, as we know. He said it was all smoke and mirrors; that must be his brain exploding, to be honest, because he does not know what he is talking about. The federal government — —

Mr R. Smith — On a point of order, Speaker, for a third time can you please ask the minister to come back to answering the question. To make reference to the fact that a member of the federal government's head might explode is frankly inappropriate in this chamber. I ask you to not only bring him back to making a statement, as you have previously asked him to do on two occasions, but also ask him perhaps to temper his comments about a federal representative.

The SPEAKER — Order! I uphold the point of order. I want the minister to continue making a ministers statement.

Mr DONNELLAN — Let me say to the house and to Jason Wood and to the member for Warrandyte that the Victorian government only receives 9 per cent of commonwealth infrastructure funding. To give some perspective, the New South Wales government gets 36 per cent. It is great to protect the federal member for Latrobe, but he should stand up for Victoria first and get on with the job.

The SPEAKER — Order! I had upheld the point of order. I request that the minister see me in my chambers.

CONSTITUENCY QUESTIONS

Ms McLeish — On a point of order, Speaker, I refer to the constituency question asked by the member for Eltham on Tuesday, 8 March, and I also refer to the constituency questions rulings at page 169 of *Rulings from the Chair*, which says that they should be about 'constituency issues and not encompass broader policy issues, which can be included in questions on notice'. I put it to you that the question asked by the member for Eltham does in fact breach your rulings, and I ask you to review that and rule it out of order.

The SPEAKER — Order! The Chair will take that on notice and review that.

Ms Ward — On the point of order, Speaker, as the good member knows, there are two Country Fire Authority (CFA) stations in the seat of Eltham and another one that services the seat of Eltham. She has CFA stations in her electorate, and I would have thought issues around the CFA would be very important to her.

The SPEAKER — Order! The Chair had ruled on that point. I will take into account the point made by the member for Eltham and will report at a later stage to the house.

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (Question 6979) My constituency question is for the Minister for Roads and Road Safety. In June 2015 it was reported that the Andrews government was canvassing the option of allowing Victorians to pay their car registration periodically. This is something that is of great concern to people in my community, and I have received representations from constituents with regard to this issue and their capacity to now pay their car registration on a periodic basis, be that quarterly, six monthly or yearly. Given the fact that my constituents have been raising this issue and that now the government has provided an expectation to Victorians that they will be able to pay their car registration on a periodic basis, my question to the minister is: can he explain to my constituents what steps they now need to follow in line with this to start paying their car registration on a periodic payment basis?

Yan Yean electorate

Ms GREEN (Yan Yean) — (Question 6980) My constituency question is to the Minister for Education, and I ask: how will the Andrews government’s investment in new schools, specifically the new Mernda Primary School and the Mernda Central P-12 school, help local sporting clubs such as the Mernda Dragons Rugby League Club and the Mernda Bulls Basketball Club in their efforts to secure the best possible grounds and facilities, including permanent headquarters, to enable the great clubs to grow participation in sport in the local community?

Morwell electorate

Mr NORTHE (Morwell) — (Question 6981) My constituency question is to the Minister for Roads and Road Safety. I was recently approached by Jim from Traralgon, who attended my office after being requested by VicRoads to pay \$17.40 for an appointment to register a golf cart trailer which staff did not even inspect.

Can the minister confirm if these charges imposed on Jim have been introduced by his government and, if so, when? Jim was advised by staff that these fees were only implemented recently, and his concerns are with the fact that motorists are now paying for appointments even without inspections taking place. In Jim’s case this is with respect to the registering of a golf cart trailer. The Andrews government has wasted \$1.1 billion to not build a road, it has reduced regional road maintenance funding and it has abolished the country roads and bridges program. On top of that it appears it is now slugging Gippsland motorists as well.

Cranbourne electorate

Mr PERERA (Cranbourne) — (Question 6982) My constituency question is to the Minister for Roads and Road Safety. I was pleased to see the Andrews government commit \$175 million to duplicate Thompsons Road between EastLink and Clyde Road. I am also pleased to note that the Andrews government has committed to removing the level crossing along Thompsons Road near Merinda Park station. These measures will dramatically reduce driving times, as well as enhance safety.

With these terrific traffic improvements and road safety in mind, I would like to bring the minister’s attention to the intersection of Thompsons Road and the Western Port Highway. Currently this intersection is a major bottleneck during peak times and certainly reduces the enormous benefits. Could the minister update the

residents of my electorate on the future possibility of installing an overpass at this intersection so motorists on Thompsons Road can travel over the Western Port Highway?

Eildon electorate

Ms McLEISH (Eildon) — (Question 6983) My question is directed to the Minister for Roads and Road Safety. I have been contacted by a number of constituents in my electorate concerned about having to pay their car registrations on an annual basis. They argue that a large payment is a huge impost and that their circumstances make this very difficult. One is a single mother, another an aged pensioner and another on a disability pension. It would be preferable for them if they were able to pay the registration in instalments, either quarterly or monthly. I ask the minister what progress the government has made in this regard and when my constituents can expect to make payments in instalments.

I note that in June of last year the Premier gave hope to many when he said the matter was being considered and that he backed the idea in principle. He also indicated that the government had been working on this for the best part of two years. It is nine months on, and still there has been no movement in this area.

Niddrie electorate

Mr CARROLL (Niddrie) — (Question 6984) My question is to the Minister for Public Transport, and I ask: how will the recently commenced geotechnical and survey works around the Buckley Street, Essendon, railway station impact my constituents and local community, and how will it inform the Level Crossing Removal Authority on the removal of the Buckley Street level crossing? This was a commitment made as part of the Andrews Labor government’s Project 10 000 prior to the 2014 election. I have been pleased to work with the member for Essendon to make sure that the Buckley Street level crossing is delivered and to update my constituents who live, work and commute around this area. A critical component of this is the removal of the Buckley Street level crossing.

Melbourne electorate

Ms SANDELL (Melbourne) — (Question 6985) My question is to the Premier. My electorate of Melbourne is home to many Oromo people, many of whom arrived as refugees from Ethiopia. The conflict and human rights abuses which caused them to flee for their lives are still ongoing in Ethiopia, with confirmed reports of over 100 Oromo protesters killed by security

forces at the start of this year and activists citing much higher numbers. Thousands of people have been arrested in recent years for peacefully protesting against the government's policy to evict Oromo farmers from their ancestral lands and the ongoing suppression of the Oromo language, history and culture. My question is: what is the government doing to support the Oromo people of Melbourne and Victoria, and will the Premier call on the Ethiopian government to respect their fundamental human rights?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (Question 6986) My question is to the Minister for Education and concerns the Andrews Labor government's commitment to build a Casey tech school. I ask: where will this much-needed tech school be located? Local residents, businesses, schools and the local council are very excited about the fantastic opportunities this unique and innovative centre of learning will provide. They are all seeking further information, particularly about where it will be located within our local community, and they are looking forward to it opening in 2018. All want to be involved as they can see the immense benefits it will provide to everyone, from students to their schools and also to local businesses and industry. The Casey tech school will provide students with the opportunity to use state-of-the-art technology and to discover new and innovative ways of working and learning — experiences beyond the normal classroom. So I excitedly ask: where will the Casey tech school be located?

South-West Coast electorate

Ms BRITNELL (South-West Coast) — (Question 6987) My question is to the Minister for Industry who is also the Minister for Energy and Resources. The minister will be aware that Portland Aluminium is crucial to jobs and the economy of south-western Victoria. The Andrews Labor government needs to demonstrate to the workers who rely on Portland Aluminium that it will live up to the promise to fight for the Portland jobs. The smelter employs more than 700 people directly and indirectly supports 2000 jobs, and it is the biggest single exporter in Victoria, making it an integral contributor to the Victorian economy.

On the evening of Wednesday, 23 March, there will be a community meeting with Alcoa, workers and residents to discuss the future of the smelter. Given the Premier promised Victorians that every job is worth fighting for, will the minister be attending this

important meeting on Wednesday, 23 March, to discuss the future of Portland Aluminium with the community?

Dandenong electorate

Ms WILLIAMS (Dandenong) — (Question 6988) My question is for the Minister for Education, and I ask: what has been the total amount of funding received by schools in the Dandenong electorate since the Andrews Labor government was elected? Well-resourced schools are vital to ensuring that today's students have the skills and knowledge to undertake the jobs of the future. It was astounding to hear earlier this week about the Turnbull government's decision to not fund years 5 and 6 of the Gonski agreement. This will cost Dandenong schools up to \$14.8 million each and every year. This will impact on important resources like extra teachers, personalised reading programs and the purchase of essential school equipment. Governments should be improving schools in Dandenong and investing in education, not mercilessly cutting funding. My constituents are keen to know the level of investment our local schools have enjoyed since November 2014.

Mr Watt — Speaker, my point of order relates to the questions from both the member for Cranbourne and the member for Niddrie. I refer you to page 170 of *Rulings from the Chair* dated December 2015, which states that constituency questions must not seek an action. It states:

The purpose of constituency questions is to seek information. It is not an opportunity to seek action of ministers ...

I further refer you to page 5, which states:

Asking for an update is an action.

It clearly states that:

Where a member asks for an update, that is considered to be asking for action and is permitted.

That is permitted as an adjournment item. Those members specifically asked for ministers to give them an update about issues, and therefore I put it to you that both of them are out of order and should not be accepted as constituency questions.

Mr Pearson — On the point of order, Speaker, I was listening to the member for Niddrie's contribution, and I think the member was seeking additional information from the Minister for Public Transport in relation to the removal of the Buckley Street level crossing, which would be admissible under sessional orders. I ask that the point of order in relation to that matter be ruled out of order.

The SPEAKER — Order! If there are no further points of order, the Chair will take this on notice, will have the matters reviewed and report to the house as soon as possible.

ROOMING HOUSE OPERATORS BILL 2015

Second reading

Debate resumed.

Mr BROOKS (Bundoora) — It is a pleasure to be able to continue my contribution on this important piece of legislation. As I was saying before the beginning of question time the most important part of this bill is the establishment of a licensing regime for rooming house operators to effectively ensure that there are appropriate standards for the operation of those rooming houses, to ensure that there are sanctions for people who run illegal rooming houses and to ensure that the standards that we would expect in a basic level of accommodation are provided to those people who are living in rooming houses or who need to seek housing in those places, who are often very vulnerable people.

There was a discussion before the break in the debate on the sorts of issues that people are facing around homelessness and poverty. These are issues that are not fixed by fixing rooming houses. If you like, rooming houses address the symptoms of homelessness and poverty, which are quite complex. They relate to a whole range of issues. I am very proud to be part of a government that understands the nature of this complex issue and that acknowledges that it does not have a quick fix but is working as hard as it possibly can to address these issues.

In the area of housing I clearly remember the savage cuts of billions of dollars from the federal-state housing agreement going right back to the Howard government. We saw recently the former Howard government celebrating in the Great Hall in Canberra. I think it is 20 years since the Howard government was in office. The fact that it was able to rip that much money out of public housing across the country and pat itself on the back I think is a great shame.

We understand that some of the issues impacting on homelessness and poverty are connected to family violence. It is great that the Minister for the Prevention of Family Violence is in the chamber today. We are doing some great work. We established the first Royal Commission into Family Violence and announced a range of initiatives to tackle family violence. The work that has been done in that space is really

groundbreaking. We understand the importance of tackling alcohol and substance abuse and the scourge of drugs like ice. Again, the government has taken swift action to try to combat the impact of ice on our community.

We also understand on this side of the house that the long-term solution to addressing the issue of poverty and homelessness is around education. We understand that a strong education system — an education system that is focused on need, where kids who need extra support get that support — is one that ensures that we do not have, or minimises as much as possible, poverty in our society, because we understand that the answer to that is education. We understand that TAFE provides an important avenue for people to ensure that they are able to retrain and that they are able to get the skills they need to get employment. Of course that is another way that is indirectly related to this bill. It shows that if we invest in education and TAFE and skills, we increase employment, give people opportunities and reduce the chances that they will end up needing to find a home.

We understand those issues. We understand the importance of aged care. We understand the importance of ensuring that people who are elderly do not find themselves in poverty or abused and seeking refuge in rooming houses. We understand the importance of investing in aged care. I was very pleased in my local community that we were able to, upon coming to government, stop the flogging off of two state-owned nursing homes in my electorate, one of them a specialised nursing home that provides care for people with severe psychogeriatric conditions — people who cannot really be looked after properly in standard nursing homes or aged-care facilities. It is a disgrace that the previous government was looking to sell off that particular nursing home and great that we were able to keep it in government hands and operating at a great level of service for those families who rely on it.

In closing I would like to acknowledge the work of both the Minister for Consumer Affairs, Gaming and Liquor Regulation, who brought this bill to this place, and also the Minister for Housing, Disability and Ageing, who led the government's task force on rooming houses in the previous Labor government. That is a report that informs the legislation that we have before us today. It set out the issues impacting on people in rooming houses. It is a shame that the previous government — the Napthine and Baillieu governments — did not act on the full gamut of the recommendations in that report, because there is no doubt that that led to people being housed in substandard accommodation. I am very proud to be part

of an Andrews Labor government that is taking action to improve the conditions of people living in rooming houses, to better protect them and to ensure that we do not see the sort of dodgy operations that have plagued this industry.

Mr CRISP (Mildura) — I rise to make a contribution on the Rooming House Operators Bill 2015. The purpose of the bill is to improve the operation of rooming houses by establishing a licensing scheme for rooming house operators to be administered by the Business Licensing Authority and monitored and enforced by the director of Consumer Affairs Victoria. The purpose is to foster professionalism and reduce exploitative and undesirable practices within the rooming house sector by establishing a licensing regime for rooming house operators; by ensuring that licences are only granted to persons who are fit and proper within the meaning of the act; by holding licensed rooming house operators to account for the conduct of persons involved in the management or operation of their rooming houses; and by protecting the rights of rooming house residents. It also has to make consequential amendments to various acts to make this work. There are amendments that have been tabled, and the shadow minister for consumer affairs, the member for Morwell, spoke on those amendments, particularly about their timeliness but also about how they manage an issue of longer term rental agreements and the 120-day rule.

This bill has background, of course. In 2006 two people died in a rooming house fire in Brunswick, and subsequently a coroner's report was undertaken. The government in 2009 initiated a Rooming House Standards Taskforce, chaired by the current Minister for Housing, Disability and Ageing, which produced 32 recommendations. The Labor government of the day was not able to implement any of those recommendations, and the final report of the task force did not refer to a licensing system. However, it was recommended by the coroner. The coalition introduced minimum standards for rooming houses and a rooming house register. Greater enforcement powers were also introduced. So our rooming houses have certainly had the attention of both parties in government over time.

There is general agreement, I think, that this is a much-needed initiative that has been brought forward. However, there are some people who have flagged a number of concerns, including the Registered Accommodation Association of Victoria. These refer mostly to consultation and the criteria for relevant disqualification provisions. The member for Bayswater during her presentation elaborated on some of the interpretations around those disqualification provisions,

and I think there are some concerns there that do actually warrant further consideration. The new enforcement powers for officers will allow searches in private homes without warrants. I think this is something there is sensitivity about, and I trust it will sort itself out.

Of interest particularly in the electorate of Mildura is the difference between rooming houses and backpacker hostels. Certainly we have a lot of backpacker hostels in the Mildura area that do service people who extend their visas by working in local horticultural industries to achieve their 88 days of working in either agriculture or fisheries in order to spend a second year. When you look at what a rooming house is, under the Residential Tenancies Act 1997 a rooming house is a building where one or more rooms are available for rent and the total number of people who may occupy these rooms is four or more. Certainly we cannot see a difference there between backpacker hostels and rooming houses. Also in most rooming houses, according to the information I am being referred to, which is *Running a better rooming house — A best practice handbook for operators*, third edition, the residents have shared access to bathrooms, kitchens, laundries and living areas, as they do in backpacker hostels; the owner and the family generally do not live on the premises, which is certainly the case with backpacker hostels; and different rental agreements are likely to exist for different residents. This is the only difference between a rooming house and a backpacker hostel, as most backpackers have a similar accommodation charge.

Currently there is an inquiry into insecure work in Victoria, known as the Forsyth inquiry, and that inquiry has also taken evidence on backpacker hostels and how they can be better managed. I see the relationship between insecure work and this rooming house legislation as very important. I think the licensing of rooming houses will be applicable to backpacker hostels. In my evidence to the inquiry I certainly did point out that I believe a licensing or registration of these premises is required. In similar ways, the processes to provide appropriate and better checks on those premises, which is also part of this legislation, is certainly well worth noting for backpacker hostels. There is a difference between rooming houses and backpacker hostels, so the question is, who would be the best person to undertake these inspections? The rooming house legislation refers to the people who can enter and undertake the enforcement powers of officers. This could have valuable lessons for how we may approach backpacker hostel legislation in the future.

Although this rooming house legislation was brought about by a tragic fire, over a long period of time certain

issues have arisen about the quality of accommodation among other issues. In making and continuing to draw the relationship between rooming houses and backpacker hostels, I would think that those issues also apply. For someone passing in the street, the difference between a backpacker hostel and a rooming house may sometimes be very hard to pick up, apart from perhaps the style of motor vehicle parked out front, which is very much a sign of a backpacker hostel.

This is a useful bill and another step on the way to improving conditions for our rooming houses. I look forward to this house dealing with the recommendations of the Forsyth inquiry on how we can better handle the sister accommodation to rooming houses, being backpacker hostels. Many people have had a lot to say about both backpacker hostels and rooming houses in my electorate. I was a little disappointed at how few came along to the Forsyth inquiry to give evidence; however, that does not diminish the issue. The lack of people coming forward to give evidence to assist that inquiry causes me concern.

With those words, as I said, I look forward to the recommendations of the Forsyth inquiry and to similar treatment of backpacker hostels, if that is recommended by Professor Forsyth, in legislation to ensure the safety of those people who are both in rooming houses and in backpacker hostels.

Mr McGuire (Broadmeadows) — Poor people are denied choice, and such vulnerability opens them up to abuse. The duty of government is to provide protection in the public interest. This bill introduces a fit and proper person test to redress such imbalances in rooming houses. The test is not onerous; it is responsible. The aim is to deliver safer decent accommodation, to foster professionalism and to reduce exploitation.

The bill is a consequence of a coronial inquest into the tragic and avoidable deaths of two young people in Melbourne's northern suburbs. Similar provisions have been introduced in New South Wales and Queensland. Arguments in this house against improving scrutiny of who should operate a rooming house have so far been spurious. Currently there is no law regulating who can and cannot operate a rooming house. Once this bill is enacted, in order to operate a rooming house legally in Victoria an individual or eligible corporate entity will need to apply for and be granted a licence to operate rooming houses as well as meet other existing legal recommendations. Only persons who are judged to be fit and proper persons within the meaning of this legislation will be eligible to be granted a licence.

So let us have a look at the proposition of the definition of a fit and proper person. The criteria include that the relevant person has not been convicted or found guilty within the preceding decade of an offence involving fraud, dishonesty, drug cultivation or trafficking, sexual slavery or servitude, child pornography or violence that was punishable by a term of imprisonment of three months or more at the time of the conviction or finding of guilt, or a sexual offence or an offence connected with sex work that was punishable by a term of imprisonment of three months or more at the time of the conviction or finding of guilt. These are hardly onerous. These are what you would think would be minimum requirements.

Importantly, a rooming house operator's licence is personal to the licensee and is not transferrable to any other person. A licensee must also notify the authority within 14 days if they meet one or more renewal disqualification criteria, hence ceasing to be a fit and proper person.

I thank the parliamentary library for the independent analysis it has provided. I think it gives good context to the core point that is being argued in this debate. I also want to acknowledge the Minister for Housing, Disability and Ageing for his contribution. He pointed out that this legislation is important to a range of different people, some of the most vulnerable who are at the bottom end of the housing market and who find themselves in dangerous illegal rooming houses that all too often have operated at the edge of the housing market.

This legislation is also important for many good and legitimate rooming house operators, particularly those who are unfairly tarred with the brush of criminality and greed of the unscrupulous and illegal operators. I think that is a valid and important point to emphasize as well — that is, we need to clean up the operators, have scrutiny, accountability and compliance. This legislation will change the view of how this sector works.

This is also an important bill for those people who have been exploited in rooming houses as tenants, where they have been ripped off, abused or intimidated through indifference, neglect or malicious intent, as the minister for housing put it. This bill seeks to smash that business model.

This is also an important bill for the Labor government. As the minister for housing put it, it represents unfinished business from the 2009–10 Rooming House Standards Taskforce, which he chaired, where the promise was made to deliver every recommendation,

and this bill fulfils that commitment. I want to acknowledge the persistence of the now minister for housing and his long commitment to trying to address these issues. As we know, it takes constancy of effort to get change, particularly to change the law, but I think this one is clearly in the public interest.

So what are the consequences that will occur?
According to a recent report in the *Herald Sun*:

Suspected city slums will be inspected without notice under a clampdown on rooming houses.

Rogue landlords will no longer be able to take advantage of Victoria's most vulnerable renters, who rely on the temporary accommodation to avoid sleeping in the streets.

Melbourne City Council is getting behind this and plans to set up a task force with Consumer Affairs Victoria, the Tenants Union of Victoria and the Council to Homeless Persons, which could result in civil lawsuits against landlords who fail to provide safe and decent housing. The plan would be to clean up properties and penalise offending owners.

This legislation provides the necessary scrutiny of who is a fit and proper person. It provides better opportunities for the most vulnerable so that they are not abused or taken advantage of or that incidents result in their sudden death, as we saw with the coronial inquiry I referred to. Then we have the Melbourne City Council also giving its response, saying that it is going to take up a compliance regime and look at what needs to be done.

This is a reform that was necessary, that has been adopted by other states as well, and that has been driven by the Andrews Labor government. I think it goes to the values and the credit of the government that this is the vision we are wanting to show the people of Victoria: that we are a big-picture government, that we will drive economic activity and that we will redevelop the face of Melbourne through transport. We will actually then provide the opportunities that will flow on right throughout the state. We are driving the education state. We are not cutting needs-based education, as we have seen the Turnbull federal government do. We are driving health reform and innovation that will make Melbourne the leader in Australia and take these propositions globally. This is the big picture, and then we are giving a hand up for those who are the most vulnerable. This is why Labor matters. This is why this bill is important, and I commend it to the house.

Mr WAKELING (Ferntree Gully) — I wish to rise to make a contribution to the debate on the Rooming House Operators Bill 2015, and I would like to place on record that the issues surrounding the operation of

rooming houses in this state are certainly very vexed — vexed for those who are regulating, vexed for those who own and vexed for those who live in those facilities. It is certainly a concern for all of us as legislators that we want our community, particularly those who are vulnerable and those who suffer from mental illness, to be able to live in a safe environment.

This is an issue that my community has been grappling with for many years. I have dealt with this issue both as a councillor and a member of this house, particularly in the suburb of Ferntree Gully with the operation of rooming house facilities. The community there is a great community, and there are many people who live in the area, particularly in rooming houses and the neighbouring supported residential service (SRS) facility, who are suffering from mental illness. It is clear that we need to be providing adequate support and help for those in our community who are suffering from a lack of not only housing opportunities available to them but also requisite support in terms of their mental health.

There has been an ongoing issue with respect to the number of people who live in rooming houses and the appropriate regulation of rooming houses that may have traditionally housed a certain number of residents and whether or not they would actually be deemed to be rooming houses for the purposes of regulation and fall under the requisite legislation. I would like to just say that it is imperative that we collectively do what we can to provide the necessary support. The challenge that we have as regulators is that if we seek to close rooming houses and if we seek to remove operators from rooming houses per se, then the net effect will be that a number of people who are vulnerable will in fact not have any accommodation. That is a challenging and vexed issue for everybody. That does not mean that rogue operators should be allowed to continue to operate without appropriate and adequate regulation.

I would just say that I know that there are many within our state who are vulnerable and who live in rooming house facilities. In fact if they did not live in rooming houses, many would not have accommodation. But having said that, there are people living in terrible facilities, paying significant funds given their incomes, and the quality of accommodation, the quality of access to facilities and the quality of access to safety are at a standard that Victorians would not deem to be appropriate in all of the circumstances.

Having said that, there are obviously rooming houses operating throughout the state where people live in them by choice for a whole range of reasons. Some might be students, some might be backpackers and

some might be using them as an opportunity for temporary accommodation, and the issues and concerns that I have just spoken about do not confront those people. Rooming houses operate for a whole range of reasons and for a whole range of purposes, so it is imperative that when we talk about this issue we are not talking about rooming houses as one block of housing stock. There are varying operators — there are not-for-profits, there are private operators — and there are clearly good and bad examples in all of them.

Having said that, I do understand the need for having appropriate regulation. I was fortunate when I was Minister for Higher Education and Skills to visit not necessarily a rooming house facility but a facility that was established in conjunction with Holmesglen TAFE in Mount Waverley which provided accommodation for those within the community who would normally not have access to accommodation and by default often would not have access to a higher education facility. In this case the accommodation provided an operating environment for a number of vulnerable, young people who could live in a safe environment and could study in a safe environment. They used that as a means by which they could gather education and then go on to not only gain meaningful employment but also obtain more appropriate accommodation from the private rental market.

Can I say that this is a challenge for all of us. It is a challenge to ensure that we have a rooming house system that provides for protection. But again it is a vexed issue because this system is accommodating, in many cases, the most vulnerable people in our state — people with complex needs — and it is imperative that the net effect of this does not see the removal of accommodation for people. We need to do what we can to work with the sector to provide a better outcome for all.

Ms THOMAS (Macedon) — I am proud to stand today to speak on the Rooming House Operators Bill 2015, because this is a bill that speaks directly to Labor values. It is the type of bill that only a Labor Party would deliver, because it is a bill that seeks to improve the lives of some of the most vulnerable people in our community, people who struggle to have their voices heard. If it were not for representation by the fine Labor Party MPs in this place, these issues would not get the hearing they deserve in this chamber.

This bill was part of an election commitment to introduce a fit and proper person test for rooming house operators. As I have said, it goes to the heart of this government's commitment to social justice and to safeguarding the needs of the most vulnerable people in

our community. It will be crucial in ensuring that people's accommodation rights are protected, and that is why we have introduced this bill.

As has often been said, this government is all about getting on with it. Upon taking office, Labor immediately commenced work on delivering on its promise and bringing this bill to the house. I too would like to acknowledge the parliamentary library for the terrific work it did in putting together the bill brief. I note that Australian Bureau of Statistics data indicates that overwhelmingly it is men who live in rooming houses — 75 per cent or so — and they are much older than the rest of the homeless population. Further, 46 per cent of the boarding house homeless population is aged 45 years and over, compared to 22 per cent of other homeless groups of that age.

We know that those living in rooming houses often have other issues to contend with, such as disability, mental health problems, drug and alcohol abuse and poor health. They are often vulnerable, socially excluded and economically disadvantaged. Due to the fear of being evicted, they are often reluctant to pursue issues with rooming house operators, and many have reported that they feel trapped by the lack of affordability of private rental accommodation and see rooming house living as their only option. We should be clear about this: for the majority of people rooming houses are a place of last resort. It is incumbent upon government to ensure that we make these places as safe as we possibly can.

What this bill does is establish a licensing scheme for rooming house operators so that only fit and proper persons will be eligible to be licensed or to have existing licences renewed. The bill provides that all operators, new and existing, will be required to demonstrate that they are a fit and proper person in order to obtain a licence. Applicants will not be granted a licence if they have been convicted of a serious crime in the past 10 years. This includes offences relating to violence, dishonesty or drug trafficking, or sexual or child pornography crimes. An applicant will also be refused if they have been bankrupt or insolvent in the past decade or if in the past five years a court has found they have breached rooming house laws.

The Business Licensing Authority will be responsible for issuing licenses to rooming house operators, and Consumer Affairs Victoria will regulate the enforcement of the new laws. It will be an offence to operate a rooming house without a licence. Any unlicensed operator will face harsh penalties of up to \$36 000 for individuals or \$180 000 for body corporates. This law will protect vulnerable tenants

from being exploited by rogue operators who use bullying or harassment tactics. It will also help to stamp out operators who try to charge excessive rent, overcrowd rooms or do not meet basic hygiene, safety or security standards.

We have heard some concerns from the opposition. In fact the previous speaker spoke about this being a vexed issue. I do not see this as a vexed issue at all. There is no excuse in a state such as ours for people to be charged rent to live in unsafe or squalid conditions — there is no excuse whatsoever. What we have seen and read in the media are stories about exorbitant rents being charged for accommodation that is absolutely substandard and that deliberately targets vulnerable groups in our community — as I said, that is those people who have to choose between sleeping on the streets or sleeping in a rooming house. This should not be a choice people are faced with. We need to ensure that rooming houses do provide a standard of accommodation that is safe and acceptable, and we need to ensure that we do not allow rogues into the market. There is no doubt that they are there, and this bill ensures that only fit and proper persons will be licensed to operate rooming houses.

In relation to this bill, almost without exception, the stakeholder response has been extremely positive. I did want to talk a little bit about comments that were made by the Council to Homeless Persons. When consultation with the Council to Homeless Persons was conducted, and this was reported in the *Age* on 21 February 2016, that organisation's chief executive officer, Jenny Smith, welcomed the push for new laws. She said that unscrupulous operators could close down one dodgy business and go straight on to opening the next. That is what can currently happen in our system. She went on to say:

Current legislation does not prevent this cycle of exploitation ... We know there are a number of operators with criminal backgrounds and histories of bad practice who are profiting from rooming house after rooming house without consequence.

Ms Smith detailed an example where in 2014 she came across three separate rooming houses with broken windows, doors without locks, dangerous wiring and rats. All three rooming houses were run by the same operators, who had bullied and harassed residents. Ms Smith was quoted as saying:

If this bill is passed, we will be able to prevent people like this from operating rooming houses in the first place ...

That is what this bill is about. It is part of the wideranging social justice agenda of this government to ensure that we put in place legislation, policies and

programs to lift up the most vulnerable people in our community so that they are afforded protection by the state.

As I said at the beginning, this is a bill that makes me proud to be part of the Andrews Labor government. We will never shy away from our values. We will stick to our values. You will see them expressed in all of the legislation that we bring before this house. We are determined to make social change. We know that a consequence of this bill is that some rooming houses will close. We do not shy away from that at all. There will be other operators who will fill the gaps and who will provide accommodation that is suitable for people to live in at an affordable price.

There has been a bit of scaremongering from members on the other side about excessive regulation. I note that yesterday, in an earlier contribution, the member for Ripon questioned whether or not regulation was needed in this area. If there is one area in which we do need to see greater regulation, it is in this area of rooming houses — accommodation provided for the most vulnerable people in our community, and we often see the exploitation of those people. It is time that this was stamped out, and I am so proud that this bill has been introduced. I commend the minister for her work and for her extensive consultations. It is a proud day to be a member of the Andrews Labor government. I commend the bill to the house.

Mr THOMPSON (Sandringham) — In contributing to the debate on the Rooming House Operators Bill 2015, I would just like to correct some earlier statements so that the parliamentary record is accurate. I note that in the parliamentary briefing on the bill, under the heading 'Timeline' it refers to a date of October 2008 when Christopher Giorgi and Leigh Sinclair died in a fire, which was caused by poorly maintained electrical wiring and started in the restaurant on the ground floor of a rooming house on Sydney Road, Brunswick. The house was a two-storey Victorian terrace, which was managed in a business that leased 60 to 70 homes, accommodating some 200 to 300 people.

I draw to the attention of the house a report in the *Herald Sun* newspaper of 30 September 2009 at page 9, in an article written by Gareth Trickey headed 'Dying couple scream', which notes:

Greed, ignorance and arrogance were to blame for the death of two people in a boarding house fire in 2006, the victims' families say.

Christopher Giorgi, 24, and his New Zealand girlfriend Leigh Sinclair, 25, were heard screaming before they died trying to

escape their burning Brunswick boarding house on 1 October 2006.

I make the point for the parliamentary record that the date of the tragic deaths of Christopher Giorgi and Leigh Sinclair occurred not in 2008, but in fact in 2006. Their lawyer was Tim Adams, who was representing the families, and the note was made by him in the context of the immediate relatives of the deceased that they felt that there were three words that might encapsulate what happened in this case: ignorance, arrogance and greed — and they certainly reflect the tragic circumstances at the time.

The purpose of the bill before the house is to foster professionalism and reduce exploitative and undesirable practices within the rooming house sector by establishing a licensing scheme for rooming house operators; by ensuring that licences are only granted to persons who are fit and proper within the meaning of the bill; by holding licensed rooming house operators to account for their conduct and the conduct of persons involved in the management and operation of their rooming houses; by protecting the rights of rooming house residents; and to make a number of consequential amendments.

In recent times I have had numbers of people in my electorate office who have raised concerns regarding access to affordable accommodation. A number of years ago the City of Bayside sought to realise housing accommodation that had been developed under a federal funding scheme with mayoral trust fund support, and in the Sandringham electorate there are at least three accommodation places that were developed with the support of community to provide affordable social housing for Sandringham residents. After a campaign which was supported by 19 former mayors, a decision was made not to realise certain properties, but they were passed on to Mecwacare, with a view to providing redevelopment of the site to bring it up into a contemporary facility.

Unfortunately, as part of that process, a number of people who were once residents at a premises in Sandringham Road, Sandringham, were unable to return as there was a difference in interpretation between what constituted affordable housing and what was social housing, and what proportion of a person's income was required to meet rental payments. A number of people had been long-term residents at a place which was proximate to public transport and local shops — a great area in fact that was the result of the prescient vision of a former Sandringham council that the then Sandringham council had been able to provide for local residents. I also note that the Mecwacare

accommodation has assisted some local residents who have had private rental but are no longer able to afford it, and they have been able to get accommodation within the Mecwacare premises. However, I note that some people have not been able to do so. It is an important matter where I believe further work is required.

I have a respected former local constituent who has, through necessity, been required to seek alternative accommodation in a number of areas, including an apartment for backpackers, but also having been referred to crisis accommodation by HomeGround Services and other agencies that provide advice, I am advised, such as the Salvation Army and St Vincent de Paul Society. He was concerned when he saw alternative accommodation that he was advised, 'We cannot guarantee your safety', and so there are a number of concerns in terms of the safety that this person has experienced in relation to his own circumstances. People can face or confront homelessness for a variety of reasons. There can be aspects of poverty or a person being down on his luck or having a wrong belief — I quote his words — that he 'must have done something wrong'. There is a concern expressed that an ordeal or adversity is bad enough without being demonised. People who might be forced to seek alternative accommodation might be the victims of family violence or be in a situation where they confront homelessness due to a range of other factors.

It can be expressed also that you can have temporary accommodation, but that accommodation may not be a home in the full sense and meaning of that word. It is important that there be a regulatory framework that does provide support to people who confront homelessness and have a need for housing. In a conversation today with this former constituent, he mentioned that numbers of people who are seeking housing are ones to whom the regular system, through real estate agents, may not be open, and it can be a form of last resort. Some of the people who are seeking housing may have had at times to sleep rough or may confront issues pertaining to alcoholism or drug dependency. If someone does confront those challenges, life within the accommodation setting can be very challenging for those who personally have not faced circumstances such as a mix of tenants. Through the winter months in Melbourne it is very, very important that people have good access to housing.

I note also that there are a number of agencies that provide help, and within 150 metres of where I am currently standing there are breakfast opportunities for people who are sleeping rough. On the corner of Gisborne and Albert streets breakfast is served daily for

such people, some of whom might be sleeping in parks or in even more adverse circumstances. It is important that there is access to good accommodation for people, where they feel safe until they can obtain a more secure living arrangement, where they have a premises that they can call a home.

I would just like to note too that people who confront homelessness can come from many different walks of life, owing to challenging circumstances that they may confront. That should not stigmatise their life journey circumstances, but there can be good pathways provided for people to gain stable and affordable accommodation. In relation to my former constituent, who has experienced many different forms of accommodation in recent times, his advice recently was that Gumtree can provide another avenue to access accommodation. He himself is looking very much forward to moving into another premises that he has been able to secure in this particular context that will provide safe and affordable accommodation for him.

Ms GRALEY (Narre Warren South) — Article 25 of the 1948 Universal Declaration of Human Rights recognises that everyone — everyone — has the right to housing, and it is my really strong personal belief that everyone should have a place to call home. So it is a pleasure to rise this afternoon to speak on the Rooming House Operators Bill 2015.

When I think of rooming houses, I am prompted by a number of recent experiences I have had. One of them is a number of irate residents in my electorate opposing the establishment of a rooming house in the local area. The second one is when I walk down Bourke Street and see many homeless men and women sleeping rough, the numbers of whom seem to be increasing. I find that a very disturbing vista for Melbourne, the world's most livable city. The third one is that when I think of rooming houses, I am often taken to the movies where you see those very overcrowded dark rooms, with inadequate facilities that are often the context for some criminal activity or violent crime. I wish this was not the reality of what rooming houses often are, but the fact is it has been and still is.

Sadly, I think that we as a government, we as a Parliament, really need to make a strenuous and concerted effort to make sure that rooming houses are comfortable, adequate, affordable and safe places for people who need that sort of accommodation. And who knows, there are many people who we may have as friends who might end up needing rooming houses: women escaping from family violence, people who take the wrong turn in life and people who find that their families break down and they have nowhere to go

but to find a rooming house. And that rooming house should be a welcoming, safe, clean place.

So it is very pleasing to see this bill before us in the house and, as we know, the Rooming House Operators Bill 2015 establishes a licensing scheme to protect against exploitative practices within the rooming house sector. This licensing scheme is to be administered by the Business Licensing Authority and monitored and enforced by the director of Consumer Affairs Victoria. It is very important that we have a licensing scheme — not just because of the pictures I have portrayed here today but because we want to make sure that the accommodation that is provided to people who really need this sort of accommodation is provided by good operators, by people who are respected and responsible.

That is why the Rooming House Operators Bill 2015 is really about making sure that the people who operate these facilities are the right people, are fit and proper people. I have heard from those opposite some concerns about the licensing of this sector. We do not want to see good rooming homes being closed down. We want to make sure that the best ones get better, that they operate within the law and that respectable and responsible operators can in fact expand their services and their facilities because as we know — as I have said at the outset — we have many people living rough and we have many people searching for these sorts of facilities.

There has been an increasing trend for people to seek this sort of accommodation. One of the things that I want to highlight in my presentation is the fact that, in this week when we are celebrating International Women's Day, we have an increasing number of women who, through forced retirement, divorce, lack of economic opportunity or family violence, are also finding themselves in rooming houses. When we think of rooming houses, we often think of older men — you know, destitute and doing it tough — but in fact we have an increasing number of women who are having to seek out this sort of accommodation because they have not got enough money to live elsewhere. I think this particular issue itself really does require a detailed examination of why women are increasingly finding themselves in this position. It is not enough for us to say, 'Let's build more rooming houses where they can go' — why, at certain stages of our lives, do women find themselves so vulnerable that they have to seek out rooming house accommodation?

The question often asked when we are speaking about family violence is, 'Why doesn't she just leave him?'. One of the reasons women do not leave men, even though they are suffering incredibly from intimidation,

violence and bullying — not to mention the fact that they often do not have the money — is the fact that they do not have anywhere to go. Rooming houses, I think, are a last alternative for women, especially if they are taking children out of the family home as well, but there should be the situation where we say, ‘Why doesn’t he leave and leave the female in the home with the family?’. Unless we have a change of attitude about the way we view family violence and the way we view the importance of economic opportunity and economic independence for women, we are increasingly going to find women turning up in rooming houses.

In concluding, I would like to draw the attention of members to a case mentioned in the reference notes provided by the parliamentary library. It mentions the coroner’s report of the investigation into the deaths of Leigh Sinclair and Christopher Giorgi. The coroner found that the deaths could have been prevented had the rooming house operators complied with fire safety measures. You would think at the very least that that would be happening in every rooming house in Victoria. I have heard those on the other side of the house talking about over-licensing and over-regulating, but this bill is about providing basic measures of safety and providing a safe and hygienic environment for people to live in. This is not about over-regulation or about over-licensing, as the Institute of Public Affairs members across the chamber — the great followers of Donald Trump who seem to be increasingly finding their way to the benches of the Liberal Party — might say. This is actually about making sure that the right people, the responsible people, the people who are providing a safe haven for a person to live in — a last-resort accommodation in many circumstances — are the right people to provide that accommodation and that the person in those circumstances is living in a safe and clean environment.

This bill is very welcome. As previous speakers have said, this does fulfil an election commitment. I heard the former minister speaking in the house yesterday as though she had done a lot in the four years that she was in that role, and I have got to say, it is only when we made this election commitment to fix this problem that we have been able to hear that those opposite ‘mainly’ support this bill. It fulfils an election commitment. It means we will see very much-needed action. We certainly do not want to see any further deaths in rooming houses that could be prevented in the future. It means that responsible operators can continue to operate.

I finish by commending the minister for bringing this bill to the house in such a manner. I know there are a number of amendments before us, but that is just about

making sure that this very important piece of legislation is framed correctly. I would encourage all those in the house to support it. I fully commend the progress of this bill through the Parliament.

Mr WATT (Burwood) — I rise to contribute to the debate on the Rooming House Operators Bill 2015. In response to the last comment made by the member for Narre Warren South, if the government wanted this bill to come through properly and if these amendments were so good, I would have thought that it would have presented these amendments not 2 seconds before the shadow minister for consumer affairs was to get up and speak on the bill; it may have actually presented them so that we could have had an opportunity to look at the amendments to the bill to get us to come on board, maybe, with this particular bill. It is disappointing that the government stood up 2 seconds before the shadow minister actually got to make his contribution and introduced amendments to the bill before the house.

I want to concentrate my contribution on what a rooming house is. I have seen many rooming houses in my time. As the member for Burwood, with a university in the middle of my electorate there are quite a number of rooming houses throughout my electorate and quite a number of shared accommodation houses, which some people might say are rooming houses that have not been registered as rooming houses. In my previous occupation I could not count how many rooming houses I have been to, but I have to tell you it is well in excess of 100 rooming houses. I would start to focus on what the definition of a rooming house is. I am not going to look at the act — the Residential Tenancies Act 1997 is quite a large act — but what I do have is Consumer Affairs Victoria’s guide entitled *Rooming houses — A guide for residents and operators*, which says:

Under the Residential Tenancies Act 1997, a rooming house is a building where:

one or more rooms is available for rent, and

the total number of people who may occupy those rooms is four or more.

It also goes on to say:

... in most rooming houses:

residents share bathrooms, kitchens, laundries and other common areas;

the owner and their family generally do not live on the premises;

separate rental agreements may exist for different residents.

Under those rules I would have lived in a rooming house when I first moved to Melbourne. I first moved to Melbourne in 1996. I moved in with a friend and that friend was actually staying at a place with a friend, and in total in the house there were five of us. So technically we would have been in a rooming house, but I would submit that that is ridiculous to say that my sharing a house with a friend and their friend is actually living in a rooming house. But under the law, that is a rooming house and, under this bill, the friend of the friend would have been required to get a licence so that he could have a friend and another friend — a bunch of friends — stay in that house. Personally I think that is ridiculous, that somebody who has got a bunch of friends staying in a house with them is not able to have that happen without getting a licence from the government.

I did a bit of research, and I have been told that there are 1100 registered rooming houses in Victoria and it is expected that 800 operators will get a licence in Victoria. Before I came in, I had a look at a couple of websites on the internet. My niece came over from Western Australia last year. If I think about how many people were in my house, under the legislation I probably would have been a rooming house and should have registered — and probably under this new legislation I would be required to get a licence to have my niece stay with me. When she moved out of my place, she moved into a place in Beaumaris. There were actually four people living in that house in Beaumaris. She found the accommodation on a website called flatmates.com.au.

I am sure the gentleman she was renting with — a 20-something-year-old male who had three other girls staying in the place — probably did not register the house as a rooming house, even though he should have. Because it was shared accommodation, he should have registered it. Under this legislation, this 20-something-year-old kid, who just put out on the internet a couple of rooms, would actually have to get a licence. He would actually have to have a licence to share the place he is living in with a couple of other people — not even four people. At the end of the day, the legislation says ‘the total number of people who may occupy those rooms’ — so ‘may’ — is four or more.

It is ridiculous that the government is trying to introduce more burdens, red tape and regulations. I notice the member for Macedon actually talked about Labor values. I completely agree; this is about Labor values. Labor seems to come in here and put regulations, rules, burdens and red tape on individuals just going about their lives.

As I said, I know a number of people who have lived in rooming houses. I have actually been to quite a number of rooming houses. The member for Narre Warren South talked about people who are in rooming houses. Not everybody who is in a rooming house is destitute. In my electorate, most of those people that are living in accommodation that would be classified as a rooming house would just be students going to Deakin University. They are not destitute; they are just students.

I went to a rooming house in Reservoir, in the member for Preston’s electorate, on numerous occasions. It was just a bunch of blokes renting accommodation, going about their lives. There were five rooms, I think, in the place. They had five rooms they were renting out. They were not destitute. The guys there just actually enjoyed living in accommodation with people that are similar to them, going about their lives and being able to interact with people. The fact is that we are actually now saying to these guys, ‘The person who is actually on the lease needs to have a licence to be able to share accommodation with somebody else’.

If you look at the facts, there are 1100 rooming houses in Victoria. I have told members about these websites. I went to flatmates.com.au. There are currently, today, people looking for accommodation. This is how many people are currently looking for somebody to move in, not those whose houses are full: there are 2770 places just on flatmates.com.au in Melbourne. That is not even in Victoria; that is in Melbourne. If you look at the fact once again that there are 1100 rooming houses, there are at least 1670 — plus those that are not in Melbourne — that are on flatmates.com.au that probably should be registered rooming houses because they are shared accommodation.

There are a number of websites you can go to. You can go to realestate.com.au, where there are 1205 results in Victoria. There are already more people looking for people to move into their shared accommodation than we have registered rooming houses in Victoria. If you go to flatmatefinders.com.au — not one of the most popular ones, obviously — I could not find the results for Victoria but the results for Australia were 1266 homes that were available for shared accommodation for 4100 flatmates. That would tell me that there are four people, roughly — maybe 3.5 people — per accommodation. That would tell me all of those should be rooming houses. If they were in Victoria they certainly would need to be rooming houses because of the legislation.

The fact is that we are now telling people, 'If you live in shared accommodation, one of you needs to get a licence and pay extra fees so that you can — —

Ms Knight — We are not saying that.

Mr WATT — You are saying that. It is amazing that the member for Wendouree says that they are not saying that. That is what the legislation says; that is what this particular bill says. This bill says that you need to get a licence. If you actually are going to be living in shared accommodation that could have four or more people staying there, you actually do need to get a licence. It is ridiculous that you actually need to get a licence to live in shared accommodation.

As I said, I lived in a place in Seaford when I first moved to Melbourne. Then I moved to a place in Glen Iris. I moved in with a gentleman and over time we actually had two other people move in with us.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mr WATT — As I was saying before the break, we have on three websites in Victoria over 4500 shared housing accommodation places available for rent at the moment, which would tell me that there are thousands upon thousands of shared dwellings which should be classified as rooming houses. We currently have before us in the house legislation which would force them all to get licences, all because, quite frankly, one group of individuals — four individuals, one house — did not uphold their end of the bargain with regard to regulation and rules that were already in place.

The coroner's report actually states that there was 'a failure in the administration of applicable building code fire safety, planning and rooming house regulations' already back in 2006 when this fire happened. The person who was renting out that particular place also was not registering any of his rooming houses. So what we are doing is introducing legislation which will force thousands upon thousands of people to actually get licences to have shared accommodation, all because one person would not adhere to the law that was already there and probably will not adhere to the law in the future.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Rooming House Operators Bill 2015. My electorate is quite a diverse electorate in the sense that I have got a very large public housing community, but I have also got a number of rooming houses, particularly in Flemington. There are some over in Kensington as well, which is in the state seat of Melbourne, and I think it is fair to say that no-one seeks to ultimately find themselves in a rooming

house. I do not think anyone would think for a moment — —

Mr Watt interjected.

Mr PEARSON — The member for Burwood says some people aspire to end up in a rooming house. I honestly do not think when people are at school and they are asked, 'Where are you going to be when you grow up? What sort of house are you going to live in?', they say to themselves, 'I want to live in a rooming house'. I honestly do not think people realistically think they want to end up in a rooming house. Anyhow that is my view. The member for Burwood clearly has a very different point of reference. I think the member for Burwood probably lives in another world entirely.

It is important that we make sure that people have got the capacity to live safely and that there are certain checks and balances in place so that people are not exploited. The reality is, I think — and I think HomeGround Services did some research on this — that rather than people being mentally ill and then becoming homeless, they are often homeless first and then that triggers problems with mental health. When I spoke with Major Brendan Nottle from the Salvation Army about this last year I tested the proposition with him. He said, 'It's absolutely right, because when you're homeless you are fearful for your safety, and you do not tend to sleep at night, so you try to sleep through the day. At night you have fitful sleep patterns, you are quite anxious and nervous and that then often triggers mental health issues.

The problem you therefore find is that people find themselves in a situation where they might have a mental health issue or they might have a drug or alcohol problem and they are living in a rooming house. These people do not have the ability to turn around, if they are being exploited and abused, to engage legal counsel to seek reparation. They may not be able to turn around and navigate their way through Consumer Affairs Victoria to ensure that their rights are protected.

This is a case where you have had market failure, and where there is market failure there is a need for the state to intervene and to regulate. It is not a radical proposition. It is recognising a statement of fact that unfortunately where market failure occurs the state intervenes. It has happened time and time again. Where there is not a need for intervention, then clearly the state withdraws from the field. But the reality is that when you have got people dying in these dwellings which have been unregulated, then it is only fit and proper that the state look at intervening, and I congratulate the

Minister for Consumer Affairs, Gaming and Liquor Regulation on addressing this.

It is also important to look at where a lot of the construction and development is taking place at the moment and has taken place in recent times in Melbourne. We have seen a huge increase in the population. We have seen a move to higher density living, which has not been a function, habit, custom or practice in Australia or Melbourne. We have tended to have the three-bedroom brick veneer on the quarter-acre block in sprawling suburbs. What we are now seeing is a greater move towards higher levels of density. Now with that comes a challenge, because what happens is that usually a lot of these developments are funded by investments. There is nothing wrong with that, but the reality is that with the sums involved, people buy off the plan one-bedroom or two-bedroom apartments. They will not buy off the plan a three-bedroom apartment because of the cost. So in order for a developer to be able to get a project up, they need to have a certain level of presales, and that means there is an automatic bias towards one-bedroom apartments — it just follows.

If I look at my electorate, I find there were certainly under the former government a lot of permits granted for a lot of high-use residential apartments, and the overwhelming majority of those were one and two-bedroom apartments. Unfortunately we have seen instances where a lot of those dwellings have been turned over to multiple tenants, and there have been reports in the newspaper recently about this occurring in Docklands. I think there was a report in the *Age* recently about 18 people living in one apartment. That would clearly be an illegal rooming house. I do not think it is fair and reasonable at all to have a situation where people are being exposed to living in those sorts of environments.

It is very different if you are in your early 20s and you decide to set up house with a few mates, where girlfriends or boyfriends move in or move out. There might be six or seven of you living in a three-bedroom house; that is a very different proposition. The reality is that this is about putting protections in place for people who are vulnerable — and some have died as a consequence.

Mr Watt interjected.

Mr PEARSON — I would have thought that when people have died in these places, you might have a bit more sympathy.

Mr Watt interjected.

Mr PEARSON — Seriously, why is it that whenever you get to your feet, everyone on your side evacuates the chamber?

The ACTING SPEAKER (Mr Blackwood) — Order! The member for Essendon will pass his comments through the Chair.

Mr PEARSON — I apologise, Acting Speaker.

Mr Watt interjected.

The ACTING SPEAKER (Mr Blackwood) — Order! The member for Burwood has had his chance to make a contribution.

Mr Battin interjected.

Mr PEARSON — Dear oh dear! I know it is Thursday afternoon, but honestly, these provocations are extraordinary.

The reality is that we have to look at making sure that protections are in place for people who are vulnerable and who are isolated. It is about making those appropriate responses. As I said, when you have a situation where people have died, that is a clear case of market failure. People have died in unregulated and illegal rooming houses, and if that is not an argument for intervention by the state to address market failure, I frankly do not know what is.

That is the situation that we find ourselves in, and it is important that we respond accordingly. Again, I am quite passionate about this issue because I recognise the fact that a number of residents in my community live in rooming houses, many of them in Flemington. The reality is that for many of us in inner urban electorates where you have got a large number of buildings and a lot of residential properties being developed in these sorts of structures, you will see the rise of more of these operators, so it is important that we make sure those people are properly licensed and regulated and that there is a character test put in place to make sure that we have got a safe environment for these people.

On all these matters regulation has to be seen as a tool of last resort. I do not think any of us want to be in this situation, but we find ourselves in this situation because of circumstances in which people have lost their lives. People who live in rooming houses are often people who are isolated, who are vulnerable, who might have drug and alcohol problems or who might have mental health issues, and we need to make sure we respond appropriately. That is where we find ourselves today.

This is what you would expect from a responsible government. The bill is about recognising the fact that legislation and regulation need to move with the times in which we live and that we have to reflect current circumstances. We have identified that there is a problem, and we have responded accordingly, and that is entirely appropriate. I am pleased by the fact that the opposition has indicated its support for this bill, despite the protestations from the member for Burwood. It is good to see that those sensible members on the other side recognise that this is a problem that needs to be addressed and that we have to step in and address market failure where we find it.

It is a good bill. I know it is going to make a significant and tangible difference to the lives of many of my constituents. It is an appropriate response to a pressing issue, and I commend the bill to the house.

Ms SHEED (Shepparton) — I rise today to speak in support of the Rooming House Operators Bill 2015. I suppose it is part of the richness and diversity of life that we all come here and share our experiences, and no doubt many of us had the opportunity during our early years to share houses, whether at university or during our early employment days. Long before the days when we took on mortgages and home ownership we shared flats, we shared houses and some of the people we lived with were even strangers. We would complain about the house rules and who had not done their share of the dishes, who had not put the garbage out and trivial things like that. It was a part of our lives, and it was really pretty simple.

I am confident that the rooming house legislation we are dealing with today targets the experiences of people in much more difficult circumstances. They are not the university days experiences; they are not even probably the backpacker experiences of people who come through my electorate over the summer. While some of their living conditions are fairly basic, they enjoy a fairly carefree lifestyle and they contribute greatly to our local community. We see them in our local supermarkets, they attend a lot of functions, they pick the fruit and they are very valued by our orchardists. They are a different group again, I think, to what we are looking at here.

These dwellings are generally a permanent residence. A person who lives in a rooming house does so only from economic necessity, although I doubt they would use those words themselves. Seventy-five per cent of them, I understand, are older men. Often they have complex issues that include mental health problems, alcoholism and poor health. There were a range of media releases that I looked at in preparing this speech. There have

been some really terrible stories of the circumstances that people in these rooming houses have lived in, and there has been a lot of exposure of those really awful conditions.

It is a sad reality that the Australian Bureau of Statistics does not even regard these people as having homes. It does not record people who live in rooming houses as having homes. In fact it regards them as the homeless boarding house population. Let us think about that for a minute. These are people who would not have roofs over their heads unless there was a standard of accommodation such as rooming houses created for them. I think we all agree that everyone should have the dignity of having a roof over their head.

In some ways these homes, these rooming houses, are a part of the accommodation world which we need to see in our community, but it is just so important that there is a level of regulation around them. Living life on the fringes of society, as many of these people do, means they do not have many choices. They are not carefree students as young people who are just passing through often are. They often live quite haphazard existences. We only need to walk down the street to see some of the men who do not even have homes. If you walk down Bourke Street, you often see several homeless men camped with their doonas, blankets and life belongings with them. I think we all want to see people have the opportunity to have roofs over their heads.

They are a group of people who may even consider themselves to be lucky that they have a bed in a rooming house. The Australian Bureau of Statistics reports an increase in young people, international students and single mothers now living in rooming houses, and that is another group that we do not always imagine being in that situation. In Victoria 44.5 per cent of low-income households spend more than 30 per cent of their gross income on rent, and in Melbourne that figure is almost 52 per cent.

All these things point to one thing: the rooming house operators have the ball in their court. They have a ready supply of replacements if someone chooses or is forced to leave their premises. Their clients are unlikely to seek legal or any other kind of advice if they have been ripped off or treated unfairly by a rooming house operator.

I regard the Rooming House Operators Bill 2015 as a step in the right direction to regulate the industry. I note that it has been quite a long time in coming and that a task force was charged with looking into this issue and at housing standards generally by the Brumby Labor government back in 2009. There were

32 recommendations, and key among them was the licensing of rooming house operators. There are now significant penalties for non-compliance.

The bill is quite detailed and long in establishing an oversight body and in providing for registration, inspections, penalties and a range of procedures that will ensure that a new standard is introduced into these homes. By registering their premises with local government and complying with the suite of rules in this legislation it is to be hoped that rooming house operators will provide residents with the fair go that they have often been denied and that their futures will be much more secure. I commend the bill to the house.

Mr LIM (Clarinda) — I rise today and am very happy to speak on the Rooming House Operators Bill 2015. We all know that the public have shown concern for several years about the condition of many of Victoria's rooming houses. In particular concern over the safety of the residents has been paramount. One terrible event was in 2006, when a couple, aged 24 years and 25 years, died in Brunswick after being trapped in their room when their rooming house caught fire. This bill is intended to improve the standard of safety at and the integrity of our rooming houses. It is also aimed at weeding out dodgy landlords and preventing future deaths.

The demand for rooming houses has been increasing for several years, particularly from people who are seeking to live in pricier areas but who are unable to afford to rent an entire dwelling themselves. Some of these people may see the costs of implementing the standards passed on to them. However, these minimum standards are necessary to ensure that the safety of the residents is never compromised. There are currently no laws determining who may or may not have a rooming house operator licence. This has been one factor that has led some people to view the rooming house industry as being unsatisfactory or below par in its standard of safety and integrity.

This bill will introduce a fit and proper person test for rooming house operators. This test will ensure that only fit and proper persons will be eligible to receive licences to operate rooming houses. The test will also apply to those seeking to have their licences renewed. The test will ensure that people who have been convicted of serious crimes in the past 10 years will not be eligible to receive licences. Examples of serious crimes include offences relating to dishonesty, drug trafficking, violence, child pornography and sex crimes. A licence will also be withheld from people who have a history of financial hardship or financial

mismanagement to the extent that they have been declared bankrupt or insolvent in the past decade.

The bill provides that if a person has been found by a court to have breached a rooming house law in the past five years, they will also be ineligible to receive a licence renewal. Fines for non-compliance will be sufficiently harsh, at \$36 000 for landlords who are individuals or \$180 000 for bodies corporate. Safety of residents is paramount and should never be compromised.

This bill will improve protections for some of our most vulnerable tenants. Such tenants include people who are attempting to transition out of homelessness, backpackers and international students who may have been exploited by unscrupulous agents. At this juncture I would like to mention that the government has particular concerns about the welfare of international students when it comes to this aspect of their lives. Because of that we have allocated \$4 million over four years for an international welfare grant program. It was introduced by the Minister for Training and Skills last year. It will provide grants to organisations that look after the welfare of international students, not just in housing but in a whole range of other areas of concern as well.

I commend the Minister for Consumer Affairs, Gaming and Liquor Regulation because this bill will reduce the instances of rogue operators who use bullying tactics or neglect to maintain their premises to an acceptable standard of safety and security in breach of the Public Health and Wellbeing Regulations 2009.

This bill of course also reduces the number of operators who charge excessive rents to our most vulnerable and display poor management practices. It will also reduce the number of operators who overcrowd their properties with too many tenants by conducting illegal building works to facilitate such high tenant numbers. It would be remiss of me not to mention that only two years ago we had the tragic incident where the council inspector in a northern suburb found 24 Nepalese students crammed into a small three-room house. That is just most tragic and most unacceptable.

The introduction of this bill will see some rooming house operators leave the market due to their unwillingness to comply with standards or the perception that they will not be eligible for a licence. This may reduce the available stock of accommodation in the short term. We make no apologies for this, as the need for higher standards and integrity are paramount to ensuring that the safety of our tenants is not compromised. This bill affects rooming house operators

who are intentionally dodging the law and mismanaging their properties with very little regard for human life. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Rooming House Operators Bill 2015. If this were utopia, everyone would be living in a little cottage with a white picket fence and growing roses, and everything would be perfect. But it is not, unfortunately, and there are people who need to live in rooming houses, whether that is by choice for a short-term need or whether it is because they want the company of other people while living in a house with other people — and then, of course, there are those for whom there is nowhere else to go.

Victoria has around 1500 registered rooming houses, which provide accommodation for over 12 000 people. That figure could be much higher if we knew the extent of how many people actually rent out rooms in their houses, because there are so many, as we know, who just divide a room and put two, three or four people in a space that we would have one young child. Most of the clients are vulnerable individuals from disadvantaged backgrounds who are otherwise unable to provide shelter — the most basic of all rights — for themselves.

The bill tries to address a range of issues, including the overcrowding of rooms, breaches of public health laws, undertaking illegal building works to increase resident capacity — which brings the danger that can come from building works that have not been properly checked — charging excessive rent, poor management and squalid conditions. We are all very much aware of those awful rooming houses that are putrid, where the sanitation does not work properly, that are never fully cleaned, where there is no supervision and where the room furnishings are of a very poor quality. We certainly need the changes to bring them up to the line.

There are currently no laws to say who can and cannot operate a rooming house, and this means any person who can get a lease or buy a residential premises can operate a rooming house from those premises once it is registered with the local council. As I said, we have the registered rooming houses — we know there are 1500 of them — but we do not know anything about the illegal ones. I have had a few complaints coming into my office of people having a number of people living at their home that the neighbours say are not family but are there every night. It is a difficult one for council to oversee, because I know myself I have had family from overseas who have stayed six months. I am sure my neighbours did not mind, because they live too far away, but you could have those situations and have

accusations made that people are running a rooming house.

In 2009 the Brumby government established the Rooming House Standards Taskforce to provide enforcement powers against operators preying on the vulnerable. The task force made 32 recommendations, including for the state to register operators to reduce exploitation. This bill addresses recommendation 32. In 2014 the Premier made an election commitment to legislate a fit and proper person test for rooming house operators to be administered by the Business Licensing Authority. The previous government, the coalition, introduced minimum standards in 2013, and these standards were praised as positive developments by the Tenants Union of Victoria. Those standards related to privacy, security, safety and amenity of a rooming house. Under the coalition government inspections of rooming houses increased to 610 during 2011–12 from a mere 42 under Labor in 2008–09. Under that system residents had the right to apply to the Victorian Civil and Administrative Tribunal to have the standards upheld.

Support and advocacy groups have told me that they welcome these changes. HomeGround Services general manager of client services Zoe Vale said that good operators had nothing to fear from tighter regulation. She also said that more work needed to be done to crack down on unregistered houses — I have already highlighted that — and that the high rents charged often did not reflect the size or conditions of the accommodation. The Tenants Union of Victoria spokesman, James Bennett, has said that while it would be difficult to cap rents, tighter regulations and licensing would help address the undesirable behaviour seen in the market. Mr Bennett said:

You are dealing with people who are already disempowered and are often desperate for some sort of accommodation and for them, speaking up is a choice between having a roof over their head and being homeless ...

Other speakers on this bill have highlighted the fear that if someone speaks up, they will be kicked out and they will be homeless.

There have been concerns raised by some rooming house operators about the legislation. While most operators support further action to get rid of unscrupulous and unregistered rooming house operators, the issues that have been raised with me have been the right to enter without consent or warrant. The fears are that this will affect residents' privacy and security, as an officer can enter common areas of premises during business hours. This was raised by a rooming house operator with several small children.

There are concerns that the bill does not provide adequate accountability for officers to verify information leading to an inspection before entering the premises, and unless the landlord lives on the premises the officer can effectively enter the premises and seize items without the landlord ever knowing or being given the opportunity to be present.

There is also a possibility that the operator may be held responsible for actions by a tenant, such as the removal of a battery from a smoke detector. I had a teenage son who used to do that. To get him up sometimes I would set the smoke alarm off, or I would switch the vacuum cleaner on and put it outside his bedroom door.

The ability to list rooming house owners' private details on a database which can be assessed by anyone gives me cause for concern. This affects the owner's right to privacy and security. A disgruntled resident who may have been evicted by the owner on just grounds may seek retribution, so it would be more appropriate if those details were held by Consumer Affairs Victoria. I understand some amendments have been circulated. Unfortunately I was not here this morning, so I do not know if the amendments actually cover that.

Rooming house operators are going to be held liable for minor offences. There is potential in this bill for operators to be disqualified for minor breaches which may not be the fault of the operator. It would be better if the bill provided a sliding scale for the offences rather than adopting a harsh one-size-fits-all approach, which becomes overly onerous on operators and may then drive them out of the market. There are also questions about the right of appeal. There is a concern that this bill discriminates because it only affects class 1 and class 3 buildings.

Overall there seems to be a general acceptance of concerns raised about those issues which I have just mentioned, and as time goes by we will see whether amendments are necessary and the legislation comes back to the house for some of those things to be changed. There is one area about which I do have a little bit of concern. Whereas we want to get rid of unscrupulous operators, we also want to lift rooming house standards. Some of them are absolutely appalling. There is a nucleus of people in our society, a very small percentage of people, who do not fit in with what we call our normal standards of housing and who want to live in a cluttered environment. They want to have all of their possessions which we might think are rubbish, putrid and stink, but to them they are really important. By doing a wide sweep and bringing everything up to a higher standard, I do have concerns about where that small percentage of people will go.

One of my housing services has raised this with me. We all know what it is like. We all know the person who never washes and who will not accept clean clothes. We also know the person whose personal habits when using bathrooms are not the same as ours. I know that Anchor Homeless Support Services had to close down for 2 hours the other week because body fluids were on the ground. Something we have to seriously consider is whether we are going to close the door on all of those people, and if we do, where they are going to go. Whether this affects 50, 100 or 200 people — maybe even more — I do not know, but we need to make sure that we provide adequate care and that rooming houses accept the people whose standards are not the standards that we think of as normal and that we care about. There are some people who need that extra consideration. I have no objection to the bill going through, and I believe that the amendments will be discussed in the Council later.

Mr STAIKOS (Bentleigh) — It is a pleasure to speak on the Rooming House Operators Bill 2015. This is always a challenging area of public policy. Those of us who have served in local government know only too well how challenging this area of policy can be. But at the same time those of us in government play a strong role in protecting the most vulnerable, and people cannot be more vulnerable than when they are homeless.

What this bill does is implement yet another Andrews Labor government commitment to fairer and safer housing. I note that opposition members have indicated that they will not be opposing the bill, but I must say a number of them today have almost spoken against this bill. I do note the contribution, if we can call it that, by the member for Burwood, who I do not think has actually acquainted himself with the details of this bill. He did make the point at one stage during that rant that he would not even be able to have his niece over to stay at his house because he would then be considered a rooming house operator — total rubbish; complete and utter rubbish.

But I do congratulate the member for Shepparton on her measured and considered contribution to debate on the legislation. She said fundamentally everyone deserves a roof over their head and rooming houses have to be a part of that accommodation mix, and for that reason we also need proper regulation. That is a considered and measured approach, and I congratulate the member for Shepparton on that.

Rooming houses play an important role in addressing homelessness. They play an important role in providing temporary accommodation, given that, alarmingly,

there are currently 32 564 Victorians on the public housing waiting list. I will come back to that in a moment. Given that rooming houses play this important role, we need a proper licensing scheme. This bill establishes a licensing scheme for rooming house operators so that only fit and proper persons will be eligible to be licensed or have existing licences renewed.

This bill means that all operators, new and existing, will be required to demonstrate they are a fit and proper person in order to obtain a licence. Applicants will not be granted a licence if they have been convicted of serious crimes in the past 10 years. These include offences relating to violence, dishonesty, drug trafficking and crimes involving sexual or child pornography crimes. An applicant will also be refused if they have been bankrupt or insolvent in the past decade or if a court has found they breached rooming house laws in the past five years. The Business Licensing Authority will be responsible for issuing licences to rooming house operators, and Consumer Affairs Victoria will regulate the enforcement of the new laws.

There have been calls over a number of years for a licensing scheme of rooming houses. In 2006 we saw the tragic deaths of two people in a rooming house fire, and that is what spurred people into action. The Brumby government established the Rooming House Standards Taskforce to take action against predatory operators who intentionally provide substandard rooming houses. The task force expressed serious concerns about the manner in which some rooming houses were being operated. It found overcrowded rooms, illegal building works, the seeking of excessive rents to profit from vulnerable people and operators engaging in poor management practices, as well as premises not being kept in adequate repair resulting in squalid conditions.

We are implementing a licensing scheme that is in line with the recommendations of both the task force and the coroner following those deaths in 2006. The penalty under this legislation for operating a rooming house without a licence will be \$36 000 for individuals and \$180 000 for body corporates. As I said, there have been calls for such a scheme for some years. I found a newspaper article on the Leader Community Newspapers site from 1 August 2013, when those opposite were in government and the member for Bayswater was the minister. The article's headline is 'Call for police checks, licences and rent caps for rooming house operators'. In that article the journalist did some investigative reporting — it is always good when a local paper does investigative reporting — and

went out to a rooming house. What the journalist found when she visited was a rat infestation, no working lock on the front door, a large hole in the laundry wall and that one of the fridges was faulty.

As we heard from the member for Burwood, he thinks that that is not the norm. It is important to note that many rooming house operators do the right thing but many do not, and we have a duty to crack down on those unscrupulous operators. The article quotes the chief executive officer of HomeGround Services as saying:

If people don't fit licensing requirements they really shouldn't be qualified to operate a rooming house.

The article also quotes Mike Williams from the Tenants Union of Victoria as saying:

Many rooming houses in Melbourne are deathtraps, and we will see more deaths in rooming houses unless the government cracks down on dodgy operators.

That was a pretty big campaign from those groups, but the former government and the former minister resisted taking any action on unscrupulous operators of rooming houses.

We are taking action. The Tenants Union of Victoria supports this bill, saying that key stakeholders in the rooming house and homelessness sectors have been calling for a licensing scheme for rooming house operators since recommendations were made by the Victorian coroner and the Rooming House Standards Taskforce in 2009. The licensing scheme will provide vital protections for the most vulnerable members of our society.

I note also the concerns about this bill of the Registered Accommodation Association of Victoria, which has outlined a number of concerns in its submission, including:

For this bill to be shown to be justified there must be some evidence produced of systemic problems in the industry today ...

I and many on this side of the house would argue that that evidence has been available for at least the last 10 years, and it is time that we acted. The association also said in its submission:

The fact that there is no appeal process for the extremely broad set of disqualification criteria is unacceptable ...

Again I would submit that that is wrong. It is in the bill that a person whose application for a licence or renewal of a licence is refused will be able to apply to the Victorian Civil and Administrative Tribunal for a review of that decision based on whether there has been

an error in the judgement, and that is of course an important safeguard.

I will just make a couple of comments to finish off more generally about homelessness and the need for more public housing. I think as members of Parliament it is one of the main issues that comes through our electorate offices. A week does not pass where I have not had somebody come to see me about public housing, often facing homelessness and having languished on a waiting list for some time. There are currently 32 564 Victorians on the public housing waiting list, and it is important to note that that number is down by about 2000 since this government came into office, but there is still a long way to go — 32 564 people on the waiting list is still far too high.

There were four years of cut and neglect by the previous government, but I would go a bit further than that and say that there was a bit of sabotage when it came to public housing by the previous government, for the reason that it just did not believe in it. I could take everyone back to 2009. In my electorate of Bentleigh a proposal came forward to establish an apartment building for women and children facing homelessness, and there was a big Liberal Party campaign mounted against it. There were protests organised. There were petitions, and some of the names that appeared on the petition against this facility were Wendy Lovell, Inga Peulich, David Davis and of course Elizabeth Miller. It angered me to no end that when this finally opened and when the residents moved in, the people at the opening taking credit for it were Wendy Lovell and Elizabeth Miller.

I am proud of this government's record when it comes to addressing homelessness and when it comes to public housing. Rooming houses are a safeguard. They are temporary accommodation, but they must be regulated, and this bill just does just that.

Mr J. BULL (Sunbury) — It is always a pleasure to follow the very hardworking member for Bentleigh. It does give me great pleasure to contribute to the debate on the Rooming House Operators Bill 2015. This is a very important bill. It is a bill that will put in place a range of safeguards and a range of measures to make sure that the most vulnerable people in our community, those that have in the past been taken advantage of due to a poorly regulated system, have the safeguards in place that they need and that they deserve. Despite the member for Burwood's very colourful contribution, this is what this bill is designed to do. It ensures that safeguards are in place for rooming houses, and this government is certainly very proud of the legislation before the Parliament today.

There are many Victorians who we know are doing it tough. Many Victorians cannot afford a home, cannot afford weekly rent and cannot afford bills that come with being in such a home. The member for Shepparton in her contribution and also the member for Bentleigh spoke at length about those who are homeless. I see that there are a number of young people in the gallery today, and I certainly think that all members of Parliament would agree that it is vital that state and federal governments do all that they can to tackle homelessness. I am reminded of the difficulty that so many Victorians face in just keeping afloat. You only need to take a walk through the CBD, and certainly within my community in the Sunbury electorate, to see those who are doing it extremely tough.

One of the things that I think is important is that we acknowledge these people when we see them out and about in the community, whether that be through a coffee, a muffin, sharing something or saying hello as we walk past. The thing that is very easy to forget — the thing that many of us forget in our busy lives — is that these people deserve our respect and to be treated humanely. We must make sure that we acknowledge who they are. I think that just saying hello and looking them in the eye is something that we should all do, and we should all make a greater effort to do that.

This bill aims to crack down and eliminate predators who run shonky rooming houses. Despite the many operators who are doing the right thing and running decent rooming houses, those who do not run decent rooming houses do significant damage. A recent article published in the *Age* reported:

Last year the *Age* uncovered examples of rooming houses where up to six people were living in a one-bedroom apartment.

...

Council to Homeless Persons chief executive Jenny Smith welcomed the push for new laws.

She said unscrupulous operators could close down one dodgy business and 'go straight on to opening the next'.

'Current legislation does not prevent this cycle of exploitation', she said. 'We know there are a number of operators with criminal backgrounds and histories of bad practice who are profiting from rooming house after rooming house without consequence.'

Ms Smith said that in 2014, she came across three separate rooming houses with broken windows, doors without locks, dangerous wiring and rats.

All three rooming houses were run by the same operators who had bullied and harassed residents.

'If this bill is passed, we will be able to prevent people like this from operating rooming houses in the first place.'

I think that touches on all of the key issues that this legislation aims to address.

If we look at what we have in the current operating procedures in Victoria, under the public health and wellbeing standards, we know that rooming houses must be registered with a local council. The council may inspect the rooming house to see if it meets the regulations and standards that are set out in the Public Health and Wellbeing Regulations 2009.

These standards include but are not limited to at least one toilet for every 10 people; at least one bath or shower and one washbasin for every 10 people; a continuous and adequate supply of hot and cold water to all toilet, bathing, laundry, kitchen and drinking water facilities; and rooms and communal areas kept in a clean and well-maintained condition. Rooming houses must also have adequate and well-maintained hardwired smoke alarms to protect residents. Despite this, we know that this simply is not good enough. If we go back to the *Age* article and a number of things that honourable members have touched on, it is clear that we need a system in place. The legislation before the house is going to clean up the system.

If we look at the history of the legislation that underpins much of what has been discussed today, we know that in 2009 the Brumby Labor government established the Rooming House Standards Taskforce to take action against operators who intentionally provide substandard rooming houses. The importance of the task force was highlighted by the tragic deaths of two people in a fire in a rooming house in Brunswick in 2006. A number of members have mentioned that today.

Unfortunately some operators prey on the most vulnerable members of our community. The task force was asked to report on solutions to problems associated with poor-quality rooming house accommodation and services. That was in 2009, so seven years have gone by and we are now in a position where just today this legislation has come before the house. It is certainly worth noting that in the four long years those opposite were in government legislation like this was not brought before the house. I think this is something that is important in my community, and from listening very closely to the contributions other members have made today, I can see that it is important to many communities across the state.

The direct functions of the bill include establishing a licensing scheme for rooming house operators so that only fit and proper persons will be eligible to be

licensed or have existing licences renewed. All operators, new and existing, will be required to demonstrate they are fit and proper persons in order to obtain licences. An applicant will not be granted a licence if they have been convicted of serious crimes in the past 10 years. This includes offences relating to violence, dishonesty, drug trafficking and sexual or child pornography crimes.

It is so important that those who are not regarded as fit and proper persons do not have the opportunity to establish rooming houses. We know that there is often a strong link between the way a person operates now and the way they have operated previously. If we consider things a person has been found guilty of or matters they been charged with before, we want to ensure that those who have been convicted of offences do not have the opportunity to then go and open rooming houses at their own leisure and take advantage of people who are socially in very difficult situations.

Under the bill an application will be refused if the applicant has been bankrupt or insolvent in the past decade or if a court has found they breached rooming house laws in the past five years. That goes back to the continual management and maintenance of this sector and ensuring that these people are fit and proper persons in relation to operating rooming houses. As we have heard, it will be an offence to operate a rooming house without a licence, and unlicensed operators will face harsh penalties of up to \$36 000 for individuals or \$180 000 for bodies corporate. The law will protect vulnerable tenants from being exploited by rogue operators who use bullying or harassing tactics. It will also help to stamp out operators who try to charge excessive rent, overcrowd rooms or do not meeting basic hygiene, safety or security standards.

This bill reinforces Labor's commitment to social justice and safeguarding the needs of vulnerable people. It is crucial to ensure that people's accommodation rights are protected, and that is why these measures we have discussed today are incredibly important. This government is one of action. Upon taking office, work immediately commenced on this bill so that the government could deliver on its promise to some of our most vulnerable Victorians.

I would ask members to consider how they might feel if a family member of theirs — a sister, a brother or a parent — was in a rooming house. What are the conditions that they would accept for their loved one? What are the conditions that they would think should be standard? What are the conditions they would accept for themselves? I am extremely proud of this bill, and I commend it to the house.

Mr SOUTHWICK (Caulfield) — It is a pleasure to rise to make some comments on the bill before us today, the Rooming House Operators Bill 2015. I say at the outset that no matter what background somebody comes from, housing is an absolutely fundamental right for all. I am certainly of the firm opinion that in relation to rooming houses for those in need, particularly those from low socio-economic backgrounds, we have the best possible rooming house accommodation. This bill certainly looks at some of these things. In particular it looks at the definition of a fit and proper person in relation to those running a rooming house.

What I would like to say as part of this is that there are elements of this bill that have not been touched upon. A whole range of amendments came before the house at the very last minute. In fact our lead speaker stood up and was about to give his contribution on the bill when he was handed those amendments without having previously seen them. To me that describes a government that has not done its work, that is trying to rush things through without having properly thought them through or done the consultation. That is something that needs to happen, because we are dealing with vulnerable members of our community who deserve to be treated properly and deserve a Parliament that actually considers all of them, considers all of the issues and ensures that those issues are dealt with correctly.

That brings me to issues I have in my electorate of Caulfield. In Caulfield we have a number of operators that utilise the rooming house legislation for profit. Many of those on the other side of the house know that I have no problem when it comes to profit, and I have no problem with legitimate businesses. However, there are particular operators who deliberately go about operating rooming house facilities very close to the wind. There is a definition of how many people are actually accommodated within these facilities, and then what happens within that is they will take a house and they will rent out a number of these rooms. Then as part of renting out these rooms they will seek profit for them, ensuring that they just fit within the realms of the law.

The task force that looked at the operators bill actually gave a case study of a property in Reservoir. It was a very similar thing to what we have seen happening in Caulfield. It was a four-bedroom house in Reservoir. It had a lounge room converted into a fifth bedroom. There were no communal areas. It had a kitchen and bathroom. They rented the overall house for \$1300 and they rented out each room, giving them a total profit of \$4000 per month. That is a huge mark-up, and that is in fact what is happening in many instances.

In Caulfield we have rooming houses in Kelburn Street, Myrtle Street, Almond Street and on many Port Phillip sites. I have had countless residents contact me. I have brought up matters in the adjournment debate. We have put petitions to the Parliament. We have written to ministers and not just the Minister for Housing, Disability and Ageing, because, unfortunately, when we are dealing with this we are dealing with not just one particular portfolio but a whole range of them, and that is because in many instances these are not just people from a low socio-economic background. These are backpackers who are coming in and they are being deliberately targeted. They are given the very basics — just a room. As part of that, these houses are operating in many quiet streets and the residents are having all-night parties.

An honourable member interjected.

Mr SOUTHWICK — The member for Footscray is falling for me! There are all sorts of activities that are happening as part of this. What we are seeing particularly — —

Mr Eren — Just to clarify: she tripped!

Mr SOUTHWICK — I am sure the member for Footscray has the same issues within her electorate as well, particularly when you have a university very close by, and there would be many instances where that would happen as well.

The issue is that these backpackers that are coming in are coming into quiet neighbourhoods. They are then having all-night parties. They are having all sorts of other issues happening, and unfortunately there is not a lot the council can do. There is not a lot the police can do, but each time these bodies have pointed back to legislative change to ensure that these things are dealt with properly. This bill goes some way there, and certainly I have advocated very strongly on behalf of my constituents to make sure some of these things are dealt with, but we need to do more work in this area. We desperately need to make sure that not only are people's rights to accommodation paramount but so is the right to live in a peaceful, quiet residential neighbourhood like Caulfield and not be attacked, not be abused and not have to deal with all the sorts of things you would expect to find in a nightclub.

The mayor wrote to me in December 2015, after I wrote to him, and his letter states that council had resolved as follows:

... That council write to the member for Caulfield outlining the residents' concerns over the lack of permit requirements for the establishment of a rooming house and request that he

investigate changes to the legislation to better reflect the community wishes.

The letter continues:

The residents of Myrtle Street, St Kilda East, have raised concerns with a rooming house in their street.

Such complaints relate to:

- out-of-control parties being held until late into the night;
- constant loud noise at all times of the day and night;
- physical altercations between residents of the rooming house;
- rubbish dumped in the street;
- fear for their safety and that of their children.

We have had a number of nights when Victoria Police were called. We had a night recently, on 5 November 2015, when there was a brawl outside this particular facility. People were fighting in the middle of this quiet street. Let me explain, for *Hansard*, what I mean by a quiet street. We are talking about Myrtle Street, which does not allow for parking on either side of the street. They have actually got rid of it, because if you park on either side of the street, you would not be able to drive a car up the street, it is so narrow. Council has changed parking requirements because what was happening was that the Wicked Campers — the backpacker vans — have been rented from the local backpacker whatever. They then turn up in Caulfield, up on the footpath to the side, and that just blocks the street so that people cannot even get through the street. This is a quiet neighbourhood with families, with kids, and the whole amenity has just been turned upside down by backpackers wanting all-night raves.

I welcome the backpacker industry to Victoria. It is a great industry. We have some thriving backpacker facilities in St Kilda, in great areas, and they do a fantastic job.

Mr McGuire — Just not in my area.

Mr SOUTHWICK — The member for Broadmeadows makes the point, ‘Just not in my area’; he is referring to ‘not in my backyard’. That is absolutely wrong, because there are a number of legal ones in my area, or just outside my area, in Fitzroy Street and in St Kilda Road, that have proper facilities to park and that can deal with noise and all that sort of thing, but I just wonder how the member for Broadmeadows would go if we set one up next door to him — —

Mr McGuire interjected.

Mr SOUTHWICK — ‘Not in my electorate’ — not in Broadmeadows either; isn’t that right, member for Broadmeadows? If the member for Broadmeadows would like me to, I can get the countless petitioners that have petitioned me on this, to petition him. I would be more than happy to get the petitioners to write to the member for Broadmeadows because he believes it is not a concern, but let me tell you, this is a real concern. It is a real issue. You are dealing with people’s wellbeing, and that is why I have raised this issue.

It is an issue that concerns retail tenancy, retail leasing, health and wellbeing, and planning. Let me tell you, I can go and set up a business — I can go and set up a milk bar, and I need to comply with more regulations to run a milk bar than to accommodate eight people in one of these facilities. I can set up eight rooms, and I can make a few thousand dollars a week. I can rent a house in Caulfield for \$1000 a week. I can charge out the eight rooms at \$300 a week and make a huge profit, and I have to do hardly anything other than turn up every week and collect my rent. It is the easiest business going, and those people that are doing it know it. They provide little, if any, service to the people, and all they do is upset the neighbourhood.

We need a proper backpacking industry, and I support a proper backpacking industry. We need social housing, and I support social housing. We need both of those to exist and to coexist, but at the moment the lines are blurred. There is a blurring of the lines, and the government of the day is not dealing with this. I call on this government to deal with this issue, to bring the operators together, to bring the backpackers together — and I can give them the legal backpackers that are operating that want changes to this as well — with everybody in the community and find a proper solution, not a half-arsed solution but a proper solution to deal with this problem.

Ms KILKENNY (Carrum) — I am very proud to rise to speak today on the Rooming House Operators Bill 2015. It is legislation like this that goes to the very core of what sets the Andrews Labor government apart from those opposite. Sitting here listening to the member for Caulfield go on about backpackers and not in his backyard or his electorate of Caulfield makes that even starker for all of us here. This bill is going to the very core of our commitment to social justice, and that is access to housing. We are talking about housing for some of Victoria’s most vulnerable and marginalised people, and that is something we cannot forget because without housing we do not have basic security.

We heard the member for Sunbury ask us to consider a situation: what if it is a relative who needs to find

housing in one of these rooming houses? What if it is your father or mother or sister or brother — or whoever it might be? I can say that in fact it was my father-in-law who ended up in a rooming house. For 20 years his whereabouts were unknown, and we found him there with an acquired brain injury. An alcoholic, he was drug dependent and living in conditions which you could only consider vile. Drug trafficking was going on in this facility, there were kids living in this facility and the arrangements were just appalling. I have seen what kind of people live in these rooming houses, and they can be family; they can be friends. They are not others that we can distance ourselves from. It is critical therefore that governments look after people's rights in accommodation.

I say to those opposite that we are not introducing this bill to make life difficult for rooming house operators; we are introducing this bill to make sure that we are doing all that we can to protect those vulnerable people in our communities who, not necessarily by choice but by need, are ending up in rooming houses.

Can I also say that that is why I find it absolutely and incredibly shameful that for four years those opposite did nothing to address this important and critical issue of regulating rooming houses. It is shameful that those opposite continue to ignore the social housing and welfare groups which called on the former Liberal government to introduce regulations and to introduce a licensing scheme. I know that those opposite had absolutely no plans to crack down on dodgy proprietors with a tougher licensing system, and that is despite recommendations from a coronial inquest and a task force set up by the former Labor government that looked at rooming house standards. I believe it was the then Minister for Consumer Affairs, the member for Malvern, who elected not to take up the opportunity to regulate rooming house operators.

Is it not also telling to hear members opposite voicing their so-called concerns with this bill rather than speaking about how these licensing measures are going to assist, help and protect the vulnerable in our communities? We heard the member for Bayswater talking about some bizarre argument about the number of dining chairs in one of these rooming houses and how that was somehow going to impact upon the ability of that rooming house operator to obtain a licence.

We know that the introduction of this bill is another Andrews Labor government commitment. We went to the election in 2014 promising to introduce a licensing scheme. That is exactly what we are doing with the introduction of this bill, and I am very proud of that. We know that the introduction of this bill means that

every single rooming house operator in Victoria — we understand there could be about 800 of them — new and existing, will be required to demonstrate they are a fit and proper person in order to obtain a licence to operate a rooming house in Victoria or in order to renew a licence.

We know there are rogue operators out there. We know they are exploiting and abusing vulnerable people in our communities, and that is why we are getting on with regulating this system. It is extraordinary that in Victoria today there are no laws regulating who can operate a rooming house. Any person can rent or buy premises and, so long as they register with their local council, they can set up a rooming house. We have seen that this has meant poor-quality, dangerous and inappropriate accommodation services. It is not just us saying this; the experts have been telling us this.

HomeGround Services chief executive officer Heather Holst said rooming house owners should have to declare any convictions. I quote:

'If people don't fit licensing requirements they really shouldn't be qualified to operate a rooming house', Ms Holst said.

She said she had received reports of tenants subjected to violence and unwanted sexual advances from operators, while social worker Josh Brooker said many owners used 'standover' tactics to collect rent.

Tenants Union of Victoria ... said laws and Consumer Affairs, which regulated rooming houses, needed to focus on the people who ran them instead of just property conditions.

'Many rooming houses in Melbourne are deathtraps and we will see more deaths in rooming houses unless the government cracks down on dodgy operators ...

This is the advice that we are taking, and we are acting on this advice in the interests of the most marginal and vulnerable people in our communities.

We know that rooming houses today are being used more and more by people who have complex needs and mental health issues, and single people who just cannot afford accommodation these days, but we also know — this is probably something that is going to come out in the family violence royal commission — that rooming houses are also being used by mothers and children who are escaping family and domestic violence.

We have heard from many members that what instigated a lot of this review was the tragic deaths of those two young people in 2006. They died in a fire in a rooming house in Brunswick. An inquest followed and the coroner found that the deaths were preventable and occurred as a direct result of substandard conditions in the rooming house. The lawyer for the families of the

two young people who died really encapsulated what happened in that tragic case when he spoke about the rooming house operators. He said there were three words that described those operators: ignorance, arrogance and greed.

When the coroner handed down his report in 2009 he outlined a number of significant failings with the system but he also noted the continued deception and lies by the owners of the building and the operators of that rooming house. Three years after the deaths of those two young people, when the coroner handed down his report, those same operators were believed to be operating up to 250 rooming houses around Melbourne, collecting more than \$40 000 a week in rent. This is what we are trying to crack down on.

After the fire the Brumby government set up a standards task force that was chaired by the now Minister for Housing, Disability and Ageing. The task force was established to directly assist in the strategy to take action 'on those predatory operators of intentionally substandard rooming houses who prey on some of the most vulnerable members of our community'. We have heard that that task force made 32 recommendations on ways to improve rooming houses in Victoria, and the Brumby government supported all of those recommendations, with many of them having now been implemented. But one of the key recommendations — that is, the regulation of rooming house operators — was not followed up by the former Liberal government, and this bill will finally right that wrong.

Rooming house operators will be disqualified and ineligible for a licence if they have a serious criminal history, are bankrupt or insolvent, or have a history of contravening specific rooming house laws over the past five years. They will also be disqualified if they are guilty of a specific offence relating to prohibited debt collection practices and harassment or coercion.

This bill goes a long way to helping marginalised, vulnerable people in our communities who are now living in various rooming houses across Victoria. Governments are here to look after everyone in Victoria. Rooming house residents, some of whom I know personally, are some of the most vulnerable in our community. Certainly the question we all need to ask ourselves is: don't they deserve to feel safe and secure just like the rest of us? We on this side the house certainly believe that they do. I commend the bill to the house.

Ms BLANDTHORN (Pascoe Vale) — I am very pleased to be able to speak today on the Rooming

House Operators Bill 2015 and its associated amendments. This is indeed a key Labor reform. It is a fundamental right of all people to have adequate housing. It is provided for in a number of international instruments, including by the United Nations in the Universal Declaration of Human Rights, which in article 25 acknowledges that the right to housing is part of the right to an adequate standard of living. Indeed I do not think that anyone on this side the house, and hopefully in this chamber, would not argue that every person has a right to a home that is consistent with a decent standard of human dignity.

Personally the right to housing is one that I am very passionate about. In part that stems from the experience of my family and I working in this area. But perhaps it goes back to my mum and her family, and my nanna, and the housing opportunities they had as my mum grew up. My grandfather, when my mum was quite young, had an accident and became a quadriplegic. They went from having a fairly routine, standard, happy family home — I do not think they would argue that it did not continue to be happy, but certainly it became fraught with difficulty after my grandfather had his accident — to living in housing commission accommodation in West Heidelberg.

Many in the chamber in the last few days have thrown about their understanding of West Heidelberg, but I do not think that many of them would have experienced the social housing environment that existed and still exists in West Heidelberg. Indeed they went so far as to have a shot at the member for Ivanhoe and his advocacy for those people, but I do not think those people would agree that he has not done his utmost to ensure that their issues, both economic and social, are represented — from policing to housing.

My grandmother became particularly passionate about affordable, equitable and quality housing opportunities for people. She was probably, I think she would say, passionate about it to start with, but certainly her experience of caring for my grandfather and her six children in housing commission accommodation in West Heidelberg really cemented it. My grandmother was Pat Black or, as she became known on 3AW when she would routinely ring up about housing issues, Pat from Balwyn. She was extremely passionate about housing issues, social housing and rooming houses in particular.

After my grandfather passed away she became manager of what was called Prague House in Kew. Prague House was run by the Sisters of Charity. It was essentially a home for men with mental health and alcohol-related issues. As a child I remember spending

school holidays and curriculum days at Prague House with Nanna, and I thought nothing of the way in which the men in that environment — it was always men at Prague House, and it is mostly men in many of these types of facilities — lived and the way in which she and her staff cared for those men. But unfortunately many do not have the opportunities that those men had to be cared for in those types of environments and end up in rooming houses of a different nature.

Nanna died a few years ago now. It still feels like yesterday; next week would have been her birthday on the feast of St Patrick, hence Patricia. Even as a Liberal voter — unfortunately we are a mixed family — I know she would have been pleased to have seen this bill, and certainly even as she aged she was very involved in the Housing for the Aged Action Group. She was involved in the initial consultations that occurred around this bill back under the Brumby government. I think she would have been very pleased to see where we have ended up today and would have considered it a very nice birthday present, if not one that should have come perhaps a little bit earlier.

My experience of rooming houses also extends to the time I spent, particularly across the northern suburbs, working with the soup kitchen out of Our Lady Help of Christians parish in Brunswick and East Brunswick. That parish runs a soup kitchen every Friday night and delivers to the rooming houses across Brunswick, Coburg, Flemington and Kensington. Many members on this side of the house have referred to those rooming houses today. Those involved with the soup kitchen would deliver every Friday enough food to try to help those people living in those houses get through the week essentially. Walking in and out of those houses of a Friday evening was certainly a daunting experience. They were often dirty and dark. They were insecure places. You never knew what you were going to find when you walked into them. They were often on very busy roads with lots of through traffic, both pedestrian traffic and vehicles. They often had shocking shared bathroom facilities, and they were not generally pleasant places to be. I think the bill that is here before us today will go some way to making sure that we can put in place regulations that go some way to fixing those types of issues.

Locally I also routinely have people coming through my electorate office door. If we go through the figures from the last census, we see there were over 300 people sleeping rough in my district, but certainly those who are living in the rooming houses of Coburg in particular come into my office and present as hungry, cold and fearful of the people around them, as well as fearful of where their next meal is coming from and fearful of

how long they can actually be allowed to stay in the rooming house before they end up back on the street. And they are often very lonely people as well. So rooming houses are not necessarily where people would choose to be, all things being equal. If we consider the number of people in rooming houses currently and in 2013, we see that in 2013 the number of registered rooming houses in Victoria was 1096 and the number of rooming house residents was 8500.

In terms of Moreland, we have had a number of people here mention the tragic fire where life was lost in a Brunswick rooming house. There have also been the rooming houses that have been identified, particularly in the Moreland area, that accommodate a number of international students. Again, the member for Burwood referred to people, particularly young people and students, choosing and wanting to live in these rooming houses but often not actually understanding the type of arrangement they are turning up to until it is too late. So the types of people who live in rooming houses has changed over time.

Traditionally they were those people who were experiencing homelessness, low income or unemployment; people who had served their correctional sentences; people with mental health issues; and those suffering from drug and alcohol-related issues — and traditionally men, as I said before. Again, I was reminded of the time I spent with my nanna at Prague House when I started doing the soup kitchen across Brunswick and East Brunswick that it was men who often ended up in these positions.

Increasingly we are also seeing young people and students — as I said, not because they choose that but often it is where they find themselves ending up — and people escaping domestic violence, so we are increasingly finding women and children in these types of facilities as well. Again, the member for Burwood referred to people choosing these facilities. It is not a matter of choice if that is the only place they have got to go to or that they can afford. They are often places where people are because they have no alternative for affordable housing. It also means that increasingly we do not have an ideal mix of people who are working together. On some occasions we have people who have escaped violence living with people who have served correctional orders for violence.

All of these people, however they have ended up in this situation, have a right to shelter that allows them to live in dignity, and yet so many rooming house residents have been enduring substandard and inhumane conditions. I have seen them with my own eyes. The HomeGround Services research report said that overall

60 per cent of respondents rated their accommodation as either poor or very poor. The Moreland example that I mentioned earlier, included in the Rooming House Standards Taskforce report, demonstrates evidence of overall unsafe and exploitative conditions as well as overcrowding in rooming houses in my community.

Rooming houses do provide much-needed housing to many Victorians, particularly vulnerable Victorians. The purpose of government and certainly the objective of the Labor government is to represent those people who are most vulnerable in our community. Vulnerable Victorians have been exploited by unregulated rooming house operators. The government will no longer stand by and watch this happen. The government will no longer stand by while unregulated operators abuse housing conditions for Victorians, because every Victorian has the right to feel safe and the right to live in protected and compliant premises. As such, this government is taking action on rooming houses.

It is also important that we take action on rooming houses for those workers and volunteers who are working with the people in these rooming houses. As I said, often when you go into these places they can feel unsafe and they can be frightening for those people who are actually trying to help the people who are living in them. Regulation does not help just those who are living there but also those who are trying to support those people. As I said, much of my perspective on housing, in particular rooming houses and public housing, has been shaped by the experience of my grandmother and my mother. In closing, my nanna always used to refer back to a hymn that was important to her and which we played at her funeral, which was *Who will speak* — for her: who will speak if I don't?

Mr EDBROOKE (Frankston) — I rise to speak on the Rooming House Operators Bill 2015. I am quite excited that this bill has been presented to the house. I would like to acknowledge the fantastic contribution of the member for Sunbury and that of the member for Pascoe Vale. I am very proud to be part of a government that is progressive in that it looks after people. I also note that some of the speakers on this side of the house have not been going to soup kitchens just because that gets votes and so they can put up a Facebook post and that they were also helping our community in doing that well before they were members, which is a fantastic thing that I think holds us in very, very good stead.

This bill has been needed for a very long time. I have been working with a group called Frankston United Neighbours Connect that is run by a lady called Tracey Hopgood. She and her crew do a fantastic job. They

have been on a mission to make their neighbourhoods safer because in some areas of Frankston where there is some cheaper housing we find we get a lot of rooming houses. One reason this bill is needed is because people in rooming houses are often vulnerable people as well. They are often socially excluded and economically disadvantaged. These people are also reluctant to pursue issues with rooming house operators due to fears of repercussions and because they actually may face eviction. Many see rooming houses as their only option, and they feel trapped in those rooming houses due to the lack of affordability in the rental market. In saying that, dignity is, as we have heard already, a basic human right. That needs to be balanced also with the human rights of people in these communities to be safe and bring up their families in a safe environment.

At this stage I would also like to say that we have heard quite a number of rants today. We have got some young people in the gallery, and I hope they take on board, if they take anything home today, that wise people, much like the member for Sunbury, talk because they actually have something to say but fools talk because they just need to talk — they just need to say something to fill the space. I think we heard some of that earlier.

Another reason this bill is needed is that the chief executive of the Council to Homeless Persons, Jenny Smith, as quoted in the *Age*, said unscrupulous operators can currently close down one dodgy business and straightaway open the next. Ms Smith said, 'Current legislation does not prevent this cycle of exploitation'. We do see some very dodgy business owners making massive amounts of money out of these rooming houses with no care for the people who are living in them. The Salvation Army rooming house project also noted that rooming houses are often run beneath the scrutiny of government and welfare services — that is why we are here; we are changing that today — and that many rooming house occupants are unaware of their rights or locally available services, in addition to having a high degree of fear about speaking up that I spoke about previously.

Professor Chris Chamberlain estimated that the rooming house population in Melbourne increased from between 2946 and 3739 in 2006 to 12 000-plus in 2011. The issue there is that a lot of these rooming house operators are actually buying up houses in cheaper areas because they can get more bang for their buck. I have a personal story and a lesson I learnt as far as rooming houses go. Before I go to that, I would just like to touch on the deaths of Leigh Sinclair and Christopher Giorgi, who lived in a rooming house. Their deaths were absolutely preventable. The coroner, Peter White, said they had no chance due to the numerous breaches

of basic fire standards. Ninety per cent of rooming houses inspected by the Tenants Union of Victoria around that period were unregistered, which allowed them to operate entirely outside the scope of any basic legal or regulatory standards.

The coroner further noted that the rooming house operator was not aware of his statutory responsibilities under the Building Code, the Health Act (Prescribed Accommodation) Regulations or the Residential Tenancies Act, and he received \$40 000 per week income for managing 60 to 70 rooming houses. That was his business. This remained the case for several years after the fire, despite several councils approaching him about properties that were under his control.

In a previous life as a firefighter in Frankston, I responded to a house fire one night. I was unaware of what a rooming house was until we smashed down the door and attacked the fire. Instead of the usual house, where you have an entry and a hallway with rooms off either side, what we were greeted with was basically that stud walls had been ripped out and more stud walls put in to accommodate the nine people who lived there. They had one toilet and they had one kitchen where they had a certain amount of prescribed space to put their condiments and whatnot. At the time, in the dark and the smoke, we were basically levering open plywood doors with padlocks on them and looking into these people's personal space. Seeing the tenants who were living there after the fire was extinguished was akin to being on the set of the movie *One Flew Over the Cuckoo's Nest*. There were some people there who obviously were very, very vulnerable. The issue there is that the rooming house operators that I run into in the Frankston seat are all care and no responsibility at all.

If you have fewer than nine tenants in a rooming house, you actually do not need a manager per se. You do not need anyone looking after these tenants, who sometimes are reintegrating back into society with a multitude of issues. Instead what we are doing is just allowing some of these rooming houses to be established in family neighbourhoods and having people piled in together, expecting them to thrive. When you have a personal space of 2 square metres and you have your issues, that often does not happen.

I heard someone on the other side say before that people choose to live in rooming houses. I think that is possibly one of the most stupid things I have heard this week. It takes only one bad mistake for a person to end up on their butt out on the street. It really does, and it could happen to anyone here. Anyone here could have a mental lapse, anyone here could have some bad luck, anyone here could be hit by a bus — today,

tomorrow — and there would go their ability to earn a living. Family breakdowns might be attributed to that as well, and people's circumstances and lifestyle will have changed immediately.

I am sure the common theme amongst some of the people in this house is that the people in these rooming houses are just poor people, or they are just on the fringe of society. But some of these people have tried hard. They have been out there; they have worked. I guess my point is that a mental illness can strike anyone at all. You could end up in this situation in a rooming house, and I think you deserve dignity. It is a balance of making sure these people have dignity and help if they are vulnerable but also making sure that people like those in Frankston United Neighbours Connect, who have four rooming houses in their street, are protected. This is what leads to the stereotyped view that rooming houses are so bad — when there are four in a street and the police come there 18 times in 17 days for calls about events such as people crashing cars into trees, people crawling through children's bedroom windows and things like that. These regulations are needed because it has been such an unregulated industry, and I think that has really propagated the stereotyped view that we are dealing with today.

What the bill actually does is establish a scheme for rooming house operators under which only fit and proper persons will be eligible to hold a licence, which is fantastic news. They have to have their licence renewed at a certain period of time, in which case their details are all looked over again to make sure they are a fit and proper person. This follows through on an election commitment from the now Premier to legislate for the fit and proper person test. Currently there is no legislative framework at all for who can and cannot operate a rooming house, and as I said before, if we can go back a couple of minutes, when you put up to nine vulnerable people in a house and lock the door you cannot expect good things to happen. A lot of these people do need help.

The Business Licensing Authority will be responsible for determining the licence renewal applications and the scheme will be enforced by the director of Consumer Affairs Victoria. It will now be an offence with significant penalties to operate a rooming house without a licence, which is another fantastic piece of legislation. The determination as to whether an applicant is fit and proper to run a rooming house will be made with reference to a set number of criteria and a licence disqualification criteria and renewal disqualification criteria as well.

In conclusion, it is fantastic to see that after years of inaction by the former government, years of people knocking on its door and asking it to do something, the Andrews Labor government has got on board and listened to the people, as we do. I commend this bill to the house.

Ms SULEYMAN (St Albans) — It gives me great pleasure to speak in relation to the Rooming House Operators Bill 2015. I too echo the sentiments of my colleagues and speakers on this side of the house. It is great to see that the Andrews Labor government is delivering on its election commitment and has seen fit to introduce the fit and proper person test for rooming house operators.

In my electorate of St Albans we have many rooming houses, in the suburb of Sunshine in particular, where unfortunately due to adverse circumstances there are situations where people find themselves in these types of accommodation. Whether it is for a short period of time, a medium period of time or a long period of time, everybody who has access to this accommodation has the right in particular to feel protected. No matter what circumstances they may be in they must be assured that every measure has been taken to make sure they are in safe accommodation. That is why this government is acting on this bill. It is about immediately commencing to make sure that our most vulnerable residents and constituents are protected in our communities.

I want to explain a little bit about this bill. This bill establishes a licensing scheme. We have heard from many speakers today in relation to rooming house operators. Some operators, in our communities do prey on the most vulnerable because unfortunately they become the targets. The most important aspect of this bill is that a fit and proper person will be the only person eligible to be licensed or to have their licence renewed.

The bill means that all operators, new and existing, will be required to demonstrate that they are a fit and proper person in order to obtain a licence. Applicants will not be granted a licence if they have been convicted of serious crimes in the past 10 years. This is common sense. If you have been convicted of a crime, that clearly indicates that you are not a fit and proper person to be operating a rooming house that has many occupants. Also, when applicants are refused, that can be because of bankruptcy or insolvency in the past decade or if a court has found they have breached rooming house laws in the past five years. Again that is common sense and makes it very clear that if these are some of the circumstances that an operator has found

themselves in in the last five years, they are not in a position to hold a licence.

The Business Licensing Authority will be responsible for issuing licenses to rooming house operators, and Consumer Affairs Victoria will regulate the enforcement of the new laws. It needs to be noted that all rooming houses currently are registered with their respective councils in Victoria. I think it is important to note that they are registered with their municipal councils and that this is just an extra step to make sure that the operators are fit and proper persons to operate a rooming house.

It will also be an offence to operate a rooming house without a licence, and unlicensed operators who are in breach will face harsh penalties of up to \$36 000 for individuals and \$180 000 for bodies corporate. There need to be some tough measures so that people take this seriously, and this is where imposing these financial penalties, I think, makes very clear to those who want to operate in that illegal or unlicensed manner that there will be some harsh penalties if they are caught.

Again I just want to repeat that everybody wants to be able to be in the comfort of their home, and we need to be mindful that these sorts of rooming houses in particular are mostly for the most vulnerable people — people who have experienced fairly adverse circumstances — and whether they are in short-term, medium or long-term accommodation they do have the right to be protected and to live in a safe environment. We have heard today from this side of the house some of the horror stories and in particular of the unfortunate death of two individuals in one of these sorts of premises a number of years ago. It really does say that these sorts of premises need to be operating in a much more professional manner and that the operators need to take some responsibility to make sure that their tenants are safe and protected.

I repeat we also need to make sure that these places meet the basic hygiene requirements, that they are clean and that they have the appropriate facilities and services. I have seen, and heard some stories of, accommodation and facilities that are not up to basic standards, and that is not good enough, so there is a responsibility as well for the councils to continue to monitor and make sure that these sorts of facilities have the appropriate planning guidelines and are up to the appropriate standards and conditions when it comes to providing basic hygiene, safety and security for their tenants.

Another factor in rooming houses is that a lot of the rooms are overcrowded, and again this could be

because the operators are targeting the vulnerability and desperate situations of some of the residents who are in these facilities. We need to make sure that there are not excessive rents imposed on and profiteering from vulnerable people, that management practices are appropriate and, most importantly, that all premises are kept in adequate repair and condition.

I commend the Minister for Consumer Affairs, Gaming and Liquor Regulation for putting forward this bill. There has been a lot of consultation work to get to this point. I think it has taken the Andrews Labor government to yet again deliver, and we have wasted no time in doing that. I commend the bill to the house.

Ms WARD (Eltham) — Thank you, Acting Speaker Kilkenny. It is great to see you in the Chair this afternoon.

I rise in support of the Rooming House Operators Bill 2015. It is unfortunate that we do have rooming houses. It is unfortunate that we are in a situation where there is a need for rooming houses. I would dearly love every single Victorian to be in a safe place every night when they go to bed, but unfortunately that is not the case, and it is absolutely imperative that we have legislation in place that puts restrictions and controls around how rooming houses are operated.

Like the member for Shepparton, I also spent time in my youth in a few share houses in the inner city, and I had a lot of fun in those houses. But I had a bit of choice around where I stayed, who I lived with and the experiences that I had in those houses. I felt safe in those houses. I knew that I did not have to lock my bedroom door. I knew that there would not be a partition made of a sheet separating me from somebody else. I knew that there would not be someone sleeping in the laundry, someone sleeping in the closet or someone sleeping out the back. There was equal representation and equal decisions made within that house — apart from who stole stuff out of the fridge.

In a boarding house you do not have that situation. You have very unequal relationships. You have an unequal relationship with your landlord, and you have an unequal relationship with the people who are living in your rooming house. You can live in a rooming house in fear and with a sense of vulnerability, and this is not something that should be taken advantage of.

I want to quote from Jenny Smith, CEO of the Council to Homeless Persons, who was interviewed on *Lateline* last year. She said:

The experience of being in a rooming house is really a long way from living in a share house. You're going to have the

whole family in a small room, paying between \$200 and \$300 a week in rent.

With strangers who are, you know, coming and going, turning over, who have had the full range of background experiences in their life that they bring to that household.

You do not choose who you live with when you live in a rooming house, and this is one of the fundamental issues the member for Burwood absolutely neglected in his speech earlier today when he did not acknowledge the difference in relationships of people who are in a rooming house compared to those people who are in a share house. I really think that he needs to have a good look at how some rooming houses are managed, as many people have in this house today in their support of this bill.

As has been said, it was an election commitment to introduce a fit and proper person test for rooming house operators, and this is absolutely vital. This is really important. We have vulnerable people living in rooming houses who need to know that they can trust the person who is being put in charge of managing the rooming house — that they are going to make safety their primary focus, that they are going to make sure that there are adequate smoke alarms in the house and adequate exits in the house, that there are not going to be bedrooms in corridors that block exit points and that there are proper provisions put in place to make that residence a safe place.

We need to ensure that people's accommodation rights are protected. We cannot rely on the market to do that, because the market does not always look after people.

Mr Watt — My point of order, Acting Speaker, relates to the fact that the member mentioned me in her contribution. I would say that some people actually do choose who they live with in a rooming house. The place I was talking about earlier in Reservoir, the guys there did feel — —

The ACTING SPEAKER (Ms Kilkenny) — Order! The member for Burwood — —

Mr Watt — Those who lived in there — —

The ACTING SPEAKER (Ms Kilkenny) — Order! The member for Burwood, thank you.

Mr McGuire — On a point of relevance, Acting Speaker, that is not a point of order, and I ask you to dismiss it.

The ACTING SPEAKER (Ms Kilkenny) — Order! Thank you. I dismiss the point of order.

Ms WARD — I think it is actually quite sad that the member for Burwood thinks this is a moment for hilarity and that it is appropriate to engage in stunts. In fact I think people in here will recognise someone who also liked to do a lot of stunts in the 1970s. He was a Paul Hogan character called Leo Wanker. I think we are very familiar with that character.

This bill establishes a licensing scheme for rooming house operators so that — —

Mr Watt — On a point of order, Acting Speaker, I ask that you counsel the member about parliamentary language. Members who were in this house in the last term of government will understand that the use of that word is not acceptable in this place. I ask that you refer the member to the Speaker for that language, which is not acceptable in this house.

The ACTING SPEAKER (Ms Kilkenny) — Order! The member was quoting, so I overrule that point of order.

Ms WARD — Thank you, Acting Speaker. The bill establishes a licensing scheme for rooming house operators so that only fit and proper persons are eligible to be licensed or have their existing licences renewed. This is incredibly important. People have to have the right character, they have to be the right people and they have to have a proper business model that not only looks after their own financial interests but that also looks after the interests of the people who are residing in the rooming houses.

We have seen some really shocking incidents in rooming houses. As we know, there was a fire in an apartment in a CBD building in Spencer Street that was known to have illegal rooming houses in it. This was in 2015. Up to eight people were in a room and were paying astonishing amounts of rents. They were exploited and put in the position of not being safe. There were people sleeping in corridors, which is a fire hazard. These are dangerous situations, and they cannot be tolerated. There must be legislation that prevents this kind of action. That is what this legislation does, and it should be supported and applauded.

We recognise that the market does not always provide the right environment for people. There needs to be regulation in place to make sure that people abide by the laws. They need to use common sense and not be dictated to by how much money they can squeeze out of the most vulnerable Victorians. That cannot be tolerated. On this side of the house we do not tolerate exploitation. We do not tolerate people having every last penny drained out of them while they sleep in a

corridor with cockroaches and sheets separating them from other people. These living arrangements cannot be tolerated, and there needs to be regulation in place.

I am sure we have all seen pictures of multiple bunks in a room with sheets hanging down from the high bunk shielding the lower bunk. That cannot be regarded as a room. That is not a safe place for people to live. We all know about single mums who are with their kids in a bedroom where the door does not lock properly and where they have to push furniture up against it at night so they can feel safe, because they do not choose the people who live in their rooming house. For those who do choose who is in the rooming house, they are obviously with people who are good providers and who are doing the right thing. These people will be able to comply with the legislation. They are doing the right thing, and they will not be inconvenienced by this legislation. If they are good operators, they will be applauded for what they do, and the legislation will allow them to do what they do because they are doing it well. That is what this legislation supports.

Unfortunately we have children living in rooming houses. These children do not choose who they live with. They live where their parents take them and where their parents can afford. Again, we need legislation which ensures that these children, no matter where they rest their heads at night, are kept safe. This is very important, and I am glad this legislation allows us to do it. I applaud the minister and the government for pushing forward with this sensible and comprehensive legislation that addresses the key problems we see in rooming houses. I support the bill.

Ms COUZENS (Geelong) — I rise to speak on the Rooming House Operators Bill 2015. I am pleased to speak on the bill, and I congratulate the Minister for Consumer Affairs, Gaming and Liquor Regulation and her staff and the Minister for Housing, Disability and Ageing for their work in putting the bill together.

We know that rooming houses can be seen as an affordable option for many people, but we know that they are not always well run. Just because a person is disadvantaged it does not mean that they should be subjected to unsafe living conditions. In 2014 the now Premier made an election commitment to, if elected, legislate for a fit and proper person test for rooming house operators to be administered by the Business Licensing Authority. This bill delivers on that commitment.

There are no laws regulating who can and cannot operate a rooming house. This means that provided a person has the legal capacity to either lease or buy

residential premises, he or she is able to operate a rooming house from those premises, subject to its being registered with the relevant local council and it meeting assorted other legal requirements. This is of real concern to rooming house residents, whom we know have been subjected to unsafe conditions and situations.

Having had a background around housing and homelessness, particularly during the 1980s and 1990s, I had a lot to do with rooming house residents in Geelong. It was not a good way for a lot of those people to live. There were rip-offs, and there was bad behaviour. We have heard a lot of stories today about the bad behaviour that occurs in rooming houses. This bill goes a long way towards preventing a lot of that from happening. What we saw in Geelong was a lot of overcrowding. Although we have not had a lot of rooming houses in Geelong — and I do not think there are any left now after the Kennett government closed down the last remaining publicly funded rooming house, which operated very well for young women — we have heard today that there are about 1500 registered rooming house in Victoria, so it concerns me that in 2016 people are still being subjected to dodgy operators.

We have heard today also that in 2009 the Brumby government established the Rooming House Standards Taskforce as part of its stated strategy to take action to prevent dodgy rooming house operators from providing substandard housing. The task force was asked to report on solutions for the problems associated with poor-quality rooming house accommodation and services.

In its September 2009 report to government the task force expressed serious concern about the manner in which rooming houses were being operated. It had found evidence of some rooming house operators overcrowding rooms, in breach of public health laws, undertaking illegal building works to facilitate the housing of larger numbers of residents, profiteering by seeking excessive rents, engaging in other poor management practices and not maintaining premises in adequate repair, resulting in squalid conditions.

The task force made 32 recommendations on ways to improve rooming house accommodation and services in Victoria. A key recommendation was for rooming house operators to be registered by the state as a means of driving improved professionalism and reducing exploitative practices in the rooming house sector. This bill will address that recommendation and similar recommendations made to government by parties as diverse as the Victorian coroner and housing and social advocacy organisations.

We have heard today — and I know, having spoken to the Tenants Union of Victoria — that the tenants union is fully supportive of this bill. Back in the 1980s and 1990s, when I was working with people living in rooming houses, I worked very closely with organisations like the tenants union to try to change legislation to protect rooming house residents.

The bill establishes a licensing scheme for rooming house operators, under which only fit and proper persons will be eligible to be licensed or have existing licences renewed. It will be an offence attracting significant penalties to operate without a licence. Consistent with other occupational licensing schemes administered by the authority, the criteria will ensure that persons who have convictions for serious offences — for example, offences involving drugs, violence or dishonesty — are not eligible to be licensed where a conviction has been recorded in the 10 years preceding an application for a licence. Convictions for other serious offences, including sexual and child pornography offences, will also preclude a person from obtaining a licence, in recognition of the heightened vulnerability of many rooming house residents.

Importantly, the criteria also address what has become a key problem in the rooming house sector — namely, the continued refusal of some rooming house operators to comply with their legal obligations. Rooming house tenants must be protected from these operators, who use standover tactics, violence and sexual advances, as we have heard today. We know this happens, and many residents are vulnerable, particularly young women, homeless people and people escaping family violence. They are all the different people that we used to see in Geelong in our rooming houses, and they were not there by choice. There were occasionally people living in rooming houses by choice, particularly single males, but the bulk of the people living there were forced to live there because they had no other options or were waiting for other forms of emergency accommodation or looking at trying to obtain affordable rent in the community, which they were not able to do at that time.

It is important to focus on who runs these rooming houses. It is not just the conditions; it is about making sure that we protect people from dodgy operators who are only there to make money. They do not really care about what happens to the residents. As I said, we did have a history of having rooming houses in Geelong. As I said earlier, I do not think there are any rooming houses actually left in Geelong, but there were a string of rooming houses in Aberdeen Street in Geelong that were frequented by people who were looking for affordable housing.

I say 'affordable' housing, but for a lot of those people it was more about being able to access that accommodation fairly quickly. In some rooming houses the rents that were being charged were exorbitant for what was being provided; it would just be a very basic room and not necessarily a clean or safe environment either. When we talk about rooming houses being affordable, I do not think that that is necessarily right, because it is more about that immediate access that people were able to get by just going and knocking on a door of a rooming house and being provided with a room rather than it being somewhat affordable.

Although we technically do not have any rooming houses left in Geelong, as I mentioned, the rooming house that was provided by some of our youth services for young women in Geelong ran very successfully. It was clean, it was well maintained and pretty much what we would expect in our community. Unfortunately the Kennett government decided to take that property, which was a 12-bedroom mansion on Aberdeen Street, back and sell it off to the private sector. So we actually lost that asset, and that was probably the last known rooming house in Geelong. I think now what we are seeing is a lot of hotels taking on what would traditionally have been people going into rooming houses; they are now going into quite run-down hotels in Geelong. That will be something that we will need to look at in the future, I would imagine.

This is a great bill. I think back to the 1980s when I was working in housing and talking about exactly the same things. It has taken until 2016 and a Labor government to introduce this bill. I am really pleased to be able to speak on the bill today, and I commend the bill to the house.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Rooming House Operators Bill 2015 because it is a particularly important bill and goes to the heart of why, on this side of the house, we are in this place: to protect our most vulnerable. Essentially, as we have heard, this bill protects against exploitative practices within the rooming house sector. I know speaking for myself I was shocked to learn that there are currently no laws regulating who can and cannot operate a rooming house. I think this is an enormous gap in the current state of play. I have many rooming houses in my electorate — about 85 registered rooming houses and I am not sure how many unregistered ones. I believe that is part of the problem really.

When I was househunting I was quite surprised in my local neighbourhood — in Dandenong — by how many houses came up on realestate.com.au and were marketed as rooming houses or an opportunity for a

rooming house. I was also shocked at how much money could be made by rooming house operators in this environment. We might assume that rent in these places is fairly cheap. Comparative to other locations maybe it is, but it is not necessarily as cheap as some of us may think, particularly for properties run by unscrupulous operators who are operating either at the edge or beyond the bounds of the law.

Since that time when I was househunting and since being elected, I have been quite shocked by the many stories I have heard about life in some of my local rooming houses — that would be some of the worst of the local rooming houses, most of them being unregistered. I have been shocked at how many complaints I have received. In particular, when reflecting on this bill I was recalling an approach I had fairly recently by a young man who described to me some fairly horrific conditions in the rooming house in which he lives. He wanted to see change. He feared for his safety, and he also feared for the negative impact of the worst of these places on our local communities.

But at the same time — this is what really affected me — he was terrified about lodging any formal complaint or of being identified by his landlord as a troublemaker. He was not just worried about being kicked out, although that was distressing enough for him because he had nowhere else to go, but he was actually worried about being hurt, which I found to be even more confronting. He was worried for his physical safety as well. Sadly these types of stories are not as uncommon as they should be.

A number of years ago I attended a local rooming house forum in my local area, and I heard the story of Pete Burns. Now an advocate in the affordable housing sector, Pete Burns is a man who lived in rooming houses and gave an account of witnessing drug deals and fights and being genuinely scared that he would be murdered in his sleep; he was worried about being stabbed in his sleep. That is pretty horrifying stuff. Most of us in this place, I would hope all of us, do not have that fear when we go home every day, but it is a reality for a lot of people in our communities.

He also gave an insight into fairly common maintenance issues in rooming house properties, including leaks, dangerous electrical faults and heating that just could not be turned off no matter what, all year round. He also made the important point that not all rooming houses are bad. They are not all badly run, but in the worst ones you are actually better off sleeping on the street. You would rather be sleeping on the street than being in the worst of these places. I think that is an

indictment of the operation of those particular properties.

I am proud to say that this bill goes some way to addressing many of these issues. We know that those who live in rooming houses are often at significant risk of homelessness, and we have heard previous speakers speak very eloquently on that issue. We know, as the Minister for Housing, Disability and Ageing outlined in his contribution, that rooming houses are often an affordable option for people, even if they are not their preferred option — but sometimes they are their last option. Rooming houses often house some of the most vulnerable in our community — people with substance abuse problems, mental health issues, financial struggles, women fleeing family violence or any number of other circumstances that we as human beings hope that we will never encounter. These people deserve our protection, and I cannot emphasise that more strongly. This is about protecting the most vulnerable in our community. It is about stopping unscrupulous operators from being able to operate, for a community good and in protection of our most vulnerable.

As we have heard, the measures in this bill are good for not only those people who reside in rooming houses but also those rooming house operators who are doing the right thing, essentially because it acts against those who are bringing this part of the housing sector as a whole into disrepute. The bill establishes a licensing scheme for rooming house operators under which only fit and proper persons will be eligible to be licensed or to have their licences renewed. Whether a person is a fit and proper person is determined by reference to a number of criteria known as licence disqualification criteria and renewal disqualification criteria. These criteria ensure that anyone who has a conviction for certain offences — for example, offences involving drugs, violence or dishonesty — is not eligible to be licensed where those convictions were recorded in the 10 years prior to the application for a licence.

Convictions for other serious offences, including sexual and child pornography offences, will preclude a person from obtaining a licence. I think all in this place would agree that that is a very reasonable criterion. Obviously that criterion is in recognition of the vulnerability of rooming house residents.

Further to these criteria, where there has been a contravention of specific rooming house-related laws in the preceding five years, a rooming house operator will not be eligible to be licensed. If this contravention has happened during the life of a licence, then the operator will not be able to renew that licence.

I think these are really sensible measures to ensure that certain types of individuals — those with pretty shady backgrounds — are not able to operate in an environment where they have quite high exposure to the most vulnerable in our community and that we lift the standard of rooming houses overall, knowing full well that those who need them are probably already going through enough in their lives. On that front I am very proud to be a part of a government that is putting this bill before Parliament, and I am proud to see its passage on such an important issue and one that goes to the heart of Labor values.

We know that this licensing scheme will be administered by the Business Licensing Authority and will be monitored and enforced by the director of Consumer Affairs Victoria. We have heard from other speakers about the history of this bill. I think it is also important to acknowledge the lack of work in this area by those who sit opposite. In 2009 the Brumby government established the Rooming House Standards Taskforce to take action against these predatory operators. The task force was asked to report on solutions for problems associated with poor-quality rooming house operations. Essentially it identified a number of issues, including overcrowding, illegal building works designed to accommodate more tenants, excessive rents and profiting from the vulnerable, and premises being poorly maintained and in fact often squalid. One of the task force's key recommendations was that rooming house operators be registered by the state as a means of driving improved professionalism and reducing these exploitative practices in the sector.

We can fast-forward to 2010 and the arrival of the Baillieu government. Given what happened in those four years I am a little bit surprised to hear those opposite trying to assert how much they did in this space, because it is simply not true. The former government did nothing to act on the key recommendations of the task force, including the implementation of a licensing scheme like the one we are discussing today. To be frank, progress in this area ground to a halt upon the election of the Baillieu government, and work did not really resume in earnest until the re-election of a Labor government in 2014. That is a fact.

We make no apologies about the possibility of some rooming houses closing as a consequence of this scheme. If they cannot pass the fit and proper person test, then they should not be operating in this space. I think that that is a reasonable expectation and one that we as a government should be enforcing. It is important that we lift the quality of rooming houses and protect our most vulnerable.

On that point I would like to make one comment about the submission made by the member for Burwood, which I think was so off the mark, misguided and offensive in terms of how he tried in some bizarre way to claim that he had lived in a rooming house. No, that was a share house — a very different thing; it was a university share house. For him to liken himself to people who need a rooming house because of their circumstances is utterly offensive and should be called out for being just that. But not to detract from the great measures in this bill, I commend the bill to the house.

Ms HALFPENNY (Thomastown) — I also rise to speak in support of the Rooming House Operators Bill 2015, a bill that again demonstrates the Andrews Labor government's commitment to ensure protection of the state's most vulnerable and to enact legislation that supports and assists people and protects them from those that want to solely make profits and do not worry about people themselves.

Rooming houses, sometimes called hostels, have been around for a very long time. They are a form of accommodation that has been around for many years, although I think they have now taken on a bit of a different form. For example, when my father moved from the small country town of Donald down to Melbourne to take up his apprenticeship as a 15-year-old boy he was in a hostel, which would now be the same as a rooming house. It was a house that had been converted into many rooms, with a communal lounge room and a communal kitchen.

As an apprentice, along with many other apprentices from small country towns who needed to move to Melbourne to work, this was the sort of accommodation that he could afford on the very low apprentice wages. He made many lifelong friends in that hostel, including Mr Syed Sidowi, who had migrated from Lebanon. He also was unable to afford a house and was living in the hostel as well. That was the form at that time. Even at that time I think there were a whole lot of problems around standards, particularly fire protection and so on. Standards at that time left a lot to be desired.

But now the rooming houses have taken on a completely different purpose because I guess there is now a real issue about affordable housing. There is a real lack of public housing and supported accommodation, so it is now the most vulnerable of people that are forced to go to rooming houses, because if they were not there, they would be homeless and have no shelter at all.

This legislation has not just come out of the blue or come about just because someone thought it was a good

idea. It has come about because of the actual facts — the facts being that rooming house operators have been exploiting their tenants in many cases. We have heard the most horrific stories. Of course many people have referred to the terrible fire and the death of residents of a rooming home, and others have talked about their own experiences of talking to people that have been in rooming houses and have had terrible situations where they have felt unsafe, where the houses themselves have not been clean and where the facilities were just not up to standard. So I think there is plenty of evidence to absolutely say that there is legislation required, and it is certainly not before time.

In fact I recall getting up to speak on some legislation around rooming houses that the opposition — then the Baillieu and Napthine governments — introduced. Of course it just did not go far enough. It really did not get to the real nub of the problem, which was of course to make sure that the owners or the landlords of these rooming houses were fully accountable for their actions.

The main purpose of this legislation is to introduce a licensing scheme so that operators are, firstly, licensed and can be tracked down. I know from my own conversations and discussions with the Whittlesea council, because of a rooming house in the Thomastown electorate, that there was a whole lot of problems even trying to find out who actually owned a rooming house if there were problems and concerns from residents. As a result of that, of course there certainly needs to be a licensing system. The other part of the licensing system is that the actual landlords or the owners of these rooming houses must be fit and proper people to actually run them, and of course this is a really important initiative and an important piece of legislation, together with the penalties that go with an operator in the case of them not conforming to the law.

In terms of the legislation, it also talks about operators being fit and proper people, and that of course means that you cannot hold a licence or you will have a licence taken from you if, for example, you have been found guilty of drug crimes, theft or sexual crimes. Of course it is very important that people that are found guilty of these sorts of offences should not be running rooming homes, because the residents of the rooming houses need to be protected and the people that are running them need to be of the best character to ensure that protection.

Another part of the bill, which is fairly small but I think very important, is that the legislation also allows the names of those people on the register of licensed rooming house operators to be published so that it is

open and there for everybody to see. They of course can be then checked upon. Organisations such as the tenants union — if they have had a complaint or been advised of something that is untoward or not in accordance with the law and not in the interests of tenants — should be able to fairly quickly access information to see whether the operator is a licensed operator, without having to go through a whole lot of difficulties and red tape and everything else to try to find out very basic information. I think if you own a business, you need to have your name on it, and people ought to have access to that information to make sure, if they need to contact someone or do anything, that the information is all there.

As I was mentioning, this legislation is something that has been discussed for a very long time. It is unfortunate that the previous Liberal government did not see fit to introduce this sort of legislation, even though it is something that had been talked about even in the latter years of the Brumby government and something that the Labor opposition had always supported to make sure that there was stronger legislation around those that operate rooming homes.

I understand that there has been some criticism from the Registered Accommodation Association of Victoria, I think on the basis that there is red tape and they do not want to be tied up with all sorts of regulations. I understand that there are probably some operators that are very decent, good businesspeople that always follow the law. But certainly and surely if you are running a business, you should have some sort of regulatory form, as all businesses are required to. And if you really are doing the right thing, there should be no issue with complying with things such as being a fit and proper person and you as the operator being licensed and having your name out in the public realm, so that if there are any issues, you can be contacted and found, and those issues can be raised.

Again, as we have said, it is a situation with rooming houses where it is not just about short-term accommodation; for example, for someone coming from the country to do some work and then going off again. We now see these rooming houses as having really embedded in their role that they can be crisis accommodation, but they are also an absolutely vital part of housing, particularly for those in situations such as fleeing domestic or family violence.

If you are unable to secure housing because of illness or because of income, really the only thing left is the rooming houses, and we need to make sure that they are safe places. This legislation goes towards making rooming houses more safe, and of course we should all

be thankful to the Andrews Labor government for having the courage to introduce this legislation to protect those that are required to live in rooming houses.

Ms KNIGHT (Wendouree) — I am very pleased to rise to speak on the Rooming House Operators Bill 2015. The purpose of this bill is to foster professionalism and reduce exploitative and undesirable practices within the rooming house sector. This is something that I am sure we would all agree is incredibly important. This will be achieved by establishing a licensing scheme for rooming house operators; ensuring that licences are only granted to persons who are fit and proper within the meaning of the act; holding licensed rooming house operators to account for their conduct and the conduct of persons involved in the management or operation of their rooming houses; and protecting the rights of rooming house residents. The bill also makes amendments to the Australian Consumer Law and Fair Trading Act 2012, the Business Licensing Authority Act 1998, the Estate Agents Act 1980 and the Residential Tenancies Act 1997. That is a long and necessarily legalistic explanation of the bill's purpose.

We only need to take a look at the second-reading speech of the Minister for Consumer Affairs, Gaming and Liquor Regulation on this bill to find an explanation that simply encapsulates what the bill is about. The second last sentence of the minister's speech reads:

For rooming house residents, it is my sincere hope that this bill will improve your experience of living in a rooming house in the state of Victoria.

That is what this bill is about — improving the experience of living in a rooming house for those that live in this form of accommodation. As it stands, rooming houses must be registered with the relevant local council, but there is no registration of rooming house operators or a test to determine if they are appropriate persons to operate a rooming house.

I am going to largely confine my contribution on the bill currently before us today to three matters: the establishment of a licensing scheme for rooming house operators; the criteria around being a licensed person; and the conduct of operators and managers of rooming houses. Those three points certainly reflect what we have heard in this chamber today about this very important bill.

This legislation is required because the previous Liberal government failed to act. It failed to implement the recommendation made by the 2009 Rooming House

Standards Taskforce for the registration of rooming house operators to reduce exploitative practices in rooming houses. The task force's recommendation in this regard was that:

State government introduce a system of registration for rooming house operators in Victoria through the Business Licensing Authority. As a result, to operate a rooming house legally in Victoria, premises must be registered with local government and operators must be registered with the state government.

I understand that the State Coroner has previously raised concerns regarding the safety of rooming houses, and we have already heard in this chamber details about that.

Before the last Victorian election, the now Premier promised a fit and proper person test for operators of rooming houses, and this bill delivers on that promise. As we see across Victoria, the Andrews government is delivering on its election promises. The delivery of Labor's election commitments is making a real and positive difference to the lives of Victorians, and so it is with the bill that is before us.

The need for a licensing scheme for rooming house operators is simple. Some rooming house operators intentionally provide substandard accommodation or otherwise exploit vulnerable rooming house residents.

The report of the chairperson of the Rooming House Standards Taskforce identified the housing experience of people living in rooming houses to include: deinstitutionalisation and a decline in supported residential services; previous poor rental histories that preclude them from accessing private rental; difficulties in presenting and competing for affordable and low-cost private rental opportunities; previous evictions from other accommodation options; and presentation at homelessness services as a pathway into a rooming house. It is my expectation of a decent society that people at greater risk of exploitation will gain greater protection from government, and that is what this bill does.

It stands to reason that those with a vulnerability are at greater risk of exploitation. This bill provides for a licensing regime whereby people would be ineligible to be licensed as a rooming house operator if they have been convicted of a serious crime in the last 10 years. This includes offences relating to violence, dishonesty, drug trafficking and sexual and child pornography crimes. A person who has been bankrupt in the previous 10 years or has breached rooming house laws in the last 5 will also be ineligible. This licensing requirement takes into account the fact that operators of

rooming houses are not only people but also organisations and corporate bodies.

Managers of rooming houses and officers of corporate bodies seeking to operate a rooming house will also be required to pass the fit and proper person test. However, those who pass the fit and proper person standard will be those most likely to comply with the licensing system. People who operate a rooming house with the intention of preying on and exploiting vulnerable people will avoid the licensing requirement. So we need tough penalties to make sure that the unscrupulous do not operate or continue to operate a rooming house without a licence.

The bill currently before the house contains those very tough penalties. It will be an offence to operate a rooming house without a licence, and unlicensed operators will face fines of up to \$36 000. For bodies corporate, the penalty for operating a rooming house without a licence will increase to up to \$180 000. These are big and harsh penalties, and so they should be. It is very important that they be harsh. It is important to protect vulnerable people who live in rooming houses, and we need to make sure there are genuine penalties for breaching the licensing regime, not just a slap on the wrist — that is far too insufficient. For those who may consider operating a rooming house without gaining a licence, the potential penalties need to be large enough to force them to reconsider.

I want to conclude by again quoting from the second-reading speech of the Minister for Consumer Affairs, Gaming and Liquor Regulation. She said:

For rooming house residents, it is my sincere hope that this bill will improve your experience of living in a rooming house in the state of Victoria.

I wholeheartedly share the minister's hope, and I want to acknowledge the government's commitment, a commitment that I share — that we all share — to taking real action to improve the lives of low-income and disadvantaged people in Victoria.

I do not think we can, nor should we, underestimate the importance of having safe and secure housing. In speaking about this bill, I really want to acknowledge the service providers who give such great assistance to the people in my electorate, Wendouree, who are seeking houses. That includes agencies like UnitingCare Victoria, agencies that work in the area of the prevention of violence against women and those that provide resources, particularly housing resources, to women who are escaping violence.

I also want to acknowledge the assistance of the state and federal governments in these areas. There was a time when it was difficult for me to raise money for a bond, and I had three little kids. I was so grateful to receive bond assistance from the state government at that time. It was really necessary for me to get that assistance so that I could provide safe and proper housing for myself and my children. I also want to acknowledge the rental assistance I received at that time from the federal government. People do find themselves in situations where they have to seek housing assistance when they did not think they would have to. I do consider those who have to access rooming houses as also perhaps being in that category.

It was really insightful to hear the member for Carrum relate a story about who does need to seek access to rooming houses. We also need to acknowledge the increased number of women and children who are becoming homeless, who are sleeping rough and who are trying to find good and safe accommodation.

I commend the minister for this bill, I commend her on her work and I wish the bill a speedy passage through the chamber.

Mr PERERA (Cranbourne) — I am pleased to speak on the Rooming House Operators Bill 2015. It is incumbent on all governments to look after the interests of all constituents, including those who have competing interests. The rooming house issue is one with competing interests. On the one side we have the rooming house operators trying to maximise their profits by providing appalling living conditions to tenants at reasonably high rents. On the other side we have the communities worried about operators placing their rooming houses in the middle of suburbs where families are living, away from public transport and other amenities and creating a lot of traffic conditions. Then we have the vulnerable rooming house tenants who are struggling to find a place with proper facilities at a reasonable price, and they are sandwiched between all those issues around them, on top of their family issues.

The new initiative by the Andrews Labor government is to bring fairness to all parties, especially to those vulnerable tenants living in rooming houses. I would like to talk about two things: firstly, how this legislation will protect the safety of both rooming house residents and local communities; and secondly, how this bill will work in interaction with the recent clarification of the planning code in relation to rooming houses. This bill provides a framework to allow both the people who operate rooming houses and those who live in them to understand their rights and obligations under the law,

and it increases the consequences of not fulfilling those obligations.

This is the first time the industry has been regulated. It gives operators a clear outline of what exactly is expected of them in operating a rooming house. It gives residents the knowledge that they can report any misdoings by an operator without fear of recrimination and in the knowledge that something can be done. The bill makes it a requirement for all people who run rooming houses to pass a fit and proper person test. This means the operators cannot have been found to be guilty, according to the bill, of an offence involving fraud, dishonesty, drug cultivation or trafficking, sexual slavery or servitude, child pornography or violence that was punishable by a term of imprisonment of three months or more at the time of the conviction or the finding of guilt or a sexual offence or an offence connected with sex work that was punishable by a term of imprisonment of three months or more at the time of the conviction or finding of guilt.

A few years ago when I was representing the area of Frankston North a dodgy rooming house operator ran an unregistered rooming house in Frankston North. The unregistered lessee took a normal residential lease from an agent in Frankston and sublet the property. The property was a three-bedroom house converted into a five-bedroom accommodation. The operator turned the meal area of the house into an additional bedroom. There was only one unisex bathroom for five marginalised tenants.

We have all heard the stories of people dying in badly operated rooming houses and the shoddy conditions that these people exist in. We need to look after those in our communities who are not able to look after themselves, and that is exactly what this bill does. It provides minimum standards that those running or seeking to run rooming houses must meet in order to operate a rooming house. These laws will ensure that operators who do not comply with the regulations set out in the rooming house provisions in the Residential Tenancies Act 1997 will not be granted licences.

Some of these provisions are as follows. Any door that is used for entry to or exit from a resident's room must be fitted with a lock that is operated by a key from the outside and can be unlocked from inside without a key. A resident's room must have at least two working power outlets. A resident's windows must have a covering that provides privacy and can be opened and closed by the resident. A shared bathroom or toilet must be fitted with a privacy latch that can be securely latched from the inside without a key. The legislation

also provides for which amenities must be available in a kitchen, bathroom and laundry area.

Some of the largest problems with unsuitable rooming houses are the disproportionate effect they can have on children living in them. Unhygienic conditions affect children at a much higher rate than they affect adults. Children are especially vulnerable to damp, cold and overcrowded conditions. According to research in the UK and here, children living in dangerous conditions are more at risk of developing asthma, meningitis and severe mental health problems and have lower educational attainment. Currently there are at least 200 children living in rooming houses across the state, with a large majority of these being children under the age of nine. Children do not have a choice in whom their parents are.

We must remember when talking about accommodations such as this that these houses for many people serve as transitional housing and a way for people to have a bed and a roof over their heads while they get back on their feet. We need to make sure that anyone taking advantage of these people in precarious positions is never able to do so again.

We also need to make sure that people living in rooming houses know where they can take their complaints about any illegal treatment. Currently many of them do not know where they can make a report, or they are scared that a complaint will have them kicked out and living back on the streets. They are also not entirely sure that reporting will do anything. Currently the only method of enforcing compliance is fining the people responsible. The legislation brings in the ability to remove the licences of people found doing the wrong thing. It also provides a clear central place for complaints in Consumer Affairs Victoria. Community safety must also be paramount.

This bill also complements the recent clarification to the planning code brought in by the Minister for Planning. These planning changes were brought about by recent cases in the Victorian Civil and Administrative Tribunal and by the proposed development of two 10-bedroom rooming houses in Cranbourne. There was community and local council outrage over this decision because they had no way to respond to the concerns of their community. The matter has since been clarified and all developments for rooming houses in residential areas will now require a planning permit.

This particular development was not believed to be in an appropriate location. A development in an inappropriate location does not allow those who live

there to be able to make a new life for themselves. There are requirements for appropriateness. These include being close to transport. This does not mean just being near a road or highway to be able to drive places; it also does not mean being within 3 kilometres of one bus that may get you within 1 kilometre of the station. It means being able to get different forms of public transport or being within walking distance of shops and supermarkets. It means being able to get to local support services, both employment-wise and health-wise.

Other requirements for appropriate locations include being able to get to the doctor or to the hospital without it being an undue burden. It also means being able to get to the local Centrelink office to ensure compliance with the requirements of any payments that are being received. Being in an appropriate location ensures that people can move on with their lives and live them successfully. I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to speak on the Rooming House Operators Bill 2015. In doing so, can I say how pleased I am to see this bill before the house. I too, like a number of members on this side, want to thank the Minister for Consumer Affairs, Gaming and Liquor Regulation for preparing the legislation and bringing it to the Parliament, because I know firsthand what rooming houses can mean to people who are most desperate. For those who are most desperate, there are usually a lot of problems that they have to face. It is not just that they are homeless: in many cases they may have mental illness, they have come in contact with the justice system, they have had marriage breakdowns or family breakdowns, they have lost their jobs — they have so much going on in their lives that they have no control of — and what they need to have is security in their accommodation as a starting point. Yet these very vulnerable people are the most exploited, and that is the tragedy of what has been happening in rooming houses.

We have seen occasions where rooming houses have had to be closed down because they had mice running rampant. There have been fire hazards. There have been issues about how many people have been housed — well and truly over and above what any of us would accept as reasonable. The conditions of these places are absolutely horrific. I have had women who have been victims of family violence come to me and say they were told the only emergency accommodation that they could be provided with was a rooming house, yet they had young children and felt so unsafe in those environments because of some of the people and conditions in those rooming houses. That is not what we want to see perpetuated.

This is what licensing rooming houses means. We will be able to properly ensure that rooming house operators are meeting the best minimum standards for rooming houses, that people who go to stay in rooming houses are not going to be exploited continuously and that people are not going to see this as a cheap and easy way to make a buck at the expense of the most vulnerable. That is why this legislation is so crucially important. If governments are not looking after the most vulnerable in our communities, they are certainly not doing their job, because that is what they are here to do — and that is what this piece of legislation is attempting to do.

I want to talk a little bit about the concerns raised by some members opposite, not all. Some members have demonstrated a real understanding of what confronts the people who board in rooming houses, but there have been others who have decided licensing is just a bad thing. Well, sometimes it is not. We need to be able to balance out what provides good regulation for business against meeting the needs of the most vulnerable — and sometimes that means regulating. We have tried everything else with rooming houses. We have tried to allow them to regulate themselves in some way. We have set standards which a number of them — quite a lot — never meet. So there is only one recourse left to make sure that we are providing for the most vulnerable, and that is to license them. We have to get rid of this notion of a doctrine that deregulation is the only way to go, because deregulation is not always the answer. In this instance it is not.

Rooming houses need to be regulated. They need to be properly controlled. We need to make sure that a person who goes into a rooming house, who is so very desperate to get a roof over their head — for a multitude of reasons this is their last resort for accommodation — knows that they are safe, primarily. We need to make sure that they know they can go to bed at night, that they are not going to be interfered with, they are not going to be robbed and their children are not going to be put at risk. We need to make sure that we are providing those standards.

None of us would want to be in the situation where we had to look for accommodation and our last resort was a rooming house that was rat infested, a fire hazard, where the windows were broken and where it had more people than it had rooms. These are not the sort of places we would want for our family, our friends or, I would think, for our constituents. I think this legislation could not have come too soon. It is an important piece of legislation. I am so proud to be part of a Labor government that makes sure that it is legislating to protect the most vulnerable in our communities and

ensuring that they get roofs over their heads that they can actually rely on.

I know there have been a lot of members talk on this bill. For us on this side of the house it is probably why we became members of Parliament — because we believe that we have a responsibility to those who cannot look after themselves for whatever reason. I think it might have been the member for Sandringham, but I might be wrong about that, who said that you never know when you will become a person who is destitute. You never know when circumstances may turn against you. You might have been in a position where you were doing quite well and you had a job and you had your family and then all of a sudden you are retrenched and you no longer have that job. And then you get depressed and you lose your family, and the next thing you lose is your house and then the next thing you are on the streets. That can happen to anyone. It does not matter what socio-economic background you are from — it could happen to anyone. And on that basis we have a responsibility to make sure we minimise the impact that that person has to suffer. Putting a roof over their head has got to be the first course of action that we take that they can rely on.

This bill goes a long way to making sure that we put proper standards in place and that we are licensing those who operate rooming houses. Can I put to bed the notion that a person who has a flat and rents out a room is operating a rooming house? They are not. The member for Burwood has a misconception about what a rooming house is and what the legislation will cover, so please let us put that to bed. That is not a rooming house. I have seen these rooming houses, and I would not put my worst enemy in some of these rooming houses. They need to be closed down and rooming houses need to be licensed so operators are properly committed to meeting the standards that have been set.

For this reason I wish this bill a speedy passage through this house and then the Legislative Council. It is a great piece of legislation. It goes a long way to meeting the Andrews government's objective of ensuring that it takes everyone along on the ride to a better life and better prosperity. I commend the bill to the house.

Mr NARDELLA (Melton) — I support the legislation before the house. One of the interesting things about being in the Labor Party and being in government is the things that we do actually change things for the better. The reforms we put in place are actually reforms to do things better, to look after people better and to protect people and families. The thing that makes me proud today is that the legislation before the house is Labor legislation. This legislation before the

house in actual fact had its genesis in 2008 and 2009 with the report that was handed to the Brumby government in terms of rooming houses. There was a report that was handed down in 2010 that had, from memory, 36 recommendations. This legislation is part of that work that was done in protecting vulnerable people and in protecting people in rooming houses.

The honourable member for and my honourable friend from Footscray detailed in a very eloquent way but a very important way some of the major problems and issues in these rooming houses. So you would have thought that having done the work, having talked to a number of people in rooming houses and a number of operators, having talked to organisations that look after vulnerable people and having been handed the report, the new government, which did not do much and did not have very much to do for a very long period of time, could have gotten that report and put in place its recommendations. But unfortunately that was not to be the case.

There are a number of people who were in that Geoff Shaw government — we have now got some new people, but we have got some older people who were here at the time — that really have as their mantra this Institute of Public Affairs (IPA) view that regulation, that licensing, that looking after people and that making sure that we get the shonks out of this industry is not a good thing. It is all about self-regulation; it is all about getting the industry to clean up itself. It is obvious through the stories, through the investigations and through the research and the report that has been tabled in the Parliament and out there in the wider community that that has not been the case. That cannot be the case when you have a number of operators that have no restrictions and no ability to do the right thing. They do not want to do the right thing. They see their role as maximising their returns and their profits from these vulnerable people, who we on this side of the house are the only ones representing.

It is a tragedy when spurious arguments are used in terms of people losing their licences and people being negatively affected through this legislation. It is all about being concerned for some of these shonky operators. Some of these shonky operators, through this licensing system, will not be able to get licences because they are not good people, because they do not look after vulnerable people in their premises, because they do not care about those people in their premises or because they are not people of any compassion or heart. These licensees through this legislation will lose their ability to run these premises — and rightly so — because they are not doing the right thing by the community and by the people in these rooming houses.

This is not about the single room that somebody rents out in their home or their unit. This is about a systematic practice where people have a number of rooming houses from which they are maximising profit without any care or consideration for the people that they have within their rooming houses. That view of the Institute of Public Affairs that regulation and licensing are bad really does come to the fore when you listen to these stories, when you listen to the lived experiences of people in these circumstances.

The thing about this legislation is that if people feel aggrieved, if they feel that they have not been treated rightly or they lose their licence, they have the ability to go to the Victorian Civil and Administrative Tribunal (VCAT). They have the legal option of going to VCAT and having a decision reviewed and they can put the case for why they should either get a licence or retain a licence. So there are the checks and balances to weed the shonks out of this system. That is what good Labor governments do. What any good member of Parliament would do is have a look at legislation and how it affects real people, vulnerable people within our community and society, and then license or regulate the industry — in this case, the rooming house industry — that is operating out there in our community.

Honourable members have gone through the registration process. It is also important to understand that the review that was undertaken was very extensive. People who contributed were from the Tenants Union of Victoria, the Council to Homeless Persons, the Registered Accommodation Association of Victoria and people in rooming houses.

This bill is part of the commitment that was given before the last election by the then Leader of the Opposition. This is the result of the promise that was given then. I am very proud to be on my feet supporting this legislation. I am very proud that we in the Labor Party are looking after vulnerable people within our society and community. I am very proud of the minister who has carriage of this legislation, because it is Labor legislation. It is what we do. It is why we fight day and night for justice within our community and society. We do not have as our no. 1 priority the shonks and the charlatans that operate within this particular industry. It means that the good operators, the people that care about their residents, can be looked after and can be nurtured through this process. On that basis, I support the legislation before the house.

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.**Read second time.***Circulated amendments***Circulated government amendments as follows agreed to:**

1. Clause 3, page 5, after line 25 insert—

“*notice to vacate* means a notice to vacate under Part 6 of the **Residential Tenancies Act 1997**.”
2. Clause 29, lines 17 to 19, omit “the room occupied by the resident by a date that is 120 days after the date on which the notice is given” and insert “under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)”.
3. Clause 29, page 38, lines 3 to 6, omit “the room occupied by the resident by a date that is 120 days after the date on which the notice is given” and insert “under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)”.
4. Clause 29, page 38, line 15, omit “under” and insert “in accordance with”.
5. Clause 29, page 38, after line 20 insert—

“**Note**

A notice to vacate under section 268B of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act.”
6. Clause 34, lines 33 and 34, omit “the room occupied by the resident” and insert “under section 268A or section 290A of the **Residential Tenancies Act 1997** (as the case requires)”.
7. Clause 34, page 46, after line 7 insert—

“**Note**

A notice to vacate under section 268A of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act.”
8. Clause 82, page 80, lines 11 to 14, omit “the room occupied by the resident by a date that is 120 days after the date on which the notice is given” and insert “under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)”.
9. Clause 82, page 80, lines 31 to 34, omit “the room occupied by the resident by a date that is 120 days after the date on which the notice is given” and insert “under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)”.
10. Clause 82, page 82, lines 7 to 10, omit “the room occupied by the resident by a date that is 120 days after the day on which the notice is given” and insert “under

section 263, 268B, 288 or 290B of the **Residential Tenancies Act 1997** (as the case requires)”.

11. Clause 82, page 82, after line 11 insert—

Note

A notice to vacate under section 268B of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act.”

12. Clause 82, page 82, line 14, omit “under” and insert “in accordance with”.
13. Clause 83, page 83, lines 28 and 29, omit “the room occupied by the resident” and insert “under section 268A or 290A of the **Residential Tenancies Act 1997** (as the case requires)”.
14. Clause 83, page 83, after line 36 insert—

“**Note**

A notice to vacate under section 268A of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act.”
15. Heading to clause 88, omit “**section 268A**” and insert “**sections 268A and 268B**”.
16. Clause 88, line 25, after “**given**” insert “**by Tribunal order**”.
17. Clause 88, line 27, omit “A” and insert “(1) A”.
18. Clause 88, line 32, omit “34(3)(c)(ii)” insert “33(1)(b), 34(3)(c)(ii) or 83(3)(c)(iii)”.
19. Clause 88, line 34, omit ‘owner.’ and insert “owner.”.
20. Clause 88, after line 34 insert—

‘(2) The notice must specify a termination date that is the date specified by the Tribunal as the termination date.

268B Notice to vacate— refusal of licence under Rooming House Operators Act 2015

- (1) A rooming house owner who has entered into a tenancy agreement with a rooming house resident in accordance with section 94 may give the resident a notice to vacate the room or rented premises occupied by the resident under that tenancy agreement if—
 - (a) the rooming house owner’s application for renewal of a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 29(1) or 29(2) of that Act apply; or
 - (b) the rooming house owner’s application for a licence under the **Rooming House Operators Act 2015** is refused by the

Business Licensing Authority and section 82(2) of that Act applies.

- (2) The notice must specify a termination date that is 120 days after the date on which the notice is given.”.
21. Heading to clause 90, omit “**section 290A**” and insert “**sections 290A and 290B**”.
22. Clause 90, line 25, after “**given**” insert “**by Tribunal order**”.
23. Clause 90, line 27, omit “A” and insert “(1) A”.
24. Clause 90, line 30, omit “34(3)(c)(ii)” insert “33(1)(b), 34(3)(c)(ii) or 83(3)(c)(iii)”.
25. Clause 90, line 32, omit ‘owner.’ and insert “owner.”.
26. Clause 90, after line 32 insert—

“(2) The notice must specify a termination date that is the date specified by the Tribunal as the termination date.

290B Notice to vacate— refusal of licence under Rooming House Operators Act 2015

- (1) A rooming house owner may give a resident a notice to vacate the room occupied by the resident if—
- (a) the rooming house owner’s application for renewal of a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 29(1) or 29(2) of that Act apply; or
- (b) the rooming house owner’s application for a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 82(2) of that Act applies.
- (2) The notice must specify a termination date that is 120 days after the date on which the notice is given.”.

NEW CLAUSES

27. After clause 86 insert—

‘AA Residential Tenancies Act 1997— Termination after notice to vacate

At the end of section 219 of the **Residential Tenancies Act 1997** insert—

- “(2) If a notice to vacate under section 268A or 268B or a notice of intention to vacate under section 235(3) is given in respect of a fixed term tenancy agreement between a rooming house owner and a resident of the rooming house, unless it terminates earlier in accordance with this Part, the fixed term tenancy agreement terminates on whichever is the earlier of—

- (a) the termination date specified in the notice to vacate under section 268A or 268B; or
- (b) if a notice of intention to vacate has been given under section 235(3), the termination date specified in that notice of intention to vacate.

Example

Earlier termination may occur by a notice to vacate given under section 243 or 250.”.

28. After clause 87 insert—

‘BB Residential Tenancies Act 1997— Notice of intention to vacate

- (1) In section 235(2) of the **Residential Tenancies Act 1997**, after “The notice” insert “under subsection (1)”.

- (2) After section 235(2) of the **Residential Tenancies Act 1997** insert—

“(3) A resident of a rooming house who has entered into a tenancy agreement with a rooming house owner which is a fixed term tenancy agreement may give the rooming house owner a notice of intention to vacate the room or rented premises if the resident has been given a notice to vacate under section 268A or 268B.

- (4) The notice of intention to vacate under subsection (3) must specify a termination date that is not less than 28 days after the date on which that notice of intention to vacate is given.”.

CC Residential Tenancies Act 1997— Notice to have no effect in certain circumstances

At the end of section 236 of the **Residential Tenancies Act 1997** insert—

- “(2) This section does not apply to a notice of intention to vacate given under section 235(3).”.

Third reading

Motion agreed to.

Read third time.

**NATIONAL ELECTRICITY (VICTORIA)
FURTHER AMENDMENT BILL 2015**

Second reading

Debate resumed from 8 March; motion of Ms D'AMBROSIO (Minister for Energy and Resources).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**VICTORIA POLICE AMENDMENT
(MERIT-BASED TRANSFER) BILL 2016**

Second reading

Debate resumed from 9 March; motion of Mr SCOTT (Acting Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**OCCUPATIONAL LICENSING NATIONAL
LAW REPEAL BILL 2015**

Second reading

Debate resumed from 9 March; motion of Mr PALLAS (Treasurer).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

Sitting continued on motion of Ms ALLAN (Minister for Public Transport).

BUSINESS OF THE HOUSE

Adjournment

Ms ALLAN (Minister for Public Transport) — I move:

That the house, at its rising, adjourns until Tuesday, 22 March 2016.

Motion agreed to.

FAMILY VIOLENCE

Debate resumed from 25 February; motion of Ms RICHARDSON (Minister for the Prevention of Family Violence):

That this house takes note of the addresses regarding the prevention of family violence, led by Ms Rosie Batty, on 26 November 2015.

Mr STAIKOS (Bentleigh) — As a new member of the house, I can say that one of my first observations on taking my seat was just how little you can actually hear in this place at times, but on 26 November, when Rosie Batty and a number of others addressed the house on a very important issue, you could hear a pin drop. Rosie Batty is a mother whose very deep personal tragedy has prompted our state and our nation to act on an issue that for too long has been swept under the carpet. From that day when we heard those contributions from the guests in the house what sticks in my mind is the contribution of Kristy McKellar, who said, and I quote:

On the final assault my perpetrator dissolved my chemotherapy medication in water so I was not able to take my critical treatment. The perpetrator placed his hands around my throat and began to choke me. All I could do was to look at him in the eyes and beg him with mine to allow me to live. As tears streamed down my face, he showed no emotion at all. By the time my perpetrator made a choice to allow me to breathe, I had almost been rendered unconscious. Immediately I was then struck to the head. The impact was so significant I lost hearing in my right ear.

Ms McKellar went on to describe in a lot of detail the terrible horror that she experienced.

Women and children have been suffering in silence for far too long. I am proud to say that in my electorate our local police and various agencies have gotten together in recent times and have adopted a more collaborative approach to take action and to address some of those systemic problems in various departments, in various agencies, indeed in the police, that sometimes see a lot of victims fall through the cracks.

Around a year ago we launched Taskforce Alexis at the Moorabbin police station. Taskforce Alexis is an

innovative initiative aimed at breaking the cycles of repeated incidents of family violence. It is a three-year pilot, although so far it is only funded for the first 12 months. It commenced on 1 December 2014 and comprises 24 staff, led by a senior sergeant under the active support of the superintendent of police, commander of the southern metro region, division 2. Twenty-one of these staff are sworn officers. The police, ambulance and clinical early response unit forms part of Taskforce Alexis. In addition, the task force comprises one Salvation Army family violence practitioner, a mental health clinician and an unsworn police staff member.

The reason we formed Taskforce Alexis is because the police themselves were mindful of a gap between Victoria Police and the services that support families. One of the intended goals was to develop a closer and more effective relationship with local services.

My electorate is one of the more affluent areas. You cannot get much change out of \$1 million if you are buying a house, but there is still a significant issue of family violence. It does not matter what your postcode is or your socio-economic profile, family violence is a significant issue, and I am proud that this government is taking action.

Debate adjourned on motion of Mr PAKULA (Attorney-General).

Debate adjourned until later this day.

**DELIVERING VICTORIAN
INFRASTRUCTURE (PORT OF
MELBOURNE LEASE TRANSACTION)
BILL 2015**

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 11, lines 24 to 32, omit all words and expressions on these lines and insert—
 - “() For the purposes of subsection (1)(b) and (c), the specified period is—
 - (a) 50 years; or
 - (b) if the Premier makes an order under subsection (3), the period determined under that order.”
2. Clause 11, page 11, line 2, omit “(2)(a)” and insert “(2)(b)”.
3. Clause 11, page 11, lines 8 and 9, omit all words and expressions on these lines.

4. Clause 11, page 11, line 12, omit “(6)” and insert “(5)”.
5. Clause 15, line 12, after “infrastructure” insert “(including regional infrastructure)”.
6. Clause 15, after line 12 insert—
 - “(iii) rail infrastructure projects for improving rail access, including any rail infrastructure project for improving access identified as an option in a Rail Access Strategy prepared under Part 6C of the **Port Management Act 1995**; and”.
7. Clause 15, after line 17 insert—
 - “() The amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund to fund the cost of all or any part of the development of regional infrastructure projects must equate to, in aggregate, at least 10% of the net transaction proceeds.
 - () In addition, the amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund under subsection (1)(a) must, in any relevant period, include amounts to fund the cost of all or any part of the development of regional infrastructure projects that equate to, in aggregate, at least 10% of the amounts so authorised.
 - () However, subsection (3) ceases to apply when amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund to fund the cost of all or any part of the development of regional infrastructure projects equate to, in aggregate, 10% of the net transaction proceeds.”.
8. Clause 15, line 26, omit “deliver.” and insert “deliver;”.
9. Clause 15, after line 26 insert—

“*net transaction proceeds* means the transaction proceeds paid into the Victorian Transport Fund under section 12(3) less any deductions made from the transaction proceeds under section 12(4);

regional, in relation to infrastructure, means a geographic area of Victoria that is within a municipal district of a Council or an alpine resort within the meaning of the **Alpine Resorts Act 1983** that is defined as *rural or regional Victoria* under the **Regional Development Victoria Act 2002**;

relevant period means any of the following—

 - (a) the period of 4 years commencing on 1 July after the first lease or licence of land comprising port assets is granted to a private sector entity under section 11;
 - (b) each 4 years commencing on each subsequent 1 July.”.

NEW CLAUSES

10. Insert the following Division heading and clauses to follow clause 59—

“Division 2— Compensation payments under authorised transaction related agreements or deeds

Subdivision 1— Preliminary

AA Definitions

In this Division—

anchorage has the same meaning as in the **Port Management Act 1995**;

capacity expansion proposal means a proposal for a port or terminal capacity expansion;

Commission means the Essential Services Commission established under the **Essential Services Commission Act 2001**;

Dedicated Channels has the meaning given by section 45 of the **Port Management Act 1995**;

ESC Minister means the Minister administering Part 2 of the **Essential Services Commission Act 2001**;

existing port or terminal capacity means —

- (a) infrastructure at the port of Melbourne, as at the commencement of this section, used to handle international containers; and
- (b) infrastructure constructed at the port of Melbourne to handle international containers as part of the development declared in the nomination order under the **Project Development and Construction Management Act 1994**, dated 4 September 2012 and published in the Government Gazette on 7 September 2012;

handling, in relation to a container, includes loading, unloading, transporting or storing;

least cost capacity expansion principles Order means an Order made under section 72;

Port Growth Regime payment provision has the meaning given by section 61;

Port Growth Regime waiver provision has the meaning given by section 62;

port lessee means a lessee under a port of Melbourne lease;

port of Melbourne land has the same meaning as in the **Port Management Act 1995**;

port of Melbourne lease has the same meaning as in section 59;

port of Melbourne operator has the same meaning as in the **Port Management Act 1995**;

port or terminal capacity expansion means an expansion in the capacity of infrastructure, or development of new infrastructure, at the port of Melbourne to handle international containers;

Ports Minister means the Minister administering Part 6B of the **Port Management Act 1995**;

provision of channels has the same meaning as in the **Port Management Act 1995**;

relevant services means any of the following—

- (a) the provision of channels (except anchorages) for use by shipping in port of Melbourne waters, including the Shared Channels used by vessels bound either for the port of Melbourne or for the port of Geelong and the Dedicated Channels used by vessels bound for the port of Melbourne;
- (b) the provision of berths, buoys or dolphins in connection with the berthing of vessels in the port of Melbourne;
- (c) the provision of short-term storage or cargo marshalling facilities in connection with the loading or unloading of vessels at berths, buoys or dolphins in the port of Melbourne;
- (d) the provision of access to, or allowing the use of, places or infrastructure (including wharves, slipways, gangways, roads and rail infrastructure) on port of Melbourne land for the provision of services to port users;

Examples

Tanker, wharf and water inspection services, and security services, are kinds of services that are provided to port users on port of Melbourne land.

Shared Channels has the same meaning as in section 45 of the **Port Management Act 1995**;

State sponsored port has the same meaning as in section 49R of the **Port Management Act 1995**;

vessel has the same meaning as in the **Marine Safety Act 2010**.

BB Meaning of Port Growth Regime payment provision

- (1) A *Port Growth Regime payment provision* is a provision that—
 - (a) is contained in an agreement or deed connected with an authorised transaction; and

(b) requires a public sector entity to make a payment (including a payment of damages or a lump sum) to an entity specified in subsection (2)—

(i) in relation to, or because of, or calculated by reference to the handling of international containers at a port in Victoria other than the port of Melbourne; or

(ii) in relation to, or because of, or calculated by reference to a factor that is a proxy for the handling of international containers at a port in Victoria other than the port of Melbourne; or

(iii) in relation to the development, or an announcement by the State of the proposed development, of international container facilities at a port in Victoria other than the Port of Melbourne.

Note

A public sector entity includes the State— see section 3.

(2) For the purposes of subsection (1), a specified entity is—

- (a) the port of Melbourne operator; or
- (b) an associated entity of the port of Melbourne operator; or
- (c) any other person but only to the extent that the person receives the payment for the benefit of the port of Melbourne operator or an associated entity of the port of Melbourne operator.

CC Meaning of Port Growth Regime waiver provision

(1) A *Port Growth Regime waiver provision* is a provision that—

- (a) is contained in an agreement or deed connected with an authorised transaction; and
- (b) requires a public sector entity to waive a right to receive a payment, or forgo a payment, that would be otherwise payable to that entity by an entity specified in subsection (2)—

(i) in relation to, or because of, or calculated by reference to the handling of international containers at a port in Victoria other than the port of Melbourne; or

(ii) in relation to, or because of, or calculated by reference to a factor

that is a proxy for the handling of international containers at a port in Victoria other than the port of Melbourne; or

(iii) in relation to the development, or an announcement by the State of the proposed development, of international container facilities at a port in Victoria other than the Port of Melbourne.

Note

A public sector entity includes the State— see section 3.

(2) For the purposes of subsection (1), a specified entity is—

- (a) the port of Melbourne operator; or
- (b) an associated entity of the port of Melbourne operator.

DD Relevant legislation for the purposes of the Essential Services Commission Act 2001

This Division is relevant legislation for the purposes of the **Essential Services Commission Act 2001**.

EE Ministerial guidelines about capacity expansion proposals

- (1) The Ports Minister may issue guidelines about the form and content of a capacity expansion proposal.
- (2) The guidelines must be published in the Government Gazette and made available for inspection free of charge at the office of the Ports Minister.

Subdivision 2— Restriction on compensation payments

FF Compensation not payable or capped in certain cases

- (1) This section applies despite anything to the contrary in a Port Growth Regime payment provision or Port Growth Regime waiver provision or under any rule of, or principle at, law.
- (2) A public sector entity must not make any payment under a Port Growth Regime payment provision, or waive a right to receive a payment, or forgo a payment, that would be otherwise payable to it under a Port Growth Regime waiver provision, in respect of any period unless—
 - (a) international containers are handled at a port in Victoria other than the port of Melbourne during the period—
 - (i) commencing on the commencement of this section; and

- (ii) ending on the day that is 15 years after the day on which the first lease or licence of land comprising port assets is granted to a private sector entity under section 11; and
 - (b) the Port Growth Regime payment provision or Port Growth Regime waiver provision is expressed to apply to, or to be in respect of, the handling of international containers at a port in Victoria other than the port of Melbourne during the period referred to in paragraph (a).
- (3) In addition but subject to subsection (4), a public sector entity must not make a payment under a Port Growth Regime payment provision, or waive a right to receive a payment, or forgo a payment, that would be otherwise payable to it under a Port Growth Regime waiver provision, other than in respect of—
- (a) existing port or terminal capacity; or
 - (b) a port or terminal capacity expansion the proposal for which has been approved under section 66 or certified under section 68.
- (4) A public sector entity must not pay any amount in respect of any payment under a Port Growth Regime payment provision, or waive the right to any amount, or forgo any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision, as permitted under subsection (2) or (3), the values of which, in aggregate, exceed the capped amount.
- (5) A public sector entity is not to be regarded as breaching or being in default of, or repudiating or terminating, an agreement or deed connected with an authorised transaction by relying on this section and—
- (a) not making a payment under a Port Growth Regime payment provision; or
 - (b) not waiving the right to any amount, or forgoing any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision.
- (6) To avoid doubt, subsection (4) does not affect any obligation a public sector entity has to make a payment of an amount under a Port Growth Regime payment provision, or waive the right to any amount, or forgo any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision, if the value of any amounts in aggregate, are less than or equal to the capped amount.

- (7) In this section—

capped amount means—

- (a) for the first financial year in respect of which the first payment under a Port Growth Regime payment provision is due, or the first financial year in respect of which the right to the payment of an amount has been waived, or a payment has been forgone, under a Port Growth Regime waiver provision, as permitted under subsection (2) or (3)— the amount equating to 15% of all revenue earned by the port of Melbourne operator by providing relevant services in the financial year immediately preceding that year; and
- (b) for each subsequent financial year, the amount determined in accordance with the following formula—

$$A = \frac{B}{C} \times D$$

where—

- A** is the capped amount for the financial year;
- B** is the CPI number published for the quarter ending immediately before 1 July of the financial year;
- C** is the CPI number published for the quarter ending immediately before 1 July of the previous financial year;
- D** is—
 - (a) for the first financial year after the financial year to which paragraph (a) applies, the capped amount referred to in that paragraph; and
 - (b) for each subsequent financial year, the amount determined in accordance with this formula for the previous financial year;

CPI number means the Consumer Price Index (All Groups Index Number weighted average of eight capital cities) published by the Australian Bureau of Statistics (or any other index published in substitution for that index).

Subdivision 3— Approval of capacity expansion proposals by Minister**GG Approval of material increases in capacity for the handling of international containers at the port of Melbourne**

- (1) Subject to this section, a port lessee or the port of Melbourne operator (a *proponent*) may submit a capacity expansion proposal to the Ports Minister.
- (2) A capacity expansion proposal that is submitted under subsection (1) must only be for a material port or terminal capacity expansion.
- (3) A capacity expansion proposal cannot be submitted under subsection (1) for a port or terminal capacity expansion in respect of which works have commenced.
- (4) If there are guidelines in effect under section 64 in respect of the form and content of a capacity expansion proposal, the proponent must submit a capacity expansion proposal under subsection (1) that accords with the guidelines.
- (5) On receiving a capacity expansion proposal, the Ports Minister may approve or refuse to approve the proposal.
- (6) The Ports Minister must make a decision under subsection (5) within 6 months after receiving the capacity expansion proposal.
- (7) The Ports Minister must—
 - (a) notify, in writing, the proponent of the Minister's decision under subsection (5) and give the proponent the Minister's written reasons for the decision; and
 - (b) as soon as practicable after that, publish—
 - (i) notice of the making of a decision under subsection (5) in the Government Gazette and on the Department's Internet site; and
 - (ii) a decision under subsection (5) (including the reasons for the decision) on the Department's Internet site.
- (8) An approval of a capacity expansion proposal under this section is not to be regarded as—
 - (a) authorising or approving, or not authorising or approving, works for the port or terminal capacity expansion to which the proposal relates; or
 - (b) requiring any person to commence works for a port or terminal capacity expansion to which the proposal relates.

Subdivision 4— Certification of capacity expansion proposals by Commission**HH Application**

This Subdivision applies if the Ports Minister—

- (a) refuses to approve a capacity expansion proposal under section 66; or
- (b) fails to make a decision under that section within the time required by that section.

II Application for certification

- (1) The person who submitted the capacity expansion proposal to the Ports Minister (the *applicant*) may, within 3 months after the Ports Minister has refused to approve the proposal, apply to the Commission for it to certify the proposal.
- (2) An application must attach a copy of the capacity expansion proposal.
- (3) If there are guidelines in effect under section 64 in respect of the form and content of a capacity expansion proposal, the capacity expansion proposal that the applicant attaches to the application must accord with the guidelines.

JJ Decision on certification by Commission

- (1) Subject to this section, the Commission must not later than 3 months after receiving an application under section 68 decide whether to certify the proposal.
- (2) In deciding whether to certify a capacity expansion proposal, the Commission must apply the principles specified in the least cost capacity expansion principles Order.
- (3) If the Commission is satisfied that the capacity expansion proposal is the least cost means of expanding the capacity of infrastructure, or developing new infrastructure, to handle international containers at a port in Port Phillip Bay or Western Port Bay, the Commission must certify the proposal.
- (4) Section 35(1) to (3) and (5) of the **Essential Services Commission Act 2001** applies to a decision of the Commission under this section as if the decision were a determination to which section 35 applies.
- (5) The Commission must also give a copy of its decision to the Ports Minister.
- (6) A decision to certify a capacity expansion proposal under this section is not to be regarded as—

- (a) authorising or approving, or not authorising or approving, works for the port or terminal capacity expansion to which the proposal relates; or
 - (b) requiring any person to commence works for a port or terminal capacity expansion to which the proposal relates.
- (7) The Commission is not subject to the direction or control of the ESC Minister in respect of any decision it makes under this section.

KK Inquiries for the purposes of decisions on certification

- (1) For the purpose of making a decision under section 69, the Commission must conduct and complete an inquiry into the capacity expansion proposal.
- (2) Before commencing an inquiry, the Commission must notify the Ports Minister that it will be conducting an inquiry under this section.
- (3) Part 4 and section 43 (other than subsections (4)(a) and (6)(b) of that section) of the **Essential Services Commission Act 2001** apply to an inquiry under this section.

LL Draft report to be provided to applicant

The Commission must—

- (a) provide a draft of a report on an inquiry under this Subdivision to the applicant; and
- (b) give the applicant an opportunity to make a written submission to the Commission on that draft report before the Commission makes its decision under section 69.

Subdivision 5—Least cost capacity expansion principles Order

MM Least cost capacity expansion principles Order

The Governor in Council, by Order published in the Government Gazette, may specify principles for the purposes of Subdivision 4.

NN When a least cost capacity expansion principles Order takes effect

A least cost capacity expansion principles Order takes effect—

- (a) on the day the Order is published in the Government Gazette; or
- (b) if a later day is specified in the Order, on that day.

OO Limitation on amending or revoking a least cost capacity expansion principles Order

A least cost capacity expansion principles Order cannot be amended or revoked except in accordance with this Subdivision.

PP Circumstances in which a least cost capacity expansion principles Order may be amended

Subject to section 76, a least cost capacity expansion principles Order may only be amended with the agreement of the port lessee.

QQ Circumstances in which a least cost capacity expansion principles Order may be wholly revoked

A least cost capacity expansion principles Order may be wholly revoked by an Order made under section 72—

- (a) if the port lessee agrees to the revocation; or
- (b) after the first lease of land comprising port assets granted to a private sector entity under section 11 ends.”.

- 11. Clause 69, omit this clause.
- 12. Clause 83, page 66, lines 22 to 24, omit “**upfront licence fee for a period instead of annual licence fees for that period**” and insert “**a one-off upfront licence fee for a period of up to 15 years instead of annual fees for that period**”.
- 13. Clause 83, page 66, lines 26 to 28, omit “a period commencing on or after 1 July 2016 during which the port licence will be in force” and insert “a period of up to 15 years ending on or before 1 July 2032”.
- 14. Clause 83, page 66, line 32, after “period” insert “in which the port licence will be in force”.
- 15. Clause 89, line 10, before “The” insert “(1)”.
- 16. Clause 89, after line 15 insert—
 - “(b) to protect the interests of users of prescribed services by ensuring that prescribed prices are fair and reasonable whilst having regard to the level of competition in, and efficiency of, the regulated industry; and”.
- 17. Clause 89, line 16, omit “(b)” and insert “(c)”.
- 18. Clause 89, line 22, omit “(c)” and insert “(d)”.
- 19. Clause 89, line 27, omit “ports.” and insert “ports; and”.
- 20. Clause 89, after line 27 insert—
 - “(e) to eliminate resource allocation distortions by prohibiting a State sponsored port operator from providing a relevant service at a price lower than the competitively neutral price for that service.

- (2) In this section, *competitively neutral price*, *State sponsored port operator* and *relevant services* each have the meaning given to them by section 49R.”.

21. Heading to clause 92, omit “and 2B” and insert “to 2D”.
22. Clause 92, page 89, line 11, after “regime” insert “for port of Melbourne operator”.
23. Clause 92, page 90, line 12, omit ‘appropriate.’ and insert “appropriate.”.
24. Clause 92, page 90, after line 12 insert—

“Division 2C— Complaints in relation to provision of prescribed services

49Q Person provided prescribed services may complain to ESC in relation to the provision of such services

- (1) This section applies if a person who is provided prescribed services considers that the provider of those services has not, in providing the services, complied with the Pricing Order which applies to those services.
- (2) The person may complain to the Commission about the non — compliance with the Pricing Order.
- (3) On receiving a complaint under subsection (2), the Commission may investigate the complaint.
- (4) In investigating the complaint, the Commission may have regard to any matter raised or considered in—
- (a) the Commission’s most recent final published report; and
- (b) any application to the Supreme Court under section 49P.

Note

The Commission must also have regard to the objectives of this Part and the objectives under section 8 of the **Essential Services Commission Act 2001** when investigating a complaint— see section 48A.

- (5) The Commission must inform the person of the outcome of its investigation of the person’s complaint.
- (6) If the Commission considers that the issues raised in the complaint have not been considered or dealt with under a Pricing Order or Division 2A or 2B, the Commission may refer the complaint to the ESC Minister.

Division 2D— Competitive neutrality pricing

Subdivision 1— Preliminary

49R Definitions

In this Division—

accrual building block methodology— see section 49S;

competitively neutral price, for a relevant service, means the price, determined through the application of the competitively neutral pricing principles, that is the lower of—

- (a) the price which is likely to enable the recovery of the efficient costs attributable to any State cost contribution and any private cost contribution in providing the relevant service; and
- (b) the price at which the port of Melbourne operator provides a service that is economically substitutable for the relevant service, having regard to any material differences between the quality or scope of the relevant service and the quality or scope of the economically substitutable service;

competitively neutral pricing principles means the principles specified in an Order under section 49ZC;

handling, in relation to a container, includes loading, unloading, transporting or storing;

private cost contribution means the amount of any capital invested by a private sector entity in, or expenses incurred by a private sector entity in operating, a State sponsored port;

private sector entity has the same meaning as in the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;

relevant service means any of the following services provided at a State sponsored port for the purpose of enabling the handling, at that port, of containers that are being transported from, or are to be transported to, a destination outside of Australia—

- (a) the provision of channels used by vessels to access the State sponsored port;
- (b) the provision of berths, buoys or dolphins in connection with the berthing of vessels carrying container cargoes in the State sponsored port;
- (c) the provision of short term storage or cargo marshalling facilities in connection with the loading or unloading of vessels carrying container

cargoes at berths, buoys or dolphins in the State sponsored port;

- (d) a service that is prescribed;

State cost contribution means an amount reflecting the net competitive advantage conferred on or given to a State sponsored port operator and includes—

- (a) an exemption from a requirement to pay a State tax or charge; and
- (b) an exemption under a law of the State; and
- (c) an explicit or implicit guarantee of debt executed or otherwise given by the State or by a Minister on behalf of the State; and
- (d) a concessional interest rate on a loan given by a public sector entity; and
- (e) an exemption from a requirement to account for depreciation expenses; and
- (f) an exemption from a requirement to earn a commercial rate of return on assets; and
- (g) a matter or thing referred to in section 49T(2);

State sponsored port — see section 49T;

State sponsored port operator means an operator of a State sponsored port.

49S Meaning of *accrual building block methodology*

- (1) An *accrual building block methodology* is a methodology that—
- (a) provides for an allowance to recover—
- (i) a return on assets used by a State sponsored port operator to provide relevant services (the *capital base of a State sponsored port operator*); and
- (ii) a return of the capital base of a State sponsored port operator through depreciation; and
- (iii) the forecast efficient operating expenditure that would be incurred by a State sponsored port operator acting prudently in the provision of relevant services; and
- (b) requires that—
- (i) an initial capital base of a State sponsored port operator be established utilising the depreciated

optimised replacement cost approach; and

- (ii) the value of that capital base be updated on an annual basis by applying a roll forward principle that takes the opening value at the start of a financial year, adds in capital expenditure when incurred or to be incurred and deducts an amount for the return of capital; and

- (iii) the value of any assets transferred from a public sector entity to a private sector entity that form part of a private cost contribution for a State sponsored port be included in the capital base of a State sponsored port operator of that port at a value calculated using the depreciated optimised replacement cost approach; and

- (c) requires costs incurred by a State sponsored port operator be allocated between different types of relevant services, and other services (if any), on the basis that—

- (i) costs that are directly attributable to a service are to be allocated to that service; and

- (ii) costs that are not directly attributable to a service are to be allocated on the basis of the expected revenue share of that service to expected total services revenue; and

- (d) provides for the establishment of an aggregate revenue requirement that provides a State sponsored port operator with a reasonable opportunity to recover the allowances referred to in subsection (1)(a); and

- (e) requires the aggregate revenue requirement to be used to establish the prices for relevant services that, if paid, would provide a State sponsored port operator a reasonable opportunity to recover its aggregate revenue requirement.

- (2) For the purposes of subsection (1)(a)(i), an *accrual building block methodology* must provide for the recovery of a return on assets to be determined—

- (a) by reference to that which would be required by a benchmark efficient entity providing services with a similar degree of risk and

- (b) using an appropriate method that distinguishes between the cost of equity

and debt so that a weighted average cost of capital can be derived.

- (3) An **accrual building block methodology** must not, for the purposes of subsection (1)(c), allow for the inclusion, in the capital base of a State sponsored port operator, of any value attributable to rail, road or other landside infrastructure at a place that is outside a State sponsored port operated by that operator.

49T Meaning of State sponsored port

- (1) A **State sponsored port** is a port located in Port Phillip Bay (other than the port of Melbourne) or in Western Port Bay—
- (a) the main purpose of which is to handle international containers and at which containers may be handled; and
- (b) to which a matter or thing set out in subsection (2) applies.
- (2) The following are matters or things which apply for the purposes of subsection (1)—
- (a) the port has been partially or fully constructed or is being operated by—
- (i) a public sector entity; or
- (ii) a private sector entity using financial support in the form of a grant from a public sector entity;
- (b) any equity funding for construction of the port has been or is provided by or on behalf of a public sector entity on materially better terms than would be available to the operator of that port from a private sector entity;
- (c) any debt funding for the construction of the port has been or is provided by or on behalf of a public sector entity on materially better terms than would be available to the operator of that port from a private sector entity;
- (d) a public sector entity provides financial support or a financial concession in respect of the port that has the effect of materially reducing the cost of capital for or operating costs of the port (including the operating costs of users of the port) and that support or concession or a similar support or concession is not available to the port of Melbourne operator;
- (e) a public sector entity provides financial support or a financial concession in respect of the costs of the transport of containers to or from the port that has the effect of materially reducing the operating costs of the transport of containers to or from the port and that

support or concession, or a similar support or concession, is not available in respect of the transport of containers to or from the port of Melbourne;

- (f) a public sector entity provides financial support or a financial concession to users of or tenants at or prospective users of or tenants at the port such that their cost of being or becoming a user or tenant of the port is materially reduced and that support or concession, or a similar support or concession, is not available to users of or tenants at or prospective users of or tenants at the port of Melbourne.

49U Application

- (1) This Division applies on and after the day on which the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**.
- (2) This Division ceases to apply on the day on which the lease referred to in subsection (1) ends.

Note

The Pricing Order made under Division 2, the ongoing monitoring regime under Division 2A and the transitional enforcement regime under Division 2B apply to the port of Melbourne operator.

Subdivision 2— Competitive neutrality pricing obligations

49V State sponsored port operator must provide services at not less than competitively neutral prices

- (1) A State sponsored port operator must not provide a relevant service at a price that is lower than the competitively neutral price for the relevant service.
- (2) For the purposes of complying with subsection (1), a State sponsored port operator must apply the competitively neutral pricing principles.

49W State sponsored port operator must publish relevant service prices

A State sponsored port operator must on or before 31 May every year (the **publication date**)—

- (a) publish all prices for every relevant service it will provide in the financial year after the publication date; and
- (b) give a copy of those prices to the Commission.

49X State sponsored port operator must keep records of relevant service prices

- (1) A State sponsored port operator must keep records (including financial and business records) relating to the prices for relevant services the operator provides in accordance with guidelines prepared under subsection (3).
- (2) A State sponsored port operator must keep records (including financial and business records) relating to the prices for relevant services the operator provides in a manner that is consistent with guidelines prepared under subsection (3).
- (3) The Commission must prepare guidelines for the purposes of subsection (1) and (2).

Subdivision 3— Investigation and enforcement of competitive neutrality pricing obligations**49Y Commission may be requested to inquire into relevant service prices**

- (1) This section applies if the ESC Minister or the port of Melbourne operator is of the view that a State sponsored port operator is providing, or is likely to provide, a relevant service at a price lower than the competitively neutral price for that service.
- (2) The ESC Minister or the port of Melbourne operator may request the Commission to conduct an inquiry into the price for the relevant service.
- (3) Before making a request, the ESC Minister must consult with the Minister.
- (4) A request must—
 - (a) be in writing; and
 - (b) set out the grounds on which the ESC Minister or port of Melbourne operator requests the Commission to investigate the price for the relevant service; and
 - (c) include any relevant information or evidence in support of the grounds.

49Z Commission may conduct inquiry into relevant service prices

- (1) The Commission must, no later than 3 months after receiving a request under section 49Y—
 - (a) conduct and complete an inquiry into the subject matter of the request; and
 - (b) prepare a final report on the inquiry.
- (2) In the case of a request under section 49Y from the port of Melbourne operator, the Commission may refuse to act under subsection (1) if the Commission is of the view that the request—

- (a) is frivolous; or
 - (b) is vexatious; or
 - (c) is without substance; or
 - (d) has been made in bad faith.
- (3) Part 4, and sections 42 to 46, of the **Essential Services Commission Act 2001** apply in respect of an inquiry under this section.
 - (4) A final report on an inquiry under this section must include—
 - (a) the Commission's findings as to whether the State sponsored port operator has been providing, or is likely to provide, a relevant service at a price lower than the minimum efficient price for that service; and
 - (b) the Commission's reasons for those findings.

49ZA Commission may determine minimum competitively neutral price for relevant service

- (1) This section applies if the Commission in a final report on an inquiry under section 49Z finds that the State sponsored port operator has been providing, or is likely to provide, a relevant service at a price lower than the competitively neutral price for that service.
- (2) The Commission may make a determination that specifies the minimum competitively neutral price for the provision of the relevant service.
- (3) In addition, a determination must specify a period (not exceeding 5 years from the date the determination takes effect) during which the minimum competitively neutral price will apply to the provision of the relevant service.
- (4) Section 35(1) to (3) and (5) of the **Essential Services Commission Act 2001** applies to a determination of the Commission under this section as if the determination under this section were a determination under section 35 of that Act.

49ZB Enforcement of Commission determinations

If the Supreme Court is satisfied, on the application of the ESC Minister or the port of Melbourne operator, that a State sponsored port operator has engaged, is engaging, or is proposing to engage in conduct that constitutes a contravention of a determination under section 49ZA, the Court may make all or any of the following orders—

- (a) if the applicant is the ESC Minister—
 - (i) an order granting an injunction on such terms as the Court thinks appropriate—

- (A) restraining the State sponsored port operator from engaging in the conduct; or
- (B) if the conduct involves refusing or failing to do something, requiring the provider to do that thing;
- (ii) an order directing the State sponsored port operator to pay to the State an amount up to the amount of any financial benefit that the operator has obtained directly or indirectly and that is reasonably attributable to the contravention;
- (iii) an order directing the provider to compensate any other person who has suffered loss or damage as a result of the contravention;
- (b) if the applicant is the port of Melbourne operator, an order granting an injunction on such terms as the Court thinks appropriate—
 - (i) restraining the State sponsored port operator from engaging in the conduct; or
 - (ii) if the conduct involves refusing or failing to do something, requiring the provider to do that thing;
- (c) in all cases, any other order that the Court thinks appropriate.

Subdivision 4 — Competitively neutral pricing principles Order

49ZC Competitively neutral pricing principles Order

- (1) The Governor in Council, by Order published in the Government Gazette, may specify principles for the purposes of this Division.
- (2) An Order under this section—
 - (a) must set out principles that provide for the determination of a competitively neutral price for the provision of a relevant service through the application of an accrual building block methodology; and
 - (b) may specify other principles (which may include methodologies or procedures), that are not inconsistent with paragraph (a), for the determination of a competitively neutral price for the provision of a relevant service; and
 - (c) may include any other matter or thing ancillary to, or not inconsistent with, a matter or thing referred to in paragraph (a) or (b).

49ZD General powers in relation competitively neutral pricing principles Order

An Order under section 49ZC may—

- (a) confer functions and powers on, or leave any matter to be decided by, the Commission; and
- (b) be of general or limited application; and
- (c) differ according to differences in time, place or circumstances.

49ZE When a competitively neutral pricing principles Order takes effect

An Order under section 49ZC takes effect—

- (a) on the day the Order is published in the Government Gazette; or
- (b) if a later day is specified in the Order, on that day.

49ZF Limitation on amending or revoking a competitively neutral pricing principles Order

An Order under section 49ZC cannot be amended or revoked except in accordance with this Subdivision.

49ZG Circumstances in which a competitively neutral pricing principles Order may be amended

Subject to section 49ZH, an Order under section 49ZC may only be amended with the agreement of the port of Melbourne operator.

49ZH Circumstances in which a competitively neutral pricing principles Order may be wholly revoked

A Order under section 49ZC may be wholly revoked by an Order made under that section—

- (a) if the port of Melbourne operator agrees to the revocation; or
- (b) after the first lease of land comprising port asset s granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016** ends.”.

NEW CLAUSE

25. Insert the following New Clause to follow clause 93—

‘RR New section 53 substituted

For section 53 of the **Port Management Act 1995** substitute—

“53 Conduct of inquiries

- (1) The Commission must, not later than 6 months after the end of an inquiry period—

- (a) conduct and complete an inquiry into the following matters—
- (i) whether a port lessee or the port of Melbourne operator has power in the relevant market that it may exercise in relation to the process for the setting or reviewing of rents or associated payments (however described) payable by a tenant under an applicable lease;
- (ii) whether a port lessee or the port of Melbourne operator has exercised that power in a way that has the effect of causing material detriment to the long term interests of Victorian consumers (a *misuse of market power*); and
- (b) if and only if the Commission finds that there has been a misuse of market power, make recommendations to the ESC Minister about whether the provision of access to port of Melbourne land by means of an applicable lease should be subject to economic regulation, and, if so, the form of the economic regulation.
- (2) For the purposes of subsection (1)(b), the form of economic regulation may include a form of price regulation.
- (3) Without limiting subsection (1), in conducting an inquiry under this section the Commission must have regard to—
- (a) the processes used to establish or review rents or associated payments (however described) payable by a tenant under an applicable lease; and
- (b) a port lessee's or the port of Melbourne operator's compliance with any processes for setting and reviewing rents or associated payments (however described) payable by a tenant under an applicable lease required under—
- (i) a port of Melbourne lease; or
- (ii) any agreement or arrangement entered into by the port lessee or the port of Melbourne operator in connection with a port of Melbourne lease; and
- (c) the extent to which any rents or associated payments (however described) paid by a tenant under
- an applicable lease may be passed through by the tenant to users of services provided by the tenant, to those users' customers, and ultimately to Victorian consumers.
- (4) An inquiry under this section must be conducted in accordance with Part 5 of the **Essential Services Commission Act 2001** but section 40 of that Act does not apply in respect of that inquiry.
- (5) In this section—
- applicable lease* means a sublease, or a sublease of a sublease, of leased port of Melbourne land granted by a port lessee (other than to the port of Melbourne operator) or by the port of Melbourne operator;
- inquiry period* means any of the following—
- (a) the period of 3 years commencing on the day on which the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;
- (b) the period of 5 years commencing on the day after the day on which the period referred to in paragraph (a) ends;
- (c) a period of 5 years commencing on the day after the day on which a previous 5 year period ends;
- port lessee* means a lessee under a port of Melbourne lease;
- port of Melbourne lease* has the same meaning as in section 59 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;
- relevant market* means the market for access to leased port of Melbourne land by means of an applicable lease.”.
26. Clause 94, omit this clause.
27. Clause 109, page 105, line 30, omit “Port” and insert “port”.

NEW CLAUSE

28. Insert the following New Clause to follow clause 139—

‘SS New Part 6C inserted

After Part 6B of the **Port Management Act 1995** insert—

‘Part 6C— Port of Melbourne Rail Access Strategy

91O Definitions

In this Part—

direction means a direction given under section 91U or 91V;

guidelines means guidelines made under section 91T;

Port Development Strategy has the same meaning as in Part 6B;

port rail shuttle — see section 91P;

private sector entity has the same meaning as in the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;

Rail Access Strategy — see section 91Q.

91P Meaning of port rail shuttle

A *port rail shuttle* is a rail intermodal facility in, or in the vicinity of, the port of Melbourne that is connected to rail terminals outside the port, the purpose of which is to increase rail freight movements into and out of the port in order—

- (a) to provide an alternative to the movement of freight into and out of the port by means of road transport; and
- (b) to reduce traffic congestion on roads in and around the port caused by the movement of freight into and out of the port by means of road transport.

91Q Rail Access Strategy

- (1) The port of Melbourne operator must prepare a strategy (a *Rail Access Strategy*) in accordance with this Part.
- (2) The port of Melbourne operator must prepare—
 - (a) the first Rail Access Strategy within 3 years after the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; and

(b) every other Rail Access Strategy at the same time as it prepares a Port Development Strategy under Part 6B.

(3) The port of Melbourne operator must prepare and submit a Rail Access Strategy to the Minister.

(4) A Rail Access Strategy must set out—

(a) options for rail infrastructure projects for improving rail access for the movement of freight into and out of the port of Melbourne; and

(b) a commercial assessment of each identified option that—

(i) in the case of the first Rail Access Strategy prepared under this Part, includes—

(A) projections of trade through the port of Melbourne; and

(B) current and projected transport infrastructure requirements for land and water in the port of Melbourne; and

(ii) in the case of every other Rail Access Strategy prepared under this Part, is consistent with the applicable Port Development Strategy for the port of Melbourne; and

(iii) in all cases, includes any other matter specified in the guidelines; and

(c) the implementation timing for each identified option.

(5) One of the options set out in the first Rail Access Strategy must be the development of a port rail shuttle.

(6) Every rail infrastructure project identified as an option set out in a Rail Access Strategy must be capable of being implemented within 5 years after it has been submitted to the Minister in accordance with this section.

(7) If there are guidelines in effect in respect of the form and content of a Rail Access Strategy, and the method and process for preparation of a Rail Access Strategy, the port of Melbourne operator must prepare and submit a Rail Access Strategy to the Minister in accordance with the guidelines.

91R Rail infrastructure project options in Rail Access Strategy are major infrastructure projects for the purposes of the Infrastructure Victoria Act 2015

A rail infrastructure project identified as an option in a Rail Access Strategy is a major infrastructure project for the purposes of section 44 of the **Infrastructure Victoria Act 2015**.

91S Consultation

- (1) In preparing a Rail Access Strategy, the port of Melbourne operator must consult with—
 - (a) port of Melbourne users; and
 - (b) owners and tenants of port of Melbourne land; and
 - (c) licensees at the port of Melbourne; and
 - (d) persons who wish to design, construct or operate rail infrastructure at the port of Melbourne; and
 - (e) persons who wish to provide rail freight services at the port of Melbourne; and
 - (f) relevant government agencies; and
 - (g) any stakeholders specified in guidelines.
- (2) If there are guidelines in effect that set out a process for consultation with the persons and entities listed in subsection (1), the port of Melbourne operator must, in preparing a Rail Access Strategy, consult with those persons and entities in accordance with the guidelines.

91T Guidelines

- (1) The Minister may issue guidelines about any one or more of the following matters in relation to a Rail Access Strategy—
 - (a) the form;
 - (b) the content;
 - (c) the method and process for preparation;
 - (d) processes for consultation;
 - (e) stakeholders for the purposes of section 91S(1)(g);
 - (f) publication and availability.

- (2) The guidelines must be published in the Government Gazette and made available for inspection free of charge at the office of the Minister.

91U Ministerial directions if port of Melbourne operator fails to prepare and submit a Rail Access Strategy

- (1) This section applies if the port of Melbourne operator fails to prepare and submit a Rail Access Strategy in accordance with section 91Q.
- (2) The Minister, by written notice given to the port of Melbourne operator, may direct the operator to prepare and submit a Rail Access Strategy to the Minister by the date specified in the direction.
- (3) The date specified in a direction under subsection (2) must be at least 3 months after the date of the direction.
- (4) The port of Melbourne operator must comply with a direction given to it under subsection (2).

Penalty: 240 penalty units.

91V Ministerial directions if Rail Access Strategy is non-compliant

- (1) This section applies if the Minister is of the opinion that a Rail Access Strategy submitted by the port of Melbourne operator—
 - (a) has not been prepared in accordance with the guidelines, if any; or
 - (b) does not set out the matters required to be set out under section 91Q.
- (2) The Minister, by written notice given to the port of Melbourne operator, may direct the operator to amend and resubmit the Rail Access Strategy to the Minister by the date specified in the direction.
- (3) The date specified in a direction under subsection (2) must be at least 3 months after the date of the direction.
- (4) The port of Melbourne operator must comply with a direction given to it under subsection (2).

Penalty: 240 penalty units.”.

29. Clause 153, line 26, omit ‘decision— ‘.’ and insert “decision; or”.

30. Clause 153, after line 26 insert—
- (f) a decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; or
- (g) a determination of the Commission under section 49ZA of the **Port Management Act 1995**—“.”.
31. Clause 153, page 136, line 17, omit ‘circumstances.’ and insert “circumstances;”.
32. Clause 153, page 136, after line 17 insert—
- (f) under subsection (1)(f) is that the decision—
- (i) was not made in accordance with the law; or
- (ii) is unreasonable having regard to all the relevant circumstances;
- (g) under subsection (1)(g) is that the decision—
- (i) was not made in accordance with the law; or
- (ii) is unreasonable having regard to all the relevant circumstances.”.
33. Clause 153, page 136, line 33, omit ‘made.’ and insert “made; or”.
34. Clause 153, page 136, after line 33 insert—
- (e) in the case of an appeal under subsection (1)(f), within 21 working days after the decision is made; or
- (f) in the case of an appeal under subsection (1)(g), within 21 working days after the determination is made.”.
35. Clause 153, page 137, line 12, omit ‘determined.’ and insert “determined.”.
36. Clause 153, page 137, after line 12 insert—
- (9) If a person lodges an appeal under subsection (1)(f), the decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016** continues in effect until the appeal is determined.
- (10) If a person lodges an appeal under subsection (1)(g), the determination of the Commission under section 49ZA of the **Port Management Act 1995** continues in effect until the appeal is determined.”.
37. Clause 154, page 138, line 15, omit ‘panel.’ and insert “panel; and”.
38. Clause 154, page 138, after line 15 insert—
- (g) in the case of an appeal under section 55(1)(f), may in granting the appeal—
- (i) affirm the decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; or
- (ii) vary the decision; or
- (iii) set aside the decision and remit it to the Commission for amendment of the decision in accordance with the decision and recommendations (if any) of the appeal panel; and
- (h) in the case of an appeal under section 55(1)(g), may in granting the appeal—
- (i) affirm the determination of the Commission under section 49ZA of the **Port Management Act 1995**; or
- (ii) vary the determination; or
- (iii) set aside the determination and remit it to the Commission for amendment of the determination in accordance with the decision and recommendations (if any) of the appeal panel.”.
39. Clause 154, page 138, line 18, omit “or 55(1)(e)” and insert “, 55(1)(e), 55(1)(f) or 55(1)(g)”.
40. Clause 160, line 17, omit “160” and insert “177”.
41. Schedule 1, line 2, omit “Section 162” and insert “Section 179”.

Ordered to be considered immediately.

Mr PALLAS (Treasurer) — I move:

That the amendments be agreed to.

This is a significant day in Victoria’s history, and I welcome the passage of the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 through the other place. I want to acknowledge the efforts of both sides of this house in reaching an agreement on the bill. I know this has not come easy to all concerned. It has been a very difficult process in which we have been able to reach an agreement. I know that in reaching this agreement, positions of quite substantial justification and sincere belief have been compromised in order to get to what we see as being a workable piece of legislation that will support the long-term interests of the state, and I thank all concerned in the process for doing so.

There have been some key points of difference which I think have required both sides to alter their positions. The government has always put Victoria’s long-term interests at the forefront of any discussion regarding this bill and the Port of Melbourne lease transaction more broadly.

The final set of amendments strikes the right balance between protecting the state's economic interests and the interests of port users, while at the same time providing for a strong commercial outcome. I cannot understate how important it is that we have been able to provide a level of certainty through a legislative framework to potential investors, to the business community and to users of the freight logistics industry more substantially about the way forward that the two major political parties have been able to forge. Let us not forget this bill is about delivering on the government's commitments to remove 50 of Victoria's most dangerous and congested level crossings, building vital transport infrastructure across the state and creating thousands of jobs.

I want to turn briefly to the amendments to the bill that have been incorporated through the debate process and the negotiations, but most notably and recently accepted by the other place. The amendments include a 50-year lease term, with any extension of the lease requiring new legislation; a requirement that at least 10 per cent of net transaction proceeds from the Victorian Transport Fund be made available to regional infrastructure projects; a requirement for the leaseholder to produce a rail access strategy within three years; a broadening of the Essential Services Commission's powers, including the monitoring of misuse of market power in the process for setting rents at the port; an entitlement by the state to require the leaseholder to pay the annual port licence fee up front for 15 years, with the annual payments to continue following any up-front payment period; and the enshrinement of longstanding competitive neutrality principles.

On the issue of compensation, the government has considered the views expressed by all stakeholders and of course in the process of negotiation most vociferously put by the opposition. The government's initial approach provided that compensation would not be payable where a state-sponsored second port was demand driven and complemented the port of Melbourne. This approach was to support and incentivise low-cost investment in capacity throughout the lease term. The government is confident that the agreement reached continues to support a robust commercial outcome and investment at the port of Melbourne.

On the issue of competitive neutrality, the amendments include competitive neutrality pricing principles. The government supports competition based on a level playing field. Competition policy and the competitive neutrality pricing principles are longstanding and have been accepted by both sides of politics for decades.

Their inclusion in the bill is considered important in that they ensure fair competition between any state-sponsored second port and the port of Melbourne over the term of the lease. Any state-sponsored second port will be able to compete head to head with the port of Melbourne. However, a state-sponsored second port will not be able to unfairly compete with the port of Melbourne by virtue of any state subsidy.

On the issue of pricing protection for port users, I wanted to remind the house that from the outset the bill has contained significant pricing protections — and I would say perhaps the most significant pricing protections of any piece of legislation relating to an asset investment of this class. The Australian Competition and Consumer Commission has expressed its support for this comprehensive approach. The bill will strengthen existing Essential Services Commission regulatory arrangements so that the leaseholder will set prices in accordance with clear and transparent pricing principles contained in a pricing order. The scope of regulated charges will be expanded to cover all trade charges for cargo and shipping movements. A CPI price cap for a minimum of 15 years will be monitored by the Essential Services Commission.

On the issue of market rent review, the bill provides further protection to port tenants by requiring the Essential Services Commission to conduct an inquiry to investigate any potential misuse of market power in the process of setting rents within the first three years and every five years thereafter. The leaseholder will be required to offer new and renewing tenants a market rent review mechanism involving independent dispute resolution to be incorporated into the tenants' leases.

I again acknowledge the contribution of all concerned. I understand that this has been a very difficult process of engagement. I want to not only thank my opposite number for his effort as well as the Leader of the Opposition but also acknowledge the efforts of the two leaders of the major parties in the upper house. There are times in public life when we do for a moment put down the slings and arrows of the engagement that so often form the craft that is modern politics, but I think at the end of the day we will judge ourselves on what we achieved in public life.

I think both sides of Parliament can feel a measure of satisfaction that having both adopted a policy position before the last election we can walk away saying that the public interest has been preserved and the state of Victoria, its population and those people who depend upon the use of the port for the economic vitality of the state have been greatly served by the engagement, the argument and the conflict, as I might put it, provided

that at the end of day a constructive outcome was achieved. In relation to that, there is no doubt that this is a constructive outcome that serves the state's interests well.

Mr M. O'BRIEN (Malvern) — The coalition certainly supports the amendments that have been brought to this house from the other place. This is a very different bill to what we saw 10 months ago when the Treasurer first introduced the bill in this house. This is a very different bill because this is a bill which will actually be positive for Victoria, unlike the original bill. This is a bill which will ensure that Victoria can have its next container port when it needs it, unlike the original bill. This is a bill which will not lock up a guaranteed monopoly, backed by compensation for 50 to 70 years, unlike the original bill. This is a bill which will ensure that the full force of competition law to benefit port users and consumers remains in place, unlike the original bill. This is a bill which ensures that Victorians who use the port, who benefit from the port and who rely on the port get a fair go, unlike the original bill. And this bill, this amended bill, ensures that country Victorians — rural and regional Victorians — who put in so much to build the port of Melbourne into the asset it is today will actually get a fair share of the returns from this lease, unlike the original bill.

This is a significantly different bill in a number of ways. First of all with the lease term, there is no 70-year lease. It is limited to 50 years and 30 days. The government originally wanted compensation for the full length of the lease. It is now limited to no more than 15 years, and that 15-year compensation is to be capped as well to 15 per cent of revenues. As I mentioned, lease proceeds — 10 per cent of the net proceeds of the lease — are to be quarantined for investment in rural and regional transport infrastructure. This is something that is absolutely vital. I think country Victorians know that this would not have happened without the Liberal Party and The Nationals standing up for them. We know that Labor wanted to take all the proceeds from this lease and spend it all on level crossings in Melbourne. We know that this is a Victorian asset and that Victorians should share in the benefits of it.

It is very important that the Essential Services Commission has an accelerated capacity to determine if market power is being used, and particularly if market power is being abused, by the new port leaseholder, and that is what this amended bill does. It is very important to make sure that we get no misuse of market power, because ultimately if market power is abused, it will simply cost Victoria trade, it will simply cost Victoria investment and it will simply cost Victoria jobs — and

the coalition parties will not stand for a deal which costs this state jobs.

We saw the government originally proposing to capitalise, to take up front, all 50 to 70 years of the port licence fee as a cash grab. That was not right, and it was not fair, and we said, 'No. A fairer outcome, a better outcome, is that capitalisation be limited to 15 years only'. That is what this amended bill now provides. We have also been assured by the government that there will be additional contractual restrictions on vertical integration by the port of Melbourne operator. It is important that the stevedores operating at the port of Melbourne do not face an unfair playing field, where the holder of the lease also seeks to operate as a stevedore. We have received assurances from the government that there will be further strengthening of vertical integration prohibitions in the contractual documentation.

It should not have come to this; it really should not have had to have come to this. All the bitterness, all the carry on, all the histrionics over 10 months; all the bluff, all the bluster and all the threats. It never had to happen that way. We proposed that this bill be sent to a committee of inquiry in the other place. That bipartisan committee of inquiry reported with 15 recommendations; 11 of them were supported by the Labor Party members on the committee. So the Labor Party members in the other place acknowledged that the bill as introduced by this Treasurer was not right. It needed to be changed, it needed to be amended. Eleven of 15 recommendations were supported by Labor and yet down here we had the Treasurer saying, 'Pass the bill. Get out of the way'. His own members recognised that he had got it wrong and had to fix up his mess. So the government supported 11 of those 15 amendments, but there were other amendments that needed to be dealt with.

Can I just pause at this point to thank, particularly from my side, Mr Gordon Rich-Phillips who was the chair of that committee, Mr Ondarchie and Mr Drum, all from the other place. I thank all members of the committee because they did a very good job. In some ways that is an example of how parliaments should work. Parliaments should be about scrutinising proposals of the executive and improving them, and that is what that parliamentary committee did. I would like to thank all of those stakeholders who took the time to make submissions, because it was their evidence before the committee which demonstrated the folly of this Labor government's approach. It demonstrated how badly the Treasurer had got it wrong, and it told us and others in the community the changes that needed to be made to make this bill acceptable — to turn this from being a

bad bill for Victoria into a decent bill for Victoria. I thank all of those members of the committee but also all of those who took the time to make submissions.

Having received those recommendations and having agreed to 11 of them, with the 4 recommendations outstanding, the Leader of the Opposition and the Leader of The Nationals wrote to the government on 9 December, setting out the remaining outstanding issues and made an offer in writing to pass the legislation with those amendments being addressed. What happened? That was the start of the week when we had the Treasurer's first incarnation of rock-hard deadlines. He threatened that if that bill were not passed before we rose for Christmas, he would bypass the Parliament and use powers under the State Owned Enterprises Act 1992.

We knew that was the wrong thing to do. We put to the government in writing an offer to pass the bill with amendments. That was on 9 December. You might have thought that the government would have used that momentum to then generate some discussions with the opposition to try to get this sorted and to act in the state's interest and get these matters resolved quickly. Instead, the government went to sleep. The government had a big holiday. Government members sat on the couch and watched the cricket, and we did not hear from them for 25 days. It was 25 days from offering in writing to pass the bill with amendments. The government went to sleep, which just indicates that this is a government that was more interested in playing political games than in getting a decent outcome for Victorians.

We came back and there were discussions backwards and forwards, and some of them were productive in some ways. While those discussions were continuing we woke up one morning to the Treasurer telling us and telling the world that again there was another rock-hard deadline. ABC News online reports the Treasurer as saying:

'We're are not mucking around', he said.

...

'Make no mistake. Thursday is a rock-hard deadline.

The press said to him, 'Treasurer, you have said this before'. The *Herald Sun* of Tuesday, 23 February, states:

Mr Pallas threatened to bypass the Parliament last December and, when questioned yesterday—

on the latest threat—

said, 'You'll find out on Thursday whether or not you should take me seriously.'.

Well, we found out whether we should take this Treasurer seriously, because while the Treasurer was imposing these rock-hard deadlines and engaging in bluff, bluster and histrionics, constructive dialogues were happening around the Treasurer.

Deputy Speaker, you might be aware that some late-night talk shows have segments where the hosts read out mean tweets that have been written about them. From one question time there are some things that we should be reminded of, because the comments say a lot about not just this Treasurer's approach to seeking compromise to negotiating but a lot about credibility as well.

On the issue of compensation — and remember the coalition's position was that we had said compensation for 15 years and not beyond — the Treasurer said:

We have an implacable resolve on this issue; we will not be moved, and we will not waver ...

Here he is again:

... we will not stand for the efforts of those opposite to devalue this asset and to compromise the interests and the wellbeing of the freight and logistics industry.

Also:

What an outrage. So this is nothing short of economic vandalism ...

And:

Let me also make very clear that if port-specific legislation is not passed today, those opposite will be irrelevant ...

He also said:

This is nothing short of a public policy disaster.

I note the Treasurer's, sort of, kind words towards me today. Here are some of his comments towards me from that question time:

His hypocrisy is breathtaking.

...

The member for Malvern is so consumed with hypocrisy, so consumed with his desire to destroy the wellbeing and the interests of the people of Victoria ...

... he is consumed by bitterness.

Here is what the Treasurer said about all the coalition parties. He said:

... they are a bunch of gormless, feckless, born-to-rule dolts.

You bloviating hypocrites!

It is it any wonder at all that the Treasurer was comprehensively sidelined by his own side? He was sidelined and taken off the field. He was benched because he could not get the job done — a Treasurer who thinks that tepid abuse is actually a way to achieve an outcome. But fortunately there were some adults on the other side, and I acknowledge the work of the Special Minister of State, the Leader of the Government in the other place — —

An honourable member interjected.

Mr M. O'BRIEN — The bearded one indeed, who actually was constructive. As a consequence we were able to make progress, and this is where we are today. Of course we had all that carry-on, and the Treasurer was adamant that there would be no change. He certainly would not agree to our position that compensation should be limited to 15 years, but maybe he should have listened to some of the ratings agencies, because here is an article from the *Australian Financial Review* of 2 March headed, 'Port compo clause no value to debt investors':

Ratings agency Standard & Poor's has contradicted the Victorian Andrews government's push for a compensation clause in the port of Melbourne privatisation, claiming it adds no value to debt investors.

Here is another article about Standard & Poor's, headed, 'Compo deals put state credit ratings at risk, agencies warn':

Standard & Poor's said earlier this week that states' credit ratings could be hurt if governments proceed with large compensation payments.

'If a government elects to expose itself to large compensation payments without there being offsetting benefits — such as other new revenues for the government, or clear broader economic gains to the state — our opinion of a government's financial management may also weaken', S & P said.

That was specifically in the context of the port of Melbourne. Of course we got to Thursday of a couple of weeks ago, and we said, 'We're not prepared to pass the bill, because as it stands the bill is not acceptable'. So of course despite all the bluff and all the bluster we saw the government at the last minute agree that it would accept our position on compensation. I will not put on the record all of the press clippings from there; I will simply note one comment from Matthew Stevens in the *Australian Financial Review* of 1 March:

However you cut it though, the amendments confirmed by the government at briefings with the coalition last Friday morning announced total victory for the state opposition.

This is not victory in some sort of political point-scoring sense; this is about getting the policy right. This is about one of the largest assets that is in state hands and what happens to it for the next half-century. This is far too important to play political games over. This is about getting the right outcome to protect jobs, to protect investment, to protect the interests of rural and regional Victoria — which actually built that port up — and to make sure that it gets a fair go.

I note Terry McCrann's piece today. I think it is worthwhile reciting a little bit of it into the parliamentary record:

We might have got to yesterday's deal by old-fashioned politicking. The opposition played hardball and the government ultimately caved after talking tough.

But it caved not to blackmail but to good sense. That the effective prohibition against a second port would be limited to 15 years as against the originally intended — and what should have been unacceptable from the start — 50 years.

It goes on:

By all means lease the port for 50 years, but it would have been madness, as the government originally proposed, to have an exclusion period just as long. That if another port were built within that half-century, compensation will be paid to this lessee/buyer.

The press verdict is in. The stakeholder verdict is in. The public verdict is in. The coalition has been consistent all along. We support a medium-term lease of the port of Melbourne. We support the development of a second port for Victoria. We support a fair share of the proceeds of the lease going to rural and regional Victoria. We support the right economic regulation to make sure that port users and consumers do not get ripped off, and we support making sure that this asset is used and deployed to the benefit of Victorians. We have been consistent and unified all the way through.

There were so many opportunities for this government to put down its swords and come and speak to us, and we could have had the arrangements we announced today months ago. But unfortunately certain people let egos get in the way. They did not diminish us in the process; they diminished themselves. They diminished the government. They diminished the political process. But because we stood firm we have delivered the right outcome for Victorians.

Can I thank all of my colleagues in the Liberal and Nationals parties in both places. We have known the right way forward for Victoria. We have stuck to our guns, and we have delivered.

Mr HIBBINS (Pahran) — The question put before us is: do we agree to these amendments? The Greens will not be opposing these amendments, because while they do go to mitigating the very worst of the privatisation of the port they certainly do not provide for a port that would be in any way better run than it would be in public hands. Even though we will not be opposing these amendments, there is certainly still no justification for the long-term lease of the port, which certainly is not in the public interest. The main thrust of these amendments is to improve the regulatory oversight of the Essential Services Commission in regard to rent prices, a provision for 10 per cent of the funds raised to go into rural infrastructure, the provision of a rail freight plan and the length of the lease.

Before I get into those particular aspects, it is incredible that this entire negotiation process was conducted under the threat that the Treasurer would use special powers within the State Owned Enterprises Act 1992, put in by the Kennett government, to lease the port without going through the Parliament. This was a piece of legislation that was opposed by the Labor Party at the time it was introduced, in 1992. Back then the shadow minister responsible for state-owned enterprises, Mr Kelvin Thomson, said that the bill for that act was ‘a disgraceful example of Parliament being asked to surrender its position as the custodian of state-owned assets’. He went on to say:

All honourable members would expect a bill like this to contemplate organisations such as the State Electricity Commission, the Gas and Fuel Corporation of Victoria, Melbourne Water and so on.

He went on to list a number of bodies, warning against privatisation. He went on:

Other bodies that could be privatised are the Port of Melbourne Authority ...

So not only did we have Labor opposing these special powers the Treasurer has now threatened to use but warning against the very privatisation of the port of Melbourne that we see before us.

As I said, these amendments mitigate some of the very worst aspects of the privatisation, but they certainly do not provide for reasons why we should be privatising the port. In fact the best case put against privatisation has come from the Labor side; it came from the member for Melton, who said:

Once a government enterprise is sold off, the revenue base disappears. This house has heard a number of debates about the regressive nature of state taxation. The sale of these government business enterprises, and thereby the forfeiture of revenue from them to the Treasury, will mean Victoria’s economic and budgetary position will worsen.

I could not put it better myself. The privatisation of public monopolies is a bad deal for this state. It has been a disaster for this state, and there is nothing to suggest that privatising the port will result in a benefit for those who use the port. It will not be a benefit to Victoria. In fact it has been a failure in the past.

We are told that as part of these amendments there will be greater regulatory oversight of rents, with the Essential Services Commission being able to have inquiries and make recommendations. But where does the power actually lie in enforcing those? The reality is that for all this talking up of what a great sale price we will get, the more money that a private investor spends on this port, the more will need to be raised through either reduced investment or higher fees, and they will come from exporters who use the port.

We have got a promise of a 10 per cent cut of the proceeds going to regional Victoria. The reality is that this is just a short-term bit of money for what will be a long-term hit on rural economies. It is not a victory to have a big chunk of the proceeds of the sale of the lease spent in rural Victoria because again this is a short-term benefit when the long-term detriment will be for rural economies.

An honourable member interjected.

Mr HIBBINS — I will put that question to you. It is not sticking up to seek a handout when really the best hand up for rural economies will be a well-managed port in public hands. If we look at the debate in the upper house, I think there are a number of unanswered questions about how that money can actually be spent, and I would urge The Nationals and other rural members to keep asking those questions about how those funds can be spent from the actual port.

Now we have also got in these amendments provision for a plan for freight rail access from the port, when in reality we already have a fully funded, fully costed project in the port rail shuttle. Expressions of interest could go out now — this could be delivered — but instead in these amendments that we have got it can be planned within three years, it must be able to be delivered in five years, and that is after the actual sale, which could be in another couple of years. That is a decade. Again we are pushing freight rail off into the never-never when, if this government was fair dinkum about shifting freight to rail and getting trucks off our streets, it would be delivering the port rail shuttle now, not shifting it off into the never-never.

Now you might ask, ‘Well, if you do not believe in privatising our assets, where are you going to get the

funds for this transport infrastructure?'. Instead of flogging off our state assets in this government's best imitation of the Kennett years, we were promised a rational conversation about public debt, but we have hardly had that. At a time when interest rates are at record lows and when economic growth is soft we need to give Victorians the confidence that a bold, long-term infrastructure plan can be put in place, but rather we have threats and games — 'Well, if the port doesn't sell, then this level crossings project won't actually go ahead'.

The government needs to wean itself off its addiction to public private partnerships, where we are absolutely paying through the nose on these availability payments, much more than we would do if we were borrowing the money publicly. Just look at how much we are paying for the desalination plant, and look at how much we would have paid for the east-west link. There is land value capture. There are the dividends you actually get from assets you own. These are much more cost-effective ways of funding transport projects and major infrastructure than handing over control of the last major state-owned asset — a public monopoly — to private hands.

This is a bad deal for Victoria. These amendments go some way to ameliorating the very worst of privatisation, so the Greens will not be opposing them, but for a short-term financial hit we are losing control of a vital asset and we are doing long-term damage to our economy and long-term damage to rural economies. We are going to see rises in fees or a loss of investment in the port. It is a bad deal for those who use the port. These provisions for freight rail simply are not good enough. The government needs to embrace a new way of funding its major projects and major infrastructure.

The Greens stand with those who believe that public assets should remain in public hands. Privatisation of the port is a bad deal, but these amendments go some way to mitigating the worst effects, and we will not be opposing them.

Mr WALSH (Murray Plains) — I rise to make my contribution on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. I suppose it is important in starting this contribution to actually articulate what we are talking about here. We are talking about the port of Melbourne, which handles nearly 40 per cent of the container trade in Australia and, particularly from a rural export point of view, is the gateway to the world for all our industries not only in Melbourne but particularly right across country Victoria. So it is absolutely critical that the port of

Melbourne stays competitive and stays efficient so that our exporters are not disadvantaged in the world market. The focus from this side of the house, from the Liberal-Nationals opposition, has been that whatever deal was done had to be in the best long-term interests of all Victorians, including, particularly from The Nationals point of view, the export industries across country Victoria.

What we are doing here is making decisions for the next, as it is now, 50 years. If you think back 50 years, we are making huge decisions for a long time into the future. If you go back 50 years, people then would never have envisaged some of the changes that have happened in Victoria over that time. So we are making very long-term decisions here, which is why we are focusing so hard on getting a good outcome.

As previous speakers have said, I think we had a very good process with the upper house committee. I also give my thanks to the committee members, including Gordon Rich-Phillips, Damian Drum and Craig Ondarchie, for the work that they did on that committee, actually looking at this bill in detail. More importantly, I particularly put on the record my thanks to all those people from the freight and logistics industry who actually appeared before that committee and gave evidence that enabled us to have an evidence-based outcome with the amendments that we have here before the house today. They are evidence based, a lot of work has gone into them and a lot of senior people in the freight and logistics sector made the time to appear before the committee not only in Melbourne but at regional hearings around the state — in Warrnambool, in Horsham, in Shepparton and in the Latrobe Valley. They made the effort to come along and put their views. As the amendments kept coming — we had a number of iterations of amendments because the government could never quite get it right as we went through this process for a number of weeks — the industry was very happy to come back with feedback as the amendments evolved. I particularly thank all those who did that.

I would like to reflect for a minute on the Treasurer, who was the Minister for Ports in a previous government, and look at a bit of the history of this. The now Treasurer, who was the Minister for Ports leading up to 2010, was a passionate advocate of the port of Hastings and how we needed to be developing the port of Hastings simultaneously with the port of Melbourne for the future. Somehow after the 2010 election, when he transferred from one side of the house to the other, he lost interest in the port of Hastings and became a convert to the Bay West concept that was going to be a jobs boom for Geelong at that particular time. It went

from the port of Hastings, to Bay West and a jobs boom for Geelong, to back into government, and all of a sudden we were not going to need a new port for 70 years. To my mind the Treasurer is absolutely at best confused and totally a fool if you really look at it, particularly if you look at what he has said over the years and analyse all the things that he said over that particular time.

Again — it has already been touched on by the shadow Treasurer — we had the rock-hard deadlines for a number of sitting weeks: ‘If you don’t get out of the way, it’s going to be sold’. The shadow Treasurer did not mention the fact that we also had the discussion about having an early election. We were actually going to rush off to an early election on this particular issue. I think if you go and read the notice paper, there is still a motion there from the Leader of the House to refer this off to the disputed bills process so we could have an early election around this particular issue. So not only did we have a number of sitting weeks with rock-hard deadlines and ‘Get out of the way otherwise we will run over the top of you and we will go to the market without any legislation’, which would have been a very, very foolish thing to do, but we were going to have an early election.

Can I say, fortunately we did not start the preselection process on this side of the house because we knew, again, that the Treasurer was all bluff and was not actually going to do anything about this. It just shows how silly and how desperate they were in trying to bluff their way through this particular issue.

I will particularly focus on clause 15 of the bill and the amendments to clause 15 that have inserted a 10 per cent requirement in this particular bill. There has been some concern from some on this side of the house that the government is trying to fudge this particular clause and is going to use it as a grab-all of money to fund projects other than transport and logistics projects in regional Victoria. I would particularly like to invite the Minister for Ports, who is going to speak after us, to put on the record that that 10 per cent will be used for the same purpose as set out in the Victorian Transport Fund and in that particular clause 15 of the bill.

What we do not want to see is country Victoria being duded again by the government actually using these funds to substitute other forms of funding that they should be paying for out of consolidated revenue. We saw with the Stronger Country Bridges program how a number of those bridges were actually in Melbourne, and quite a few of them were very close to the Premier’s own electorate. The people of country Victoria are very cynical and very concerned about the

deceit that this government goes about at times and how it does particular things.

With clause 15 and the amendments to clause 15, we worked very hard to make sure that 10 per cent of those funds would go into regional Victoria, because let us bear in mind that all of this money was going to be spent in Melbourne in the first instance. It was the combined efforts of the Liberal and National parties that made sure that there were actually some funds going to country Victoria out of this particular sale, and 10 per cent, might I add, is the minimum. We would dearly love the government to spend more than 10 per cent in country Victoria, but it is there as a minimum. Very importantly it needs to be spent, as per the purpose of clause 15, on transport and logistics projects in country Victoria to improve the transport of those very valuable exports that come out of country Victoria and go through the port of Melbourne.

I will just finish off, I suppose, by reinforcing that I think there has been a very good process here. The people of Victoria can feel comfortable that the opposition has fulfilled its role very, very well through this process with the upper house inquiry, with an evidence-based outcome making sure that the amendments to the legislation actually improved it in the best long-term interest of all Victorians. This was so that we did not find that we had a potential lease that went for 70 years, that we had a compensation clause that went for 70 years, that we locked out the second port for the next 70 years and that we found out that we actually lost business to Sydney and Brisbane into the future. What we worked very hard to do was make sure Melbourne is the key port in Australia into the long-term future.

Through this particular process, I was very concerned to hear some members on the other side of the house saying, ‘Why do we need to have the biggest port in Australia? Does it really matter if Melbourne is not the key export container port in this country?’ It is absolutely important that it stays the key container port in this country. The Melbourne port is about jobs, jobs and jobs. We did not want to see a process that actually took jobs away from Victoria and sent them to Sydney and Brisbane, as would have happened if this legislation had passed as originally intended by the government. What we have been able to achieve is a good outcome and particularly a good outcome for jobs into the future — not only in Melbourne, but right across Victoria — because the port infrastructure is one of the most critical, key pieces of infrastructure in this state.

Mr DONNELLAN (Minister for Ports) — I congratulate the Treasurer obviously, and also the Special Minister of State and Daniel Mulino, a member for Eastern Victoria Region in the Legislative Council, for their hard work in relation to this. It is very much going to be an incredibly desirable asset in the marketplace, because I guess there is the potential for the port to grow. Let me put on the record that I do not believe we will need a second port for at least 25 years. I am very much agnostic, as I have indicated many times, as to whether it is in the west or the south-east; I have got no particular view on that. As I have indicated, it will go off to Infrastructure Victoria for assessment, and I think that is the appropriate place for it to be done.

Further, in relation to the question of the 10 per cent of Victorian funds going to regional Victoria, there is no doubt the government will meet that commitment, as we have indicated. We certainly will not be closing railway lines and other things like the National Party has done. We have made a very solid commitment, whether it be in terms of capital funding of \$1 million for regional roads or whether it be this 10 per cent, that we will meet those commitments, as we have indicated.

One thing we will not be doing is closing down railway lines, because we are very much about opening them into regional and country Victoria. I do like this rewriting of history that is suggesting that, somehow or other, the National Party does a great job for the country and regions. But closing seven country lines is not doing a particularly great job for regional Victoria, and opening up new lines and so forth is really what we are about. So we will meet those commitments, as I have indicated.

This could have been done a lot earlier. I mean, we have got the member for Malvern rewriting history. We have had four years of the prior government being lazy and, you know, 5 minutes of it being crazy. This should have been done a whole lot earlier. I sat in on some of those negotiations, and the knowledge that the member for Malvern was either feigning he did not understand or did understand but was pretending not to understand, was actually quite juvenile, to put it mildly — not understanding building blocks and the like in relation to the development of assets down at the port. I would have thought the former Treasurer would understand that, but in the negotiations I was involved in he pretty much pretended he did not understand it. I hope that was more for negotiation purposes than anything else, but it was rather amusing.

This is an asset that will be incredibly desirable. You only have to look at the western distributor we are building around it. You only have to look at the

CityLink-Tullamarine Freeway widening project, and you only have to look at the Todd Road upgrades. We have virtually created a circle around the port, and we have provided more efficient access to it in the long run. With the rail options we have in the legislation, there is a requirement for the new leaseholder to undertake those. I believe that the capacity of this port might actually go beyond 25 years, because we are currently only doing 2.6 million 20-foot equivalent units (TEU). The port has the capacity for 4.9 million TEU, and I believe there is substantially more capacity that could be gained from this port, including through the use of inland ports.

I congratulate the Special Minister of State, who did an enormous amount of work on this particular piece of legislation. I am disappointed it took so long but, as we have indicated, we will meet our commitments. I look forward to the market valuing this asset at the highest level so we can undertake the work we have indicated we will do. We will certainly not sit still for four years, then come to the end of that four years and indicate that all we have is a poisonous letter, which is what happened in relation to the east–west link. We will certainly not be providing turn-up money for doing nothing.

We want to get on with the job of actually providing infrastructure that the community needs and upgrading our network of transport around the state. We certainly will not be sitting still like the last lot did, and we will get on with the job of doing what needs to be done in this state to deliver the services and infrastructure the Victorian public needs.

Mr HODGETT (Croydon) — Well, success has many fathers and failure is an orphan, but can I say that we are proud of the part we played in this process to get this significant outcome with the amendments we are debating today.

I will make three points, if I may. I will firstly talk about the process. I join with my colleagues the members for Malvern and Murray Plains in thanking everyone involved in this process, particularly the members of the upper house committee. I echo the words of the member for Malvern: I think that the work of the upper house committee to engage industry and stakeholders and to seek and get their input was a great process, and it is one that I think should be looked to and should be used further in future in this Parliament. It gives stakeholders and businesses input to improve outcomes and to improve legislation. Certainly everything we put forward in amending the legislation was industry based or backed. I acknowledge all those who worked hard throughout this process in order to

obtain a better deal and a better outcome for Victoria. At the end of the day this is about jobs, it is about trade, it is about investment and it is about ensuring that Victoria remains the freight and logistics capital of Australia — number one — and it is about Victoria's future economy.

The second point I want to make is about compensation. We are pleased with the outcome — the compensation will be strictly limited to 15 years from the commencement of the lease, not the full lease term. We firmly hold the view that the state should be able to determine the need for and the timing of the development of Victoria's next international container port. We heard the Minister for Ports say that an additional port would not be required for 25 years. It begs the question of why the government wanted to give compensation for 50 or 70 years if that was its view of when the port will reach its capacity.

We know that the port of Melbourne faces two major challenges, and they are not the Treasurer or the Minister for Ports, they are capacity and access. There is the question of when we will need our next container port. Going back to the comments of the Minister for Ports, he said an additional port will not be required for another 25 years. When we came to government Labor came yelling, kicking and screaming to our door saying that the port of Melbourne was going to run out of capacity, hence we immediately commenced a \$1.6 billion port capacity project to increase capacity down there.

There is debate and there are various opinions in relation to when the port of Melbourne will reach capacity and when the next international container port will be required. We can look at trade forecasts. I think I heard before that the port of Melbourne did 2.58 million 20-foot equivalent units (TEU) last year. We can all argue, debate and forecast when it will be, but we certainly know that it is not going to be 50 years, it is not going to be 70 years and it is not going to be Labor's original forecast, which we heard in the lead-up to the last election, of 99 years.

The second challenge the port of Melbourne faces is one of access. We know that ships coming into the port now can have a 14-metre draught. We know there are height restrictions around the West Gate Bridge. We know that the swing basin is 300 metres long and ships currently coming into the port are 297 metres long.

Mr Pallas interjected.

Mr HODGETT — Well, we did hear the Treasurer say that you do not build a port for ships. We know that

capacity is restricted, we know that the ships of the future are going to be longer, wider and have a deeper draught, and we know there are going to be challenges for ships accessing the port of Melbourne. So as capacity is reached and as access is restricted for larger ships, we will need a second international container port. As I said, we firmly hold the view and believe that the state should not be hindered or hampered in its decision by a ridiculous compensation clause of 50-plus years.

I pause to take the opportunity to acknowledge and thank the member for Hastings for his work. He continues to strongly represent his community in relation to the issue of a second container port at Hastings and where that may fit into future plans for the Victorian economy.

The third and final point that I will make is that I will join with Labor's coalition partners, the Greens, by acknowledging the comments of the member for Prahran. I fully support his comments about a port rail shuttle. It is pleasing to see that there is a requirement for the port of Melbourne operator to provide a port rail plan to the government within three years and every five years thereafter, but it is somewhat disappointing that it is not mandated. Far be it from me to give constructive advice to the government, but it is a no-brainer; it is an absolute no-brainer to have a port rail shuttle. Why? Because the money is there. The \$58 million of state and federal money is there in the budget. The project will increase the throughput capacity of the port of Melbourne, it will add value and it will create jobs. The project will require significant construction work and create ongoing jobs. It will get freight onto rail so that we will not be relying solely on trucks to move freight in and out of the port. And of course it will improve landside connectivity.

The port rail shuttle would add value, and I cannot for the life of me see why the government is not mandating it as part of the process. I know it is difficult to put it into legislation, but then again you cannot legislate against stupidity. It is a no-brainer, and I would implore the government to turn its attention back to this and support the member for Prahran's comments around it, about getting more freight onto rail.

I am deeply concerned about the apparent decline in Melbourne's competitive position in relation to Sydney. We all know that the ports of Botany and Kembla were sold, along with two fully developed inland ports connected to rail, and we are aware that since taking up the lease NSW Ports has set a medium-term rail target of 1 million TEU, and it is developing plans to cater for 3 million TEU. NSW Ports knows that this is

fundamental to growth. The Treasurer and the Minister for Ports would do well to read a couple of articles I will briefly mention in the time I have available. I think the Treasurer might have referred to them.

One is from Wednesday, 19 August 2015; it was in the business section of the *Age*. It talks about Melbourne losing its no. 1 port status and how that will hurt business. The article states:

Sydney is likely to overtake Melbourne in the near future as the biggest container port in Australia, an outcome that will impact on business growth and the city's industrial property markets.

The loss of Melbourne's 'number one container port' status appears a certainty as container operators abandon projects and shift their focus across the border because of the lack of rail connections.

Most disappointing in this article is the statement in the middle:

The state government did not reply to a request for comment about the implications the shift in focus to Sydney will have on local businesses.

Why? Because the government does not care. It is a quick cash grab and it does not care about the future economy of Victoria. It would do well to have a look at that article and protect Victoria's position as being the freight logistics capital of Australia and having the no. 1 port.

The second article I refer to is *Lloyd's List Australia* headed 'Finish the Job: Industry rallies to Port of Melbourne rail link' and states:

Last week Phillip Hopkins of the *Age* suggested that Melbourne's lack of rail will contribute to Botany overtaking Melbourne in container volumes.

...

From a Freight & Trade Alliance ... perspective they are not separate issues. We cannot talk about port privatisation without demanding consideration to landside integration. Currently our sources have predicted that there are over 5500 trucks entering the port per day. At 3.5 per cent growth year on year this will equal over 30 000 trucks per day by the end of the initial lease term. With the port of Hastings proposal stuck in political suspended animation, how can we assure industry that the port of Melbourne will be developed to cater for the growth in volumes?

The article goes on to say:

Partial funding has already been allocated to upgrade the port's intermodal network in the 2015-16 budget, but it still needs concerted political pressure to happen. Industry is rallying behind rail so you never know, maybe Melbourne can maintain its status as the no. 1 port by volume in Australia.

On the three points, I thank everyone involved in the process of talking about a sensible outcome in terms of compensation and acknowledging the need for the government to rethink the port rail shuttle, to mandate it, not just to plan for it. We are supporting the amendments. We are pleased and proud to have played a positive, constructive part in the process to deliver a much, much better deal for Victoria than the original dud bill proposed.

Motion agreed to.

Remaining business postponed on motion of Ms ALLAN (Minister for Public Transport).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Planned power outages

Mr SOUTHWICK (Caulfield) — The matter I wish to raise is for the Minister for Energy and Resources. The action I seek is for the minister to look at ways of reducing the impact of planned power outages by distributors on energy customers. Last week I met with the member for Eildon — a great member — who has been working tirelessly in her electorate, particularly around the area of planned outages as part of the undergrounding of powerlines. The undergrounding of powerline cabling is absolutely crucial. It was part of the recommendations of the 2009 Victorian Bushfires Royal Commission and has certainly been underway now for some time. But what the member for Eildon has discovered — and this would apply to many other electorates as well — is that when the powerline cabling is being undergrounded there have been planned outages that go way beyond the allocated times suggested by the distributors.

What would happen in many instances is that the constituent would be notified of the time that there would be an outage, say, between 8.00 a.m. and 3.00 p.m., and in many cases that outage would go beyond that period, sometimes a few hours. The member for Eildon and I met with Warburton senior citizens Frank and Barbara, and they explained that, particularly for the elderly who would plan their days around these times, they would experience severe difficulty when the power was off beyond that time. We also met with a number of industries. A number of those industries, like many of the vineyards which rely on tourism, again would have a situation where they were told that the power would be off. They would plan for that, but again if the time exceeded that period, they

would certainly lose business as a result. This is causing businesses to lose in dollars and revenue. It has an impact on jobs and it has an impact on many citizens as well.

I ask the minister to look at reviewing the regulations to see what can be put in place, potentially even looking at penalties when some of the distributors go way beyond the allocated time frame. This is a classic case where we want distributors in many instances to under-promise and over-deliver. Unfortunately what is happening too many times is that we are seeing many of those distributors over-promising and under-delivering when it comes to time delays. That is not good enough. The member for Eildon has written to the minister countless times but nothing has been done. We ask for some action from the minister on this important matter.

Derinya Primary School

Mr EDBROOKE (Frankston) — My adjournment matter is for the Minister for Education, and the action I seek is that the minister come and visit the fantastic Derinya Primary School in my amazing electorate of Frankston. Derinya Primary School plans to implement a kitchen garden program to help engage students in the understanding of positive, healthy eating habits. It will also give them an appreciation of the environment and a sense of community through participation. This is an opportunity for the school to embrace, as it engages and educates, a variety of skill sets under the guise of developing a garden, creating menus and meals to share — skills that can be used to develop further understanding of science, history, language, mathematics and art. This program has had success in many other schools that have utilised this approach to teach within their curriculum.

Derinya Primary School has plans of tapping into the community, with help from teachers, parents and friends, as well as the Hands on Learning students from Frankston High School to build a kitchen garden for the school. The civic pride this project will create will be of benefit not only to the students and the school but also to the wider community. As Derinya Primary School is a feeder school for Frankston High School, the primary school-aged children will be able to see firsthand and experience the values of the fantastic Hands on Learning program. I look forward to the minister's visit and watching the project flourish.

Police resources

Mr T. BULL (Gippsland East) — My adjournment matter is for the Minister for Police. The action I seek is

for him to provide more police resources at Lakes Entrance over the Easter holiday period to avoid the station again being closed for long periods like it was over Christmas. In late 2015 I raised concerns in question time over the fact no additional police officers were being deployed to Lakes Entrance over the summer holiday period at a time when the town's population grows from 6500 to over 50 000 people.

At the time I received what I thought was a bit of a brush-off when the minister stated that this was a matter for police command. I also wrote to him asking him for support for this outcome. I would have thought that he could have at least raised the issue for discussion with police command. What transpired was that nothing was done, and as a result of the lack of action, over the Christmas holiday period, with between 55 000 and 65 000 people in Lakes Entrance, the police station was closed on almost a daily basis due to a lack of police resources being deployed there. This is not good enough. Lakes Entrance had the highest population of any town between Pakenham and the border over the peak holiday time. It is absolutely ridiculous to even think that a staff roster that caters for 6500 people can all of a sudden cater for over 55 000 people. It is just not possible.

So, with the Easter period approaching, when we will have similar crowds in the Lakes Entrance area, I am again calling on the new Acting Minister for Police to ensure that he takes up this discussion with police command to at least try to get some additional police resources in Lakes Entrance over the holiday period. It has occurred in the past; in fact it only stopped occurring this summer holiday period. I would encourage him to have that discussion. It is not fair on the hardworking local officers we have in our region, who do a fantastic job, but the reality of it is that when the population of the town goes through the roof and when this enormous number of holiday beds are filled, we simply need more resources.

I ask the minister to ensure there is provision for more police resources in Lakes Entrance over the Easter holiday period.

Carrum electorate housing forum

Ms KILKENNY (Carrum) — My adjournment matter is for the Minister for Housing, Disability and Ageing. The action I seek is that the minister join me in hosting a housing forum in my electorate later this year. All Victorians have a right to safe, affordable and secure housing. Having a home provides the foundation for financial, social and emotional security. A strong and sustainable social housing sector is critical to

ensuring that all Victorians can own or rent housing that meets their needs.

While the Andrews Labor government is investing in housing measures, the federal Liberals are cutting funding to housing and homelessness services in Victoria. I welcome the opportunity to have the minister hear from service providers, community members and stakeholders in my electorate regarding the specific issues they face and their ideas on how we can best address housing availability in my community. I look forward to hosting the minister in the near future.

Kinglake Ranges fog detection lights

Ms McLEISH (Eildon) — I have a matter for the Minister for Roads and Road Safety, and the action I seek is the installation of fog detection lights on the Whittlesea-Kinglake and Healesville-Kinglake roads. These two roads are the connector roads across the slide between the Melba Highway and the Whittlesea–Yea road. The lights requested would be similar to the ice warning systems installed at various points on the Calder Highway.

We all know that weather can create driving hazards, and those who know the Kinglake Ranges well know about the fog. It is so bad that even in the middle of the day there have been times when the football has been cancelled. We know that it can make driving conditions extremely dangerous, and this must be addressed. Too often drivers do not turn on their lights, let alone their fog lights if they have got them. Perhaps it is not front of mind, but perhaps also the auto lights setting on modern cars, whilst triggered by light, is not triggered by fog, and people inadvertently drive without their lights on.

The community have grabbed the bull by the horns in this instance. They have had Rotary, Lions, the State Emergency Service, the Kinglake Country Fire Authority, the Kinglake West Country Fire Authority plus police all join for an evening to meet with a particular manufacturer to talk about the options that they have, and certainly there are options that can detect fog, ice and smoke. I attended that meeting and I have had ongoing conversations with members of the community, and I really want to commend John Leadbeater for his drive and his persistence.

There have been a number of bad incidents here — many close shaves. There has been an instance of a bus driver turning left off a side road onto the main road. That school bus had 61 children on board. It had a near miss with a B-double which could not be seen because it did not have its lights on. That was a frightening

experience for the driver. Other school bus drivers describe it as so dangerous that some of them do not even want to take jobs there because of that really heavy fog and the dangerous conditions. There are 12 buses a day that leave and return to the Kinglake Ranges. That is a lot of lives at risk. I know static boards have been installed reminding motorists to turn their lights on in fog, but this does not really go far enough because it is only seen locally as a bandaid or a cheap fix.

There is such strong support locally for the installation of a fog detection system, including from the local police and bus companies. Now surely it will not take a bad accident — or even worse, a fatality — to get some action here. In the interests of road safety and the protection of the communities of Kinglake, Pheasant Creek and Kinglake West, this is a project that needs to be done before the coming winter. We cannot put lives at risk anymore. The drivers of the buses and members of the communities are so concerned about this. For them to take matters into their own hands and to fundraise is a task that is well beyond what they can do, and I think this is something that the Minister for Roads and Road Safety should put on the list as a high priority.

Debney Meadows Primary School

Mr PEARSON (Essendon) — My adjournment matter is directed to the Minister for Education, and the action I seek is that the minister fund a fence outside Debney Meadows Primary School. Debney Meadows Primary School services the Flemington public housing estate and has a very small playground. During recess and lunchtime the school gates that open onto Debney Park are opened up so that the children can play sport and run around. One of the challenges, however, is that this space is often frequented by the general public, and members of the public have come into contact with children, which is less than ideal. A new fence that can be locked during recess and lunchtime would provide greater safety and security to the staff and children, so I ask: will the minister fund this crucial infrastructure?

South Yarra railway station

Mr HIBBINS (Prahran) — My adjournment matter is for the Minister for Public Transport, and the action I seek is that the minister set up a South Yarra railway station task force to lead and guide investment in South Yarra station. Funding to upgrade South Yarra station is needed in the upcoming state budget, and a task force should be set up to ensure the needs of South Yarra commuters are met, especially given the wide range of improvements that need to be made, the wide range of

stakeholders that need to be involved, the critical role South Yarra station plays in the local area and the 13 000 commuters who use it every day.

With its interface with the Forrest Hill growth area, which is going to have thousands of new residents over the next decade, the station is important to the local economy, to the Toorak Road, South Yarra, shopping precinct and to the growing Chapel Street activity centre. Some of the improvements that need to be made, among others, that may be identified by the task force are a second entrance, which will connect the station to the Forrest Hill growth area instead of the current crowded single entrance; improvements to dangerous pedestrian crossings; improvements to tram interchanges and the potential for a commonwealth Disability Discrimination Act 1992-compliant super-stop; secure bike parking instead of bikes being attached to the railing; and service provision for the currently overcrowded trains and trams in the face of patronage growth and the loss of connectivity to the Dandenong line as part of the Melbourne Metro project, connectivity that the residents would like to see reinstated.

Scoping and prioritising these improvements will require collaboration with Stonnington council, which I know has a strong interest in South Yarra station; transport authorities and operators; the private sector; local traders; and of course local residents. There is a clear need to upgrade South Yarra station. To date I have had many hundreds of signatures to my online petition calling for an upgrade to South Yarra station. I am requesting that a task force be set up to lead the process and to guide the minister with terms of reference put in place as soon as possible so we can get on with upgrading South Yarra station.

Strathaird Primary School

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Education and concerns Strathaird Primary School. The action I seek is that the minister ensures that Strathaird Primary School receives funding to install sunshade protection and shelter to facilitate multi-use of its basketball courts. Strathaird Primary School is a wonderful local school with a large and growing student population and a current attendance of 850 students. At the moment the school lacks adequate sheltered areas for its students to play under during summer or in poor weather. The school principal, Martin Shepherd, and the school council president, Mr Wes Delzoppo, have been advocating for a covered area in their school during my visits over the past two years. I appreciate that they have been working very hard to procure capital works

funding for their school to ensure that this project goes ahead.

The provision of high-quality shading will be a significant step in limiting UV radiation exposure and reducing the impact of skin cancer in the school community. The installation of shelter over the basketball courts will also provide students with a multipurpose outdoor area which can be utilised for play and exercise, serve as a meeting and assembly place and be used as an extra learning space. In addition Strathaird Primary School is already a SunSmart member and does an outstanding job at implementing a policy to educate our young people about the dangers of UV radiation. Students understand the importance of wearing appropriate clothing, putting on sunscreen and remaining hydrated, but we can do more. These students deserve to have access to outdoor sheltered areas to increase their opportunities at school to learn, grow, achieve and have fun.

The school has costed the project at \$201 000 and will be making a significant financial contribution to see the job through. I know that the Andrews Labor government has not only committed \$15.2 million over four years for a range of skin cancer prevention initiatives but is also working towards achieving a target of 100 per cent of Victorian schools becoming SunSmart members. This would be a fantastic opportunity to provide much-needed shade protection and extra outdoor meeting and learning areas at the school, where the principal and staff go beyond their duties for the wellbeing of their students. I urge the minister to ensure that Strathaird Primary School receives the support it needs to deliver this vital project for the school community.

Dewing Creek water storage

Mr RIORDAN (Polwarth) — The action I seek this afternoon is from the Minister for Environment, Climate Change and Water. I call on the minister to ensure that the land that Barwon Water owns for future water storage located at Dewing Creek near Barwon Downs is not sold. In yesterday's matter of public importance the Minister for Environment, Climate Change and Water made much of the need for Victorian water policy to be flexible, multifaceted and robust enough to help Victoria combat climate change. The minister spoke of the need for potable water sources and the connecting of Geelong to Melbourne's coal-fired water supply, and of course the new connector that ensures the people of Colac too can be charged for the coal-fired water. We hear constantly that climate change is leading to extremes — too hot, too dry, too wet, too cold; flash floods and storms. They

are all good arguments for well-sited and well-designed dams.

The ratepayers and people of the Barwon Water service area paid for this land over 25 years ago. It is a worthy asset. It is an asset, in the minister's own words, that can provide more choice. It can provide potable water, and it can help ensure the Barwon south-west region will have a reliable and affordable water supply for future development and for the needs of people in one of the fastest growing areas in Australia. What will happen if this choice position is sold and given away? Well, let us think about the other options Geelong, Colac and the south-west will have. They will be able to buy expensive coal-fired water from Melbourne. They will be able to pump dry underground aquifers where the real costs to the environment and the local farming communities are not entirely known. Already the pressure on aquifer recharging has caused great concern to communities surrounding the Gerangamete bore fields.

Out-of-sight, out-of-mind water supplies are not a solution in themselves. If the current government's goal is to provide for and encourage livable and sustainable Victorian communities, then it must be a high-order priority for both Barwon Water and the state of Victoria to maintain this site in its basket of water options. The minister talks about needing buffers in water supply for our communities. What better buffer can we have than a safe and secure water storage sited close to one of the wettest places on mainland Australia — a water storage that can harness some of the excess water flows in the Barwon catchment.

The government loves to highlight the dangers of climate change — more flash floods and more dry spells. Well, as a community we have already paid for and thought of one of the solutions. It has been planned for and it has been thought about already. Now it sits idle, and we are looking to sell it off in the same year we have decided to start making drinking water out of burning coal. I call on the minister to act to stop the sale and to ensure that the Dewing Creek dam option stays on the table as a possible choice for water supply in the Barwon south-west region.

Newman Street–Keilor Road, Niddrie

Mr CARROLL (Niddrie) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is that the minister come out to my electorate to see the Newman Street and Keilor Road intersection and provide an updated time line on what VicRoads is doing to improve safety at this dangerous site. The intersection of Newman Street and Keilor

Road, Niddrie, is a complex intersection which involves numerous traffic flows in several directions, including vehicles entering and exiting the Calder Freeway. It is particularly dangerous due to the number of vehicles going in different directions which cross paths, often leading to collisions or at least to very near misses.

I have had a look at the open source data which the government provides to the public on crash statistics, and it provides a handy visualisation of the locations of the crashes across Victoria since 2010. According to this data there have been approximately nine accidents requiring a police call-out in the vicinity of this intersection, two of which involved serious injury — and this is just the accidents and incidents that have been recorded.

It is very commonplace for me to be driving from my electorate office on Keilor Road and see yet another car smashed up on the side of the road or glass scattered across the asphalt from another accident that has happened at this black spot. This issue has been ongoing for many years, and it has certainly been a priority of mine since I was elected the member for Niddrie in 2012.

In October 2014 I lodged a petition of almost 1000 signatures in this place calling on the then Minister for Roads to take action to improve the safety of the intersection. Since then I have met with the minister and VicRoads numerous times on this issue, and I have taken three consecutive VicRoads regional directors for a drive through this horror intersection. It is a very scary drive. I have constituents tell me they actively avoid it, and I know people who live on the street who cringe every time they hear a crash, thinking it could be a loved one that is hurt.

Following VicRoads's advice, in September 2015 I emailed my constituents asking for qualitative feedback on their experiences at this intersection. I received 50 detailed responses from locals. All of this information was collated and forwarded to VicRoads staff to be shared with its project team. I have also shared this information with the minister's office.

In October we began the process of community consultation with locals, with a meeting at the Niddrie Community Hub on 26 October. This meeting was a great example of cooperation at several levels of government, with VicRoads providing a very valuable opportunity for residents to have their say and with Moonee Valley City Council also being at the table. More than 80 residents attended this information session. It was held in a world cafe format, allowing residents to rotate and have their say on a range of

treatment options. The signalisation with traffic lights at both Newman Street and Keilor Road and Grange Road and Keilor Road intersections was by far the most popular option, and I have since met with VicRoads to discuss the next steps.

VicRoads is very keen for additional funds to be provided for a business case study for this project, and I would urge the minister to give this due consideration. We need to do this project once and do it properly, before the data shows not only serious injuries but a fatality at this site. I look forward to the minister coming out to my electorate to inspect the Keilor Road and Newman Street intersection at his earliest convenience.

Responses

Mr PAKULA (Attorney-General) — There were 10 matters raised tonight.

The member for Caulfield raised a matter for the Minister for Energy and Resources seeking that she look at ways of reducing the impact of planned power outages.

The member for Frankston asked that the Minister for Education visit Derinya Primary School in his electorate.

The member for Gippsland East, who is not here, raised a matter for the Minister for Police seeking more resources at Lakes Entrance over the Easter holidays. I will pass that on, but I am sure the Acting Minister for Police will then pass it on to the chief commissioner, with whom responsibility resides.

The member for Carrum raised a matter for the Minister for Housing, Disability and Ageing seeking that there be a housing forum held in her electorate.

The member for Eildon raised a matter for the Minister for Roads and Road Safety seeking the installation of fog detection lights on a couple of roads in her electorate that she referred to.

The member for Essendon raised a matter for the Minister for Education seeking that a fence be funded outside Debney Meadows Primary School.

The member for Prahran raised a matter for the Minister for Public Transport asking that a South Yarra station task force be set up.

The member for Narre Warren South raised a matter for the Minister for Education in which she sought that

Strathaird Primary School get funding for sunshade protection on its basketball courts.

The member for Polwarth raised a matter for the Minister for Environment, Climate Change and Water seeking that certain land he referred to, owned by Barwon Water, not be sold.

The member for Niddrie raised a matter for the Minister for Roads and Road Safety seeking that he come and visit the Newman Street and Keilor Road intersection.

I will pass all those matters on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 6.31 p.m. until Tuesday, 22 March.