PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 6 September 2018

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Industry and Employment	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	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 Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, 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 Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O'Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmar, Ms Fitzherbert, Mr Morris, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

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

Joint committees

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

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

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

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

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

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

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

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

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

Heads of parliamentary departments

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

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr N. ELASMAR

Acting Presidents:
Ms Dunn, Mr Gepp, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
Mr L. B. O'SULLIVAN

Leader of the Greens:
Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John[1]	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[8]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	Western Metropolitan	Ind	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Mr Luke Bartholomew[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini[11]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred[6]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[7]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong[12]	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

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

PARTY ABBREVIATIONS

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

CONTENTS

THURSDAY, 6 SEPTEMBER 2018

Thursday, 6 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

AUDITOR-GENERAL

Parliament of Victoria financial statements 2017–18

The PRESIDENT (09:35) — Members, I would just like to bring to your attention that I have received a notification from the Victorian Auditor-General's Office to indicate that they have signed off on the Parliament's financial statements. The Auditor-General has indicated that:

> In my opinion the financial report presents fairly, in all material respects, the financial position of Parliament as at 30 June 2018 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of the Financial Management Act 1994 and applicable Australian accounting standards.

I also remind members — I think you have been made aware of it — that there is a briefing for members on the election transition guide, and all members are invited to attend. The purpose of the briefing is to assist with the closure of the 58th Parliament. That will be held today between 2.30 p.m. and 3.30 p.m. in the Legislative Council committee room, so members might avail themselves of that opportunity.

I also indicate that I will be circulating a note from the Victorian Electoral Commission (VEC), which is in respect of our new obligations following the recent passage of legislation — it was either the last sitting week or the one before — in regard to electoral donations and other matters. The VEC has compiled a web page with our obligations.

PETITIONS

Following petitions presented to house:

Train noise pollution

Legislative Council electronic petition:

The petition of the undersigned residents of Victoria draws to the attention of the Legislative Council the harm being done to neighbours of railways by noise from train horns. Residents and workers near railways are subjected to loud horn blasts hundreds of times a week, almost always as a matter of routine at any time of the day or night. The horns are supposed to provide safety at a low cost, but the true costs are externalised in the form of noise pollution. The World Health Organization estimates that at least 1 million healthy life years are lost every year from traffic-related noise in the western part of Europe. In Melbourne, the health and wellbeing of communities near railways are relentlessly harmed by the frequent blasting of train horns. Train drivers are forced to rely on the routine sounding of horns to keep themselves and others safe, because rail infrastructure in many parts of Melbourne lacks even basic protection such as fencing. Our railway system lags well behind the world's best practice in safety standards and levels of noise pollution, and progress is hindered by poorly designed laws and lack of investment. Unless decisive action is taken to modernise our railways and reduce the reliance on train horns, the health impacts of noise pollution in Melbourne will only worsen with population growth and expanding demand for public transport.

The petitioners therefore request that the Legislative Council holds a public inquiry into noise pollution from train horns. The inquiry should ensure that government policies put homes before horns, so that the health, wellbeing and amenity of communities are not sacrificed as a cheap way to achieve basic safety. Practical alternatives to horns should be identified and adopted without delay. We recommend that the following actions are considered.

(1) Let us sleep. Change the railway operating rules to stop the routine sounding of train horns at night;

(2) Fix the horns. Ensure that all train horns in Melbourne are designed to minimise their impact outside railway corridors, with sound levels that do not exceed Australian standards for urban warning devices;

(3) Enforce the law. Stop punishing communities with train horns. Target the offenders who ignore signals and gates at level crossings;

(4) Fence the tracks. Amend section 61 of the Rail Management Act 1996 to require fencing of railways in populated areas. Stop relying on train horns to keep people away from railway tracks;

(5) Restore our rights. Amend section 251B of the Transport (Compliance and Miscellaneous) Act 1983 to acknowledge that noise from rolling stock is a nuisance that needs regulation like other sources of noise pollution;

(6) Build safe crossings. Save lives and reduce noise pollution by investing in dedicated bridges and underpasses for pedestrians.

By Ms DUNN (Eastern Metropolitan) (553 signatures).

Laid on table.

Mills Street, Middle Park, tram stops

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to plans to relocate two tram stops on Mills Street, Middle Park, and build a super tram stop near the corner of Danks Street. Local residents and traders are concerned about the removal of parking; the impact on school traffic; access to properties; and the location of future super tram stops in Mills Street.

The petitioners therefore request that the Minister for Public Transport investigate optimal placement of future tram stops along the full length of Mills Street, Middle Park, which is expected to happen in accordance with Public Transport Victoria's stated policy.

By Ms FITZHERBERT (Southern Metropolitan) (70 signatures).

Laid on table.

Native forest logging

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that logging of Victoria's old-growth native forests by VicForests is doing irreversible damage to the biodiversity of vulnerable species in the state.

In particular, we call attention to the recent report by ABC news that VicForests is conducting an 'experiment' in the East Gippsland forest to conduct logging to determine the impact of logging on the greater glider (*Petauroides volans*), despite there being scientific consensus that logging has a detrimental effect on wildlife, and despite acknowledgement from VicForests that the experiment will kill greater gliders.

The petitioners therefore request that the Legislative Council call on the government to wind down all logging of old-growth forests in Victoria.

By Ms DUNN (Eastern Metropolitan) (192 signatures).

Laid on table.

Mickleham and Somerton roads, Greenvale

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the inadequate arterial road infrastructure, increased traffic volumes and ongoing safety issues on Mickleham Road and Somerton Road, Greenvale.

The petitioners therefore request that the Legislative Council call on the government to prioritise the duplication upgrades of Mickleham Road and Somerton Road, Greenvale.

By Mr ONDARCHIE (Northern Metropolitan) (27 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Independent Broad-based Anti-corruption Commission — Report to the Minister for Police, 1 January 2015 to 31 December 2016, pursuant to section 70N of Sex Offenders Registration Act 2004.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — No. 116.

Serious Offenders Act 2018 — No. 115.

Tobacco Act 1987 — No. 117.

Ombudsman — Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria, September 2018 *(Ordered to be published)*.

PREMIER

Mr RICH-PHILLIPS (South Eastern Metropolitan) (09:43) — I desire to move, by leave:

That —

(1) this house notes —

(a) that for purely political purposes the Premier ordered the unprecedented release of documents of a former government, overturning more than a century of convention relating to cabinet confidentiality and legal professional privilege;

(b) in his haste for political pointscoring the Premier failed to ensure the adequate assessment of more than 80 000 pages of documents;

(c) the Premier's actions have led directly to the disclosure of personal address, mobile phone numbers, date of birth, medical, psychiatric, financial, bank account and employment information of multiple Victorian citizens; and

(2) this house censures the Premier for prioritising his personal political interests ahead of his responsibility to protect the citizens of Victoria he is supposed to serve and his responsibility to uphold Victoria's constitutional conventions.

Leave refused.

MINISTERS STATEMENTS

Autism early identification

Ms MIKAKOS (Minister for Early Childhood Education) (09:45) — I rise to update the house on how the Andrews Labor government is helping parents and carers give their children the best possible start in life. Late last year the Premier and I announced a $19 million suite of inclusive early childhood education initiatives, including $1.1 million for the training of all maternal and child health nurses in Victoria in the early identification of autism. I was pleased to stand with Premier Daniel Andrews yesterday to announce that the Olga Tennison Autism Research Centre (OTARC) at La Trobe University will be the provider of that training to the more than 1250 maternal and child health nurses

that we have here in Victoria. The Olga Tennison Autism Research Centre is Australia's pre-eminent autism research centre, and I am very pleased that we are able to partner with them.

Research has shown that the early detection of autism spectrum disorder in young children and timely intervention maximises a child's developmental outcomes later in life. We know that early detection, early diagnosis and early intervention can be life-changing. A comparison study between children identified with autism early, at as young as 18 months, using OTARC's surveillance training, and a group of children who were diagnosed later in life, at around ages three years to five years, demonstrated significant results. By seven to nine years of age only 8 per cent of children diagnosed early still have an intellectual disability compared to 24 per cent of children diagnosed later. Seventy-seven per cent of children diagnosed early attend mainstream school compared to 58 per cent of children diagnosed later, and 60 per cent of children diagnosed early are receiving ongoing support compared to 90 per cent of children diagnosed later. The screening tool that OTARC has developed in fact enables children to be screened between 12 and 24 months of age. We know that, sadly, currently many children are only being identified with autism at preschool or even later on, when they have started school.

I was honoured also to meet young Ayoub and his family. Ayoub is a five-year-old boy who was diagnosed with developmental delay when he was only 18 months old. It was in fact his maternal and child health nurse that assisted in the early identification of this issue. With the early intervention and support that Ayoub has received, he no longer has a diagnosis of global developmental delay and is ready to start prep next year at his local primary school. I wish Ayoub and his family well, and I certainly congratulate the Olga Tennison Autism Research Centre on this important support to our world-class maternal and child health service.

Learn Locals

Ms TIERNEY (Minister for Training and Skills) (09:47) — I rise to update the house on the Andrews Labor government's support for Victoria's adult and community education providers known as Learn Locals. On 30 August 2018 I attended the 2018 Victorian Learn Local Awards and announced a new $5 million program to boost literacy, numeracy and language training for Victorians looking to gain the basic skills they need to succeed. The program will focus on students with high needs through an expansion of preaccredited courses, supporting them to have the best chance to get a job or undertake further training. The program also aims to build staff capacity through customised support so each Learn Local can broaden their offerings and provide greater support for more students. The program will assist more than 3000 learners over the next two years. It will be open to all 267 Learn Locals across Victoria.

The Andrews Labor government is supporting Learn Local providers to train more Victorians in the foundation skills needed to get a job or undertake further training. Learn Local providers make a huge difference in their communities by delivering adult community education programs. Learn Locals work at the grassroots to help people turn their lives around with programs for people of all ages and from all walks of life.

I take this opportunity to again congratulate Jenny Barrera, who won the 2018 Lynne Kosky Memorial Award for Lifetime Achievement at the Victorian Training Awards this year. Jenny is the CEO of Wyndham Community & Education Centre Inc. She has dedicated her professional life to education, starting her work as a teacher with Indo-Chinese migrants arriving in Collingwood and Richmond in the late 1970s.

This government, the Andrews Labor government, is making record investments across the sector to give all Victorians the skills they need to get a job.

Melbourne Tech City

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (09:49) — As the Minister for Innovation and the Digital Economy I am pleased to inform the house of the launch of Melbourne Tech City, the Andrews Labor government's major campaign to attract investment from Silicon Valley and San Francisco across the wider region. With Melbourne being an innovative and tech-ready city, the campaign promotes Melbourne's position as a leading tech hub across the Asia-Pacific region and our highly skilled tech workforce.

Our entrepreneurs and innovators are more globally connected now than they have ever been, and this government is helping them to establish valuable networks and business collaborations. Prominent outdoor advertising on five of San Francisco's trams and the rail corridors that take tech workers to business areas across Silicon Valley is being utilised to promote our vibrant start-up sector.

Listed as Australia's leading tech city by Deloitte, the Economist Intelligence Unit and A. T. Kearney, Melbourne has already attracted investments from some of the biggest names in the valley, including Square, Zendesk, Etsy, Eventbrite, GoPro, Hired, Google and Salesforce. Many of these companies feature in the Melbourne Tech City campaign, explaining why they set up regional headquarters in Melbourne and how it has allowed them to draw on Victoria's culture of innovation and to gain access to new markets in different time zones. The campaign is further supported with the launch of Qantas's first direct flights from Melbourne to San Francisco, which is set to add close to 50 000 seats each way per year.

The digital economy is crucial to Victoria's future, and that is why the Andrews Labor government will continue to support our homegrown talent to pursue opportunities both at home and abroad, as well as raise Victoria's profile as a powerhouse of innovation. As the Melbourne Tech City tagline says, tomorrow starts here.

Victorian Aboriginal Justice Agreement

Ms MIKAKOS (Minister for Youth Affairs) (09:51) — I rise to inform the house on how the Andrews Labor government is taking historic steps towards closing the gap and reducing the over-representation of Aboriginal young people in our youth justice system. While Victoria continues to have one of the lowest rates of Indigenous detention in the country, their over-representation remains unacceptably high. Recently I was proud to be a signatory to phase 4 of the Aboriginal justice agreement — Burra Lotjpa Dunguludja — with the Attorney-General, other ministers and 20 Aboriginal community-controlled organisations.

For the first time the agreement sets a milestone to reduce the average daily number of Aboriginal young people under justice supervision by 43 by 2023. In this year's budget the government has committed $10.8 million for a range of initiatives to divert Aboriginal young people from a custodial sentence and to support and rehabilitate them. In a Victorian first the government will establish an Aboriginal youth justice task force to examine the cases of about 250 Aboriginal young people in our youth justice system over the next 18 months.

Taskforce 250 will be led by the independent commissioner for Aboriginal children and young people and will examine the current care of Aboriginal young people in our youth justice system and identify issues that impact on their development and cultural connectedness. New initiatives such as in-reach elder support as well as leadership and cultural development opportunities for Aboriginal young people will also be rolled out across youth justice custodial centres to support their rehabilitation.

Together with a $1.3 million Aboriginal youth justice strategy as part of the government's response to the Armytage-Ogloff youth justice review, these initiatives will help meet the Aboriginal justice agreement milestone. After four years of cuts, cover-ups and pay-offs by the previous Liberal government, we are fixing their mess through an unprecedented $1.2 billion overhaul of our youth justice system, and we are also seeking to address the over-representation of Aboriginal young people.

MEMBERS STATEMENTS

Northern Metropolitan Region schools world record

Mr ONDARCHIE (Northern Metropolitan) (09:53) — On a sunny August winter day on Thursday, 16 August, I was proud to be a lead witness at the Marymede Catholic College, South Morang, for a Guinness World Record attempt for 'The largest gathering of people dressed as Albert Einstein'. My role as an independent witness was to act on behalf of Guinness World Records in verifying that all elements of the official attempt were conducted accordingly. Students from Marymede Catholic College, St Mary's Primary School, St Joseph's Primary School and St Paul the Apostle Primary School donned wigs, moustaches, blazers and a shirt and tie to break the Guinness World Record for the largest gathering of people dressed as the famous theoretical physicist.

It was a fantastic sight, and I am extremely proud of all the students from the four schools for their attempt and for really contributing to a great day. Five hundred and forty-one students smashed the former record of 304 look-alikes held by a Californian school. I look forward to this achievement being recognised by the Guinness World Records headquarters in London. Well done to all the students, parents and teachers from Marymede Catholic College; St Joseph's Primary School, Mernda; St Mary's Primary School, Whittlesea; and St Paul the Apostle, Doreen. In particular I wish to congratulate college registrar Matthew Luczek for his wonderful team and their coordination and organisation of the event. As Einstein himself said, 'It is the supreme part of the teacher to awaken joy in creative expression and knowledge'.

Jewish New Year

Mr DALIDAKIS (Minister for Trade and Investment) (09:54) — L'shana tovah! This Sunday, 9 September, is the Erev Rosh Hashanah New Year commemoration for the Jewish community as we welcome in a new year. Rosh Hashanah is the new year day, starting on the 1st of Tishri, bringing in the new year of 5779. Sunday is the last day of the old year, the 29th of Elul 5778.

Can I wish all my friends, my family and the members of the Jewish community, not just here in Melbourne and Victoria but indeed the Jewish community around the world, a good and sweet year. Can I also ask that for the coming year of 5779 around the world, including of course in Israel, we have a safe and peaceful year, and I wish the very best to everybody, wherever they may be and whichever religion they ascribe to. If they do not ascribe to a religion, I wish them well too.

Production of documents

Ms FITZHERBERT (Southern Metropolitan) (09:55) — Last night we had an announcement of an extraordinary data breach in this state, exposed by the *Herald Sun*. In a way that appears to be totally incompetent and absolutely reckless we have seen highly intimate details of individuals publicly published. Mr Jennings said:

> I'm concerned about this because there should be a quality assurance process to protect everyone's interests.

And I understand that Treasurer Tim Pallas has described this as a 'relatively minor breach' and said:

> We believe we have taken the right balance and the right approach in this matter.

Well, plainly that is absolutely wrong. The Premier described it as 'unfortunate' and 'inadvertent'. I disagree. I think it is devastating, I think it is highly damaging, I think it is highly intrusive and it is potentially dangerous in terms of the personal details that have been put into the public domain. We have seen home addresses and phone numbers, medical records, bank details, personal phone numbers and details of superannuation accounts.

Jacinta Allan has the nerve to criticise the opposition for looking at these documents. The government has been asking the public to look at these documents all week. They did a media stunt out the back, carting them in, and said, 'Here, let's show them to the world'. But what has been shown to the world is their utter incompetence.

There is a range of questions for Premier Daniel Andrews, who was behind this. Who was responsible for the documents? Who was collating them? Why were there no redactions? What are the legal implications, and when will he finally take responsibility for this, which has been done in his name and in his name only? He needs to take responsibility.

Father's Day

Mr PURCELL (Western Victoria) (09:57) — Last Sunday was Father's Day, and it was my pleasure to have been invited to be a guest at the Warrnambool Rotary club's Father's Day awards to discuss behaviour in Parliament. I was then invited to read out my granddaughter's entry, which finished 12th of 1200 entries, and I would now like to share part of her submission with you:

> My dad makes me feel so absolutely special he should definitely be the father of the year. Even if he doesn't, he will always be the best dad in the world to me.
>
> He's not really famous, loud or perfect but I think he's the best dad in the Milky Way. Sometimes when I feel alone he makes me feel like everyone in the world is watching.
>
> My daddy is on TV a little, but he's a little shy, just like me. One day when I was going to talk in front of the assembly he came up to me and told me that he was shy but he was on TV, and I felt better. Even though I did not talk in front of the assembly it still helped.
>
> Out of everything that we do together (probably) my favourite would be sitting on the best beanbag and giving my dad a big hug!
>
> I can always tell him that I love him to the moon and back.

That is by Helena Purcell. It is my pleasure to recognise my grandchildren, Isaac and Helena Purcell, and Patrick and Inala Hayes, who are in the gallery this morning.

The PRESIDENT — I noticed that they were here yesterday as well, and it occurred to me this morning, 'Who would put their children through such torture?'. Welcome to the Purcell family.

Production of documents

Mr DAVIS (Southern Metropolitan) (09:59) — Today and beginning last night it became clear that the Andrews Labor government has been involved in what now appears to be one of the most appalling privacy and data breaches that we have seen in this state. We have seen the Premier himself personally move a motion to ensure that documents were provided from a former government's cabinet documents and legal opinions. That is a serious breach

of convention in and of itself, but now that the Premier has brought those documents to the chamber it is clear that nobody vetted them and that thousands of pages may relate to the personal details of Victorians. It is clear that the personal details of Victorians have been compromised by Mr Andrews's own actions and by the scandalous decision of the government to breach conventions.

Well, I say that this is a window into the Premier's soul. This is a window into his attitude to Victorians, where he is prepared to put partisan political advantage over the good interests and the fair right to privacy and the fair right to protection of everyday Victorians. Nobody should have had their data released in this process. Nobody should have had their information released in that way. These are not people that were part of some public process. These are not people that were engaged in the political debate or some other aspect, even on a policy issue. These were normal Victorians, and it appears that their data has been breached by a Premier who has no moral compass.

Melbourne Museum road safety complex

Mr LEANE (Eastern Metropolitan) (10:01) — I was very pleased last week to see that the Minister for Roads and Road Safety, Luke Donnellan, opened a new world-first road safety complex at the Melbourne Museum. This complex is expected to see tens of thousands of students go through the complex and enjoy the new state-of-the-art technology in this complex to help them learn about road safety even before they get their learners permits. Unfortunately this is something that has been suggested by road safety experts because drivers between 18 and 25 are too over-represented in the deaths on our roads.

I want to compliment everyone involved in this particular complex. I was very pleased to chair a task force that delivered this, amongst other initiatives, with the $140 million young driver safety package the Andrews government has invested in this very important area. I want to thank the Transport Accident Commission. I want to thank VicRoads. I want to thank all the road safety experts that have assisted us in getting to the point that we got to last week, and also I want to thank Museums Victoria for working with us in co-locating this very important complex. I think it is the perfect location for these activities to go ahead.

Land rezoning

Dr RATNAM (Northern Metropolitan) (10:02) — While the government's pursuit of Mr Guy over the Ventnor land deal this week has all the hallmarks of a nasty political revenge attack, now with the reported unintended consequences of individuals' private information being made public it has once again highlighted the deep problems with our planning system. This is just further proof that Matthew Guy is the property developer's friend, helping his mates make millions off speculative land deals through rezonings. But he was able to do this because our planning system allows it.

Mrs Peulich — On a point of order, President, even within members statements members are expected to comply with the standing orders. The member is reflecting on a member of another chamber, and I ask that you ask her to desist.

The PRESIDENT — I listened to the term that Dr Ratnam used, and it was a descriptive term, which I might also have some disagreement with personally, but I do not believe that it actually offended the standing orders in the sense that, yes, the standing order is that if there is an accusation against a member in the other place or here, it needs to be by way of substantive motion rather than by just an allegation made in other proceedings that we have. I do not believe this has crossed the line at this point.

Mrs Peulich — On a further point of order, President, do you not believe that indeed Dr Ratnam is imputing an improper motive and therefore that is a most serious reflection on the Leader of the Opposition?

The PRESIDENT — No. I cannot accept that the statement that was made was necessarily implicating what you suggested — not at this stage. It went close.

Dr RATNAM — Mr Guy was able to do this because our planning system allows it. The ability for property developers to make speculative land deals where the developers make huge windfall gains when their land is rezoned exposes our current planning and political system to very significant exploitation when decision-makers make decisions that favour a developer or land speculator over the community.

In the ACT strong preventative measures have been introduced to reduce this. Here in Victoria the latest information about the Ventnor deal demonstrates that there needs to be a judicial inquiry into rezoning deals —

Mr Finn interjected.

The PRESIDENT — Order! Mr Finn!

Dr RATNAM — Here in Victoria the latest information about the Ventnor deal demonstrates that there needs to be a judicial inquiry into rezoning deals that create huge windfall gains for land speculation. We need to review and fix our planning and environment rules to create more accountability and transparency, particularly for ministerial powers. This happened in the same week that we heard about $62 million of untraceable donations — dark money — flowing to the Labor and Liberal parties. The Greens have long called out this cosy relationship between big developers and both the Labor and Liberal parties. It must be investigated and exposed.

Production of documents

Mr O'DONOHUE (Eastern Victoria) (10:06) — We have reached a new low in politics in Victoria. By releasing documents without vetting them, overturning long-held government conventions, the safety and security of numerous Victorians' data has been compromised for cheap political gain. It is now clear that the Andrews-Merlino Labor government will hurt anyone in their drive for naked political power. James Merlino has been the government's lead person on this issue, and he should apologise to all Victorians.

It is very concerning that the government has been collecting the private data of tens of thousands of Victorians through the Pick My Project website and many others now that they have been shown to have no regard for the privacy of Victorians in their pursuit of political success.

In two and a half months the constituents of the Monbulk electorate will have a choice between James Merlino, someone who is now defending the release of people's private bank account details, their personal home addresses, their private superannuation account details and a range of other highly confidential private information, or John Schurink, a 27-year paramedic, a local Country Fire Authority (CFA) captain and a lifetime member of the CFA.

Drug law reform

Ms PATTEN (Northern Metropolitan) (10:07) — It was International Overdose Awareness Day last week, and I was pleased to speak at a number of events held by community organisation, including Banyule Community Health and the Australian Community Support Organisation. I heard the stories of people who had tragically lost brothers, sons and daughters and also the triumphant stories of people who had overcome addiction and had gone on to a very strong path of recovery. We also noted the rise in overdose deaths. Since 2014 overdose deaths have nearly doubled in Australia. We are now reaching close to the epidemic proportions of accidental overdose deaths that we saw in the 1990s.

I just want to reflect on and report back to the Parliament the disappointment of the alcohol and drug sector in the government's response to the drug law reform report. Their response did not respond to the report at all. It spoke about their past achievements, which I would say have led to a chronic shortage of treatment services and to an ever-increasing number of accidental drug overdoses in Victoria. This report was seen as a landmark report, and the government's response to it is incredibly disappointing to all of those who worked so hard in providing submissions to it.

Benalla employment

Ms SYMES (Northern Victoria) (10:09) — I recently had the privilege of opening LS Precast employment information shop in Benalla. This project, a precast concrete facility, is delivering up to 400 jobs to my home town of Benalla. The LS Precast managing director, Ashley Day, has been awarded the contract to run the facility and to employ those people there, and it was great to tour the site with him last week. The precast facility will initially provide over 65 000 concrete products for the West Gate tunnel project, and LS Precast is expected to be well-placed to be a long-term supplier to the regional market as well as other major Andrews Labor government infrastructure and interstate projects, in particular the Suburban Rail Loop. This will create ongoing economic benefits for Benalla and surrounding communities. The site tour was really, really impressive. We are going to have three massive sheds, 300 car parks for workers, a new substation to power the site, office space, more than 20 water tanks to capture over 500 000 litres of rainwater and also a rail siding.

As we know, the Liberal and National parties tried to put a stop to this project, including the Assembly local member, Steph Ryan, who desperately tried to convince my community that the facility would be built regardless of the West Gate tunnel. No-one in Benalla is being fooled. In fact they are fuming. They stop me in the street and say, 'How can we vote out our local Nationals member at the election?'. They will be very pleased to learn that in November they can vote for the wonderful Labor candidate, Fionna Deppeler-Morton, who cares about local jobs and is a real local person. She will be a great community advocate.

Production of documents

Mr FINN (Western Metropolitan) (10:11) — Earlier this week I made the observation that the Andrews government will do anything to further its political advantage. Today I stand in this house shocked at how right I was. Could anyone in this state imagine that any government would go as far as to release private details — medical records, if you do not mind — of Victorians who have done nothing more than live their lives. Has there been any remorse shown by the Premier at all? None. He is directly responsible for this disclosure. He has no remorse; he has no shame. If I was a member of the Andrews government, I would be too embarrassed and I would be too ashamed to admit it today. In fact I would be visiting the Premier demanding that he personally contact those whose details have been disclosed by his government and apologise to them. Every Victorian should be concerned about what this Premier will do next. No Victorian is safe. Any one of us could be victims of Daniel Andrews's re-election campaign. It is a dreadfully sad day for Victoria.

Jewish New Year

Mrs PEULICH (South Eastern Metropolitan) (10:13) — I also wish to add my congratulations to our Jewish community here in Australia, abroad and in Israel on the Jewish New Year, Shanah Tovah, 5779, and wish them a year ahead that is filled with peace, prosperity and safety.

Production of documents

Mrs PEULICH — Daniel Andrews, the Premier of Victoria, despite his statesman-like appearance, has proven time and time again that he is a ruthless, politically motivated man who will stop at nothing to protect his own political interests and political hide. The latest example is what we are reading in the papers today and yesterday, resulting from a motion that he personally moved in the lower house to have thousands of sheets of documents released, compromising people's privacy in ways that have already been indicated by other members of Parliament. What this also demonstrates is that there is a massive breach of the ministerial code of conduct. He has trashed that ministerial code of conduct, and I would like to point to a number of parts of that code of conduct. They are 2.2(i); 2.2(ii); 2.2(iii); 2.6, which is about asking public servants to actually engage in something that is ultimately illegal; 2.8, in terms of the public benefit; and 9.3, which is about the misuse of public office. I urge the government to institute an inquiry and investigation and that the Premier should stand aside during the conduct of this investigation forthwith.

Production of documents

Mr MORRIS (Western Victoria) (10:14) — What a shameful, utter disgrace this government is, releasing personal information of Victorians in a grubby, desperate attempt to throw mud at a political opponent. Home addresses, medical records, bank balances, share portfolios, superannuation details and the personal details of young children have all been released by this corrupt government. Gavin Jennings, the Leader of the Government in this place and Labor's version of Baghdad Bob, should hang his head in shame. This is a shocking abuse of power and shows the government for what they are: simply unfit to govern. Daniel Andrews has said this morning that his office has apologised to a lawyer whose personal information was released. What a weak, pathetic excuse for a Premier he is.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

Debate resumed from 4 September; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) (10:16) — On Tuesday evening I spoke in some detail about this bill, the Residential Tenancies Amendment Bill 2018. It is a voluminous bill that, according to the government, is the culmination of four years of consultation around the reform of the Residential Tenancies Act, an act that has been in place with some changes since it was introduced by the Kennett government and passed by this place in 1997. I made the point on Tuesday that, despite the second-reading speech citing four years of consultation, the opposition has received representations particularly from the student accommodation sector that their views have not been reflected in the legislation and, perhaps worse, that the consultation that they have had on this bill has been extremely limited.

I make the point, which I think I made in passing but I will now make it in perhaps a bit more detail, that the government in this bill is seeking to allow as of right with certain caveats people to have pets at premises that they rent. I look forward to exploring that in some detail in the committee stage. While we can have a debate about the merits of that policy position of the government in respect of the situation of an apartment or house with a backyard, it is a very different situation in a student accommodation building where there are

hundreds of people, where overseas students may live for nine months of the year, who under this bill will be entitled to have a pet and then leave the country for perhaps three months over the summer break to return home for the summer, work elsewhere, travel around Australia or do all sorts of other things.

Representatives of that student accommodation sector have provided examples to the opposition. I think I was making the point on Tuesday afternoon that there are numerous examples of abandoned pets. One of the examples provided by a representative of the student accommodation sector identifies a pet locked in a cupboard after a student had vacated and that it was only discovered by chance by a cleaner who was doing the once-over of a vacated room.

With this bill there is an opportunity to recognise the differences — the different policy settings and also the different residential settings — for student accommodation and the need for the bill to have its own section dealing with student accommodation. Again, we will talk about this with the amendments the opposition will move in relation to the ability to have shorter term leases. In the context of a student who may reside at premises for a shorter period or who may rent for a semester and then vacate, the opportunity for the proprietor to have a rental increase at a six-monthly interval, to have a shorter term lease, should be something that is considered given the separate settings for student accommodation.

I made the point on Tuesday, and I make it again, that student accommodation is an integral part of the growing and important overseas student economy that drives so many thousands of jobs in Victoria, not just directly through attendance at Victoria's fantastic educational institutions but also through the consumption that those students drive at restaurants, supermarkets and shops and through the provision of services that generate jobs for Victorians. Whilst the minister barely mentioned this issue in her second-reading speech, it is a very important issue.

I also note that we are debating this bill today, a bill that has had an extremely long gestation in the Parliament, let alone for the consultation that has basically lasted for the period of this government, while listed on the notice paper as order of the day 8 is the Justice Legislation Miscellaneous Amendment Bill 2018, which deals with other elements of the real estate industry and is time critical for numerous reasons, as is well-known to the government, from both the perspective of the real estate industry and for the protection of emergency services workers. But that bill has been prioritised as order of the day 8, and we are dealing with this bill, the Residential Tenancies Amendment Bill 2018, today. I really question the government's priorities when, whilst these issues are very important, the protection of emergency services workers and the potential impact on the real estate industry if the Justice Legislation Miscellaneous Amendment Bill 2018 is not passed before the Parliament is prorogued is critical. I do not understand why that bill has not taken precedence over this one.

I note the views of the Victorian Council of Social Service (VCOSS), and I thank the CEO, Emma King, who wrote to me and other members of this place on Monday, 3 September. The points that she makes are important for consideration, and the opposition respects these perspectives. Ms King said in her correspondence:

> For too long, Victorian renters have been denied dignity and stability.
>
> They've been forced to live in substandard housing, tolerate inadequate repairs, forego pets and abide unfair eviction. Women fleeing violence have been condemned to lives of fear, tied to rental contracts they can't break or hiding behind doors without locks.

She urged support for the bill and said:

> This is a commonsense bill that introduces minimum rental standards, modification rights and contract adjustments. It will … help deliver safer and more secure housing for Victorian renters.

I note that she said:

> Tenants and their representatives have been calling for the changes contained in the RTA bill for decades.

In the last two decades the Labor Party has been in power for all but four years. For Ms King there has been a succession of Labor ministers who have not listened to those calls. Ms King referred to the need for balance. As I said in my introductory remarks, it is important that we find the right balance between the rights of those who own property and those who seek to rent property. Many of the reforms in the bill are welcome, but there are also many that cause us concern.

Returning to the student accommodation issue, the representations that the opposition has received are from a diverse range of providers, from individual colleges at Victorian universities to dedicated student accommodation providers for overseas students who come to learn in Victoria, and from smaller style student accommodation providers and accommodation providers with a religious affiliation to accommodation providers that are completely non-denominational or non-religious.

Having mentioned VCOSS's position, I also want to touch on the views of the Real Estate Institute of Victoria (REIV) and their perspective and that of those they represent. It would appear that they are concerned about the impact on supply to the marketplace and therefore the further impact on housing affordability for those who rent. I note that according to the REIV the highest concentrations in housing investment are in the CBD; Parkville, around Melbourne University; Fitzroy, near St Vincent's Hospital; and St Kilda and Elwood. They say that rental income for property investors has been on a downward trajectory for years and that lower mortgage rates have offset the lower yields achieved. But as we know, there seems to be a move to higher interest rates globally, although marginally it would appear that the lower mortgage rates have plateaued at least and may now be commencing to rebound. I note the comments of a bank CEO, who talked about the increased cost of offshore borrowing and how that had driven a major bank's decision to raise its variable interest rate. With lower yields, a more challenging regulatory environment and rising interest rates, it is possible the capital could transfer to other sectors — other property classes — to liquid investments like shares or cash, which could impact on the growth of the market which is needed to accommodate the growing population.

The REIV says that according to their June 2018 data Victoria's vacancy rate stands at just 1.8 per cent and in regional Victoria it stands at just 1.6 per cent. It notes that the median house price has risen significantly in recent years. The median weekly rent for units in metropolitan Melbourne is around $420 per week and is up to $275 per week for regional Victoria. The REIV makes the point that there are some inherent vulnerabilities in the market:

> While investors have derived strong capital gains it is also true that household debt to income ratio has increased significantly. This higher debt adds to the economic vulnerability and is a primary motivator for banking regulators to resist increasing property debt. Tighter lending standards and restrictions on the volume of 'interest only' loans to total new residential mortgages have pushed up rates for investors. It is also why we are seeing the market cooling with house price growth slowing.

I suppose the general point there is that the market conditions are changing. The practices of lenders have become more restrictive, which is impacting on the amount of capital flowing into the marketplace, which is having an impact on the expansion of supply. The regulatory impact that changes may make to investor decision-making, which is obviously critical for supply to accommodate the growth, should be an important consideration. As I said on Tuesday, whilst the bill may be well-intentioned, if there are reforms that have the impact of reducing investment and therefore supply, an outcome is that those who are very price sensitive, those at the vulnerable end of the market, may be the biggest losers out of such reforms.

The REIV summarises this by saying:

> Taken together with the outlook for interest rates, slowing house price growth … restrictions on lending … as well as lending to foreign investors); we expect the current upswing to peter out and enter a period of moderation.

As I said, that will be most significantly felt by those who perhaps have a more limited capacity to manage that. We are concerned that the balance is perhaps not there in the bill, and I will be moving a number of amendments during the committee stage of the bill to deliver what we believe to be that balance.

Let me conclude by again citing some of those key stats. There were 203 000 overseas students studying here in Victoria as at May this year. Victoria has a market share of approximately 32 per cent, and accommodation is a key part of attracting and retaining foreign students. Approximately 130 000 Australians work in full-time equivalent jobs associated with international education, according to the Australian Bureau of Statistics, with approximately 45 000 jobs in Victoria, but as I said, for the broader economy it would be much, much more significant.

We know too that the overseas student market is sensitive to perceptions and the reality of community safety. That is an existing challenge which is already an issue for Victoria, given the increase in crime, the types of crime and the different nature of crime. I myself have received many, many representations from foreign students directly who are anxious about the crime they have either witnessed themselves, their friends have seen or they are aware of through reports in the community, so this is even more reason to be careful about the impact of this legislation on that market. This is a missed opportunity from the Andrews government to create a separate regulatory framework for that marketplace for foreign students, because their needs and their market is different to rooming houses and different to a rental house or flat. It requires a separate regulatory framework that this bill could have provided, but regrettably it does not.

I look forward to moving my amendments during the committee stage. I look forward to articulating the opposition's view on a number of these issues such as pets and bonds and a range of other issues to find what we believe is the appropriate balance, but we have serious concerns and serious reservations about the bill as it is drafted by the government.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:36) — I move:

That debate be adjourned until later this day.

In moving this procedural motion to adjourn this bill, I do so on the basis of providing the chamber with the opportunity to debate the motion I sought leave for earlier this morning with respect to the Premier's conduct in releasing the 80 000 pages of Ventnor documents in what was planned to be a political hit on the opposition but in fact has turned out to be an assault on the personal privacy of ordinary Victorians.

We saw the stunt on Monday where the Premier or the government had a truck deliver 80 000 pages of documents — a good media piece for the government trying to have a hit on the Leader of the Opposition. The negligence of the Premier in acting in a way that is purely in his political interest to get what he perceived to be advantageous documents in the public domain for the government shows zero regard for the contents of those documents, zero regard for the precedents the Premier was overturning in relation to cabinet confidentiality and legal professional privilege and, as we have seen in the last 24 hours, zero regard for the concerns and the privacy of Victorian citizens.

We now know that among the 80 000-odd pages of documents that were released is personal information relating to individual Victorian citizens. Completely unrelated to the subject matter of the documents — the Ventnor matter that the government wanted to score political points on — we have seen personal address information of citizens, financial information, bank account details of individual citizens, medical records of individual citizens and psychiatric assessments of some citizens among the documents released, and all because this Premier wanted to conduct a political stunt.

We were advised by the Secretary of the Department of Premier and Cabinet that these documents were delivered into the custody of the Premier almost five months ago; they have been in the hands of the government for almost five months. We have had previous responses to document orders in the Council from the Attorney-General, who has declined to provide documents because in one instance he said there were 10 000 pages and it would be an unreasonable diversion of government resources to assess those 10 000 pages for release and therefore the government was not going to release them. Yet, because it suited the political purposes of the government, it was happy to dump 80 000 pages of documents in a political stunt — a truck in the driveway on Monday morning — with no regard to the contents of those documents, no regard to the impact it could have on individuals and clearly no regard to undertaking the appropriate assessment given the fact that there is personal information of Victorian citizens completely unrelated to the Ventnor matter among those documents.

What we see here is this Premier's total disregard for anything other than his personal political interests. The Premier's only regard in dropping those documents was to try and damage the Leader of the Opposition. He did not give a damn about the impact they could have on other citizens. He did not give a damn about the impact it could have on longstanding conventions in Victoria around cabinet confidentiality and legal professional privilege, and we know the Leader of the Government in this place has very strongly upheld those principles in the past. Yet when it suited the Premier in this case he was happy to wave those aside to score a political point, with zero regard to the impact on ordinary Victorian citizens.

This goes to the very character of the Premier. What are the informing principles of this man? What are the underlying character traits that lead the person who is meant to be the leader of the state to prioritise his own political interests ahead of the constitutional conventions of Victoria and ahead of, frankly, the personal safety of a number of individual Victorian citizens who have had their personal information irrevocably published on the Parliament of Victoria website? Those are now public documents. Whether they have been taken down or not, they are public documents and they have been public documents for several days — bank account details, medical records, psychiatric assessments — all because this characterless Premier wanted to make a political point.

I am moving now that we adjourn debate on this bill so that we can bring on that censure motion I attempted to move, by leave, this morning. This is an important issue for Victorian citizens; it goes to the way in which this government and this Premier are treating Victorian citizens with contempt, and I would urge the house to support this adjournment of the bill so that we can debate a matter that goes to the very character of this Premier.

Mr JENNINGS (Special Minister of State) (10:41) — Mr Rich-Phillips is very happy to talk about character and to make that a test in relation to this matter. The real character that is actually being tested in terms of the material that has been released relates to a very tawdry example of poor ministerial decision-making and the inappropriate actions that

came from a reversal of very, very poor ministerial action that led to potential private gain associated with a planning decision for somebody who was related to the Liberal Party. That is the real character test that is really at the heart of the information that has been released in the Legislative Assembly and is subject to this controversy today.

We will be opposing the adjournment of the business of Parliament today in the Legislative Council. We do not support Mr Rich-Phillips's intention for this chamber to censure the Premier. In the Legislative Assembly today at this moment they are debating a motion which is designed to try to provide protections to citizens in relation to the matters that Mr Rich-Phillips is drawing attention to —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn!

Mr JENNINGS — I understand that the opposition do not want me to be afforded the opportunity to say that the Assembly is acting at this moment to provide protections to citizens in relation to the potential disclosure of information in circumstances that there may have been not only the inappropriate release of information but the inappropriate inclusion of material that has been provided by people relevant to the case. In fact they provided information inadvertently themselves that has actually led to this circumstance.

Mr O'Donohue — Oh, it's their fault?

Mr JENNINGS — No, in fact it is not their fault. What I am actually saying is that there were contributing actions. Mr Rich-Phillips said that we do not care a jot about this — that the Premier does not care a jot about it and that I do not care a jot about it. I can tell you that I do care a jot about it. The government does care about it. The Premier does care about this matter. The Premier on the steps of Parliament before expressed his apology in relation to this matter, because there is an ability for the community to be concerned about the inappropriate release of information.

Of course our citizens should be protected. But there is an unfortunate consequence of driving to the heart of a fundamental truth which relates to character. The fundamental truth of character is whether a former minister of the Crown, a person who is now Leader of the Opposition, three months out from the election tries to convince the Victorian community that he did not act in a fashion that was potentially corrupt or potentially a criminal matter that relates to the inappropriate use of public money, the withholding of information from public office holders and the lengths that people will go to to cover their tracks in relation to these matters. In fact —

Honourable members interjecting.

Mr JENNINGS — Yes, I can hear what I am saying. I appeared before the Ombudsman. I complied with any requests from the Ombudsman. The then Minister for Planning, now Leader of the Opposition, did not. In fact I participated fulsomely in the investigations of the Ombudsman. I did not withhold any information. I did not actually mobilise any resistance in terms of the release of information or participation in the Ombudsman's investigation, but the then planning minister did. The then planning minister, Mr Guy, then directed his department to not comply with material that should have been provided to the Ombudsman, and that is a very significant matter.

It may actually suit your purposes to say that that is irrelevant and the only matter of public interest in the state of Victoria today is in relation to the unfortunate release of confidential information to the Legislative Assembly. The Legislative Assembly now is acting in a way to provide greater protections for any citizen who may have information that may or may not be connected to this case to be removed from the public record and not be available in the future, but the real test of character today is the one that Mr Guy has failed and will continue to fail.

Mr O'DONOHUE (Eastern Victoria) (10:47) — We can hear in the Leader of the Government's voice that he does not believe what he is saying. He could barely mount an arguable case. I support wholeheartedly the motion of Mr Rich-Phillips to adjourn debate on this bill to debate his important motion. The Leader of the Government said that it was an unfortunate consequence that people's private details — people's private residential addresses, bank account details, superannuation details — were made public, potentially compromising the safety and security of innocent Victorians. He also seemed to characterise it as partially their fault — Victorians who in good faith engaged in government and who trusted in the processes of government that their privacy would be kept private.

That beggars belief when you consider that in his private office Daniel Andrews has more staff than the Prime Minister. He has grown his private office to be so much larger than was the case under the previous government to the point where he now has more private staff than the Prime Minister, yet the Premier, Minister Jennings and all the others over at 1 Treasury Place did

not bother to check those 80 000 documents. They were wilfully blind to their consequences in the pursuit of their political objective to smear the Leader of the Opposition, to smear the opposition, to try and throw mud and to muddy the waters following the red shirts rorts debacle that is now being investigated by the fraud and extortion squad of Victoria Police.

Mr Jennings has made the point several times now that he is on high moral ground because he spoke to the Ombudsman, but he is part of a government that wasted hundreds of thousands of dollars of taxpayers money trying to stop the Ombudsman from undertaking her report. They went through the court process in Victoria, even all the way to the highest court in the land, the High Court of Australia, trying to avoid scrutiny, trying to shut this down and trying to avoid the facts coming out. He has absolutely no credibility when talking about this issue.

I ask Mr Jennings whether he was ever familiar with the term 'exclusive cognisance' prior to the red shirts rort. What a fig leaf it was used by the Attorney-General, the first law officer of Victoria, to try to avoid scrutiny, to avoid speaking to the Ombudsman. Where was Mr Jennings saying to the Attorney-General, 'Stump up and do what's right. You have sworn an oath; stump up and do what's right'? He has absolutely no credibility. It will be your legacy, Mr Jennings, this disgrace — this absolute disgrace. You should hang your head in shame, but I think you do already, because your weak and pathetic defence against Mr Rich-Phillips's motion demonstrates, Mr Jennings, that your heart simply is not in it. You did not have the capacity to convince your colleagues to do the right thing. You did not have the capacity, despite being the Leader of the Government, to convince them to do the right thing.

This is an important motion. This goes to the heart of government integrity. It goes to the heart of what is right for Victorians. Yes, we live in a robust democracy where we all need to be tested, but not at the expense of innocent Victorians, not at the expense of their private residential location when that can cause all sorts of harm and damage to individuals, and not at the expense of disclosing their private bank account details, their superannuation account details and a raft of other private data that can cause immense harm. That is simply unacceptable, that is wrong and that is why I strongly support the motion moved by Mr Rich-Phillips.

Ms SHING (Eastern Victoria) (10:52) — This motion raises a number of very serious issues for consideration, but what we need to remember in the course of this particular debate is that putting the issue of inadvertent disclosure of information to the consideration of those in this chamber and in the other place is something which can and will be facilitated by way of removal in the circumstances which have occasioned the inadvertent release of that information. The thing we also have to bear in mind in the context of this motion, however, is that despite all of the efforts of no doubt legions of staff working around the clock to go through all of the information that the opposition handed to the *Herald Sun*, you have not been able —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Shing, just hold on. I am just reminding the house that this debate is the debate on the adjournment of government business. It is not a debate on the motion that Mr Gordon Rich-Phillips attempted to move by leave. It is about the motion for adjournment of government business.

Mr Jennings interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — No, I am reminding the house generally, Mr Jennings.

Ms SHING — And in my contribution, noting that the clock is going, I am in a position to be able to respond to the issues which Mr Rich-Phillips and Mr O'Donohue have raised in their substantive contributions. And I note that despite all of the efforts of those opposite or their officers, their staff, their volunteers, their friends or their connections within various media outlets, they have not been able to produce one document which indicates that the Leader of the Opposition is not guilty of serious corruption or criminal offences. In relation to these issues, what we see here is a desperate attempt by those opposite to automatically claim the moral high ground — this opposition, which exited the chamber and then came back on Good Friday full of lies and piety —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Let Ms Shing be heard.

Ms SHING — Full of lies and piety. You stood there and you prayed, you wept, you shook your fists, you broke convention, you abandoned the rule of law and you abandoned the primacy of this Parliament. Now you take the moral high ground on what it means for ordinary Victorians, who as it would seem based on —

Mr O'Sullivan — On a point of order, Acting President, I think that Ms Shing is deliberately defying a previous ruling that you have given. You have indicated that Ms Shing needs to talk to the motion at hand. She is actually debating the issue and not abiding by your ruling. I ask you to bring her back to the topic.

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Mr O'Sullivan. I did give some latitude to Mr O'Donohue as well as other speakers on the other side. Ms Shing to continue.

Ms SHING — You can always tell when you are onto something in these procedural motions because everyone pops up; it is like Whac-A-Mole on the other side of the chamber. You cannot wait to get to your feet with various points of order, and on that point you take the moral high ground when it suits you, and when it does not you abandon it as fast as you possibly can. And to quote the current Leader of the Opposition, the end justifies the means. You did everything you could possibly do, including what I see as being blatantly criminal and blatantly corrupt behaviour in order to gain a financial advantage —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn! Mr Morris!

Ms SHING — by rezoning for the benefit of your mates. Shame on you opposite for not focusing on the issues around Victorians being entitled to have a leader who is not wasting millions of dollars — millions of taxpayers dollars.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn!

Ms SHING — Listen to you all! Listen to you all!

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Enough! Ms Shing to continue.

Ms SHING — You do not care about the privacy of Victorians. You do not care. You care about the end that justifies the means. They are the words of your current Leader of the Opposition.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Lovell! Ms Shing to continue.

Ms SHING — Your opposition leader has said that he will do whatever it takes. Good Friday painted that very clearly. This endless week painted it very clearly. Good luck in establishing a proper purpose with this motion.

Ms PENNICUIK (Southern Metropolitan) (10:57) — I think it is worth saying that the history of the position that we are in now goes back many years. It was almost five years ago to the day, on 4 September 2013, that we debated a no-confidence motion in Mr Guy in this chamber for the events that I suppose are commonly known as the Ventnor issue now, where the minister at the time, Mr Guy, had given no credible explanation for the events surrounding the rezoning of land at Ventnor.

This goes also I think to another core issue, which was raised by Dr Ratnam this morning by way of a members statement — and during the debate in 2013 it was also raised — about the extraordinary powers that the Minister for Planning has, with no accountability for those powers. We have seen that played out not only in that particular instance but in other instances involving various planning ministers. That is why these powers need to be examined and ministers need to become more accountable so that the community is more included in the decisions that are made by planning ministers in calling in matters and in rezoning matters. That is how we have got to this particular position.

We as Greens also share the concerns raised by the opposition in wanting to adjourn debate this morning about the release of private information. I am very concerned about that. I saw the documents coming in — the trolley loads of documents. It does appear as if they were not vetted properly and that people's information has been released. That is highly regrettable, and the government needs to remedy the situation immediately. It is not acceptable that in terms of dealing with this issue people's private information has been released. It is not acceptable. The government needs to fix it immediately, withdraw that information from the public sphere and make personal apologies to any people who have been affected by it.

There is no doubt that that has been a very regrettable occurrence under the hands of the government, for whatever reason. I heard Mr Rich-Phillips saying that they have had the documents for five months, which I did not know, so that makes it even more inexcusable that people's private information has been released. However, I do not think that there is anything to gain by further debating this issue during the day. I am saying that it is very concerning, what has happened. The

government needs to rectify the situation immediately. It needs to apologise to those people and make any other redress that is required in that regard. I also think it is unacceptable, or it is very concerning, that legal professional privilege may have been broken as well, because that will have far-reaching ramifications if that is the case. I am not in a position — I have not seen the documents — to actually say whether that is the case, but if it is the case, it is concerning.

However, we have important government business to attend to. We have this bill, which is very important, and we have any number of bills that we need to be getting through in the time left to us. Notwithstanding the seriousness of the matters that I have outlined — and the government needs to attend to those immediately — the Greens will not be supporting adjourning debate on the bill.

Ms FITZHERBERT (Southern Metropolitan) (11:01) — I am pleased to rise and support the motion that has been put forward by Mr Rich-Phillips. I want to take it back to why we are actually debating this motion. We have had a sudden revelation of a very grave data breach. We only became aware of it last night. We know that it is extremely serious. We do not know the extent of it as yet, and we cannot have any assurances from the government on that front because they themselves do not know, which is appalling. We do not know what it is going to take to fix it in full, and I frankly do not have much faith that that will be done, given the way that this has been bungled to this point. It is appalling that it appears the government has had these documents for some months and has made all sorts of comments about what is in them but actually at the end of the day did not know what was in them, because if it had, I imagine it would not have put these sorts of details up.

What has occurred brings all sorts of questions into play, and I referred to some of these earlier today. We need to know about the process. We need to know how it is going to be fixed. We need to know what the liability is for the government in a range of ways because of the deficiency of its action in putting this information out there. I would be interested in knowing what sort of legal advice the government has had as to what its exposure is because of this blatant breach of privacy of individuals — and that is what we are talking about. We are talking about a number of individuals who have had some highly personal information put out into the public domain.

When I read of the kind of information that is out there I could not help but put myself in the shoes of those individuals. A lawyer has had contact details, details about her children, medical information and intimate financial details about her assets and so on, released. We cannot begin to contemplate how that might affect this person, and should not in this place, but we should be aware that for anyone who experiences a data breach of this extent, as it appears, there are big potential ramifications on a personal level in terms of potential personal safety, as well as just, frankly, the fact that such issues should not be in the public domain and should have been kept well out of it. There is a war veteran whose information has been put out in full. At the same time we have government members trying to downplay this and assert 'There's nothing to see here' and that it is just a minor sort of problem and that it is regrettable and unfortunate. It is an appalling breach, which will have serious ramifications for the individuals involved, and it will have potential serious legal repercussions for the government. These are issues that have only recently come to the attention of this Parliament, and that is why we should be debating this now.

In terms of the government's agenda, the government has had a very long time to look at its bills list and make decisions about what its priorities are. The government needs to look at its own priorities and what it has done to get us to this point. But we have become aware of a very serious set of circumstances completely in the control of the government and completely at the behest of the Premier, and we are entitled —

The ACTING PRESIDENT (**Mr Ramsay**) — Time, Ms Fitzherbert.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:04) — In conclusion, I would like to thank the members who contributed to this motion, which seeks to adjourn the bill before the house so that we can debate a censure motion related to the Premier's egregious release of personal information in his political document dump.

I just touch briefly on the contribution from Ms Shing, who I thought had legal training but has introduced this bizarre concept of needing to find a document to prove innocence, channelling her best Lionel Hutz. But moving to serious contributions, Ms Pennicuik spoke about this matter as regrettable. I would say to Ms Pennicuik that this is more than regrettable; this is a genie that cannot be put back in the bottle. The documents are public, they have been public for a number of days and while they may now be redacted by the Speaker in the other place, those documents are in the public domain and will always now be in the public domain, irrespective of what action is taken in the other place.

This is a serious matter. It was done for no reason other than as a political stunt by the government in dumping 80 000 pages of documents on the front steps of Parliament on Monday and seeking to get subsequent stories out. It was done with absolutely no regard to the conventions of the Victorian constitution concerning cabinet confidentiality and legal professional privilege, and it was done with no regard to the personal information which has now become evident in these documents. It is a serious matter. It is one that cannot be undone. It is more than regrettable.

I would urge the house to take this opportunity to adjourn this bill and allow this house to have a full debate on the way in which the Premier has prioritised his political interests above the interests of the citizens of Victoria.

House divided on Mr Rich-Phillips's motion:

Ayes, 15

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

Noes, 21

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

Motion negatived.

Mr SOMYUREK (South Eastern Metropolitan) (11:13) — I rise to make a contribution in support of the Residential Tenancies Amendment Bill 2018. This bill is the result of an extensive review conducted to gain comprehensive insight, feedback and recommendations as to how to modernise a 20-year-old act that needed to greater reflect and respond to the growth and diversity being experienced in the Victorian rental housing market. The review, which incorporated significant consultation with a wide range of stakeholders, has led to over 130 reforms that recognise and respect the mutual relationship between those renting property and the owners of that property. In a society where one-third of residents are renters of property, and that number is growing steadily, our policies and practices in this market need to reflect our modern housing preferences.

When the Residential Tenancies Act 1997 was created, Melbourne's median investment property value was around $120 000 and weekly rental was around $153. Today the median value of apartments in Melbourne is $500 000 and the median rent is around $420 per week. I guess that is income for some and a cost for others. According to the Australian Bureau of Statistics the number of renters increased from 17 per cent to 21 per cent between 1988 and 1997, and from 2011 to 2017 those numbers rose from 27.2 per cent to 30 per cent. So from 1988 to 2017 there has been a 13 per cent rise in renters.

Accordingly this bill seeks to put in place legislation that enables informed and relevant regulation to better protect the interests of vulnerable renters and facilitate better long-term arrangements between rental providers and renters, resulting in greater mutual benefit. Some of the reforms include fairer livability considerations, such as owning animals. This is a long overdue reform that is so important to many. Disturbingly the restrictions on owning animals while renting a property have seen many animals rehoused and even euthanised, causing immense distress to families and individuals who consider their pets as integral parts of their family. We know now of the importance of animals not just for love and company but also for therapy and companionship — for example, guide dogs.

To be able to make minor modifications to personalise your home is also an important part of loving where you live and feeling connected to a home and community. Most tenants respect the home they rent and are only looking to improve the appearance and homeliness of it, so minor modifications will only enhance the property.

Refreshingly, the feudal language of centuries past that has described the relationship between a property owner and someone who rents that property will cease and be replaced by 'rental provider' and 'renter', which is far more appropriate in today's society. Other welcome reforms include matters in relation to automatic bond repayments; precontractual disclosure of facts, such as the intention to sell the property or the known presence of asbestos; improving security of tenure; establishing a non-compliance blacklist of rental providers and agents; and a raft of other fairer initiatives.

One of the most significant and important reforms in this bill deals with the health and safety of renters to especially provide protection for our most vulnerable

renters, who are often without means for self-advocacy, to ensure that minimum standards are met by rental providers and their agents. We all know of examples where renters are paying good money to rent a home with the expectation of having functioning utilities providing them with the means for cooking and for warmth, water and waste. This bill will introduce minimum standards, such as a vermin-proof rubbish bin, a functioning toilet, adequate hot and cold water connections, secure windows, functioning cooking facilities, functioning heating and appropriate window coverings. We should not need a bill to have these minimum standards, but unfortunately there are too many instances where these basic necessities are not provided by people renting out their properties. Prescribed minimum standards have been developed to allow for flexibility to add to them in the future when required.

The review process considered the existing act in relation to recommendation 116 of the Royal Commission into Family Violence, and the government response has implemented those recommendations, which were formulated from the evidence provided by survivors and victims from their experience as renters. Those recommendations included the requirement for the act to be amended in response to the following needs of survivors and victims: to provide a clear mechanism for apportionment of liability arising out of the tenancy in situations of family violence; to create mechanisms which consider and enable privacy protection of the victim through tenancy databases; to enable victims needing to leave the property to apply to VCAT for an order terminating co-tenancy and to apportion liability of costs; and to prevent rental providers from refusing reasonable requests for security improvements.

In conclusion, last week this house debated other related reforms to our rental housing market, legislating for increased terms of leases in recognition of the growing number of renters and considering the needs of renters to benefit from greater security of housing, which contributes to greater community connectedness. This week we continue by enabling this significant reform to the Residential Tenancies Act, which has led to the modernised legislation, where fairness has been the priority consideration in a consistently growing area of Victoria's housing market. I therefore commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (11:22) — I too rise to speak on the Residential Tenancies Amendment Bill 2018. The Greens welcome this bill. It makes a number of long overdue reforms to the Residential Tenancies Act 1997 to make things better and fairer for Victoria's many renters. The Greens have been campaigning for renters rights for many years. We believe everyone has a right to a safe, secure and affordable home. Everyone means everyone, including those who rent their home. This is particularly important at a time when more and more of us are renting homes. My electorate, Northern Metropolitan Region, covers many of Melbourne's most heavily rented suburbs, including Melbourne, Brunswick, Northcote and Richmond. In many of these suburbs half of the residents are renters. But despite making up a sizeable portion of the housing market, renters have too often received the short end of the stick. The lack of any minimum standard for rental properties means that many renters are living in substandard homes.

Renters live in houses with mould growing on the walls, where the heater is not working and there is no hot water in the bathroom; they live in units without insulation, with inadequate locks on the doors and no coverings on windows; and they live in houses that are treated as the landlord's investment rather than the tenant's home, where they cannot hang a picture on the wall or have a pet. They live in these places because they have no other options. Competition for rental properties is fierce as more Victorians turn to the rental market after being locked out of the housing market. Rental prices have skyrocketed, increasing at nearly twice the rate of wages in the last decade. There are now 84 000 Victorians on the public housing waiting list. When the system is in such a crisis, renters have little option but to take what they can get, which too often means living in low-quality, expensive properties that they cannot turn into a home.

The Greens know that this is not good enough. We have sought reform of the Residential Tenancies Act since we have been in this Parliament. My predecessor Greg Barber introduced two pieces of legislation in this house in 2009 and 2013. These bills would have allowed government to set minimum standards for rental properties and remove no-grounds evictions, but these bills were rejected by both major parties. Last year my colleague Ellen Sandell introduced a similar bill in the other place, but the government would not even permit the bill to be debated.

It is almost a whole year ago that the government announced its intention to bring a package of reforms to Parliament to make things better and fairer for renters. Today, with two sitting weeks left in the year, the government has finally brought this bill before the Council. While we are disappointed that it has taken so long to get around to making these important reforms happen, we are glad that the bill is before this house at last and we hope that it sees its passage before too long. When I spoke on the Residential Tenancies

Amendment (Long-term Tenancy Agreements) Bill 2017 last sitting week, I noted that our housing system needed real, substantive policy change. This is a bill that makes a real attempt at achieving this.

The bill makes over 130 reforms to the Residential Tenancies Act, some of which are very long overdue. The bill gives the minister the power to create minimum standards for rental homes. These are not prescribed in the act. The government's intention is to keep this provision flexible so that it can incorporate standards imposed under other Victorian legislation, such as energy and water efficiency standards. We hope this flexible approach to minimum standards will ensure the system is responsive to tenants' needs and is able to constantly improve.

In her second-reading speech the Minister for Agriculture provided some examples of areas where the government intends to set standards. Renters have the right to a home with a functioning heater, a toilet, hot water in the kitchen and bathrooms and functioning stovetops, and we look forward to seeing these included in the government's minimum standards.

We are also pleased that the minister flagged energy efficiency and water efficiency as areas where minimum standards should be set. Energy efficiency is a key part of a good home as it reduces both the environmental impact of housing and the tenants' energy costs. As tenants are restricted in the modifications they can make to their home, they cannot install better energy efficiency measures, such as ceiling insulation, better hot-water systems and heaters and solar panels. The Greens want to see energy-saving measures included in the minimum standards. We will keep working to ensure energy and water standards and affordability are included in the regulations.

The Greens believe everyone should have a safe and secure place to call home. We have been calling for an end to no-fault and no-specified-reason evictions, including in the bills we brought before this house, so we are pleased to see this government adopting our policy and making the change in this legislation. The bill also introduces a new test that evictions must be reasonable and proportionate in the circumstances. I know those on the other side of the house will tell us about how onerous and burdensome this bill is for landlords, but there are a range of legitimate reasons why landlords can evict tenants, including selling, renovating, damage to the rental property and rent being chronically overdue, so landlords are not being put in a difficult position by this change.

The bill is simply trying to put balance back into our rental system and remove the unfair advantage landlords have had historically in the system. Despite what those across from me may say, the system has been heavily weighted in favour of landlords for a long time. Renters live in properties where they are at the mercy of their landlord. Will they be allowed to have a pet? Will they be permitted to put a picture hook on the wall? Will the landlord respond when they call to inform them that the hot-water system is broken yet again?

Part of having a home is the ability to make it a home and for it not to feel like you are merely looking after your landlord's retirement plan. Currently the onus is on tenants to apply to VCAT for changes to make their house livable, such as securing the right to have a pet. This bill reverses that onus, so that once a tenant requests a pet the landlord will need to apply to VCAT to prevent them from having one. It also allows renters to make minor and prescribed modifications to rental property. These two changes are welcome and are supported by the Greens. With so many of us now renting long term, it is important that everyone can feel at home in their rental properties, including by keeping a pet and making minor changes such as adding picture hooks or weather sealing.

The bill implements a number of changes recommended by the Royal Commission into Family Violence as well. These changes include that a lease can be quickly ended and the victim and their children given a new lease where appropriate and protected from debts caused by a violent perpetrator. We are pleased to see these measures implemented in a timely way after the royal commission, and we will keep working to ensure that our housing system is accessible and affordable for those who have experienced family violence.

On affordability, the bill does include some affordability measures, such as stopping rental bidding and capping rent increases at once every year, instead of every six months. The Greens welcome these measures. When looking at a property, renters should feel confident that the advertised price is the price the property will be let at, without having to worry that more well-off prospective tenants will swoop in and secure the property by offering more in rent, and knowing that their rent can only be increased once a year will give tenants more security.

But the bill does little to address the overarching housing affordability crisis our state is experiencing. Rents are continuing to go up and up. In greater Melbourne there are only 10 local government areas —

most of which are outer suburban areas — where a person on Centrelink benefits could afford to rent a one-bedroom home. A decade ago there were 20. If we want to make our whole system better and fairer for renters, we need to address the cost of rent as well. The Greens have been calling for a cap on rent increases linked to inflation, so Victorians will not have to watch their rent increase twice as fast as their salary. We have called for a significant investment in our public housing system to create more affordable rental homes and ease the pressure on our system.

At a time when our housing system is crying out for real, substantive policy change, we know that we need to make big and bold changes to the system. We would have liked to have seen this bill do more to change the system — for example, creating a less adversarial dispute resolution process rather than working within the existing VCAT system. We would have also liked the bill to do more for caravan park residents, such as regulating deferred management fees and regulating the operation of part 4A parks.

But on the whole this is an important bill, and we are pleased to support it. We will continue to work with the government in the next term to ensure the regulations associated with the bill are of high quality. We will also keep fighting to create the policy change that our housing system desperately needs and to ensure that everyone in Victoria has a safe, affordable and secure place to call home.

Mr RAMSAY (Western Victoria) (11:31) — I will speak to the Residential Tenancies Amendment Bill 2018. I have to say that if you were listening to Dr Ratnam you would think that this bill contains a lot of common sense and provides fairness for both the tenant and the landlord. However, the fact that our shadow minister, Heidi Victoria, the member for Bayswater in the other place, has seen fit to put forward 52 amendments indicates to me that all is not well in this bill. In fact the government itself has seen fit to make a number of changes to the bill along its travels through the Assembly.

This bill is a culmination of the government's proposed Rent Fair reforms, as has been said, that were first touted during the failed Northcote by-election in November 2017. It did cause concern and uncertainty in the sector when the Premier announced his intentions to introduce it. Obviously many investors were concerned about their property rights in relation to their investment and the fact that they would be severely eroded.

The initial reforms mentioned were 14, and I think in the last count now there are about 131, so there has been quite a lot of movement at the station, if I might say so, with respect to this bill. I expect that it will take up most of the day and probably part of the night for us to reach a conclusion in dealing in the committee stage with the great number of amendments that will be debated.

Initially I thought, 'Well, this bill seems fair enough'. Dr Ratnam made some fairly good arguments about the protection of tenants, for them to have the right to have a flushing toilet and have the right to have heating in their accommodation. I rent a flat as well, and I continually have to go to my landlord pointing out things that do not work in the flat that I rent. Yes, they come around and do a wonderful inspection report and tick all the boxes, and that is the last I hear of them. I have to ring them again and say, 'Would you like to come and fix something instead of ticking boxes?', so I sort of get that side of the equation.

Then again I think about the landlord. What rights does the landlord have? If a landlord does not want holes all over their walls as a result of quite substantial work, which I understand the bill allows, such as putting in shelving and painting walls in quite different colours — people might be quite artistic and want to have a variety of colours throughout the accommodation, which may well not be in the best interests of the landlord — surely the landlord has some right to say, 'No, sorry, but we want the walls to be a plain colour', so that obviously when the tenancy finishes they are able then to have a new tenancy without having to do a significant repaint job. Again, I just think that common sense should prevail in relation to what tenants can do to change the infrastructure of their accommodation without it impacting potentially on the value of that investment by the landlord.

It is the same again with pets. I believe the landlord has the right to say, 'I'm sorry, but if you want this accommodation, the proviso is that you don't have pets'. To my mind, that is common sense. We know that many tenancies come with not only children but pets as well, and they both have a propensity to do significant damage. I still can never understand why someone accommodated in a 60-metre square box wants to bring a bloody great Labrador into the building and have that as a pet. It is unfair both for the pet itself and also for the landlord for the damage that will obviously occur. We know that particularly with large dogs damage does occur within the confines of a small space. I still believe the landlord should have the right to make those judgement calls.

The proposed amendments do go some way in securing the rights of the tenants, but certainly at the risk of eroding the rights of the property owners. I may have mentioned this on a previous bill. A number of the proposed provisions will undoubtedly shift the balance of power clearly into the realm of the tenant to the detriment of the owner. But I will say that some of the provisions seem reasonable and fair. Certainly the standardisation of the residential rental agreement makes common sense to me, and clarifying the invalid terms provisions relating to the prohibited terms helps those who live in caravan or part 4A parks. A lot of those things and obviously, as has been said, some of these clauses are off the back of the implementation of the recommendations of the Royal Commission into Family Violence. That does make sense to me, and we on this side will support those clauses that do that.

However, there are changes in terminology. I do not know if clause 4 is designed to confuse everyone, both tenant and landlord, but it appears it has been successful if that was the objective. It refers to acronyms such as RRPs and PRRs et cetera. I am not sure why the government saw the need to change much of the terminology, but it has confused a lot of people.

Many of the provisions lack detail. There is no hint as to what the guidelines of the director of Consumer Affairs Victoria will be or what animal can be called a pet. I am sure Mr O'Donohue will tease some of that out through the committee stage. In the lead-up to debate on the bill we have gone through —

Ms Shing — Potentially anything.

Mr RAMSAY — Well, on a day like today, Ms Shing, we may well spend a lot of time trying to understand what a pet is and what it is not. I am sure plenty of members in this chamber have had some experience of going through some of those deliberations.

Ms Shing interjected.

Mr RAMSAY — Anyway, you are misleading me, Ms Shing, away from some of the points I want to make in the time that I have left. Clause 49 amends section 64 of the act, and it is about the modifications to rental premises. I have talked a bit about that in relation to the prescribed modifications and what they will be in respect of that clause. New section 64(1B) also says that the landlord must not unreasonably refuse consent if the change or modifications required are for health and safety purposes, or are reasonable security measures or necessary for family violence, or are necessary to increase the thermal comfort of the premises or reduce energy and water usage costs. Now, that is a mouthful. I will be interested to see how that debate pans out in the committee stage, because I know many a time in relation to thermal I go for the thermal underwear rather than try to sit on top of a shonky old heater that the landlord refuses to fix. We will no doubt find out whether the clause is expected to give some guidance as to what the landlord is required to do under this new legislation in relation to that.

The Premier has mentioned in public that there would be a compensation fund to assist landlords in upgrading premises for family violence victims, but I do not see that anywhere in the amendments. I am sure the advisers will give us some guidance in respect of where that might be.

New section 64 provides only a few valid reasons to refuse consent, and of course there is quite a bit of nervousness about that.

Clause 55 amends section 68 of the act. Under new section 68(1), the provider has a duty to maintain the premises. They must be in good repair and in a reasonably fit and suitable condition for occupation. That seems reasonable enough, until we go into a couple of subsections in a little more depth. New section 68(1A)(c) states that this applies 'despite the age and character of the rented premises'. What the hell does that mean? How is that defined? If you have a property that is heritage-listed, where is that taken into consideration? Once damage is done or once modifications are made, restoration is actually not possible, particularly if it is a heritage-listed residence that requires its true heritage status to not be compromised.

Clause 61 inserts new division 5B. This is a bit about pets, and I am looking forward to this debate. New section 71A provides that a renter may keep a pet at rented premises with consent or tribunal order, but the owner or landlord must consent in writing. That sounds reasonable, but there is a note in the legislation that says the owner's consent will be assumed unless, within 14 days of receiving a request, they make an application to the tribunal. Again it is VCAT deciding these matters. Are you serious? A landlord has to go to VCAT to stop a tenant from having a pet in his or her premises, as if VCAT have not got enough to do. We are going to be running to VCAT to say, 'Please, sir, I don't want a pet in my premises'. You have got to be joking. With the amount of planning issues that VCAT are trying to deal with at the moment, they are suddenly going to have all these landlords rushing to them to ask VCAT to rule on not having a pet in their own house or flat. This is where this bill is a little bit bizarre.

Clause 62 inserts new section 72AA that provides that a renter must report damage to the premises or breakdown of facilities to a residential rental provider, but there is no penalty if they do not. In fact there is no real obligation on them to do so.

Clause 66 substitutes existing section 75 of the act with new section 75 in regard to non-urgent repairs. The provider has 14 days to carry out repairs; I have talked about that. We on this side are very concerned about the fact that there seems to have been lots of consultation with tenants, as you would expect, but little consultation with landlords. This is really a one-sided guide for the government in respect of producing this piece of legislation.

In relation to pets, I note it is not retrospective unless a renter now wants to keep a pet. Obviously this will just open the floodgates for requests for pets.

Most stakeholders in the industry that represent property owners and real estate agents are opposed to many of the provisions we have highlighted as areas of concern. That is one of the reasons that Mr O'Donohue has foreshadowed a number of amendments to improve this quite complicated, bizarre bill as much as it can be. Caravan park owners and rooming house operators are also very concerned with these provisions. Rooming house operators believe that some of the heavy penalties will bankrupt them. Well, thanks very much for that, if in fact this bill were to be successful in going through.

We have consulted with a lot of different stakeholder groups, something that the government has not done in respect to drawing up this piece of legislation. We have found the legislation wanting in respect to having an unfair bias against landlords. We believe that these amendments in their current form are very unfair and erroneous for property owners. We also feel and have been advised that if this bill were to pass the Parliament as it currently stands, we would see property owners remove properties from the market, and that is the very thing that Dr Ratnam talked about — housing affordability and housing supply. In fact this bill is going to work against what the Greens were seeking in supporting the bill, so maybe they should go back and have a little think about that during probably a 4-hour committee stage today.

The bill will also have a negative effect on the rental market and the availability of rental housing stock, which is already in high demand. Thinking about Dr Ratnam's contribution, she wants to regulate the rental market, which I find an interesting philosophy. She wants to put caps here and caps there and have only one increase per year, which as a renter I actually do not mind; I do not want incremental rises all through the year so the landlord can make capital value out of my hip pocket. Nevertheless, actually saying you want to regulate a fair market to me signals danger signs in respect of where the Greens are heading in relation to this bill. Many investors have stated that the provisions create too many uncertainties and it would be too cumbersome for them to continue in the residential rental market, and I think the fact that many landlords will spend half their time in VCAT probably demonstrates their concern about this.

There are some initiatives in this bill that we do not oppose, but we feel many are not fair or reasonable, and consequently that is why our position is to oppose the bill. I have already flagged that we will be putting forward a number of amendments to make the bill better and fairer for both tenants and landlords. My hope is that there will be fairer consultation with all the stakeholder groups, not just principally the tenants, in respect of how this bill will finish up at the end of the day, because I can tell you, and I am sure Mr Morris is of the same view, we have had a lot of traffic through our email system with concerns.

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Mr Ramsay. Your time has expired.

Mr MORRIS (Western Victoria) (11:46) — I rise to make my contribution to the Residential Tenancies Amendment Bill 2018. I am certainly very pleased to be able to follow Mr Ramsay's fine 16-minute contribution to the house about this particular bill. I do not think I will be shocking anybody when I say I share the concerns that have been raised by Mr O'Donohue and by Mr Ramsay. I certainly concur that the effect this bill will have on the rental market will just ensure that there are fewer rental premises available in the already very slim market out there. I have had conversations with many landlords and many real estate agents who have said that the passage of this bill will see a lowering of the housing stock available in the state of Victoria. The impact of this bill will be that there are more people with less secure accommodation. There will be more people living in what is described as homeless situations due to the passage of this bill.

I think one of the fallacies that those opposite like to try and portray is that all landlords are extremely wealthy and they treat their tenants very, very poorly. In fact most landlords are very hardworking people who have one or two properties that they place on the market and provide homes for other Victorian families. I and certainly many others on this side of the house have had communications from landlords who are despondent

about the way they are being treated. They have extreme concerns about the impact this bill may have. One constituent in particular sticks in my mind, who on two occasions has had to renovate and make significant repairs to their property as a result of damage that has been done through pets being at that property. This is despite the fact that there was a very clear agreement between the landlord and the tenant that there were not going to be pets in this particular property. That was an agreement that was made and agreed to by both parties, yet in two circumstances this landlord's property had significant damage done by pets.

I certainly understand the importance of pets in people's lives and the like, but it is also incredibly important that people's property is not damaged through having pets in residential properties, despite a lack of agreement on this. They are the current circumstances we find ourselves in. Under the current arrangements this is occurring. If this bill were to pass, in effect tying the hands of landlords behind their backs in terms of their capacity to be able to enter into these types of arrangements, then what we would see is these landlords simply taking their properties off the market and leaving them vacant. That is something that would have a severely negative outcome for people trying to find residential properties. I know in particular that the Ballarat rental market is one where recently there was a 0.7 per cent vacancy rate of residential properties for lease — 0.7 per cent. Functionally that is a market at full capacity. I have had discussions with real estate agents who have said they have families coming to them looking for a property to rent, and they say, 'Just add your name to this very long list, because we have a waiting list as long as your arm'. If this bill were to go through, that would become even worse and even more tiresome.

I note that there are a significant number of clauses in the bill. Indeed if the government does succeed in passing this bill, a significant number of regulations will come in to support this particular bill. Of course there are always concerns when a sector such as the real estate sector — the landlords and indeed tenants — does not yet fully know, comprehend or understand exactly what is going to be in these regulations and the impact that this could potentially have on their market. I note that there are significant provisions with regard to locks on doors in premises and the like. I think this is probably indicative. once again, of this government's city-centric metro focus. I can understand the need for deadlocks on doors in some areas, but I certainly recognise that if you are renting a farmhouse out the back of Wedderburn or Wycheproof or one of these places, a requirement for a deadlock on your tenanted property in that circumstance I think is probably going a little bit too far. I understand that crime and the like is out of control in Daniel Andrews's Victoria, but at the same time I think we need to recognise —

Mr Finn — The release of medical records.

Mr MORRIS — Indeed, Mr Finn. I think we need to recognise that there are differing requirements for tenanted properties depending on where they are in the state. If your nearest neighbour is 30 or 40 kilometres away, I am not sure a deadlock on your door is necessarily going to be the best protection that you could have in terms of security at your residence.

Mr Finn — Is there any protection in Victoria?

Mr MORRIS — There is very little protection. It is pretty difficult to understand what might protect us here in Victoria. There is one thing that will protect us here in Victoria — one thing — and that is a change of government on 24 November this year, which is something that we need to ensure does occur. After the day the government is having today it looks even more likely that there will be a change of government at the end of this year.

Mr Finn — Can't get money on it.

Mr MORRIS — I haven't checked Sportsbet. I do note that within this piece of legislation there are going to be significant changes with regard to the environmental impacts that different properties may have, and indeed this is another area where there may be a significant need for regulations. I do hope through the committee stage we can get some significant answers and responses to questions about the impact these may have.

Mr Finn — It could be a very lengthy committee stage.

Mr MORRIS — It may be a lengthy committee stage that may be required to ensure that we can understand and go through this bill in detail to understand the impact that it could have. I have already noted the impact that some of these clauses may have, but one of the concerns is about whether or not many of these clauses are going to be grandfathered — whether or not at the stroke of a pen there are going to be requirements and burdens placed upon landlords to immediately remediate properties with regard to either deadlocks or the gas, electricity and water appliances. If that is to be the case, that is going to place a significant cost impost upon these landlords. These landlords, as we have said, are not the wealthy people sitting in ivory castles that those opposite would like to paint them as. These landlords are very hardworking men and women

in Victoria who have invested in a property to ensure that another Victorian family has somewhere to live; that is something that we should be encouraging, not discouraging, here in Victoria. We want people to have a property which they can live in rather than not, as will be the case if this government gets its way.

Mr Ramsay made a comment about the fact that if a landlord would prefer that a renter not have a pet in the property, they need to go to VCAT.

Mr Finn interjected.

Mr MORRIS — That is a very good question. I am not sure if you would need to go to VCAT to get a dog in a ministerial car, Mr Finn, but it may be the case that you do.

An honourable member interjected.

Mr MORRIS — A chihuahua, indeed. You have that annoying chihuahua in your car and the driver says, 'Thank you, Deputy Premier, you're at your destination now', and away we go. Mr Merlino is not having a good day; he is not having a good day at all today. He was sent out by Premier Andrews to the Jon Faine radio program this morning, and I tell you it was a train wreck. It was an absolute train wreck of an interview. He did not do well. He did not fare well.

Mr Finn interjected.

Mr MORRIS — I am not sure if he has been on with Neil Mitchell; I would like to listen to that. But I may be slightly distracted.

We were talking about VCAT. As Mr Ramsay made the point, VCAT already has a significant case load. If every landlord in the state of Victoria was required to go to VCAT in an attempt to ensure that a property in which they would rather not have pets did not have pets, it is difficult to imagine the burden that would be placed upon VCAT in these circumstances. I note that there is a will in this bill, if a renter does want to keep a pet in a property, that they may be required to pay a pet bond. I think just the admission by the government that there may be a requirement for a pet bond is indicative of the fact that there are concerns about the damage that may be done in that particular property by pets that are kept in that property. We know just how destructive chihuahuas can be, particularly to governments —

Mr Finn — Yes, they can. They make a real mess.

Mr MORRIS — They can. Thirty boxes of mess they could potentially make to —

Mr Finn interjected.

Mr MORRIS — Yes, indeed, on the floor of the house. They have made a God-awful mess, and now they have left it for others to clean up. It looks like the Speaker in the other place is going to have to walk around picking up the mess behind them, and I think that is —

Mr Finn — He's not going to get his bond back.

Mr MORRIS — He is not going to get his bond back at all.

Ms Wooldridge interjected.

Mr MORRIS — There is a nasty stain on the floor of the house, and indeed on this government as well. There are obviously some significant concerns —

Honourable members interjecting.

Mr MORRIS — Was it 1.5? Mr Leane is over there trying to defend this rorting, corrupt government, and he is not doing a very good job. I think he should keep quiet, because they are in all sorts of strife. We have got Mr Jennings over here. Look at the embarrassment that is on his face after the contribution that he made to the house this morning; he does not want to be here. I think maybe Ms Garrett in the Assembly should just come in and sit in that spot —

Mr Finn interjected.

Mr MORRIS — I think she will too.

Mr Finn interjected.

Mr MORRIS — On this side, indeed. Then we will no longer have Ms Shing in this house, because she is being pushed down, so we are going to have a new Leader of the Opposition in the other house, and it is —

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:00) — My question is to the Leader of the Government. Minister, when asked on Tuesday why personal affairs and information claims were not applied to the release of the Ventnor documents, you stated, and I quote:

> Well, in fact they were applied. They do apply. They are matters that have actually been considered.

Minister, as reported in today's *Herald Sun*, the documents tabled disgracefully contain the personal financial, banking and family details of an innocent member of the Victorian community. On what basis did you provide that assurance to the house on Tuesday when clearly that was not the case?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Ms Wooldridge for the question. The reason why I gave that undertaking to the chamber, and in fact I do not resile from it, is that in terms of the principle that actually underlined the release of information those principles applied. That principle should be applied in terms of protecting privacy, protecting privilege and protecting confidences, and those matters should be considered before the release of any documentation. The decision-making process did include those principles and the active consideration of those.

At the time though I also did indicate that there was an overriding public interest in the release of documents in relation to the Assembly on the basis of a concern about the acquittal of ministerial responsibility, which the government is very, very confident that then Minister Guy failed in terms of his obligations and which led to very adverse outcomes, not only in terms of the planning regime but in terms of commercial relationships with members of the Liberal Party in terms of a settlement that was made. Those are the matters that the government decided, on balance, warranted the release of information.

What has turned out to be the due diligence that was associated with the completeness of the assessment of all material that was conveyed indicates that there were some shortcomings in terms of the quality assurance in relation to the release of some information. I can understand that. On the basis of the volume of material that was shared, there is very, very limited — and hopefully we have reached the limit — personal information that should not have been put on the public record. There is a process that is being undertaken now within the Legislative Assembly to discover the potential extent of that exposure and to eradicate it so that citizens are protected.

Those matters were important before; they are important now. I will not resile from what I said in relation to the considerations that underpin this. I am disappointed, and in fact the government is disappointed, that the quality assurance that was associated with the release of the entirety of that material was not as complete as it should have been. But the government does not resile from the fact that there is a public interest in relation to what is the substantive matter that led to the resolution of the Assembly, which is the veracity and the appropriateness of decisions that were made by then Minister Guy, now the Leader of the Opposition.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:04) — Thank you, Minister. You also claimed that the release of these documents was in the public interest — and you went to that in your substantive response — and that it is in the public interest as far as the public is concerned. How is the tabling of personal, financial and banking details of members of the Victorian community in the public interest?

Mr JENNINGS (Special Minister of State) (12:04) — The consequence of my substantive answer is that they are not. The release of the majority of the material that has been put on the public record in the government's view does provide a public interest in relation to the substantive issue about the minister's decision-making processes and the appropriateness or inappropriateness of them. In relation to the personal details, they should not have been included in the material and they are not in the public interest to be released.

Production of documents

Mrs PEULICH (South Eastern Metropolitan) (12:05) — My question is also to the Leader of the Government. Minister, on Tuesday you advised that cabinet-in-confidence claims, legal advice claims, departmental note claims, personal affairs and information claims and other claims, and I quote:

> … were applied. They do apply. They are matters that have actually been considered.

Minister, given the Premier has had the documents for five months, who specifically considered these personal affair matters prior to the tabling of the documents in the Legislative Assembly on Monday? Was it a member of cabinet, a ministerial adviser or a senior departmental bureaucrat?

Mr JENNINGS (Special Minister of State) (12:05) — The answer that I have given to the substantive question from Ms Wooldridge covers the issue. In terms of the sequence of the release of information, there was a resolution of the Legislative Assembly on 29 March relating to this situation. The Secretary of the Department of Premier and Cabinet wrote to the Leader of the Opposition on 10 April outlining that he had been directed to release all relevant information to the Premier in relation to the

consideration of that material. At that point in time the responsibility of the public service was to ascertain what fell within the scope of the resolution and to pass that on. That occurred. In the intervening period there were assessments made in terms of —

Ms Wooldridge — Who made the assessments?

Mr JENNINGS — The assessments were made under the authority of the Premier and in fact were endorsed by the government in terms of acquitting our obligations. The obligations that I have actually outlined were undertaken in that sequence through that delegated line of authority, and the release of the information was ultimately complied with by the determination that was made by the Leader of the Government in the Legislative Assembly.

Mrs Peulich — On a point of order, President, the minister was asked a very specific question, and that is: who applied those principles? Was it a member of cabinet, a ministerial adviser or a senior departmental bureaucrat? He has not answered that question. I ask that you refer him back to the question.

Ms Shing — On the point of order, President, Mrs Peulich may not like the answer that has been given, but the answer is as the answer stands, and the standing orders indicate very clearly that there is no position to prescribe the way in which answers to questions are given.

Honourable members interjecting.

The PRESIDENT — Ms Lovell, I heard an interjection that made an allegation which I am not sure can be substantiated. Can you please withdraw?

Ms Lovell — I withdraw.

Honourable members interjecting.

Ms Shing — A point of order, President. I just heard it again, Ms Lovell.

Honourable members interjecting.

The PRESIDENT — Order! I did not hear it again.

Honourable members interjecting.

The PRESIDENT — Ms Lovell, did you repeat it again?

Ms Lovell — I was having a private conversation.

The PRESIDENT — I do not care whether it was a private conversation. It clearly was not too private if other people heard it. Can you again withdraw, please, and perhaps not continue with a private conversation of that nature.

Ms Lovell — I withdraw.

The PRESIDENT — Mrs Peulich, in terms of the point of order, I actually think the minister did give you an answer.

Mrs Peulich — He was responsive but he did not answer the question, thank you, President.

The PRESIDENT — He said the Premier.

Mrs Peulich — I am happy to discuss the answer when we see it in *Hansard* tomorrow, President.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (12:09) — Minister, were these documents considered by the cabinet subcommittee that considers the production of documents prior to their tabling in Parliament?

Mr JENNINGS (Special Minister of State) (12:09) — The decision-making process of the government is as I have outlined. I have said to you that in fact not only did the Premier make the decision but it was actually confirmed by the appropriate structures within the government.

Production of documents

Ms FITZHERBERT (Southern Metropolitan) (12:10) — My question is also to the Leader of the Government. Minister, is the release of personal, medical, financial, banking and family details of an innocent member of the Victorian community, as occurred on Monday by the Andrews Labor government, a notifiable data breach under the commonwealth's Privacy Act 1988?

Mr JENNINGS (Special Minister of State) (12:10) — In terms of Ms Fitzherbert's question, I will have to take advice about whether it actually constitutes a breach of commonwealth law. I am very happy to take advice on that matter, but I cannot actually confirm it one way or another at the moment.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:10) — Minister, when the Andrews government released the former Napthine government's staff and wages details, where the government claimed it was under FOI but that turned out not to be true,

Department of Premier and Cabinet Secretary Chris Eccles requested that the Victorian Public Sector Commission probe how the data breach occurred. Will the government refer the Premier's massive data breach to the Victorian or Australian information commissioner for immediate investigation?

Mr JENNINGS (Special Minister of State) (12:11) — In relation to the way in which this information has been released, I think it is made very clear not only by what the events are that people are making comment on but in fact by my substantive answers to both Ms Wooldridge's and Mrs Peulich's questions, where I have indicated the transfer of information and how it arrived in the Parliament. It is not actually a secret as to how it arrived; in fact it is fully disclosed and fully understood.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:12) — My question is to the Leader of the Government. Private medical and financial information relating to a number of Victorian individuals was released in those documents tabled on Monday. Minister, can the government now guarantee that there are no other serious and frankly disgraceful privacy breaches relating to other Victorian individuals among those 80 000 pages of documents?

Mr JENNINGS (Special Minister of State) (12:12) — Look, I can understand it. In fact the kernel of the question is actually a legitimate one — that in fact citizens of Victoria need to have some confidence that the material that has been provided to the Parliament does protect their privacy. So in relation to the work that is actually being undertaken with the authority of the Assembly, that is actually what is happening at this very moment. That is in fact what has been put in place — a process to remedy that and reduce that risk of the exposure of the state. It may well be well argued that it should have actually occurred before.

I am not defending the release of private information in these circumstances. What I am explaining is the pathway in which it actually occurred and the remedy that has actually been put in place. So in terms of the confidence of the Victorian community, not only do they need confidence in how public office holders act in this term, they actually need to be mindful of the calibre of people who represent the community each and every day and how they acquit their responsibilities.

So I am not running away from this issue. I am acknowledging this issue. I am responding to this issue. I am not actually rewriting history in relation to it, but there are people in the other place who want to rewrite history. They want to rewrite history in relation to their ministerial responsibility and the tawdry case that actually led to these matters being discussed and considered in the public domain. As Ms Pennicuik reminded the chamber today, in 2014 Mr Davis and the people who were on this front bench at that time were happy to shut down scrutiny in this chamber in relation to what were obviously inappropriate payments that were made, inappropriate planning decisions and the reversal of them, and the financial consequences and the ethical consequences in relation to withholding that information from the Ombudsman.

Within all of this, that situation has been remedied, but in fact the unintended and most unfortunate and undesirable outcomes are the ones that you choose to concentrate on and that I am responding to. I am not running away from them, but what you are running away from is the culpability of your colleague the Leader of the Opposition in the other place in terms of his action, and you are just hoping that my embarrassment actually outweighs the embarrassment and shame and culpability of the Leader of the Opposition.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:15) — I thank the minister for his response. The minister has acknowledged several times today and on Tuesday provided the assurance that personal affairs and information claims, and I quote:

> … were applied. They do apply. They are matters that have actually been considered.

And the minister has answered a number of questions about that today. Minister, how does that then reconcile with the comments from an Andrews government spokesperson published in the *Guardian* who said that it was 'impossible' to redact private contact details and other potentially sensitive information 'given the volume of documents tabled'?

Mr JENNINGS (Special Minister of State) (12:16) — I do not know about that comment. I do not know about its veracity or its authenticity, but what I can stand by is what I say in this place, and I will stand by what I said.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:17) — My further question is also to the Leader of the Government. The government previously refused to release documents to the Council on the grounds that assessing the 10 000 pages related

to that order would be an unreasonable diversion of departmental resources. Why didn't the government take the same approach with the 80 000 pages of Ventnor documents?

Honourable members interjecting.

The PRESIDENT — Thank you!

Honourable members interjecting.

The PRESIDENT — Ms Mikakos, a withdrawal, please.

Honourable members interjecting.

The PRESIDENT — Order! Ms Mikakos, a withdrawal please.

Ms Mikakos — I withdraw, President.

The PRESIDENT — Thank you.

Mr Morris interjected.

The PRESIDENT — Not impressed. Now, I had some difficulty, because Mr Leane was chirping, in hearing the question. Can I hear it again, please?

Mr RICH-PHILLIPS — Thank you, President. The question is to the Leader of the Government. The government previously refused to release documents to the Council on the grounds that assessing the 10 000 pages related to that order would be an unreasonable diversion of departmental resources, and that is the response we received from the Attorney-General. So I ask: why didn't the government take the same approach with the 80 000 pages of Ventnor documents?

Mr JENNINGS (Special Minister of State) (12:18) — I thank Mr Rich-Phillips for the opportunity to explain that in fact the processes that relate to documents that have been required, whether it be by the Parliament or whether it be by FOI, are quite often voluminous in nature. They may or may not have the appropriate scoping in terms of the original request, whether it be by the Parliament of whether it be by the FOI applicant, and it is actually quite a significant and onerous responsibility within the FOI and document release process to actually ascertain not only the volume but the appropriateness and make an assessment of those matters.

In many matters — in fact the vast majority of matters — there is a dedicated staff who allocate significant departmental resources to be able to resolve these very vexing and complex issues in relation to the balance between releasing information and the appropriate privacy protections, privilege protections or cabinet or commercial considerations, which you would understand because in fact we have discussed this before.

Earlier on this week Ms Wooldridge asked me to remind her, through a written response to her question, about what are the various factors that have to be considered. In certain circumstances, because of what is deemed to be the significance or importance of those matters and how onerous it may be for departmental resources — that in fact it may be somewhat vexatious or not overwhelmingly in the public interest or, as you have indicated, literally with stretched resources within a department — they may not be able to be applied to dealing with those matters at a particular point in time.

They are the factors that may determine why a decision may be made about one matter rather than another. In this case a very large scope, a very large consideration by departments in relation to this material — as it turned out, including some material that should not have been scooped up in relation to that assessment — was then transmitted from the department to government and then dealt with within government, and the government made a determination on the basis of the material available to it that the overwhelming public interest was actually served by the release of the documentation. Within that volume there has been some unfortunate, and at this stage we hope limited, exposure of matters that should not have been contained there.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:21) — I thank the minister for his answer. The minister in his answer has highlighted the fact that there were resourcing issues relevant to assessing the 10 000 documents the Council previously sought and there were resourcing issues with assessing the 80 000 documents which were released on Monday and essentially indicated the government then applied its own filter of public interest. So I say to the minister: isn't it the case that in releasing those 80 000 documents on Monday the government has effectively thrown caution to the wind, as we have seen through the release of personal documents, simply because it was in the Premier's political interest, and that was the overriding consideration?

Mr JENNINGS (Special Minister of State) (12:22) — Ultimately I have been on the receiving end of many accusations in relation to what was perceived to be the obstruction that I provided the Ombudsman,

or the government provided the Ombudsman, in relation to clarifying in the Supreme Court and the High Court whether there was jurisdictional cover by the Ombudsman. It has been mischievously and continuously misconstrued as being to try to stop the Ombudsman from investigating a matter. It was actually to clarify the status of the Ombudsman Act 1973.

In this matter, if nothing else has occurred, one thing has occurred: material that was withheld from the Ombudsman and withheld from the Auditor-General during the life of the previous administration has now seen the light of day — material that in fact the then minister worked assiduously to prevent his department releasing to the Ombudsman and releasing to the Auditor-General, matters that would have shown him to be acting in a totally inappropriate way.

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:24) — My question is to the Leader of the Government. Minister, the former privacy commissioner, David Watts, has told Neil Mitchell's 3AW show today that the government's actions in relation to the Ventnor documents have potentially broken the charter of human rights, federal and state privacy laws —

Mr Leane interjected.

The PRESIDENT (12:24) — Out, thank you, Mr Leane. Who else!

An honourable member — It could be someone else.

The PRESIDENT — I don't think so. No-one else was rude enough to actually chip. Fifteen minutes.

Mr Leane withdrew from chamber.

The PRESIDENT — Ms Wooldridge from the top, thank you.

Ms WOOLDRIDGE — Thank you, President. My question is to the Leader of the Government. Minister, the former privacy commissioner, David Watts, has told Neil Mitchell's 3AW show today that the government's actions in relation to the Ventnor documents have potentially broken the charter of human rights and federal and state privacy laws and have constituted a breach of confidence, negligence, a breach of legal professional privilege, a breach of Victorian protection data security standards and a possible contempt of court. Given your answers today, is it the Premier who is responsible for this massive privacy breach, one of the largest that has ever occurred in Victoria's history?

Mr JENNINGS (Special Minister of State) (12:25) — I would actually like to see a transcript of the contribution of the previous privacy commissioner in relation to whether he did say what Ms Wooldridge has actually attributed to him.

Ms Wooldridge interjected.

Mr JENNINGS — Well, if he did, I will be very interested in the legal veracity of what he said, because I actually think it might be somewhat motivated by political commentary and intrigue rather than necessarily the legal standing of these matters. I actually think it was probably colourful commentary that suited his purpose, and I think that would be well and truly understood.

Now, I have not heard that from the current incumbent in terms of the information commissioner, who has actually been on record during the course of this week — in fact he acts independently, appropriately — to talk about concerns about secrecy provisions within the culture of the public service. So he is not in fact out there doing the government's bidding every day; he has actually reminded the community that in fact quite often we err on the side of withholding information that he believes should be in the public domain. So he is not necessarily a fairweather friend or an enemy of the government, but in fact what he actually said this morning in media, as I understand it, is something quite contrary to his predecessor. In fact I would think probably the current incumbent, acting independently within the spirit of his knowledge of the law and his obligations, may be a potentially more reliable source.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:26) — Thank you, Minister. Given that you did not address the question about 'Is the Premier responsible?', I do follow up, consistent with that theme, to say: given Department of Premier and Cabinet secretary Chris Eccles said, 'I was directed by the Premier in accordance with my employment contract to produce to him all relevant documents', and consistent with your answers earlier that everyone acted on the delegated authority of the Premier, is it not a fact that the person to blame and who should take responsibility for this potentially disgraceful conduct is in fact the Premier and that he should do the honourable thing that Victorians are asking him to do and resign?

Mr JENNINGS (Special Minister of State) (12:27) — The bizarre construction of this is that the Premier takes responsibility for the government's actions, members of the government take responsibility for the actions of the government — we are all taking responsibility today for this matter — and we try to act in accordance with our ministerial responsibility. In fact we are obliged to.

One thing that is actually pretty easy to do is in fact jump on a bandwagon and start talking about whether people should resign or not, which is completely capricious in relation to the way in which these matters were dealt with. In opposition in 2014, when we were on the opposition benches trying to actually get some degree of ministerial accountability in relation to these matters and trying to get some honest disclosure about these matters, we were probably bellowing the same thing that you are bellowing to us today. We probably called on then Minister Guy to resign. He did not. Whether he should have is a different question. The people can decide that.

West Footscray factory fire

Ms TRUONG (Western Metropolitan) (12:29) — My question today is for the minister representing the Minister for Energy, Environment and Climate Change. Last Thursday a factory fire in West Footscray blanketed our city in black smoke, closed down our schools and neighbourhoods and left our communities in the west reeling. Our communities, as I have heard since then, want to be confident that the authorities have adequately monitored the exposure and impacts on us in the west and effectively coordinated their operations to keep us safe and properly informed. But many of us could not say that is the case. Many of us in the west live next to industrial areas storing who knows what, and we have seen complacency and neglect cost us many times before. My question is: what is being done to keep us informed of how these risks are being managed at specific sites and to protect the west from future toxic fires?

Mr JENNINGS (Special Minister of State) (12:29) — I thank Ms Truong for her question and her concern in representing her constituents and being concerned about the safety of her community. It is a very, very significant matter that she has raised with me just now. I personally am not aware of the processes by which emergency services and Environment Protection Authority Victoria (EPA) will be providing communities with information and support at this point in time, although I would have an expectation — and I am certain my ministerial colleague has an expectation — that there will be ongoing care provided to the community in relation to sharing relevant information and updates through the EPA in terms of environmental standards. I will take some advice to get additional information to you.

The general point in relation to how to keep communities safe into the future — to understand their risk exposures, to mitigate them, to reduce the potential for environmental damage — is an obligation that the EPA has had for many years. In fact you would be mindful of the debates that we actually had when we recently had a rewrite of the EPA act. In terms of the EPA's responsibilities not only was there a recognised duty of care by it as a statutory authority but also industry has an obligation and will be held to account for it in what we believe is a more appropriate way in the future that does provide greater confidence than what the community may have had up until this point in time. So that is certainly something which is the policy intent of the reform of the EPA. We would have an expectation that what you are seeking will be a feature of the way in which the EPA acquits its responsibilities into the future.

What we have been doing in the last week I will have to take some advice on, but your point is fundamentally well made. And I thank you for representing the interests of your constituents because it is a very, very important matter that we have a safe environment and we are mindful of the downstream environmental consequences of hazards and events such as the fire that took place last week.

Supplementary question

Ms TRUONG (Western Metropolitan) (12:32) — I thank the minister for his response. My personal experience of getting information from the EPA — because my family, my friends and my kids are impacted by this fire — has been that they vague us and they are trying to cover their own —

Mr Jennings interjected.

Ms TRUONG — Yes. They do not give us a straight answer on whether we should be cancelling events or whether we should be indoors or outdoors. The Melbourne Fire Brigade have been a touch better. It is unacceptable that our community is neglected and left vulnerable to such disastrous events, and the community are now organising themselves because they are not getting the information they need. We know the EPA set up temporary monitoring sites, and it is not clear from the AirWatch website where these are. My supplementary is: could the minister list the sites where the EPA set up the temporary monitoring stations and

tell me when the full data, including PM2.5, benzene and toluene readings on 30 August, will be made public for the community to understand what we have been exposed to owing to this factory fire incident?

Mr JENNINGS (Special Minister of State) (12:33) — I thank Ms Truong again for her concern. They are very specific matters that she has asked me to respond to. Clearly she knows that I am not in a position to be able to do so now, but I give her an undertaking that I will talk to my colleague during the course of the day to see what is the earliest opportunity that appropriate information and community support can be provided.

Timber industry

Ms DUNN (Eastern Metropolitan) (12:33) — My question is for the Minister for Agriculture. Minister, can you confirm that the Andrews government will give a $340 million grant or other amount on that scale to the Nippon Paper Group, the owners of the Maryvale pulp mills, and that there will be absolutely no conditionality on the grant for Nippon Paper to exit its dependence on native forest log supply?

Ms PULFORD (Minister for Agriculture) (12:34) — I thank Ms Dunn for her question. I indicated in answers in the house on Tuesday that the media report that I guess is the source of Ms Dunn's question does not accurately reflect the discussions that the government is having with industry, with unions and with the environment movement around reconciling the challenging circumstances that members here are well aware of in terms of a diminishing of the available native timber resource for industry and the expansion of protected areas. This is not new. This is something that has been going on for decades and something that has been a challenging matter for our government the entire time, not least of all because of the circumstances that we inherited in terms of industry's expectations and environmental protections that were put in place by our predecessors. In that context what I can indicate to Ms Dunn is that while the government is having discussions with industry, as with others who have an interest in policy outcomes in relation to native timber, I certainly cannot confirm what it is that she is seeking for me to confirm.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:36) — I thank you, Minister, for your answer. Minister, we have seen your government extend extraordinary corporate welfare to Nippon Paper, including reports that are not accurately reflected, as you refer to, but there has been no clarity in the house as to what those arrangements will be. That welfare extends to your refusal only yesterday to repeal the wood pulp agreement and its multimillion-dollar contingent liabilities on the state and its taxpayers. We have also seen your government nationalise the largest timber mill in the state. You not only continued the sweetheart pricing in the existing timber sales agreement between VicForests and the mill; you are now reappropriating log supply from other smaller private mills to the Premier's mill at Heyfield. Minister, is it this government's plan at the behest of the forestry division of the CFMMEU to cut the industry down until only the Premier's mill and Nippon Paper remain standing with their high union membership?

Ms PULFORD (Minister for Agriculture) (12:37) — The short answer is no. The slightly longer answer is there is a whole bunch of stuff in there that is just not true. What I would say again is that —

Ms Dunn — Shifting contracts to Heyfield.

Ms PULFORD — Ms Dunn, you came in here on Tuesday and asserted it, and I gave you a written response indicating that what you were asserting was not true. So Ms Dunn knows that, I know that, and that is for the benefit of everybody else; now you all do. Ms Dunn, you can come in here and keep making stuff up about the timber industry all you like. It is not going to change the reality of the situation, which is that the government continues to work in good faith with all parties, all participants in the industry, and indeed those who would like to see the industry shut down. That reckless bit of legislation that you introduced and debated in this place yesterday would have resulted in significant job losses for people in communities through regional Victoria. Our approach is to support job creation in regional Victoria.

Wyndham crime rate

Dr CARLING-JENKINS (Western Metropolitan) (12:38) — My question is for the minister representing the Minister for Police, Minister Tierney. Minister, the government recently reported that crimes in Wyndham for the year to March 2018 decreased by more than 10 per cent compared to the previous 12 months. I admit to being confused, because as I read the statistics I see a different story. Minister, could you please clarify for me how in the same period identified as having a 10 per cent decrease, as I read it the number of sex offences in Wyndham increased by 32 per cent, aggravated robberies by 27 per cent, common assault by 21 per cent and threatening behaviour by 52 per cent?

Ms TIERNEY (Minister for Training and Skills) (12:38) — I thank Dr Carling-Jenkins for her question. This is a question that requires the Minister for Police to provide some clarification around some crime statistics, and I will refer the matter to the Minister for Police.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) (12:39) — Thank you, Minister. I appreciate that referral. When referring this matter to the Minister for Police for clarification can you also ask if the minister will acknowledge the increase in violent crimes in Wyndham and respond by urgently providing extra resources in the form of an empowered, well-manned and proactive police force on the ground in Wyndham?

Ms TIERNEY (Minister for Training and Skills) (12:39) — I thank Dr Carling-Jenkins for her supplementary question, and I will refer it to the Minister for Police.

Mrs Peulich — On a point of order, President, during the course of today's questions a lot of the answers indicated that as far as the Leader of the Government is concerned, the responsibility for the release of private information — or breaches — rests with the government. It is my understanding that a motion being debated in the lower house will, if passed — and there is every likelihood of that being the case — place responsibility with the Speaker of the Legislative Assembly to determine issues of privilege and to then either remove or redact documents. The question that I would like to ask as a point of order is: who would be responsible for undertaking that work, at what cost and what are the risks to Parliament where the legal risk of litigation is transferred from the Department of Premier and Cabinet to the Parliament, and what would be the implications for defending any litigation by the Parliament? I would ask that you perhaps take some advice from the clerks, and maybe even legal opinion, so that we understand what the implications are for the Parliament of this motion, should it be passed.

The PRESIDENT — Order! On the point of order, it is not a point of order, it is a series of questions that have been put to me to venture into an area that is really within the ambit of the other house and not within my responsibility or the jurisdiction of this house. I would suggest that if Mrs Peulich wants to pursue those matters — and they may well be valid questions; I do not dispute that — then that would be best done by substantive motion rather than by point of order, because it clearly was not a point of order and it went to matters that were matters of question rather than matters of the process of this house in particular.

I might say in closing that I am concerned that if I was put in the position that the Speaker is being asked to take in respect of this motion, I would have some grave misgivings in terms of both my ability, capacity-wise, to do it, but also in some ways the appropriateness of the Parliament acting in that role or the President of the Parliament acting in that role. But as I said, that is quite outside the scope of what would be an acceptable point of order here.

Mrs Peulich — On a related point of order, President, they were not questions that could be legitimately directed to a minister of the government, so therefore I felt that it was appropriate to raise it with you. But in light of your answer and the concerns that you indicated you would share if you were in that position, would you be prepared to take the matter to the Procedure Committee for advice and consideration?

The PRESIDENT — At this stage, no, I would not take it to the Procedure Committee. I think it is outside the scope of that committee. As I said, I think your best course of action, if you wish to pursue the matter, is by way of substantive motion.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:43) — There are two written responses to questions on notice: 12 756–7.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:43) — In respect of today's questions, Ms Fitzherbert's question to Mr Jennings, the substantive question, I seek a written response in two days; Mr Rich-Phillips's first question to Mr Jennings, the substantive and supplementary questions, one day; Mr Rich-Phillips's second question to Mr Jennings, just the substantive question, one day; Ms Truong's question to Mr Jennings involving a minister in another place, the substantive and supplementary questions, two days; and Dr Carling-Jenkins's substantive and supplementary questions to Ms Tierney, again involving a minister in another place, two days.

Mrs Peulich — On a point of order, President, did you mention that my question was not answered by the minister and that whilst he was responsive, it was not

answered, and that perhaps an opportunity to answer that in writing might be appropriate?

Mr Gepp — On the point of order, President, you actually did rule on that during the course of question time. You referred to the minister's answer, and this is just a continual abuse of standing orders.

Mrs Peulich — Further on the point of order, President, Mr Gepp has got two questions confused. It was not the point of order that I was referring to. It was the question that I asked as a question to the minister.

Honourable members interjecting.

The PRESIDENT — Thanks, everyone, for your assistance. It is a wonderful thing to have such support. I do not seek a written response on that particular question because I believe that the minister did indicate a responsible person in his answer.

Ms Bath — On a point of order, President, on Tuesday this week you reinstated a question that was for the Minister for Agriculture in relation to Australian Sustainable Hardwood timber. The response is probably finding its way here, but it is two days now, so I am just wondering when I can expect the response.

The PRESIDENT — We will take that on notice. The Clerk's spreadsheet indicates that that might well have already been answered, but we will check.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (12:46) — My constituency question is to the Minister for Creative Industries, and it is in relation to the announcement that was made just yesterday about funding for the Palais Theatre in St Kilda, which has undergone a significant redevelopment. Yesterday there was an announcement in relation to a sum of over $1 million for further work. My question is: is this new money or is this money that has been repurposed from an earlier announcement in relation to that project?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (12:47) — I raise a constituency question for the Minister for Police, and it relates to policing services in the southern part of the City of Casey in my electorate of Eastern Victoria Region. The question I have is: will the minister work with the Chief Commissioner of Police to ensure that extra police resources are deployed to the Clyde-Clyde North area of Eastern Victoria Region. I have had many constituents contact me — and I know the Assembly member for Bass has had many people contact him — concerned about the increase in crime in that area. In that fast-growing area the Liberal-Nationals have committed to building a 24-hour, seven-day-a-week police station to service that growing community and provide a strong visible police presence. While the minister is the minister I ask: can she work with the chief commissioner to provide extra police resources to that area?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (12:48) — My question is to the Minister for Public Transport in the other place, and it relates to repairs being carried out on the historic trestle bridge at Eltham on the Hurstbridge rail line. This bridge is the only railway bridge built predominately of timber still in regular use in Melbourne's metropolitan electric railway network. It comes after the spotlight we placed on it when the Liberals announced plans to fully duplicate the line between Greensborough and Eltham and to replicate the bridge, unlike Labor's curious plan to run a shuttle service into Eltham, arguing there is no need for another bridge. The minister in a previous response has told me engineers do not believe the bridge is structurally unsound. This followed reports in July that train speeds had to be reduced because of its structural and track condition. Following an independent engineering assessment earlier this year deck timbers and timber girders were replaced. However, the minister has also said more girder replacements and pier strengthening works are scheduled to be undertaken, and I quote, 'during upcoming planned occupations'. My question is: what are these planned occupations, when will they occur and will these works result in any closure of the line or disruption to Hurstbridge services?

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (12:49) — My question is for the minister representing the Minister for Health. On 7 August 2018 I asked a constituency question in relation to the Footscray Hospital about whether public transport access and use of the hospital as a teaching facility are a part of the department's considerations in determining the final site. The minister's response was, and I quote, 'planning for a new hospital is complex and takes time' and 'government is considering a range of factors in determining the optimal site'.

The concerns of my electorate have not been adequately answered, and so I now ask specifically: can

the minister outline each of the criteria the state government is taking into account in the evaluation of the final site and whether this includes public transport access and the future capacity to use the hospital as a teaching facility? The people of Western Metropolitan Region deserve to understand the criteria the state government is taking to make its decision as part of the public record. My constituents deserve to know whether this government will serve the needs of the western suburbs rapidly growing populations or whether we should expect to be once again dudded as safe Labor seats.

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:50) — My constituency question is directed to the Premier. This week we have seen 80 000 unvetted documents dumped onto the steps of Parliament — thousands of documents supposedly relating to operations of the rezoning of land in my electorate. Against constitutional convention, we have seen most sensitive, personal and private information — information exposing a person's home address, family details and medical and financial information. This is an unprecedented data breach. During any planning scheme local residents are invited to make comments and raise objections. Names, addresses and emails are often included in making these submissions. This morning I have been contacted by a number of concerned constituents who made submissions at that time and they are justifiably concerned that their personal details are now in the public domain. So I ask the Premier: what contingency plan does he have in place to address the concerns of my constituents?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:51) — My constituency question is for the Minister for Roads and Road Safety. It is in relation to a cycle path that was constructed as part of the Rosanna level crossing removal project, where the construction of a signal box in the middle of the shared path made it impossible for it to be used as a cycle path. VicRoads are apparently working on a plan to fix that and have completed a path that does not go anywhere. My question for the minister is: when that plan is ready, will the City of Banyule see that plan or be consulted about it?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:51) — My constituency question is to the Minister for Roads and Road Safety. Over the past few years the industry in Victoria that has become a boom industry is the making of new speed limit signs — signs that invariably have found themselves on the side of the road in the western suburbs lowering speed limits by up to 40 per cent or even more. Even when so-called safety works have been conducted, as they recently have on Sunbury Road near Melbourne Airport, speed limit cuts almost always remain in place. Can the minister confirm whether VicRoads has a deliberate policy of lowering speed limits on increasingly busy roads in Melbourne's west?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:52) — My question is for the Minister for Aboriginal Affairs and relates to the Bangerang Cultural Centre in Shepparton. I have spoken many times in this place about the importance of the Bangerang Cultural Centre, and have pleaded with the minister many times to provide state government assistance to the centre so it could avoid closure. The minister has ignored all of this, and the Bangerang Cultural Centre was recently forced to cease normal operation due to financial difficulties. Nonetheless, Bangerang Cultural Centre continued to work hard and recently won the Keep Victoria Beautiful cultural heritage award for its commitment to preserve, celebrate and value Indigenous cultural heritage. Will the minister stop ignoring the needs of the vitally important and award-winning Bangerang Cultural Centre and give a commitment to provide assistance to ensure the future viability of the centre?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:53) — My constituency question is for the Minister for Police, and it relates to significant concerns about capacity for prisoners held in custody at the Ballarat police station. This is something that has been detailed in the media, indeed on the front page of the Ballarat *Courier*, as has the fact that those cells are regularly at capacity and valuable police time that is not being spent investigating Labor candidates is being diverted to —

Mr Finn — And cabinet ministers.

Mr MORRIS — and cabinet ministers indeed — shuffling prisoners from the police station to other places. So the question I ask is: what is the minister doing to ensure that valuable police time in Ballarat is not being spent shuffling prisoners from one police station to another?

Sitting suspended 12.54 p.m. until 2.06 p.m.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

Debate resumed.

Mr MORRIS (Western Victoria) (14:06) — I am very pleased to continue my contribution to the Residential Tenancies Amendment Bill 2018, noting that after an interruption for question time, of course, I have got a minute to go. I think it is very clear that this bill, if it is implemented, will have a significant impact on Victorians. Other things that might have a significant impact on Victorians include the massive breach of data that has been released by the Premier. I note that the Premier said at 9.20 this morning on the steps that he had apologised to an affected person and it has been clarified that that did not occur until 1 o'clock today. So the Premier has once again been caught out lying and —

Mr Dalidakis — On a point of order, Acting President, Mr Morris just said that the Premier has been caught out lying. I ask him to withdraw.

The ACTING PRESIDENT (**Mr Gepp**) — Mr Morris?

Mr MORRIS — Thank you. I withdraw. The Premier has been caught out spreading extreme mistruths, and it is a shameful fact that we are once again seeing a Premier that Victorian people cannot trust.

Mr Dalidakis — On a point of order, Acting President, the debate has been wideranging and I have given a bit of latitude to the member, but I ask you to draw him back to the bill, please.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Gepp**) — Thank you, Minister. There is no point of order. The member's time has expired.

Mr FINN (Western Metropolitan) (14:07) — I rise to speak on the Residential Tenancies Amendment Bill 2018. I just make the observation that if this bill was a racehorse it would be by Political Opportunism out of Clapped-out Ideology, because it is a combination of both. I have spoken this week on a number of occasions about the political opportunism of the Andrews government — the fact that the Andrews government will grab at anything if they think there is a vote. If they think there is some opportunity for them to get a political advantage, they will grab it. We have seen that unfortunately to the detriment of a number of previously unidentified Victorians and now public figures almost. Of course not only are they public figures but also their children are public figures and indeed their details are public the length and breadth of Victoria. So we have seen just this week the lengths the Andrews government will go to to push its own political fortunes.

Unfortunately this bill is another part of it, because the first time we heard about this bill was during the campaign for the Northcote by-election.

Mr Morris interjected.

Mr FINN — Indeed. As Mr Morris points out so correctly, this is not the only extremist legislation that was pushed during that Northcote by-election; there was also the injecting room, which we could go on about for a very, very long time. This was certainly a part of the Andrews government's bid to out-green the Greens. As we know, it did not work. It blew up in their face in a quite extraordinary fashion, and the seat of Northcote was lost by the Labor Party for the first time in I think 80 years or more, so we saw that that did not work. But it did not stop them from trying. Here we are, with an election just around the corner and in the second-last sitting week of this year, and we have this legislation before us today. Of course this is driven by an intense hatred. Apart from the political opportunism of the government — and we could go on for quite some considerable time about that —

Mrs Peulich interjected.

Mr FINN — Indeed, we will, Mrs Peulich, go on for quite some time about that in the next Parliament. Putting aside the political opportunism of the Andrews government, this is driven by a hard left ideology, the sorts of which we have only seen in the shadier elements of the Socialist Left of the Labor Party in years gone by, back in the days perhaps when Bill Hartley ran the show and the federal Labor Party felt the need to actually step in and intervene in the ALP in Victoria to make it a little more palatable to the needs of various interest groups. It has been a while, it has to be said, since we have seen this level of extremism in any major party. We will just put the Greens to one side, because we know that they are in some sort of land of their own. They are in some sort of left-wing nirvana. I heard Dr Ratnam yesterday. Honestly, if I had closed my eyes and used just a slight amount of imagination, I could have sworn I was listening to Bernie Sanders, such was the extremist nonsense that she was coming out with then. But this is something —

Mr Rich-Phillips — Is she senile?

Mr FINN — No, I am not suggesting she is senile, but she is of the extreme left of the extreme left ilk.

Now, this government has over a period of four years promoted a hard-left ideological agenda that we have never seen in Victoria before. In fact I would go as far as saying that no government in the history of Australia, state or federal, has embarked upon an agenda that is so far to the left as this particular government, and this legislation is a part of that. This legislation has been promoted by people who hate private property. We heard Dr Ratnam earlier today talking about the evils of private property. We heard Dr Ratnam earlier today talking about the evils of people making a dollar out of investments in private property, and that is the sort of ideology that we are dealing with here. I can fully appreciate that after the election, if the numbers fall the right way and the modern-day Greens — the post-Barber Greens, if I can call them that — happen to be in a position where they can form a coalition government with the Labor Party, they will work very well together because their ideology is so close. Unfortunately in this situation we have a situation where this hardline ideology, as it so often does, hurts working people.

I just ask people to consider the stampede of investors out of the private rental market if this legislation is passed. Of course anybody who is thinking about putting money into private rental in future just will not touch it, so what happens then? What does that do to the rental market? What does that do to the many, many thousands of people who are out there living in private rental accommodation or indeed looking for private rental accommodation? My understanding is that it is not the easiest thing to find. Some people are living in circumstances that perhaps are not as good as they would prefer, and that is something that this legislation is not going to help. In fact it is going to make it a lot, lot worse, because if investors are getting out of the private rental market and new investors are not replacing them, we are going to have trouble. We are going to have people who are actually not going to be able to get private rental accommodation turning to the public sector for their living circumstances, and we are going to see an already crowded public housing sector under even more pressure than it has been now for some years.

We know that the public housing sector is in much demand. I would be surprised if there were any member of Parliament on any side in either house who has not at some stage in recent times been called upon to approach the Minister for Housing, Disability and Ageing with representations in order to get a deserving case some public housing. What happens when so many of these people, no longer able to get private rental, are forced to seek public housing? The whole system will collapse around our ears. If the government thinks that is good for working people, you have got to wonder what planet they are on. You have got to wonder what exactly they are thinking about, because what we must always be on about in this Parliament is outcomes. We want the best outcomes for people, and this legislation will not do that.

That is something that causes me no end of distress, particularly as a representative of the western suburbs of Melbourne. It is of enormous concern to me because I see people living in private rental accommodation across the west who will not have anywhere to live if private rental accommodation is no longer available. They cannot afford to buy and, as previously stated, there just is not the sort of accommodation available that we would like. There is neither the quantity nor the quality of public housing that we would like, so we are going to have a real problem.

There is a real issue here, and it comes back to what this government is doing in this legislation. If the Andrews government was actually concerned about the battlers and if the Andrews government was actually concerned about working people, it would not be pursuing this legislation and it would not be pursuing the agenda that it is. In fact it would be doing quite the opposite — it would be encouraging people to invest. It would be encouraging those who might be putting their money into the private rental market to do so. This legislation is most certainly not doing that.

A classic example of that is the new rule under this legislation that says that if you wish to have a pet with you in a private rental situation, the owner of the private rental property has to go to VCAT to stop you. That seems to me not only quite a ludicrous situation in terms of the time and the money involved for the owner of the property but what on God's earth is that going to do to VCAT? VCAT is already under enormous stress and enormous strain. What is going to happen if every time somebody wants to bring their cat or dog with them —

Mr Rich-Phillips — A chihuahua named James.

Mr FINN — If you have got a chihuahua named James and it is yap, yap, yapping away, maybe this little chihuahua called James is capable of making a real mess. If you hear about this chihuahua called James —

Mr Rich-Phillips — Dan might want to bring it with him.

Mr FINN — Dan might want to bring a chihuahua with him, but I notice that Dan has actually left the chihuahua by himself at the minute — and without water, I might say. There is certainly no tin of Pal, I can assure you. If you are the owner of a property and you find out that Dan wants to bring his chihuahua named James in and you find out just how much of a mess this little dog is going to create, you are obviously not going to be keen on that. You know that your carpet is going to be destroyed. Say you are in a furnished unit or a semi-furnished unit, you know this little chihuahua called James is going to jump on the couch and jump on the chairs. It is going to chew on the upholstery, and it will leave a mess wherever it goes. Then it will look around and say, 'Oh, did I do that?'. You are not going to be keen on racing off to VCAT at every opportunity. This bill is not good; in fact it is very bad for working Victorians, and I urge the house to vote against it.

Ms WOOLDRIDGE (Eastern Metropolitan) (14:22) — I am pleased to have the opportunity today to speak on the Residential Tenancies Amendment Bill 2018. I do so acknowledging that it is a good opportunity to update Victoria's rental laws. Having been a former Minister for Community Services, I am particularly conscious of the advocacy of the Victorian Council of Social Service (VCOSS) in relation to the sometimes precarious situations that renters are placed in. I understand there is a need to make some changes. But our very clear argument today is that in balancing the rights of tenants and the rights of the landlord this bill skews the rights much too far in relation to the rights of the tenant over those of the landlord, many of whom have made a very, very significant investment in their asset. It may be their only investment in an asset.

The rights of the tenants that are proposed through this legislation seriously undermine the fact that the landlord has forked out a considerable amount of money and made this investment available on the rental market and should have a balance in terms of their rights as well. While I acknowledge there is the need for improvement in some areas, the balance is wrong in relation to this bill. That is why we will have a significant number of amendments to the bill if it is to pass the third reading, but we actually think overall that the bill is not one that should proceed.

Let me touch on a few different things. I think it is important to start at the beginning, to reflect on who these landlords are. In fact figures from the Australian Taxation Office show that one-quarter of 25 to 39-year-olds have an investment property and most rental property owners are on incomes under $150 000. These are not mega-wealthy individuals who are, by and large, combining multiple properties across the city and the state. These are individuals who have saved and, if their incomes are below $150 000, worked hard and saved to be able to afford to purchase an investment property. They rely on that asset appreciating. They rely on being able to get a return in terms of that asset so that maybe they can pay off the loan on the investment. It may be a source of income for retired individuals. They need to be able to rely on both the income and the capital appreciation in relation to that asset for financial security into the future. A number of these amendments undermine that responsibility and the ownership they have of this very significant asset.

The other aspect of this of course is that the vacancy rate in Victoria's rental market is already at its lowest point in about a decade, at about 1.8 per cent, and that means the market is very tight. You often hear stories of people seeking rental properties and having multiple goes at multiple sites in order to be able to get agreement from the landlord in relation to being able to access one. Certainly the Real Estate Institute of Victoria's (REIV) view is that this bill could have a very significant impact on an already constrained rental market because of those low vacancy rates, that there will potentially be a decline in stock coming onto the market and of course that interest rates are rising as well. These amendments might perversely have the effect of actually diminishing the availability of rental properties even further and making it harder for individuals to access that rental market. The REIV actually says in a media release of 5 September:

> If the government makes it too hard then landlords will consider removing properties from the rental market, rents are likely to rise and property owners will be forced to minimise their risk by offering shorter tenancies.

It would be devastating if the consequences of this bill, which is seeking to actually do the opposite, further limited the rental market, increased rents and reduced the length of tenancies. It would actually achieve very much the opposite of what was intended in the first place. In the same press release the REIV says, and I quote, about the Residential Tenancies Amendment Bill:

> The RTA will deliver an unfair, unworkable and impractical system which would rob landlords of their right to consent to what goes on in their properties, burden them with unrealistic expenses to upgrade appliances and could mean they are not paid their rental on time for four out of every 12 months without any recourse.

For any landlord these are very concerning prospects, and as I have said, could have the consequence of their rental properties being withdrawn from the market. I have certainly had communication that has said people may sell their properties, that they will not want to have to engage in the rental market if this is what they are going to have to deal with. That again would undermine the purpose of the bill in terms of why we are debating this bill in the first place. Certainly from the REIV's perspective, they do not believe that this is fair. As I have said, VCOSS on the other hand have also communicated with many members in the Legislative Council saying they do think it is fair, so it is a view of two competing organisations and the groups that they represent. Certainly our perspective is that that balance is wrong and should not be supported.

Let me touch on a couple of issues in relation to the bill. The issue of pets has been quite a significant focus. We have had it not only in the chamber but also in terms of some of the representations we have had and certainly some of the direct representations.

Mr Finn interjected.

Ms WOOLDRIDGE — I think, Mr Finn, unfortunately Ted and Patch are not in a rental property but enjoying the car was just temporary accommodation — let me put it that way — in terms of where they were able to stay.

Currently in terms of pets, under the bill a tenant can bring a pet to your property without your consent and you have 14 days as a landlord to take the tenant to VCAT, but it could take six months for those pets to be removed. As we have heard from many others, pets can cause significant damage to the property. Once again, these landlords are in many cases younger people, retired people and people on lower incomes where pets are actually damaging their asset in a significant way. My understanding is that currently the landlord has to give consent, and I know in many instances they do. Certainly we are very concerned about the impact that having pets in a rental property could have — under this bill — in relation to the damage that could potentially be created.

Also on this is the argument that where parties have agreed to a pet there should be a bond in relation to that. If a tenant is confident that they can manage the pet appropriately — and I have seen some pretty putrid situations where pets have been let loose and have run freely within rental properties and the impact that they can have, not only in terms of damage but also in terms of their faeces and tenants not managing that process as well — landlords should be prepared to have a bond if that is something that they agree on if the pet is allowed, and there should be an ability to manage any damage and for the tenant to cover the cost in relation to that.

Another area that has come up regularly is this issue of modifications, and the proposal that under this bill a tenant can make modifications to a property without the landlord's consent. These modifications could be minor, but they could also be major. There could be holes in the wall in relation to hooks and pictures. No-one minds the occasional nail in the wall or the hanging of an occasional picture — and once again, I have seen situations where there has been tens of holes in the wall and divots out of the wall — but it could be painting in relation to some colours that are unacceptable or other additions in relation to a property. Really, this once again undermines the investment that has been made by the landlord.

There is also concern in relation to landlords having to upgrade all appliances — that is, whitegoods, fixtures, fittings, heating and cooling — to meet efficiency standards, and while the standard has not been defined, the landlord is required to comply immediately, and failure to do so means the landlord will be liable to tenants' excess charges. I personally have some sympathy and certainly understand VCOSS's arguments in relation to people having working heaters and cooling systems, working stoves and those sorts of things. That certainly is appropriate, but given this is a significant change, there should be some time allowed in order to make that happen and to potentially encourage and work with landlords to make that transition rather than it being an immediate requirement.

The bill proposes five opportunities for the tenant to bring arrears up to date. Under this proposal the landlord could foreseeably not receive the agreed rental payment 42 per cent of the year. That has significant ramifications. Tenants currently can be taken to VCAT on three sequential occasions — this bill now actually says there will be five opportunities a year where they can be late on their payments. I know for many landlords those rental payments are what they rely on to make the payments to the banks in relation to their loans on these properties. The ramifications of tenants not paying flow through to landlords, and they suffer the consequences as a result. So we are very concerned that this really goes back to tipping the balance in relation to tenants. If they have signed an agreement in relation to the rent, then they should be paying the rent. As we know, sometimes people get into difficult circumstances, and often resolving that can be agreed directly with the landlord or with the agent. Under this

bill tenants can be in arrears for over 40 per cent of the time and that would be considered acceptable, but I do not think that is acceptable.

There is also concern about the removal of the 120-day no-reason notice to vacate. Sometimes things change. Landlords may want to move into the property; they may need to sell the property or there may be other things going on. Removal of that right when a tenant only needs to give 28 days' notice to the landlord seems, once again, an imbalance.

There is obviously, as I have said, some good things within the bill, but on balance this bill tips the balance in the wrong direction. It is too weighted in favour of tenants. While acknowledging there are some areas that do need to advance, we believe the bill is not acceptable. I look forward to the debate. There is much more that will be said on a whole range of issues, but I have highlighted the key concerns in relation to the bill and why we will be progressing in the way that we will.

Ms FITZHERBERT (Southern Metropolitan) (14:36) — I want to address my comments just in relation to two areas of the bill that are of particular interest to me. I will start off with part 5, which is the section regarding caravan parks. The reason why I have an interest in this is because of some feedback I got from a tenants organisation a couple of weeks ago in relation to this clause. We are all familiar with the circumstances of people who live in caravan parks, possibly not in caravans but in built structures. Many of them have been there for a very long time. These lands are under threat. They are being sold in a number of places. We have seen individuals experience hardship after finding themselves in these circumstances.

I note that there is provision for a compensation regime, as I understand it, for people who find themselves in the circumstances of being a resident or an owner in a caravan park where the land is sold, but the date of operation for these provisions is in July 2020, so the argument that has been made to me is a concern that this might have an unintended consequence of perhaps encouraging some people to sell land in advance of that time so that they are not subject to these provisions. That of course would have a detrimental effect on the people who this clause is intended to support and whose circumstances it is intended to improve, so I am looking forward to exploring this further in the committee stage of this bill to get an understanding of this possible issue. I do note that there are a lot of amendments to this bill, so it will be interesting to see how we work through those and how what is currently being put up changes significantly or not.

The other section of the bill that is of particular interest to me, and it is something that I have spoken about in this place on a number of occasions, is part 4, which relates to rooming houses. There are some reforms in this area and some changes. Many of the changes you would put under the category of 'livability'. They go to issues like professional cleaning of the rooms, room capacity and so on. There are also provisions in relation to rent and in relation to potential discrimination against people who are seeking to take a room in a rooming house. But what I do not clearly see in these provisions is something that addresses some of the circumstances we have had quite graphic examples of — people whose safety is under threat and whose wellbeing is threatened and they find themselves living in places that are, frankly, overrun by illegal activity. While the police can address what is happening, we have had some pretty graphic examples in recent years of places where there seems to be no way that the authorities can address and stop the behaviour that is going on.

There are some solutions to these sorts of issues. One is to change the security arrangements that exist around rooming houses so that there is some form of security and so that there is not completely free access going in and out. That is one way that these issues can be addressed. There are other mechanisms as well. But it is surprising, given the attention that this sector has had in recent years, that there are not additional changes within this bill. It seems to me to be the ideal place to address these issues. It is certainly something on which there has been a huge amount of comment within the community and from people in the sector. There have been changes in recent years to the regulation of who can manage rooming houses. Perhaps that is an area that might need further attention. Perhaps it was considered that that is beyond the scope of the bill. Nonetheless, in my view it remains unfinished business. I will conclude my comments there. I look forward to exploring both of those issues that I have addressed in the committee stage later on.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:41) — I am pleased to rise this afternoon to make some remarks on the bill before the house, the Residential Tenancies Amendment Bill 2018. The Leader of the Opposition in this place in her contribution talked about the need to strike a balance between the rights of landlords and the rights of tenants, which I think is a concept that is well understood by members of the Victorian community — those who are on either side of a rental agreement, as a landlord or as a tenant. It is a relationship that requires give and take, it is a relationship that requires goodwill between the parties and it is a relationship that requires a recognition of the risk that the parties are taking in the transaction.

What we have before us this afternoon is a bill which is oblivious to that; we have a bill which is oblivious to the risks that are assumed by landlords in making their properties available in a rental market in an effort to create a whole lot of unrealistic rights for tenants.

We know the genesis of this bill was the Northcote by-election. It was yet another example of this government putting short-term political interests ahead of the interests of the state, and we have seen this time and time again over the last four years. We have seen it in a most reprehensible matter this week, with the dumping of 80 000 pages of documents, purely as a political exercise by the Premier to try and smear his opponent. In doing so, he has caused great harm to several innocent and unrelated Victorian individuals, which was of no consequence to the government in their effort to run the political smear. We have seen time and time again this government do things in its political interests with no regard for the broader interests of the Victorian community.

The bill before the house this afternoon, which was announced in the context of the Northcote by-election, where the government was looking to curry favour with an electorate, a population which has a proportionately higher degree of tenants, is loaded in favour of rental tenants. The minister at the time made a number of commitments around what the Andrews government would do for tenants in an effort to win that Northcote by-election, which of course was lost. So we have a bill in the house now which reflects the commitments made in the context of the Northcote by-election, an attempt by the government to tip the scales in favour of tenants at the expense of landlords, an ideological move by this government to curry favour with a group of constituents, which those on this side of the house believe not only tips the balance the wrong way against property owners but will have negative effects for rental tenants.

We have seen this before with the Labor Party. You need only look back to the 1980s, when the then Hawke government, with Paul Keating as Treasurer, arguably driven by ideology, made a policy decision to abolish negative gearing on rental properties, which had very negative consequences. Ironically we are seeing Bill Shorten talk about the same thing now. Negative gearing was seen by the Labor government of the day as a gift to capitalist landlords — those evil people who hold those rental properties. Keating abolished negative gearing for rental properties. The consequence of that was a dramatic increase in rents. As the ability to offset rental losses was removed, rents had to increase, and within a very short period of time, less than a year, that government had to reverse that decision and reintroduce negative gearing because of the impact it had on tenants. So in a typical move by a Labor government — out there to bash the landowners, out there to bash the landlords — the consequences were in fact borne by the people they claimed to represent, and it is ironic to see Bill Shorten, the federal opposition leader, take on a very similar policy now, which no doubt will have the same consequences.

What we have with the bill this afternoon in a different way is something which will lead to similar consequences. If you look at some of the elements which are covered in the bill, and the Leader of the Opposition spoke about them, the right for a tenant, as of right, to make certain modifications to the property imposes risk on a landlord. If someone is going to come in and repaint the place bright pink or put holes in the walls to hang pictures et cetera, that is a risk to the property owner; likewise allowing, as of right, pets in a rental property.

Throughout the Parliament, if not across the Victorian community, Victorians have heard and MPs have heard extensively about Dan and his chihuahua, James, and the mess that that dog has made throughout the state this week. The concept that a tenant can, as of right, bring a pet into a property and that the landlord only has a retrospective right to seek to have that animal not allowed in the property by way of a VCAT decision increases the risk to the landlord; likewise the changes with respect to rental arrears, which effectively allow tenants to be in arrears on their rent for an extended period of time — that is a risk to a property owner. That is a significant risk to a property owner.

The vast majority of Victorian landlords are mums and dads and Victorian families who might have one or two rental properties, which are most likely negatively geared, which is something Bill Shorten wants to abolish for them — so negative cash flow. Every expense the landlord incurs, be it to replace an appliance or fix a broken window or something, is a significant impact on the net margin they have on their property, and now this government wants to stack risk onto those property owners. They want to hit them with the risk of a rogue tenant damaging the property through modifications as of right or damaging the property through allowing pets as of right, of losing rental income because the mechanism to recover and stop rental arrears is diminished for landlords, or of additional costs through the obligation to upgrade the efficiency of appliances in a rental property. All of these add costs to a landlord, all of these add risk for a landlord — and this in an environment where we are now seeing widely reported that capital growth in our housing stock is declining.

Property prices for several months now have been declining, and reports this week suggest that that decline in property prices is accelerating. The traditional return, which many residential rental property investors have looked to, being capital gains, to offset their cash-flow outgoings is not going to be there. You have a federal opposition saying, 'If we're elected, we'll get rid of negative gearing'; you have a property market where there is now minimal capital growth to offset negative cash flow to make it a positive proposition for a rental property holder; and you have this government bringing forth legislation based on ideology and based on the desire to win some votes in Northcote, which is going to impose risk and cost on landlords. The consequence of those converging factors will be either higher rents or less rental stock.

This is the party that holds itself out as the representative of people in rental properties — as the champion of people in rental properties — but we will see, as we saw with the Hawke government in the 1980s, that the policy decisions of this government are in fact against the interests of renters in Victoria and will do harm to the interests of renters in Victoria.

This bill has not been well considered. We certainly accept on this side of the house that there needs to be a balance in the contract between a tenant and a landlord, but this bill does not deliver that. This bill tips the scales ostensibly in favour of tenants, but in reality, in undermining that balance between tenants and landlords, it will undermine the strength of our rental market. It will undermine particularly those who are at the bottom of the rental market: those who are less able to pay higher rents for better properties and those who are, of necessity, renting in lower standard properties. So the people who will be harmed by this are the people the Labor Party claims to represent: the low-income renters and the people who are renting properties of a lower standard. Those are the people who will be negatively impacted by this legislation. It does not achieve the balance it should.

The coalition will have a raft of amendments when the bill gets into committee, and I urge the house to support those amendments to make this bill less bad, but the framework that is proposed by the bill is wrong. It will harm renters in Victoria, and I urge the house to oppose it.

Mr O'SULLIVAN (Northern Victoria) (14:53) — It gives me pleasure this afternoon to rise to speak on the Residential Tenancies Amendment Bill 2018. Many of the things that I was going to say Mr Rich-Phillips has covered off impeccably, so I am going to take a slightly different tack, although I might cover some similar interests in relation to this bill. I want to give some of my own personal experiences in this space, because I think I have got some experiences that might be helpful to the chamber.

To start off, I want to go to the philosophy that is behind this piece of legislation. Having had a bit of a look at this piece of legislation, there are some things that are not unreasonable. I think the government is trying to establish a balance, and this is a very important issue in housing. The rental housing market is critical in any community, big or small, because it serves a purpose for people who are in a position for whatever reason where they are not able to perhaps own their own home, so they need to take advantage of being fortunate enough to be able to stay or live in someone else's home with the gratitude of the owner of that property.

I have lived in quite a few rental properties, particularly when I was younger, at university. For most people — a lot of people — who go through university and start to have professional employment, it is quite regular to shift your property regularly. Sometimes it can be six months, it might be a year, it might be a bit more and sometimes it can be longer than that, but I think it is a fairly transient situation for renters. I know that some people would like to stay in a property longer, but other people do not want to be in a property for whatever reasons. They might change a job or they might finish their university course and have to shift somewhere else and so forth, so I think we need a degree of flexibility in terms of that. I think this bill in some ways is well-intentioned in terms of trying to provide a level of flexibility for renters, but my concern is that I do not think this bill has got the balance right.

I want to talk about some of the issues and where this bill has tipped the balance too far in some areas towards the advantage of the renter. In some cases that is appropriate. In terms of having a minimum standard of housing for renters to live in, I think it is a reasonable proposition that everyone should have the absolute basics in terms of the housing that they live in — whether that be running water, hot and cold; air conditioning and heating and so forth; and a functioning toilet. Those sorts of things are very reasonable, and I do not think anyone would object to that as a theory, but unfortunately theories do not always play out exactly right. But I do agree with having some sort of a minimum standard of housing, but what is appropriate for one person is not always appropriate for someone else, so there does need to be some level of flexibility.

Just going back to the philosophy behind this piece of legislation, I think there is no doubt that it was all a part of the Northcote by-election, where the Greens were obviously challenging for that seat with the government. It is a seat I do not know particularly well, just north of the city, and the Greens ultimately ended up winning that seat. The Labor Party were at risk of losing the seat at the time, so they thought that what they needed to do was bring in a range of policies to try to out-green the Greens, and this is one of those policies that they introduced to take the votes away from the Greens and hope that they would stay with Labor. That proposition failed; as we know, the Greens won that by-election. We have seen it ever since, where the Labor Party continues to try to out-green the Greens in terms of winning votes.

In terms of other policies that came in during that time, there is the injecting room, which others have spoken about, that has gone into North Richmond. I think we can very clearly suggest that there will be other heroin and ice injecting rooms in other areas around the metropolitan area and perhaps into some regional cities as well if the Greens are to have their way. One of the other policies that was brought in was for Animal Welfare Victoria when the by-election was first raised. The Animal Justice Party was running a candidate and the Labor Party was trying to get Animal Justice Party preferences, so the government agreed to bring in Animal Welfare Victoria. The Animal Justice Party candidate very clearly said that that was a transactional issue in relation to preferences. So we have seen how the government is very amenable to bringing in these types of policies when they need to in terms of infiltrating the Greens philosophy.

This bill has taken a while to get here; it is nearly a year since it actually got to this chamber. As others have said, there are many amendments that will be put up on this side of the house to try to make this poor piece of public policy into something that might be half reasonable, but I have my doubts as to whether we can get there.

One thing I find is that this bill is going to let down renters. What we need, particularly around the metropolitan area, is to have more rental housing available to people who require renting facilities that they can live in. But in terms of doing that, for every property that a renter lives in, there is an owner who owns that property — that is the way it works — and we want to have more properties available for renters. We know that housing is an issue right across Melbourne. There are waiting lists all over the place for public housing, there are waiting lists for renting and even for buying a home there is a lot of competition in that space as well. But I think what this bill will do is make it more difficult for a landowner, a house owner, to actually get into this market and want to be in this market with their investment. This market needs investors, it needs home owners, to put more properties on the market for people to rent, but unfortunately I think it is going to go the other way. Some of the rights that renters will have under this piece of legislation will push home owners away from this investment stream in the future.

One of the things that I would certainly be very concerned about is the clause that relates to allowing pets to be in the rental home. I think that is a step too far. I myself have been in a situation, not all that long ago, where there was a little dog in the rental property that I was staying in. That was through agreement with the real estate agent and with the owner. Increasingly that is becoming more prevalent in terms of people being able to now have pets in a rental property. I think that was probably a reasonable way of going about it. I think that is actually increasing, where I think in more modern times people are more accepting of having animals inside their homes.

I grew up on a farm, and the last thing that you could ever imagine was any animal being inside the house. It was just something that was completely foreign to me when I first saw a family allowing a dog to go inside. It just did not exist when I was a kid growing up in the farming area that I grew up in. All the animals that we had were outside animals, even if they were pets — particularly the pets. They did not come inside. They were not pets; they were working animals on the property. Certainly the sheepdogs and the cattle dogs and whatever else got very well looked after. They got fed well, they got a lot of exercise and they were very well looked after, but they were never allowed in the house. They knew certainly that they were not to go in the house. So I found it strange as I was growing up where we got to a situation where people readily allowed animals to go inside their house.

If I owned a house that I wanted to rent out, I would not want to have an animal inside my house. If I go to the bank to get a loan to buy a house or an apartment nowadays, particularly if it is in the metropolitan area, it is very expensive. People actually have to go the extra mile to try and get a second home that they can rent out as part of their investment strategy for the future, and many of the people who are doing that are very ordinary mums and dads who are just trying to do something to set up their future in a way that is over and beyond just their superannuation. It is probably one of the more common areas that people use in terms of investing. But I find that this piece of legislation might

actually get people questioning whether they will go down that avenue, which would be a pity because I think that would result in there being less rental properties available on the market. We actually need more.

The other aspect that I am concerned about is the minor modifications, as they say, that would be allowed. I think one of the problems that we would have here is that we would have a bit of creep in terms of the modifications. It might start off with renters only being able to put up a picture or paint a wall or something like that, but we would find that we would get some creep and that would go much further, and that is where we would start to get the problems in terms of involving VCAT to try and sort out the issues. This does not clearly prescribe what the allowable modifications would be. That is something that is still to be done. I think there would be problems in that area. VCAT is very busy as it is. I do not know why we need to give them a whole lot more responsibilities in this space. I just do not see why that would be.

If I had a property that was rented out, I would be nervous as to what the renters would do to that property. They might actually decrease the value of the property. If they were to do some sort of a modification that I did not like, that I did not want, I would have no recourse. And I also wonder, if someone was to make a modification, at some stage would the owner of the property then be liable in terms of having to pay for that? I do wonder whether that would be the case. I am sure that will be followed up in the committee stage. And if someone does make a modification that I do not like, when that tenant — or renter, as they are now going to be referred to under this piece of legislation — actually moves out, do they have to fix that modification back to its original standard as the owner would want? Again there are a whole range of unanswered questions that I am not comfortable with in this space.

I think while this legislation is well-intentioned, the balance is clearly out of order and too much in favour of the renter, although there are some good elements to it. The five-strikes policy is I think one that is also a mistake in this piece of legislation. I think there is a view on the other side of the chamber that anyone who owns a property that they are putting out for rent to renters is a rich person. That is not necessarily the case. Quite often they are very ordinary mums and dads who are just trying to get an extra break in terms of their future investments and future retirement prosperity by having a rental home that they hope will get some capital growth, and also along the way they are hoping that they will get some rental income which might pay off the mortgage.

It is a five-strikes policy in terms of being able to be late in paying your rent and have five strikes. If you are late in paying your rent, that quite often means that the home owner is not going to have the money that they require to pay the mortgage. That could be a real problem, because I am not sure that the bank is going to be as lenient. I do not think the bank is going to give you a five-strikes policy. I am not sure that they are going to give you five chances to be late on your mortgage. I think very quickly they will be ringing you up, saying, 'Hang on, what's going on here?', and I think it would be very genuine that those people in many instances just would not have the money available to them to be able to cover a tenant not paying the rent. Under this legislation there would be a five-strikes policy before it starts to get to a point where you can do something serious about it.

In my mind, and certainly in the minds of the constituents in Northern Victoria Region and many of the people that have contacted me and my office, this is a piece of legislation that needs a lot of work. Many people have spoken about it already in terms of that, and I echo the comments that they have made in relation to this legislation. That is why there are many, many amendments that will be put up by this side of the chamber, and hopefully we can get some of those amendments up to make this a much better piece of legislation, because at the moment it is far from adequate.

Ms BATH (Eastern Victoria) (15:08) — I think we are all interchangeable this afternoon, and I am more than happy to rise at this point in time to speak on the Residential Tenancies Amendment Bill 2018. It has been interesting to listen to the debate today in relation to the word 'balance' and the need for balance in terms of renters and also landlords. When we look at Maslow's hierarchy of needs, we see that the need to have shelter, the need to have warmth, the need to have food and the need to have water are among the most primary and basic needs of all time and all requirements for human beings.

When we look at shelter, the roof over our head, we often see that for so, so many people their home is incredibly important. Our home could be one that we are fortunate enough to have paid off and to be working on, finessing the final touches of the garden et cetera. It could be something that we have just acquired and are starting to pay off, having a great big mortgage and working very hard to meet those mortgage payments. It may be — there are thousands of Victorians who do not

have that luxury of owning their own home — that we rent. But there are many people who rent by choice at a stage in their life when they are not ready, not interested or not able to take on a permanent residence insofar as a loan to purchase their own home is concerned. Many choose to.

For example, my son has recently moved to Melbourne and is working as a nurse in Melbourne and chooses to rent and share that rental property with some friends to help supplement and spread the cost. It works very well because the rental property is near the hospital where he works, and he works night shift and the like. There are students that we know, many country students, who need to come down to the city to continue their tertiary education and choose to — hopefully, if they can afford it — slot in and find a rental close to their place of education.

There are others who cannot afford to own their own home and have to rent, certainly not by choice but by necessity. For those people it is very important that that place is still turned into a home to the extent that it can be, that they can furnish it in a way that is comfortable for them and that they can, where appropriate, coordinate, liaise and cooperate with the owner, and the real estate agent if it is through a real estate agent, to make that house into the most comfortable place — or unit or apartment — that it can be. And that may mean — and I listened to Mr O'Sullivan's speech — negotiating on having a pet on board as well —

Mrs Peulich — A horse?

Ms BATH — I will get to that in a minute actually, Mrs Peulich — to share their home and their shelter, but it should not be a right. I will provide an example of absolutely horrendous circumstances where a house in Gippsland was trashed because the tenants just abused the situation.

This bill has been introduced off the back of some electioneering — election commitments made during the Northcote by-election — to try to ward off the Greens vote. The Greens did win that seat, and now we see this bill coming to fruition today. In fact the initial reforms mentioned numbered about 14, and now we have a very weighty bill that sees over 130 reforms being debated in this house this afternoon. Indeed I know that the coalition has a number of amendments — somewhere in the vicinity of 50 amendments — to try to morph this into some form of reasonableness in terms of outcomes. We will not be supporting the bill, but we are still trying to tweak or change it into something that is in a slightly more decent form than we have seen before.

The other day, when providing a briefing to give us an understanding of the bill, our shadow minister said it is one of the worst bills that she has ever seen in her parliamentary career in terms of just not meeting the mark and not being able to accommodate in the way required for balance, and I think that is the key thing.

The Nationals and the Liberals believe there should certainly be a fair system where renters do not have to put up with shoddy conditions and unresponsive landlords or real estate agents. That is not on. People do deserve to have a working place to live, with functioning toilets, hot and cold running water, heating and cooling, no mould on the ceiling and all those things. People deserve a place where they and their children can live in an environment where there is clean air and they have a securely locked home. That is part of those absolutely basic needs and requirements, and it is not fair when landlords abuse that system. We currently still have ways through VCAT for people to be able to seek a balance and seek fairness with respect to that.

What I find incredibly unfortunate in relation to the cost of living is that the Andrews government in recent times have, through their ideology and policy directions, placed more pressure on families than ever before. Indeed our cost of living and power prices on average, as per information from St Vincent de Paul, have gone up by over $300 per family, per year, since the closure of the Hazelwood power station. Whilst that is not the one single thing that often brings a burden to a family, it can exacerbate the burden on vulnerable families.

I had an informative briefing with a lady by the name of Chris McNamara the other day from the Gippsland Homelessness Network (GHN) and she provided some very interesting but unfortunately sad information about the pressures on rental markets and indeed the private rental market in Gippsland. I will refer to the report from the GHN of July 2018:

> What is it to be in housing stress?
>
> Housing stress in the private rental market has been identified as a growing concern —

yes, we understand that —

> It is well established in Australia that households paying 30 per cent or more of their income on housing are regarded as likely to be experiencing housing stress.
>
> In its report —

the most recent one it has is from 2014 —

> *Housing Assistance in Australia*, the Australian Institute of Health and Welfare … identified that the proportion of low-income households experiencing housing stress had increased from 37 per cent in 2007–08 to 44 per cent in 2011–12 —

and in Victoria that is even higher, with a figure increasing from 32 per cent to 47 per cent over the decade.

We know that families are increasingly becoming stressed about their budgets and about how to pay their rent. The report goes on to say:

> It is important to recognise however that housing stress is not simply about inadequate income —

that is a major issue, without a doubt —

> but also of lack of access due to there not being enough affordable rental properties available.

It goes on to talk about the Latrobe Valley and says there are just 35 one-bedroom rentals in the Latrobe Valley area that would be affordable for people on low incomes. In the Shire of Baw Baw there is only one one-bedroom rental. We know that the Shire of Baw Baw is growing in population and there are a lot of new houses coming onboard, but for those who are seeking low rental it is often most challenging.

From recent research done on public housing shortages, we also know that there are over 80 000 men, women and children seeking public housing. One thing that strikes me about this is that if and when this bill goes through, there will be pressure on people in the private rental sector — that is, the private investors; the people who have chosen, rather than going into shares or the like, to buy bricks and mortar — and they will be questioning whether they will stay in the industry or buy that unit or small house in a country town to put people in as a rental investment because of the onerous burden that this bill will create for them.

Probably about six months ago I was made aware of a very serious issue, and this is probably not isolated, involving a very distressed West Gippsland person who owned a small farmlet and rented it out. That person went through all the proper channels and provided all the proper requirements and basic standards in that house. They then had the utmost trouble evicting troublesome renters. They just could not seem to get them out. They had to keep going back and going back. When the renters finally left, the house was unfortunately in a most despicable state. They had had animals living in there. The carpets had to be ripped up. The walls had excrement all over them. There was rubbish everywhere. This person conveyed the information to me that it cost upwards of $40 000 to rid that property of debris, to fix and replaster it, to recarpet it and to refit the bathroom and the kitchen. That is a horror story that we do not want to see repeated again and again, but if the balance is tipped too far in this bill, if renters end up having too much of a say and if there is not the format for owners — for landlords — to be able to have particular recourse, that will not be helpful in dealing with all of this rental stress.

People need to have a proper and respectful relationship with their landlord and with their real estate agent. They need to be responsive to renters' needs, but renters having, for example, unlimited ability to put pets in a house without the rental provider being able to say, 'No, that doesn't suit', and without the proper care being taken in relation to looking after that animal and looking after that property, that is not what we want to achieve.

I know that there are other speakers to come. I know that this bill does address some of the problems, but I repeat what was said by the shadow minister, which was that this is one of the worst bills she has ever seen. We have suggested a number of amendments, which will be addressed this afternoon. I look forward to people on the other side of the house actually supporting some of those very sensible amendments to at least shore up in some way the quality of this bill.

Dr CARLING-JENKINS (Western Metropolitan) (15:21) — Like all members in this place, in considering the bill before us today, the Residential Tenancies Amendment Bill 2018, I have received many passionate representations from my constituents as well as from peak bodies urging me to vote either for or against this bill. I want to just pause and thank Daniel Scoullar, who is part of the Rent Fair campaign, for meeting with me and speaking to me in support of the bill but also about his concerns around some of the regulations. He had a very balanced view, and I very much appreciated the time that Daniel took to sit down and speak with me. I will note that I did have very few representations in comparison that urged me to vote against this bill. In fact, because I had not heard many people speaking against this, my office took on our own local area survey to ask real estate agents and property managers their opinion of the bill. We found that roughly half of the real estate agents said they would support the bill but with amendment. So I had a lot of mixed messages coming through.

I have given careful consideration to these representations, and I have done my best in the limited time frame to understand this long bill and very complex area. There are some aspects of the bill where there is absolute and general agreement, such as part 5,

which is on caravan parks and movable dwellings. I want to set out that I appreciate the letter I received from the Wantirna Residents Action Group, who have, in their words, 'endured emotional, financial and physical stress' after the closure of the Wantirna Park caravan park. They urged me to support the bill so the owners of homes in remaining residential caravan parks in Victoria do not suffer the same fate as the residents of Wantirna Park.

The main contentions about the bill relate to part 3 on residential tenancies. There is a distinct difference between the representations I have received from renters and those bodies that advocate for their interests, and from rental providers and real estate agents and their peak body. I would characterise those from renters as essentially being about home — the place where they and their families live, the place where they and their families should feel safe, secure and free to be themselves. For example, one letter from a female constituent, who describes herself as a self-funded artist in her 40s, shared her own experience of 10 months of homelessness. She said this:

> Despite an excellent and long-term rental history I have found that the combination of being a single woman and self-employed has proven a real hurdle in securing rental properties and the current rental laws do not bode well for a stable future for me or women like me.

The Council of Single Mothers and their Children wrote this to me:

> Families need the stability of a home, which this bill can improve by reducing the ability for families to be ousted by landlords and increasing tenure.
>
> Many single mothers are also raising children with a disability, as this parenting challenge is a known trigger for relationship breakdown. These mothers need to be able to modify homes to accommodate the needs of their children. Indeed all parents need to be able to babyproof houses to increase safety for their children.

This is a very compelling argument.

The Council to Homeless Persons wrote this:

> Homelessness services commonly hear reports from tenants receiving no-reason notices to vacate after they have exercised their right to request basic repairs … many tenants refrain from requesting repairs, or exercising other tenancy rights, because they fear receiving a 'no-reason' notice to vacate.

This kind of situation simply has to stop.

Melbourne City Mission has echoed these concerns. I quote from them. They say:

> For Melbourne City Mission housing workers working in places like Footscray and Sunshine —

these are areas in my electorate —

> it's devastating to see families that we've helped place in private rental returning months later in dire straits, needing homelessness assistance because they've been issued with a notice to vacate, with no reason. It's devastating to see people return to homelessness because their rent has been increased for the second time in less than a year and they can't keep up with the higher payments.
>
> We need the Rent Fair laws to pass so that renters will no longer be subject to 'no-reason' notices to vacate. We need the Rent Fair laws to pass so that rent increases are fair and capped to one rent increase per year.

Now I move to a letter that I received just this morning from Choice. Choice urges support for the bill, and they come from the consumer perspective. They say the bill:

> … will go a significant way towards making renting a better experience by giving consumers more balanced rights. The package includes some very sensible reforms that will enable renters to truly make a home where they live. This includes the right to make minor modifications without a landlord's consent, the right to have pets, and minimum safety standards including functioning stoves, heating, and safe gas and electricity.

Then Uniting Wyndham, which is right near my electorate office, wrote this:

> As a former disability worker, you will appreciate that safe and secure housing is particularly important for those living with a disability. Reforms to allow minor modifications to rental properties will mean that people living with a disability are able to make their homes safer and better suited to their individual needs. Such modifications can mean the difference between being able to continue living independently and having to move into assisted care.

As a longstanding disability advocate, I think that is a very important point to underline. It is very important to ensure that people with disabilities can live independently, and if a little tweak in a residential tenancies bill can help that, then so be it. That is exactly what we should be doing. We need to be doing more in many areas to be looking after people with disabilities, and housing is just one of those areas.

Then I found a really interesting submission to me from the Housing for the Aged Action Group that I found very informative. I obviously know a lot more about the disability area, but the aged action group was very informative. They said:

> Over-55s are the fastest growing segment of the Victorian rental market, and these changes —

referring to the changes in the bill and in particular to improving security of tenure by removing no-reason notices to vacate and introducing rights to install grab rails and other disability modifications —

> will help ensure pensioners are able to age in place, preventing premature entry to residential aged care.

I thank them for their submission.

I also want to note and refer to my particular electorate, where rented households in Wyndham increased by 60 per cent, from 11 889 in 2006 to 19 120 in 2016. They are the latest figures I have had available. That means that this is a very important bill that makes a very important change for my local area.

In sharp contrast to these representations from groups and individuals, including tenants, the letters from rental providers and real estate agents were less about homes and more about houses. They were about bricks and mortar, an asset and an income stream. That is a fair enough point and one that we need to keep in the front of our minds as we debate this bill today. Some of the letters I received threatened to withdraw rental properties from the market if this bill passed.

In this regard I thought I would do some research. I note the findings of the 2009 study by the Australian Housing and Urban Research Institute that landlords rated tenant stability highly, and of its 2018 study, that stronger regulations protecting tenants did not lead to decreases in investment or housing prices in the 10 countries that it examined. I acknowledge the need for balance between the interests of renters in having a safe and secure place to call home and the interests of rental providers in preserving the value of their assets and income streams. It seems to me that this bill, taken as a whole, seeks to correct an existing imbalance that has favoured rental properties as assets for rental providers over their meaning, for those who rent them, as a home. For that reason I will be supporting this bill at the second-reading stage.

I note that I will be listening — I want to emphasise this — really carefully to the debate during the committee stage and I will be considering all amendments moved in that debate on their merits. I have only just sat down with the coalition to discuss their amendments, including those concerning pets, which seem to have raised the most passion on both sides of this debate.

I think it would be clear from my comments that I will not be supporting any proposal to allow things like rent increases more frequently or anything that disadvantages people with disabilities further. I make that very clear. But I will be considering the amendments that are brought in during the committee-of-the-whole process. I look forward to that debate. Hopefully it will be a succinct one, but I am not sure about my chances. We will see. I thank the house for the opportunity to present on this bill today.

Ms LOVELL (Northern Victoria) (15:32) — I rise to speak on the Residential Tenancies Amendment Bill 2018 this afternoon. I will be opposing this bill because I think it is a very, very bad piece of legislation. As a former housing minister, I know the value of the private rental market. We need a strong private rental market. We also need an ample supply of private rental housing in that market. This legislation will destroy the private rental market in Victoria. This legislation will see rental property numbers drop and it will also see rents increase. It will be detrimental to those people who need access to rental housing in Victoria.

I have spoken with a number of landlords and a number of real estate agents who confirm this. They have all told me of the detrimental impact that this legislation will have on the private rental market. They say, 'Why would property owners offer their property for rent when they will lose control over their own property when it comes to things like renovations and pets?' And I agree with them. I have been a landlord in the past and I have to say that even under the current legislation there is not a fair balance: the balance is tipped in favour of the tenants, not in favour of those who own the properties. This legislation goes so much further that property owners will have very, very little control over their own properties, properties that they have invested hundreds of thousands of dollars in — and they are hard-earned dollars.

We do need to have a balance when it comes to residential rental legislation. Some landlords may have done the wrong thing in the past but that would be a minority of landlords. Most are very good landlords and they look for good tenants. If you have good tenants, you reward them. You want good tenants to stay because you want people who will look after your property and do the right thing.

Equally, there are some bad landlords. That is why we need to have some legislation in place that does protect tenants. But we also need to protect landlords from bad tenants. Again, most tenants are good but there are those who do the wrong thing, and landlords deserve the right to be able to take back control of their property when they have a tenant who is doing the wrong thing. Even in public housing we see tenants who do the wrong thing, who destroy the properties that belong to the state, that belong to the taxpayers of Victoria, because they have no respect for them. I will talk a bit more about public housing later. This bill destroys the balance that does exist at the moment between

landlords and tenants. It really tips everything in favour of tenants. That is why landlords are saying that they will withdraw their properties from the rental market.

We need to remember who the landlords are. The vast majority of landlords are not rich people. They are not big property owners with large residential property portfolios. The vast majority of landlords are mum and dad investors or even young Victorians who use the opportunity of purchasing a rental property to get into the property market and perhaps use that property for their own home later once they have used the rental income to help them to service the loan or sell that property and purchase another home for themselves. Many landlords are not flush with funds. Some of the provisions of this legislation may not only drive existing landlords out of the market but also prevent new ones from entering it.

One of my main concerns with this legislation is that so much of it is enabling legislation. What does 'enabling legislation' mean? It means that we do not know the details of what is going to happen. What we see with this piece of legislation is that it does not give us details on what will be prescribed under regulation. It just allows for regulations to be prescribed. So really we are debating here things that we do not know will even exist. As we all know, the devil is always in the detail. With enabling legislation, we do not actually know what that detail is.

As I said, in public housing there are a number of tenants who do the wrong thing and destroy property. Because public housing is housing of last resort, it is very difficult to make a decision to evict a tenant from public housing, but there are some tenants who need to be evicted from public housing because of the way they treat properties or because they do not pay their rent. That is difficult enough when it is the state government that is handling that, but for an individual landlord that is a very difficult thing to cope with.

I would like to look at some more detail of the bill at the moment, particularly clause 49. It is one of these enabling clauses. It states that renters can make any modifications to rented premises that are prescribed modifications without the residential rental proprietor's — whatever they call them now, the RRP, the landlord — consent. We have not even been given a list of these prescribed modifications. These will only be given upon implementation. As I said, it is enabling legislation. It is saying that these things can be prescribed but we do not know what will be prescribed.

It also provides that a landlord must give written consent for a tenant to install fixtures or make alterations, renovations or additions that are not prescribed modifications. We do not know what they will be either. So we do not know how far these prescribed modifications will go and what tenants will be able to just do or what they will have to ask for consent to do. But it also goes on to say that, even in the area where the landlord must give written consent, the landlord must not unreasonably refuse consent, and it also provides for only a very few valid reasons for a landlord to refuse consent. Basically it takes away all rights from landlords to have a say over their own property. We do not know how far this will go. Certainly as someone who has previously owned property, it would concern me greatly that someone who has invested hundreds of thousands of dollars of their hard-earned money in a property loses all control over what modifications are to be done within that property.

Clause 51 provides for a landlord to be fined 60 penalty units, which is $9600, if premises are not reasonably clean when a renter takes possession of those premises. None of us have any argument with the cleanliness of a property, but $9600 seems a quite excessive fine in this situation. Many landlords are not the ones that deal with the changeover of their properties. Some of them are absentee landlords — they are interstate or even overseas — and they leave them in the care of property managers. A fine of $9600 is a huge amount. Yes, there should be a fine and, yes, there should be a requirement for places to be clean when people take over a new rental, but I find $9600 to be quite excessive.

Clause 52 deals with rental minimum standards. Minimum standards are a strange thing, I find, to put in a piece of legislation that only deals with rental properties, because what we will have here are two classes of properties in the state. One will be a class of property that you can build and occupy yourself, which will have lesser standards than a property that you are offering for rent. The place for minimum standards is not in a piece of legislation that deals only with rental properties; rather, they should be in the various building codes et cetera that govern all houses, and we should have only one set of standards that deal with every home in the state.

This is enabling legislation. We do not actually know what these prescribed minimum standards will be. The wording is very broad. The bill just says that prescribed rental minimum standards will include but will not be limited to the following:

(i) the cleanliness and state of repair of rented premises;

(ii) the privacy, security and amenity of rented premises;

(iii) prescribing or requiring compliance with any other standards prescribed …

Again there is a list in the minister's second-reading speech that outlines a little bit more about what may be included, but the standards are not limited to this list. It is something that will create two classes of housing in this state. I find it amazing that these standards have been included in this piece of legislation and that they have not been embedded in the right places, in the building codes et cetera, that would mean that every house in Victoria was to the same standard.

Clause 52 inserts new section 65A in the act. Section 65A(2) allows the renter to apply for urgent works in premises that do not meet a minimum standard on the day that the new renter takes occupation of the premises. Again this attracts a fine of 60 penalty units, so $9600, which again is excessive. Yes, we want everything to be in minimum working order, but this may actually mean that people have to wait longer to take possession of a property if a landlord is not able to afford to meet those requirements. It could be something like a tenant who is willing to move in in January with a heater that is not working but with a promise from the landlord that this will be fixed in March or something. But they will not be able to do that, because if the landlord was to rent the property out without a working heater, they would be up for a $9600 fine. Again it limits the opportunities for people to get access to rental housing and will see some people disadvantaged because of that.

New section 71A deals with pets in rental properties, and this one really concerns me. I think people should have the right to say whether they want pets in their homes or not, but this does not give anyone the right to refuse a pet, because if they do not want pets in their house, they have to go to VCAT to say they do not want pets in their house and this has to be done within 14 days. Again it is taking away the rights of a landlord over their own property. But what particularly concerns me about this is that some people have severe allergies to some animals — for example, cats. Cat hair gets into all sorts of places in a house — into carpets et cetera — and it is very difficult to get rid of. It may make some properties not able to be rented to some future tenants or even not able to be occupied by the owner of those properties. I think this is quite a concerning inclusion in this piece of legislation.

I want to touch on part 11, which deals with amendments relating to goods left behind by renters and the requirement for landlords to store these things. If a renter abandons a property, the landlord should have the right to get rid of these goods straightaway. Usually it is just rubbish and filth that is left behind by people who cannot be bothered to take it to the tip. I know when I first became the housing minister this was one of the things that the housing department actually lobbied me heavily to try and get changed so you did not have to store stuff that had belonged to previous tenants. They took me to a number of public housing properties that had been abandoned, and there were food scraps and garbage left everywhere in these houses. They said, 'We have to store this in case they come back and say they want their property back'. This is just ridiculous. If people abandon a property, they abandon their goods, and it should not be the landlord's problem to store this property in case people want it back.

We will be moving a number of amendments to this bill. I will support the amendments, but I will be opposing this bill.

Mrs PEULICH (South Eastern Metropolitan) (15:47) — I rise also to make a few remarks on the Residential Tenancies Amendment Bill 2018. I am not sure that in my 22 years of being in Parliament I have actually seen a bill that is bigger than this one. I think it makes a very good doorstop, but I think it will wreak havoc on the residential rental market and the management of the market. I pity the poor real estate or managing agents and I pity the landlords. We all know that there are great landlords and sometimes there are problem landlords, but we also know that there are some problem renters. I also express concerns about the balance and weight of these amendments. There are 130 amendments now; initially 14 were mentioned. These will fall heavily on the owners and dry up the market.

Yesterday I raised a matter in relation to my concerns about access to affordable housing, suggesting that a lot of the time we looked at one side of the equation, the public housing side, and very rarely have we looked at the provision of accommodation in the private sector. A lot of the time people have been driven into the public housing option because housing in the private sector has become unaffordable, and there are many, many contributing factors.

One of the things that will also reduce the number of properties is a range of policies pursued by this government that will simply work against what we now call, according to this legislation, residential rent providers, or landlords or property owners. I will be up-front: my mother was one of those. She never had superannuation. She ran her own successful business, a family business, and invested in three modest properties. She now has one investment property left.

The most recent one that she had to dispose of was in part because of the land tax that was payable, which she could just not afford, and also in part a tenant that she had few options but to evict. She resorted to actually selling the property. She had made the cardinal error of soft-hearted landlords: she made friends with the occupants. She loaned them $8000. My mother is an 85-year-old self-funded retiree and widow with no other form of income; she has never claimed a dollar of social security in her life. She fell for a story about health needs and gave them $8000, and then their gratitude was shown by not repaying that and in addition to that by not paying rent for 12 months. So the only way that she could cut her losses was actually by selling the property.

I hear that more and more self-funded retirees in particular, many of them of my mother's generation who came to Australia as migrants, are not investors in shares. They believe in investing their hard-earned money in bricks and mortar, and that funds their lifestyle. Many of them live on the smell of an oily rag and have far less disposable income than many who may be on social security or getting the old-age pension. So these reforms will make it even more difficult —

Mr Davis — They are not reforms.

Mrs PEULICH — They are not reforms. These changes will make it even more difficult for property owners. They have been developed, as has been mentioned, very much with the Northcote by-election in mind to appeal to the inner metro renters.

I will just put some facts on the table. Currently 607 354 properties are occupied by renters from a total of 2 112 706 properties in Victoria, which means around 28.7 per cent of them are investment properties. It will be interesting to track this, although we have announced that in government we will release some 290 000 property lots in order to obviously try and impact on that housing affordability factor. There are 1 574 474 properties in Greater Melbourne, 75 per cent of the total properties in Victoria, and 30 per cent or 472 462 of them are investment properties. Melbourne is ranked as the third largest private property investor market in Australia, with almost 20 per cent of houses and 58 per cent of units, representing 32 per cent of all housing stock held by investors. The value of that dwelling stock is estimated to be $519 billion.

The highest investment concentrations are in the CBD. Some of them are left vacant, so there are issues there — they are left to sit. Parkville around Melbourne University, East Melbourne and Fitzroy near St Vincent's Hospital, St Kilda and Elwood are the highest investment concentration suburbs. Outside the inner city investment generally follows transport corridors, and according to the Australian Taxation Office (ATO) 25 per cent of taxpayers aged 25 to 49 own an investment property. I think the current trend is for adult children often to —

Mr Davis — Stay forever.

Mrs PEULICH — stay with their families forever and rent out the investment property. The outgoings for a single person are cost-prohibitive for many, so they choose to save as much of their savings as they possibly can in order to get into the property market so they will not get left behind — and many of them are being left behind. I think the prospects for our children and grandchildren are looking grimmer by the year, but it also applies to renters in the private sector.

Of course the more renters that we squeeze out of the private sector, which these changes will do, the more demands will be made on the public sector. I bet my bottom dollar that these changes do not apply to the public housing sector, but if they do, they will be coming out of consolidated revenue — out of the allocations to housing. A lot of the time public housing is so badly neglected that often the best that we can do is pull them down and rebuild them in exactly the same number, rather than increasing the allocation. The public housing sector is so badly managed that really we need a viable, flexible, private rental market in order to be able to provide adequately for the needs of those who do not own a home of their own.

I certainly agree with the comments made by Ms Bath about Maslow's hierarchy of needs. The need for shelter and food are absolutely the most important human needs. It is very sad to see people on the streets as a result of mental health issues, drug abuse or other substance issues and falling through the cracks following Labor's deinstitutionalisation policy, which has never really been sufficiently reviewed.

The time is galloping away. Rental income for property investors has been on a downward trajectory for years. Lower mortgage rates are currently offsetting the burden of lower yields. ATO data shows that the average rental losses claimed by investors was about $8700 per annum, and at the other end of the equation average net profit was $9300, the difference being about $600 per year.

Recently — I will be up-front; we have a modest investment property — our longer term tenant left, with a full refund of the bond. However, we ended up having

to spend a further $4000 to $5000 after that in order to bring the property up to standard. Do I want a pet in my investment property? It is a bit like a hotel. A hotel does not allow smokers routinely in all rooms because there are remnants. It depreciates the value, it affects the amenity and it impacts on people's health. It is similar with pets. Not only does this bill not define what a pet is, but indeed the financial impact and the health impact when that tenant changes could actually be very, very substantial.

In multicultural communities often pets are not encouraged within the family home. Mr O'Sullivan talked about the attitude of farming families to pets — that they do not have them in the home. The same thing happened in my family's home. My mother could not think of anything worse than having a pet inside the home. She was born on a farm, and as far as she was concerned pets should remain in the yard, even though she likes animals. Many people like her agree. Many migrants, who are often very frugal property investors and rent their properties as a form of funding their retirement, share that view. Forcing them to accept tenants who have pets is both unfair and I think, combined with other policies such as, for example, land tax, will force them out of the market and dry up the number of properties that are available to renters. Eventually that would be to the detriment of those who are seeking secure accommodation. The likely effect of course is that eventually you will see more people living in their cars on the side of the road or sleeping rough.

In terms of complying with urgent repairs, this needs to be regulated, because what a person considers to be an urgent repair has not been sufficiently defined in the bill and we do not understand exactly what standards will apply here. In terms of other changes such as, for example, modifications to rented premises, I think that should only be done with the agreement of the property owner unless it is in breach of some sort of building regulation. We certainly have not been given the list of prescribed modifications that would apply upon implementation. The Premier mentioned that there would be a compensation fund to assist landlords in upgrading premises for family violence victims, and this does not appear to have been covered in these amendments either. There are rental minimum standards; some of them seem reasonable, others are not. Indeed the changes which allow the renter to apply for urgent works if premises do not meet minimum standards on the day they enter into the occupation of premises I think are severe.

A landlord has no ability to refuse a pet unless making an application to VCAT, and the impact of this particular new regime on VCAT is going to be phenomenal. VCAT is already wilting under the weight of its workload, and this will indeed create more headaches for VCAT, and it will certainly cause many, many headaches for residential rental providers. Urgent repairs, as I mentioned before, are an issue — there are many, many issues. Although there has been an organised campaign by Rent Fair, we know what these organised campaigns are like and who is behind them, and there has been very little consultation on the government side with the residential rental providers. The non-payment of rent provision is an absolutely outrageous imposition; that a renter will have five strikes before a possession order can be granted is unreasonable, and indeed that is only in one financial year, so someone could be a habitual —

Mr Davis interjected.

Mrs PEULICH — Landlords do depend on that. My mother herself could not afford to live if she had to suffer five non-payments in a year. I believe that this is something that does need to be changed, otherwise we will be here in the next term of Parliament looking at an even more grave situation facing renters in the private sector, with housing affordability issues and the growing list of people waiting for public housing.

With those few words, I look forward to some sensible amendments being passed through this chamber to ensure that there is a balance of responsibility when it comes to rules that apply to residential tenancies as proposed by this bill, which I think is manifestly unfair. It is the biggest bill in the history of this Parliament, and I certainly would hate to be a managing agent trying to implement these changes.

Mr DAVIS (Southern Metropolitan) (16:02) — I am pleased to rise and make a contribution to this bill — the Residential Tenancies Amendment Bill 2018. It is a bill that the government has trumpeted long and loud, but it is a bill that actually fails to deliver the desired outcome for renters and for those for whom more stable rental accommodation and more stable housing is an important aim. Of course, as Mrs Peulich said, the need for stable accommodation and for good-quality accommodation is an absolutely central aim for governments. We have seen a greater pressure on housing affordability and a greater pressure on the ability of people to get reliable and stable housing. There is a greater problem with homelessness, and I do put on record our concerns with respect to that. I also note the declining level of home ownership in our state and the need for a framework that does support longer term rental options. We saw a recent bill go through that provided greater options in terms of landlords and

tenants striking voluntary agreements that allow for longer rental periods. I am on the record in this chamber a number of times, as the minister and others will remember, talking about build-to-rent options that ought to be facilitated by government, and there are a number of options that we can put in place for better build-to-rent options.

I do think that on the other hand we need to be focusing on making sure that more people have the option to have their own home. As a community we actually need to be focused on providing the supply of land and the supply of housing stock that will enable our growing population to have the housing that they deserve. As shadow planning minister I and Matthew Guy have made a number of announcements about steps that we will take to improve housing affordability and to bring forward supply. We have seen the price of housing increase over the period of this government, and a number of the government subsidies have been misapplied. The point I am making here is that we have seen challenges with respect to housing affordability. The price of land on the edge of the city has escalated very significantly. In part that is of course due to the significant population growth. In part it is due to a failure of other options — the government has closed off central city options — and in part it is due to the failure of the state government to bring forward options to decentralise some of our population.

The Liberal Party and the National Party have spoken at length about our plans to decentralise some of the state's population growth. Population growth at 143 000 last year is very significant, but 90 per cent of that growth was in metropolitan Melbourne, and we had 147 000 the year before at a similar ratio of growth into metropolitan Melbourne. We do need to have a more balanced development statewide. We do need to support our regional cities and country areas to actually have the option of taking some of that population growth, and housing affordability is much better in many of those country centres.

Of course housing affordability is also driven by government taxation. We have seen this government, despite the promises of the Premier at the time of the last state election when he repeatedly at the Sky News forum and on several other occasions most famously —

Mr Dalidakis interjected.

Mr DAVIS — No, at the Sky News forum in Frankston he promised he would not increase taxes or charges or levies beyond the CPI — that is what he said, Mr Dalidakis. Indeed he also said the same out on the steps of this Parliament on the night before the election in 2014. He promised he would not increase taxes, charges and levies beyond the CPI —

Honourable members interjecting.

Mr DAVIS — That is what he said, Mr Melhem. That is what he said, but that is not what he has done.

Honourable members interjecting.

Mr DAVIS — I am talking about housing affordability, which is intimately connected with this bill, and the options of people to have the right housing accommodation, the housing accommodation that they deserve in the suburbs and the areas that they wish to live and the need for government to support that rather than to jack up more than a dozen new taxes and charges, leading to very significant increases that have fed straight into the cost of housing and made housing more difficult for our community to access.

There are many younger people who I have spoken to who have had difficulty accessing housing and properties. That is not surprising with the restricted supply that this government has got. It is also not surprising because of the raft of new taxes, levies and charges that have been applied to that land to make it more difficult for them to access the housing they wish to access.

Having said that, there will always be a significant group of people who wish, either for their own purposes or through necessity, to rent. We do need to have a proper regime in place. Of course a balance has to be struck between the rights of tenants and the rights of landlords. Part of that is about clarity; part of that is about understanding what the duties, obligations and responsibilities of both parties are. I do not believe that this bill strikes the right balance.

There are a number of aspects of the bill that I think do have some merit. I do see the purpose of animals being on rented premises, and I understand why that is important to many people. I equally understand why landlords may have their own views. The truth of the matter is that landlords are a range of different people who have particular views about their own properties. It is entirely legitimate for landlords, as people who have their own views, to be able to express those views.

With modifications, it will be a question of how this is actually implemented and what the scale of minor modifications will be. That will ultimately, I think, be a legal arrangement where case law decisions — VCAT cases and potentially ultimately Supreme Court cases — will be made. Who will unpick some of those minor modifications where they are either unusual,

strange or costly? That is something that may well add to the cost of rental properties and make it more difficult for landlords to provide fair-cost rentals, because these costs will all ultimately be loaded onto the cost of renting these properties.

Regarding the bolstering of the security of tenure by ending no-fault evictions and the removing of no-reason notices to vacate, there is some justification for greater rights for tenants in this respect. I am happy to concede that. But there is also a balance to be struck where landlords, for their own purposes, for family purposes or because they have a particular idea about how they may wish to rejig the property, should have the right to seek a better outcome there.

The establishment of a non-compliance register which blacklists residential rental providers and agencies who fail to meet their obligations is something that I think needs to be managed very carefully. It could become a very difficult arrangement where landlords may well be targeted in a way that is nasty and not justified. We know that complaints can be made in ways that are not always accurate. Even the laying down of those complaints can have a significant effect on parties. I understand again that this is a balance.

Regarding the early release of bonds with the consent of both parties, I have no objection to some of those points, including the restricting of solicitation of rental bids by rental residential rental providers. Regarding the provision of yearly instead of six-monthly rent increases, this will also depend on the length of time that people want to rent properties for. There is potentially a significant market for short-term rentals. Some people want short-term rentals. Students are one group, but also people who are here in Melbourne for a short period. People who come from interstate for a particular work obligation want short-term rentals. I think we have to be very careful about closing off options. Excessive regulation may well lead to greater costs and may well lead to outcomes that are suboptimal.

The list is long, but all of this will add to the cost of rental properties. It will make rents less affordable. It will make it harder for landlords to rent. We know that federal Labor has a policy of closing down negative gearing. Then there is the juxtaposition of the new state Labor taxes and charges, the new obligations on landlords which will hit like a body blow on the cost structure of our rental sector, and the potential of a Labor government being elected sometime next year, if that is the way the electoral cycle goes — and who would predict what would happen in federal politics these days? We know about both federal and state Labor's hatred for those thrifty people who have scrimped and saved and acquired additional properties and then put that money into a rental arrangement. We have got to be very careful with these sorts of bills to on one hand protect the rights of tenants but on the other recognise that people have scrimped and saved and worked hard to acquire assets that they then rent.

Mrs Peulich made the point that often that rental stream provides the income of people who are living off the money they have accumulated and put into a property. They do this so they have a rental stream coming to them. We should be encouraging people to save in that way; we should be encouraging people to make provisions for their future. We know that Labor want to hit those who have done that work. There are many of our migrants and multicultural communities who have very significant holdings of rental properties. They do that because that is something they can trust. It is real property, in the sense that people can touch it, feel it and understand that it can be managed and looked after.

I have over the years rented properties from a range of people from different backgrounds. They have bought those properties and rented them for the purpose of putting their assets into something safe and secure that they trust. People are concerned about government tampering with that contract, where you have saved and scrimped and you have actually put aside assets for your future and for your children's future. These are things that we should be encouraging.

This bill will make many landlords nervous. It will make many landlords feel that they have been set upon by government. This bill is also a significant hit on the real estate industry. The real estate industry plays a very significant role in our community by ensuring that people are able to be connected, landlords and tenants, in a structured way in local communities. I for one, and I put this on the record, rented twice from one real estate agent in my community and later bought two properties in a row from that same agent. That is a story that I am sure is common across the community, where people have links —

Honourable members interjecting.

Mr DAVIS — No, I think that in a particular community people know their local agents; they know their local landlords. Arrangements like that actually occur. I am just saying that this is not an uncommon story. I am talking about a range of different people from a whole set of different backgrounds. I point to migrant communities, who have actually come here and worked hard. People like Mr Gepp might not be so worried about migrant communities and people who

have actually been thrifty and saved and put their money into properties. This will have a significant impact on those communities —

Mr Gepp interjected.

Mr DAVIS — I heard what you said, and I am calling you out on it. That is the truth of the matter. I know you may be less concerned, but I have an electorate which has a range of people with different backgrounds who have actually scrimped and saved. We have to be very careful in adjusting the rights of landlords and tenants in a way that may restrict supply ultimately. If you make things more costly, if you make landlords less certain, there is a risk that the cost of housing will rise, that the cost of the rent that is demanded will rise and that housing will become less affordable. The same is true on the provision of new housing.

I say on this bill that the coalition is very concerned about this bill and its implementation. We obviously have a range of amendments that Mr O'Donohue will move, and we will see what the chamber has to say about those amendments, but we are concerned about the cost of the impositions that are in here, and we are concerned that in many respects the losers from more costs and more impositions are those who can least afford it.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Davis. Mr Gepp, I just want to remind you that to interject from out of your place is very unruly. I thought I might just remind you.

Mr DALIDAKIS (Minister for Trade and Investment) (16:18) — Can I say that one of the details of the proposal of the legislation before this house of course is to ensure that there is a prohibition on false, misleading or deceptive representations, and I think that that actually potentially represents all of Mr Davis's contribution. I thought it was scaremongering at its worst, misinformed at its best, and I am disappointed to have a colleague in this place use the time allocated to them to do nothing but scare and frighten people in the community against a set of legislative reforms that in fact try to make it more equitable for those who rent as much as they do for those that provide. We of course have the supply side and we have the demand side, and we need to make sure that those two sides are not out of kilter.

Before us we have some measures that provide people that are vulnerable in our community — people who rent, who rely upon the supply side — with the units, the apartments and the houses that people can rent from and can live in in different areas. There is a desire that they have the opportunity to be a part of a community in much the same way that Mr Davis derides. We want people to feel confident about moving into those premises and being able at that point in time to have confidence that a number of things can take place without fear or favour.

Of course one of the major areas of concern with this piece of legislation before us is about the ability of renters — people on the demand side — to make appropriate modifications to the places that they live in. Can I just say at the outset that there are protections put in place for landlords under this provision. Landlords do have the ability for rectification works. They do have the ability to ensure that bonds are able to be suitably used to satisfy any works or repairs that need to be done. You seem to be, Acting President Morris, a fair-minded individual, and I am sure that you would support that.

Can I also say that there are requirements upon both renters and landlords in relation to the legislation before us. For example, a renter may wish to avail themselves of having a pet — this is an important point that needs to be made because there has been some scaremongering about this — or may have a need or desire to have a pet, and of course there can be many reasons to have a pet, not least of which of course is a level of comfort to be able to share your life with one. Some people regard their pets as if they were their own children. I hope their pets are not as naughty as my children in that example, but I hope that they love their pets as much as I love my own children. But to do that — again to make sure that we have got the balance fair and right — people renting need to make an application to their landlord effectively to seek the ability to have a pet in their premises. They cannot just bring a pet into their premises and then ask; they need to ask first, and then the landlord has a specified period of time, should they wish to say no once they have received that request, to at that point in time seek VCAT's support to deny that request.

I am not sure how people could argue that that is out of kilter with what is fair and appropriate, because on the one hand you cannot just bring an animal into your premises — you need to request it — and you cannot as a landlord just frivolously refuse that request without having a valid reason for it. For a modification request the renter has to seek that approval from the landlord and, on the flip side of what I was just saying in relation to having an animal in your premises, they need to be able to justify what that modification actually is.

The bill before us, as I said, does seek to do a range of things. Many people in this chamber have had the opportunity to talk about those, but really in essence what we are seeking to do is provide a level of assurance to renters that they can actually seek to live in those premises and do so in a way that gives them some control over their own lives without interfering with the property of the owner, of the landlord or indeed of the agent who is managing that property on their behalf. Getting the protections right is something that we believe this legislation does. And you will note, Acting President, that when I say 'getting the protections right' I do not elicit a view of protections being over one party more than the other. It is getting the protections right over both parties to make sure that there is a degree of common sense in the approach to dealing with this, whether you are the renter or the landlord, whether you are the owner or the inhabitant or whether you are indeed the agent or the potential occupant.

So again I think we need to reflect on where we are at as a community. There have been a range of contributions that have suggested, implied, argued, that somehow the balance in this is wrong and it may impact on the market. No-one has yet been able to say that it definitely will; it is all 'may' — it may do this, it may do that, it could do this, it may not do that. So my argument to this place would be that with the legislation before us what we need to do is give it an opportunity to work, give it an opportunity to do what we are wanting it to do: to provide people that are renting with some comfort over changes that they may like to make or animals and pets that they may like to live with but at the same time to afford to landlords or agents or owners the opportunity to manage their properties accordingly.

Can I just say from the outset that there will be people that will take advantage of any legislation, any rules and any regulatory environment that we govern. In the coming committee stage of the debate we should not use this as an opportunity to look at people that do abuse at the margins, that do take advantage, that do dictate and treat renters or landlords in a way that is not in keeping with society. What we should do is look at the vast majority of the people in the sector that deal with this in an appropriate way, a mature way, a responsible way, because I think that if we are to look at issues only at the margins, then we do them a disservice, we do this legislation a disservice and indeed we do a disservice to those people that will make use of this legislation, be it as a landlord or as a renter. With that, I commit this bill to the house.

House divided on motion:

Ayes, 21

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

Noes, 17

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

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE — I would appreciate it if my amendments could be circulated at this opportunity.

Ms FITZHERBERT — I have a question which I foreshadowed earlier when I spoke on the bill, and it relates to the commencement date of this bill and the effect, if any, of the changes to how we treat caravan parks. The minister may not have been in the chamber when I raised this issue, but a tenants organisation raised with me a few weeks ago a concern. The fact that this act will not be in effect for quite some time they believe gives perhaps some scope for people to seek to avoid some of the benefits provided by the clauses that pertain to people who live in caravan parks by selling properties before the commencement of this act if the bill is passed. I would just be interested in your comments on that issue raised.

Mr DALIDAKIS — I thank Ms Fitzherbert for her question. Ms Fitzherbert, as I am advised the legislation does allow for the early commencement of the park closure compensation provisions to avoid a situation occurring where residents are unfairly impacted by that closure — under part 17, division 1 of the bill, which I believe is at page 268 of the explanatory memorandum.

Ms FITZHERBERT — I have a further question. Again it is something I foreshadowed earlier. It relates to the changes to rooming houses. Minister, you would be aware of some of the issues in the electorate we share regarding some rooming houses that have really entrenched issues to do with safety that have affected people within those rooming houses as well as people beyond the rooming houses. It seemed that there was nothing that could be done at law to contend with those issues. I am wondering if you can identify in this bill whether there is anything that addresses those issues.

Mr DALIDAKIS — I thank Ms Fitzherbert for her further question. The government is obviously concerned about the impact for residents and also for rooming house operators. I will read this for you, Ms Fitzherbert. A part 3 fixed-term agreement will incorporate elements that mimic key features of a tenancy agreement — a higher bond and a 14-day notice of intention to vacate period — but limit the liability of vulnerable residents that are signed up to fixed agreements. By doing that we hope to ensure that the maximum rent payable for leaving without notice will be capped at the lesser of 14 days rent or rent that is payable until another resident can occupy that room.

The new arrangements will be optional, and a rooming house operator can instead choose to rely on the statutory residency right that is currently conferred by the Residential Tenancies Act 1997 (RTA). It is not time limited. Residents can leave by giving two days notice of their intention to vacate. The bill does not prohibit the use of tenancy agreements in self-contained apartments located within rooming houses. This is because self-contained apartments can provide a fully serviced living environment that is comparable to a detached residence over and above that of a rooming house itself.

Ms FITZHERBERT — That does not really address the issue that I was asking about. I am thinking of a couple of rooming houses where there have been basically drug dealers who have set up shop and have operated, in the words of the local police, a 'shooting gallery', and places where there has been really violent crime — murders, sexual assaults, rapes —

Ms Springle interjected.

Ms FITZHERBERT — I will just repeat that. I am talking about a couple of facilities in particular where, as you would know, there has been, in the words of the local police, a 'shooting gallery' set up, and ongoing and highly visible drug use, which means that quite vulnerable people are being cornered in their own homes in a way that, to put it politely, they do not need. But perhaps more importantly than that there is a history of really violent crime against individuals — there are rapes, sexual assaults, murders and serious non-sexual assaults. Despite the fact that this is happening within the existing licensing agreements of such facilities, it just seems there is no legal mechanism to actually deal with that. What has happened instead has been a long-running practice of the police attending up to five times a day in the case of one rooming house and in circumstances where the police have had their own safety plan for entry, which means that multiple officers have gone in together. I am not criticising that at all as a safety practice. I am just indicating that it shows what a seemingly intractable problem it has been. Nothing could be done to deal with this.

I have looked in vain for something in this bill that might address this issue, which, at its heart, is a safety issue for the people who use these facilities, some of whom have no real choice as to where they live — it is a place of last resort. I am just keen to see some sort of response to that issue. I do not think that residents notice provisions and fixed-term agreements necessarily address that, unless I have fundamentally missed something.

Mr DALIDAKIS — Thank you, Ms Fitzherbert. Can I say from the outset that I do not for a moment take your contribution to be critical of Victoria Police. They do have a very challenging task, especially with tenants at rooming houses for a range of reasons that we do not need to go into here. But can I say that part of the consideration that we have is that rooming houses are never the same. They do differ from one to another, depending upon the type of resident that they have inside.

The bill before us does indeed allow for termination of a residency right for serious violence in a rooming house. Antisocial behaviour consisting of serious threats and intimidation to the owners and occupiers of that rooming house are new grounds to be rescinded, so that law enforcement opportunity is there. The opportunity to use those grounds through VCAT is also available. We have tried to again strike that balance between providing a degree of protection for residents but also ensuring that that cannot necessarily be abused for those people in rooming houses that we can all agree are probably some of our most vulnerable in the community.

Ms FITZHERBERT — Just on that, Minister, can I clarify that that provision is for owners and residents? I am aware of the difficulty sometimes in having a regime where vulnerable tenants are expected to take action against the people who are providing their home,

which is a very confronting thing to do for anyone. I understand that for many people it is a bridge too far and that they will often in such circumstances put up with very confronting behaviour rather than doing something that they perceive as threatening in itself or that may get them into further trouble. I wonder whether there was any thought given to extending this provision to, for example, the police in limited circumstances, or others who may have an interest in a situation that may have gotten way out of control in a neighbourhood, such as nearby residents.

Mr DALIDAKIS — My understanding of the legislation, Ms Fitzherbert, is that the resident or the owner of the rooming house would be the one that would need to take action. I do not believe that Victoria Police can take it unilaterally, but I will confirm that.

I can confirm that what I have advised you, Ms Fitzherbert, is correct. The rooming house operator or a resident can make use of that provision. It is not made available to Victoria Police to utilise, but of course there are a range of other law and order legislative opportunities for Victoria Police to take action against a resident for both antisocial behaviour and behaviour that would constitute potential grounds for illegal behaviour and obviously prosecution.

Mr O'DONOHUE — Minister, I think you raised a very good point in your summation, and I want to pursue at the outset the issue around data and fact from fiction, shall we say. You made the point that there have been many assertions made in the second-reading debate, and that is not unusual in a second-reading debate. I am hoping that with the resources of government you might be able to provide some clarity around data. First of all, I note the Premier's media release from 8 October 2017. The second line says:

> More than one in four Victorians rent their home, a number that is increasing as it becomes more difficult for many Victorians to break into the housing market.

Minister, has the government done any modelling on what the likely change will be in the proportion of people renting going forward over two, three, four or five years?

Mr DALIDAKIS — I thank the member for the question. In reference to data, as I am advised, we as a government utilised Australian Bureau of Statistics (ABS) data in order to inform us. Of course ABS data is probably the most significant set of analyses that we can use, obviously being collated in a very rigorous fashion by the commonwealth, so that is the data that we relied on in order to pursue the legislation before us.

Mr O'DONOHUE — Just to clarify, Minister, that is ABS data that provides evidence about what the data was in the past. Does the ABS in this space do prospective modelling?

Mr DALIDAKIS — Yes, that is my understanding.

Mr O'DONOHUE — I could not find it before, but I think I read into *Hansard* in the second-reading debate that there is a 1.8 per cent vacancy rate currently in Melbourne at June this year — I am happy to be corrected if that is incorrect. But I think regardless the vacancy rate is very low, which has led to the tight market that currently exists. Has the government done any modelling as to what impact the changes in this bill will have on the vacancy rate and the proportion of people who are renting?

Mr DALIDAKIS — No.

Mr O'DONOHUE — Minister, in your summation of the second-reading debate you said you rejected the assertions that were probably principally from members of the opposition about the impact of this bill. But the government itself has not done any modelling on what the impact of this bill will be; is that correct?

Mr DALIDAKIS — In some respects it is very hard. I thank Mr O'Donohue for his further question. Can I say that in terms of trying to model for changes, you are effectively attempting to model on something that you have no future data for. So what we have tried to do is ascertain information previously and then make best judgements about the impact on stock availability and also the impact upon people looking to take advantage of that rental stock availability.

The reason I am pausing is that I referred to independent research in the last sitting week when I took through a residential tenancy bill at that point in time, and it is my understanding that under that independent research — market research as part of the RTA review — we were able to gather data from that independent research that has also informed us. So, for example, only one in 11, or 9 per cent, of our residential rental providers (RRPs) have previously ended a tenancy using a no-specified-reason notice. If I look further into that data, a further 38 per cent sometimes allowed pets, depending on the type of pet. That research also found that one in four, or 24 per cent, always allowed pets at their rental property. That independent market research, as part of the Residential Tenancies Act review, did help us to inform this bill. We used of course ABS data in relation to rental information itself and then some of the market research

data to help inform us as to the impact that some of this would have in terms of the legislation before us.

Mr O'DONOHUE — That is an interesting point, Minister. You cited the data, or the research, about providers who do and do not allow pets et cetera, and I suppose the question, going back to your summation, using pets as an example, is: will there be providers or landlords who will now withdraw their properties from the market if they perceive they are required to consent to a tenant having pets? I suppose the answer to my question and the previous question is that there has been no modelling on the specific impact of this legislation. Is that an accurate summation?

Mr DALIDAKIS — I do not think you are attempting to be tricky. I think that is a fair assessment. In fact there is a significant number of owners that are prepared to make accommodations to ensure that their rentals are looked after, that they have good tenants and that they have tenants that respect the premises they are in. Of course that word 'respect' is an important one both ways. If a tenant believes that they have been given respect from the landlord, and that is returned, then of course you have an enjoyable relationship on both personal and professional levels. I think from that perspective what we need to make sure of is that we are providing a level of support to tenants. I think this is an important point to make.

I do not for a moment resile from the fact that for some landlords, for some owners, this will be somewhat challenging legislation. I cannot pretend that it will not be. But because a tenant, in the view of the government, is potentially quite vulnerable in a situation where they are looking to stay somewhere but do not have the financial means to secure their own property in the area where they are potentially looking to live, we believe the laws that we are looking to enact in this Parliament at this point in time do provide them with a level of assurance and a level of confidence that some basic measures, in the view of this government, can be enjoyed without fear of effectively handing over too much power to the landlord to prevent them from taking that opportunity.

Mr O'DONOHUE — Thank you, Minister, for that answer. Time will tell if the bill passes. Just to round out this initial point, my colleague Ms Victoria, the shadow minister for the opposition in the other place, has given me an email from someone who does not want their name to be disclosed, but I am happy to show you, if that would be of assistance.

Mr Dalidakis — No, I trust you.

Mr O'DONOHUE — To quote the first couple of lines, it says:

> The news of the new amendments has already affected the sale of rent rolls and decreased their price by about 15 per cent. Landlords are also selling residential properties and moving into commercial and retail rentals. I can name several cases in the past two months.

I will finish this point by restating that lower stock levels mean that the market will increase prices, which will have an impact particularly on people who are on fixed incomes and the like. If this legislation does reduce stock levels, that could have the perverse impact of making it more difficult — which I know is not the stated intention — for people, with higher rental prices.

Just going to another perspective, which I think is also relevant to this issue of how the market may operate with these changes, Dr Ratnam in her second-reading speech — I am not seeking to quote her exactly — used words to the effect that many landlords are paying for their retirement with the rental income they receive. Dr Ratnam can correct me if I am wrong, but I think that was meant in a reasonably derisory fashion. From another perspective, people who have saved and bought a property and then worked hard and retired on the income from a rental property save the state by not drawing down a pension, which means the government has more money to spend on schools, hospitals and the like. I suppose my question is: Minister, has there been an analysis? Does the government have an understanding of what the typical landlord profile is? I think again that will inform how the marketplace may respond to these changes. If mums and dads or retirees with one investment property, as opposed to large institutional investors, are more the backbone of this marketplace, they I assume would be more sensitive to the regulatory changes that are being proposed today.

Mr DALIDAKIS — Yes, I am happy to report to you, Mr O'Donohue, that in the first consultation paper that was released for review on 24 June 2015 profiles were undertaken of what both a typical landlord and a typical renter did look like. As I said, they were provided in that consultation paper initially.

Mr O'DONOHUE — I have seen reference to that consultation paper, but I must admit that I am not familiar with what the typical landlord or tenant was described as.

Mr Dalidakis — We are both working on behalf of colleagues.

Mr O'DONOHUE — Indeed, Minister. Without wanting to elongate this unnecessarily, are you able to give some summary or some indication of what those profiles looked like?

Mr DALIDAKIS — I will head over to the box in a moment to try to make that process smoother and more seamless. Just so that you are aware, that information — for our colleagues in the other place — is available on our Fairer Safer Housing website. I will move over to see whether I can get you that information now.

If I can have your support, Mr O'Donohue, I have asked those in the box to provide me screenshots of that information from the website. Once that is provided to me I will read that out to you, but in the meantime, while they are doing that for us, I am happy to take some additional questions.

Mr O'DONOHUE — Thank you, Minister. I want to take you to a couple of issues which I think may help in the progress of the committee through the amendments phase, if you are comfortable with that. As I said in my second-reading contribution, I have had representations, as has Ms Victoria, from providers of student accommodation. Their contention is that they really need a separate regulatory framework within the bill and that this is an opportunity to do that. I note that consultation that you mentioned that was released in June 2015 laying the groundwork and the summation of the outcomes of the review, dated 9 August 2018. I would welcome your response to the proposition that the student accommodation sector, particularly the foreign student accommodation sector, has not been part of this process or their concerns have not been reflected in this bill.

Mr DALIDAKIS — If I may just reflect on my own portfolio responsibilities, Mr O'Donohue, as the Minister for Trade and Investment I also have responsibility for international education. The issue of both homestay and accommodation is one that I have personally sought advice on from in fact one of your former colleagues, the Honourable Phil Honeywood. He and I have had long discussions about that. There was at one stage discussion that the federal minister was prepared to undertake a national review of international student accommodation and homestay. That was prior to the most recent ministerial changes with the recent change of person in the government. It has been indicated to me by Mr Honeywood that the new minister responsible does not at this stage have a desire to move forward with a commonwealth investigation into this matter. I think that is a little regrettable because I think some of the issues for international student accommodation and homestay are borderless across this country. What I have indicated to Mr Honeywood is that it is an issue that I as minister responsible do have an interest in. Whilst I am not in a position to indicate what will or will not happen after 24 November, what I have said to Mr Honeywood is that, should we be returned to this side and should I be the minister responsible, then I would look to seek his support in a further investigation about those two issues specifically for our international students. It is outside the scope of this material, but I am happy to provide that assistance to you.

Mr O'DONOHUE — Thank you, Minister. That is most helpful. Mr Honeywood, as a former minister in your shoes and with his experience in his current role, is most learned in this space. Whilst I agree that there is scope for a national approach in some elements and that will help, I presume, our competitiveness in talking to those in foreign markets about standards and the like in Australia, there are things that are perhaps within the state government's purview, such as pets — and we will come to this later — and dealing with student accommodation providers is a separate discrete section of the Residential Tenancies Act. Did the government give consideration to doing that as part of these reforms?

Mr DALIDAKIS — Again I thank Mr O'Donohue for that further question. Can I say that I do concur with Mr O'Donohue's assessment of Mr Honeywood and his contribution beyond his time in this Parliament. He is somebody that I have managed to learn quite a bit from in my time as minister responsible for international education, and he is somebody that I have appreciated.

Can I indicate that, yes, whilst my preference would be for a national approach, by no means am I prepared to acquiesce in dealing with these issues. I am happy for you to have that discussion with Mr Honeywood directly, but as I have indicated to you and I have indicated to him in private, my preparedness to move into this space in the absence of federal leadership is to ensure that we continue to provide best practice and look after our international students.

On the Residential Tenancies Amendment Bill, can I point out that in fact some student providers have advised that part 2 of residential rental agreements are used to try to provide proof of residence for international students under federal law and that residential rental agreements are an instrument of Victorian state law but are not designed for this purpose. From a practical perspective it was unclear

how such agreements provide proof of fixed locations, since students may effectively vacate premises at will and so it is really just a snapshot in time for them, regardless of course of the type of agreement that they could be on.

We were of the view that it would not be part of this piece of legislation going forward, because it required I guess specific oversight to deal with that as an issue. I think as I have indicated within my own portfolio space there is a desire for us to deal with that in a very meaningful way and a way that does protect our international students, because our international education market, as I have been very proud to talk about publicly for a long time, is actually the state's number one export earner. In the calendar year 2017 it provided in excess of $9.9 billion of revenue to our state. It employs in excess of 58 000 people across Victoria, in metropolitan Melbourne and regional Victoria. So that is very much an important point, being able to do that.

Now, I did say that I would come back to you, Mr O'Donohue, in relation to landlords and tenants and the views created about what it was. If I may, let me take the opportunity to take you through that, and I will start with landlords. Forgive me, there is a little bit of data to read, but I will do it as expeditiously as I can, and I can provide you with the link later on.

The majority of Victorian landlords are in the higher disposable income brackets. In 2011–12 almost 68 per cent of private landlords had a disposable income of $728 or more per week; 17 per cent of private landlords had a disposable income of between $431 and $728 per week; and 15 per cent of landlords were in the two lowest disposable income brackets, with a disposable income of $431 or less per week. In contrast, 38 per cent of people who were not landlords had a disposable income of $728 or more per week in 2011–12. Because this is a bit of data and you do not have it in front of you, just to put that into contrast, the corresponding percentage for landlords with that disposable income per week was 68 per cent, but for renters it was 38 per cent. Just over 42 per cent of people who were not landlords were in the two lowest disposable income brackets, with a disposable income of $431 per week. Then there is a table, which is a distribution of private landlords and non-landlords. I will provide that to you shortly.

There is also a graph that indicates how many rental properties that landlords owned. I know that this data is a little bit old, but bear in mind this was provided in the 2015 report that was released. In 2011–12 almost 12 per cent of Victorian households owned one or more residential properties. Of these households the majority, which was 73 per cent, only owned one rental property. Obviously we can see that there is a high proportion that own a single rental property.

If I go now to the details for tenants, the information I have here is that more households are renting privately and some tenants are staying in the private rental sector much longer than they have previously. Families are the most common type of household renting privately, and standalone houses are the most common type of privately rented home. In social housing, lone person households are increasing and now represent the most common household type within that sector. In terms of age, the fastest growing group of tenants in both the private rental sector and the social housing sector is those aged over 55. Levels of rental stress are increasing, particularly for lower income households.

Over recent decades the number and proportion of households renting in Victoria has grown. Between 1996 and 2011 the number of Victorian households renting increased by 35 per cent over that 15-year period to over 525 000 households. By comparison, over the same period the total number of Victorian households increased by only 28 per cent. Again, there is a table that indicates the number of households renting compared to all households between 1996 and 2011 in five-year increments. Again, I will provide that to you shortly. But for your benefit it says that in 1996, 24 per cent of all Victorian households rented. By 2011 that had increased in a minor way, but had increased nonetheless, to 26 per cent. Bear in mind of course that our population increased significantly between 1996 and when this study was recorded in 2011–12. Within the overall rental sector, growth in households renting is being driven by the private rental sector. The number and proportion of Victorian households renting privately is significant and is increasing.

That is the information that I can provide you with now in terms of looking at the types of people. I found this information quite interesting to understand that the fastest growing group of tenants are people aged over 55 both in the private rental sector and in social housing. Again, if I reflect on what the desire is of this legislation before us, it is to provide these people, especially people who are renting alone, with, for example, pets that can provide some meaning in their lives and support, because of course the issue of isolation is one that we are all well aware of in Parliament. If we can try and alleviate that by this legislation, then that might make somebody get through their days in a far happier way and certainly try and do so with a minimum impact on the landlord.

Mr O'DONOHUE — Minister, that information is extremely helpful and I do thank you for citing it and reading it extensively into *Hansard*. I do not have a question in response, but I will just make the observation that the rental market is provided predominantly by people with one property — it is not institutional investors that are providing the market — including a not insignificant minority of people in the lower income brackets. I suggest they will be sensitive to regulatory changes, presuming that the income stream they receive is critical to their wellbeing. I do thank you for that information, Minister.

Minister, I just want to take you back to the Premier's media release of 8 October 2017, which says:

> A new commissioner for residential tenancies will be set up to help champion the rights of Victorian renters and give them a voice in future reform of renting laws over the years to come.

What is the government's plan for the operation of that new commissioner?

Mr DALIDAKIS — My understanding is that that commissioner has already been appointed. Further to that, the commissioner's name is Dr Heather Holst.

Mr O'DONOHUE — Minister, I have one other general point to make, and this has informed some of the amendments of the opposition. There are several changes that will impact the operation of VCAT. Minister, can you provide some detail about current wait times from issuing proceedings to hearing matters at VCAT on the residential tenancies list, and what is anticipated will be the growth in demand as a result of the changes that the government is making? Is the government providing any extra resources or capacity to VCAT to respond to and manage those changes?

Mr DALIDAKIS — I thank Mr O'Donohue for his further question. In relation to the impact on VCAT, what I can advise is that work will continue into 2019 to ensure that the suite of reforms in this bill is supported by complementary, easily accessible and effective dispute resolution through VCAT. Now, the whole idea of that is to encourage parties to assert their rights in a non-adversarial manner. As part of those reforms the government will work with VCAT and relevant stakeholders to attempt to improve the dispute resolution processes within VCAT for residential tenancy matters by making greater use of informal methods of dispute resolution and introducing internal reviews for all residential tenancy decisions. In the interim VCAT will continue to be funded to run the residential tenancies list. Funding levels are reviewed on an annual basis, ensuring that VCAT's budget remains proportionate to caseload demands. In effect it is something that we will continue to work with VCAT on and, at this point, implement in the new year.

Mr O'DONOHUE — Thank you, Minister, for that answer, and I note the reference to the anticipated changes at a future time. The opposition still remains concerned about the increased workload of VCAT, particularly given the volume and the current delays. Minister, the purposes clause changes the terminology used in the act in respect of landlords, rooming house owners, tenants and tenancy agreements. Just a minor question: 'landlord' and 'tenant' is old-fashioned language; how did the government arrive at the new terminology, which just escapes me at the moment —

Mr Dalidakis — Residential rental providers.

Mr O'DONOHUE — Residential rental provider. Noting the confusion that I think still operates in the property market between the old terminology of the vendor and the purchaser versus the seller and the buyer — that is, the changed language — how does the government propose to manage the transition from what, whilst old-fashioned and possibly archaic, is very commonly accepted and widely used?

Mr DALIDAKIS — The reason I am having a chuckle to myself is that when I left university and started my career at Deloitte, one of the questions at the time for our qualification was the change of name from 'profit and loss' and 'balance sheet' to 'statement of assets and liabilities' and 'financial performance'. Despite the accounting bodies at the time deciding that we should have those changes in names, no-one used them. The industry continued to call them a P and L and a balance sheet. If I move forward from 2002, when I believe the reforms were enacted by our professional bodies at that time, to 2018, people still call them a P and L and a balance sheet. So I think that it will take some time — hopefully not as much time as the accounting profession has demonstrated.

Part of the change, Mr O'Donohue, of course is to try and alleviate some of that old, archaic language and also to indicate that a range of different people are residential rental providers. There are different people who do that, there are renters and there are residents of course. Residential rental providers are representative of not just landlords, agents and community providers but registered accommodation providers and park operators as well. The term is seen as one that is inclusive and more modern. It will be up to me, you and everyone else to use the appropriate language to ensure that 16 years from now people are not having the same debate that we just had when I indicated my former

accounting glory — we still manage to get things wrong from time to time.

Mr MORRIS — I just want to go back to that same point with regard to the terminology that Mr O'Donohue used, and I certainly take on board your comments there, Minister, with regard to what happened previously. I was hoping you might be able to detail the rationale that the government has for this change. As you stated in your response to Mr O'Donohue, there have been changes to terminology in the past that have not achieved the desired effect of their being widely used in the community. Could you perhaps detail why it is that the government is seeking to make these changes to the terminology?

Mr DALIDAKIS — I thank Mr Morris. As I am advised, really to be succinct, renters rent and they do not necessarily see themselves as tenants. Now, I am being a little bit cute there, but let me say there is also an attempt to distinguish the terms from commercial leasing. Of course as Mr O'Donohue indicated in his question to me just prior to yours, it does go back to very old, archaic terminology. The terms were designed to be seen as less adversarial. Also the word 'landlord' is very archaic as well. The use of the words is not seen as something that should probably take up too much of our time here, but it is to try and modernise the language between people who are residential rental providers and renters.

Mr O'DONOHUE — Minister, I want to take you to the purposes clause, clause 1(a)(iii):

> to prohibit false, misleading or deceptive representations about premises and misleading or deceptive inducements to enter residential rental agreements by residential rental providers or the providers' agents …

I note that purpose is legislated through various parts of the bill. What is the rationale for this change when other statutes prohibit false, misleading or deceptive conduct already? What is the legislative gap that requires this insertion in the RTA that is not covered by other existing legislation?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. As I understand it, Mr O'Donohue, the reason for that is that other statutes do not apply to landlords who are not acting in trade or commerce.

Mr O'DONOHUE — Okay. So, but for this insertion, false, misleading or deceptive representations would not give rise to a cause of action?

Mr DALIDAKIS — As per my advice, yes.

Mr O'DONOHUE — The opposition, as you would be aware, Minister, has some amendments in relation to the issue of pets, which relate to the purposes clause, clause 1(a)(viii) of the bill. As my colleague Mr Davis said, most renters are reasonable and do the right thing, as do most landlords, but some landlords would prefer that the renter not have a pet. I note that there is no definition of 'pet' in the bill. Why hasn't a definition of 'pet' been provided in the bill? What is the government's definition of a pet?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. Can I draw Mr O'Donohue to page 8 of the bill where there is indeed a definition of pet, meaning:

> … any animal other than an assistance dog within the meaning of the **Equal Opportunity Act 2010** …

Mr MORRIS — I was just hoping to pick up on that issue. I see the point you are making, Minister, but I would say that rather than being a definition of what a pet is, it is a definition of what a pet is not. If we had an idea of what a pet meant; a pet may mean something to one person and another thing to others. A golden retriever may be seen as a pet to one person whereas an elephant could be a pet to another person. Minister, can you detail to the committee whether or not there is an exhaustive list or other that would define what a pet is for the purposes of this bill?

Mr DALIDAKIS — I am confident that the member's question is in good faith, and if he wishes to have a carpet snake as his pet, by this definition, he would be entitled to do so. Let me just say for clarity's sake, Mr Morris: a pet means any animal other than an assistance dog. So indeed, under your scenario, if you wanted to have an elephant — good luck to you. I am not sure how you would manage that, but under the definition that would be any animal other than an assistance dog.

Mr O'DONOHUE — Minister, I just want to take that a bit further. These are genuine questions because this is a matter of contention in the bill and it is something which through the stakeholder engagement process we have had significant feedback about. Doesn't the government have concerns that there could be all sorts of exotic animals, potentially dangerous animals, animals that are inconsistent with a —

Ms Symes — It is the same as in your own house.

The DEPUTY PRESIDENT — Order!

Mr Morris — But you own that house.

Ms Symes — It is exactly the same. These are stupid questions.

The DEPUTY PRESIDENT — Ms Symes, please return to your place if you want to interject.

Mr O'DONOHUE — Deputy President, Ms Symes may think these are stupid questions —

Mr Dalidakis interjected.

The DEPUTY PRESIDENT — Order!

Mr Dalidakis — Just focus on me.

Mr O'DONOHUE — I am not sure that is the answer either.

Mr Dalidakis — I don't fit the definition of a pet either.

Mr O'DONOHUE — I have to disagree with Ms Symes, Deputy President. These are not silly or stupid questions as she characterises them. They are important questions, because I have a question about what is wear and tear. Wear and tear is defined in the bill too, but the issue of wear and tear with pet ownership is a factor. I love pets. Pets are great. Most people have pets, but depending on what sort of pet it is it can have a real impact on the wear and tear of a property and the impact on a property. I am concerned that Mr Dalidakis has confirmed that a pet can be anything except an assistance animal. I think it creates some very serious concerns.

Mr DALIDAKIS — I do acknowledge that for many people this can be a serious question, and I am not trying to make light of the question that you posed, Mr O'Donohue, or that of your colleague Mr Morris. We have managed to move well through the questions, and I hope I have indicated a desire to be inclusive and fulsome in my answers to all that have asked questions so far in this committee stage.

Can I say that the desire to have pets in one's house is predicated on a number of bases, and it is no different to somebody if they own their own property. The ability to have dangerous animals is governed by other by-laws, whether it be local government or legislation. For example, to import an Indian elephant through customs may be somewhat challenging unless of course they are an au pair, in which case that may be actually doable. But if I can return to the question and point Mr O'Donohue to the fact that, remember, a renter cannot actually just bring an animal into the property without seeking approval from the RRP, the residential —

Mr Morris — The residential rental provider.

Mr DALIDAKIS — Thank you, I just knew that you would go there, Mr Morris — residential rental provider. For the benefit of Hansard, I will refer to residential rental providers in future as RRPs. I will mind my Ps and Qs. In relation to this it is important to reflect, on a serious note, that you cannot simply bring a pet onto your rental premises without the approval of your RRP. Under this scenario you need to seek the approval of your RRP in order to have your pet be allowed onto the premises. What happens is that — and this is important, Mr Morris; I want to make this clear for you — for the RRP it is from the time that they receive that request. For example, if Aunt May is 78 years of age and does not use email and she wants to send a letter by post, that 14 days does not begin until the provider receives her request. Then if within 14 days Aunt May does not receive a response, at that point she can look to bring her pet onto the premises. If within that 14 days, once the provider has received Aunt May's request and they say no for a range of different reasons — 'We don't want Aunt May to bring her Indian elephant onto the property because she's living in a unit and the backyard's only 2 metres by 1 metre and not really physically able to have an elephant living in that space' — then the RRP has the opportunity at that point to seek the support of VCAT to tell Aunt May why she cannot have a pet on those premises. Now, I am not sure that at 78 Aunt May is looking to have an elephant, but the process is still the same nonetheless, and I think that is important for us to reflect upon.

In terms of the nature of that pet, yes, I can appreciate there could be dangerous pets from time to time. There could be people who like to keep spiders, which would scare the heebie-jeebies out of me if I was their neighbour, or indeed snakes or exotic animals, but they would have to be required to look after those animals in a not dissimilar way to, Mr Morris, you or I should we own our own properties. But of course the fail-safe there is the need for that request to be put in writing within 14 days and the tenant not being allowed to bring the pet onto the premises prior to undertaking that process.

Mr MORRIS — I did just want to make the point that I understand that the minister has made comments about what someone can do in a property they own and what someone can do in a property they rent. He says that this bill brings them into line. I would just make the point that the clear difference is that when somebody owns a property, they own it, and when somebody rents a property, they rent it — they do not own it. I think that is an important distinction that needs to be made.

Unfortunately I am not sure the government fully recognises that with regard to this bill.

I did just want to go back to that point the minister made before. If we have somebody who has taken up a tenancy and they decide that they want to bring a pet of whatever description onto the property, the landlord — they have a different name now; I will have to get used to it —

Mr Dalidakis — RRP.

An honourable member — The artist formerly known as the landlord.

Mr MORRIS — The artist formerly known as the landlord. So the RRP — I am quite sure this is the only time that is going to be used — has 14 days in which to evaluate that request. If the RRP receives that correspondence after the 14 days expires —

Mr Dalidakis — The 14 days doesn't start until they receive it.

Mr MORRIS — It does not start until they receive it. In that case, Mr Dalidakis, in effect a residential rental provider could then deliberately not receive that request and therefore that renter would not be able to bring that pet onto their property indefinitely. Indeed this could be a backdoor way of ensuring that no pets were brought onto the property. Is that the case?

Mr DALIDAKIS — Well, theoretically, if somebody was looking to act in bad faith, they could do that in any number of ways, Mr Morris. What we are attempting to do is provide a framework to enable people to bring out the best in them and to ensure that there is a framework that people understand and can work by. Of course you would have to appreciate that if an RRP acted in such a way, then I think that would reflect poorly on their ability to seek future people as renters. As you would be aware, there are people, no doubt the agents, who deal with situations when owners cannot, but if it is a direct owner-renter relationship, then it works counterintuitively, because as we all know, in order to ensure a good harmonious relationship between an RRP and a renter — a tenant, if you will — they need to have an appreciation of good and bad faith in that relationship.

In the situation we have discussed, the 14 days does not begin until the residential rental provider actually receives that request for an animal. If they were to receive that mail and ignore it, then it does provide for a renter to undertake action at VCAT, but they would need to prove that that request had been received. They could do that through Australia Post and registered mail. That would be one way to be able to prove that they had received that request. I am not sure if it would work in the RRP's favour if they undertook that kind of behaviour.

Mr MORRIS — I just want to further expand on that. Just for certainty, we have a tenant who has made a request to have a pet on the property they have leased and they give notice to the landlord, for want of a better word —

Mr Dalidakis — RRP.

Mr MORRIS — They give notice to the RRP that they want to have a pet on their property. The person who has taken out the rental property, the renter, cannot get in touch with the RRP. Just for argument's sake, say they tried to contact the RRP for six months, and perhaps the RRP was overseas and uncontactable. Am I correct in saying that that renter would need to go to VCAT before bringing that pet onto the property and seek a determination from VCAT as to whether or not that pet was indeed allowed on the property?

Mr DALIDAKIS — I thank Mr Morris for his further question. The onus is on the RRP to seek approval from VCAT to refuse consent for a pet. That happens once they have received the request from the renter. Under the example that you provide, should a renter not be able to seek a response from the RRP, then there is the opportunity for the renter to seek guidance from VCAT directly. Let me just seek advice from the box to confirm that.

Indeed, Mr Morris, as I indicated to you, the advice I have received confirms that in that situation. Let us use an example of my own. We talked about Aunt May before: 78 years of age, does not use email. She sends her letter to the RRP for approval, but the RRP in this case has gone on a six-month cruise, is not accessible and does not have access to their written correspondence while they are away, which begs the question that they have not left contact details should something happen for the renter. Let us put that aside for one moment. The renter does have the ability to go to VCAT and argue, for example, that over a period of time they have undertaken their obligations to request that approval and have not received an appropriate response, and then VCAT could make a determination at that point. That is not really the way that this has been designed, but that could happen.

Mr MORRIS — Minister, I suppose one of the critical things about the committee stage is that we tease out all of the things that may not have been intended but may occur under a proposed piece of legislation. I

suppose many have raised concerns about the potential impacts on the workload of VCAT as a result of this bill if it were to be passed, and I was just wondering whether or not the government has undertaken any examination or investigation of the impacts that this bill will have on the workload of VCAT.

Mr DALIDAKIS — I do not wish to be disrespectful to you, Mr Morris, but Mr O'Donohue asked me the exact same question, which I have already answered. For the benefit of your request, what I have indicated is that that will be worked through of course next year, should the legislation pass and be enacted, and that there is a desire for the residential tenancies list at VCAT to be resourced appropriately.

Mr Ondarchie interjected.

Mr DALIDAKIS — Not at this stage. I have already indicated, not at this point.

Mr MORRIS — I wanted to go back to something else in the purposes clause under paragraph (a)(ix), which states:

> to require a residential rental provider to provide and maintain premises that meet certain … minimum standards.

Whilst there is some detail within the bill with regard to these minimum standards, I am just wondering if the minister can clarify where these minimum standards will be grandfathered and where these minimum standards are going to become universal once this bill is enacted. In other words, is there going to be a time frame for these minimum standards within rental properties to be upgraded, or once this bill comes into effect are these minimum standards going to be enforced immediately upon that occurring?

Mr DALIDAKIS — I thank Mr Morris for his question and indulgence. I can refer Mr Morris to a clause that we are yet to get to — clause 52. As I understand it, clause 52 of the bill, which is on page 65, inserts new section 65A, which says:

> (1) Without limiting sections 65, 68 and 70, a residential rental provider —

an RRP, again —

> must ensure that rented premises comply with prescribed rental minimum standards on or before the day …

New section 65A(2) then sets out what happens if they do not comply. In terms of the definition of the rental minimum standards, they are prescribed.

Mr O'DONOHUE — I want to take you to what Mr Morris referred to:

> …a residential rental provider to provide and maintain premises that meet certain rental minimum standards …

Mr Dalidakis — So clause 1(a)(ix)?

Mr O'DONOHUE — Correct, but looking at it in the context of the state's housing stock and in a broader sense that the new requirements of this bill will bring on an RRP, to use your acronym, Minister. Has the government done analysis as to any cost implications for the state, as a significant provider of housing in the marketplace, to comply with the new requirements that are part of this bill?

Mr DALIDAKIS — I thank Mr O'Donohue for his further question. The reforms are aimed at improving the state of rented premises and ensuring that renters have an opportunity to rent safe and sustainable living premises from the beginning of their tenancy. Now, the reforms indeed give the minister for consumer affairs power to prescribe in regulations — and this probably goes back in part to Mr Morris's question — minimum standards for residential rental properties. Standards that would be prescribed include basic yet critical requirements which no reasonable person could object to, things such as a vermin-proof rubbish bin; a functioning toilet; adequate hot and cold water connections in the kitchen, bathroom and laundry; external windows that have functioning latches to secure against external entry; a functioning cooktop, oven, sink and food preparation area; a functioning single-action deadlock on external entry doors; functioning heating in the property's main living area; and window coverings to ensure privacy in any room the owner knows is likely to be a bedroom or main living area.

The power to prescribe these minimum standards has been designed with flexibility so that standards that are imposed under other Victorian legislation, like energy and water efficiency requirements, can be incorporated. And of course should an RRP not meet the standards, should they fail to comply, this then triggers a variety of responses, including potential fines, urgent repairs to premises or termination of the parties' agreement before a renter has even moved in. I think, having read those out to you, Mr O'Donohue, you will agree that they are not extensive and they are not prescriptive beyond providing a basic level of environment for the renter in the premises that they are looking to rent. Whilst your question to me was whether we have effectively modelled the costs it would take to have an RRP meet those standards, I would suggest to you that meeting those standards should not cost an RRP a

significant amount of money, because if you do not have a functioning toilet, if you do not have running water, if you do not have an ability to heat the premises in the main living space and if you do not have locks on the windows, it would be very hard for somebody to agree to rent that premises in the first place.

Mr O'DONOHUE — Minister, thank you for that answer. Whilst in theory you are correct, my observation of some of the state's housing stock is that it would not meet those minimum requirements, and it should be safe and secure and the like. So I suggest to you that if this law is to apply to the state's housing stock, particularly some of the older residential towers in and around the inner suburbs of Melbourne, there could well be a significant financial implication for the state.

Mr DALIDAKIS — I thank Mr O'Donohue for that question or, rather, comment. I accept the comment as stated. It is my understanding that the director of public housing is required to meet that minimum standard that we have just discussed in order to provide that housing to somebody that takes that up, but I agree nonetheless.

Mr O'DONOHUE — Just a further point on the issue of minimum standards: there are subsequent clauses. Clause 58 deals with the requirement to have locks. I think Mr O'Sullivan and Mr Morris in their second-reading contributions raised the issue of different standards or different requirements depending on different parts of Victoria and noted that for someone in a more remote location a functioning deadlock may not necessarily be required. I suppose that same principle could be applied to the application of some of the standards as well, depending on location. I would invite you to make a comment about that, Minister. I trust you heard Mr Morris's contribution about that, talking about whether the need to provide a functioning deadlock is required in every part of Victoria, for example.

Mr DALIDAKIS — I thank Mr O'Donohue for his question. Unfortunately I heard neither. Whilst I am poorer for it, fortunately Hansard will have recorded it so I do have the ability to go back and read it at different stages of the evening when I am struggling to sleep. Can I say, though, that, as I indicated to you, basic minimum standards for rental properties do include external windows that have functioning latches to secure against external entry, and my understanding is that of course that includes a functioning single-action deadlock on external entry doors. So that is part of the minimum basic requirement, as I indicated to you moments ago in relation to your previous question.

Clause agreed to.

Clause 2

Mr O'DONOHUE — I just raise a question on clause 2 in relation to the act not coming into operation before 1 July 2020. I think that was raised previously, and I note that the Scrutiny of Acts and Regulations Committee raised it in their report on the bill. Could you explain to the house, Minister, why the normal default commencement date of 12 months from the date of introduction is not proposed in the bill?

Mr DALIDAKIS — Thank you, Mr O'Donohue. Can I suggest that that is actually not the case and that in fact the bill comes into operation on a day or days to be proclaimed but if it is not proclaimed earlier then the bill comes into operation by default on 1 July 2020. So on proclamation the bill comes into effect. It only comes into effect in 2020 if it is not proclaimed earlier than that date.

Mr O'DONOHUE — With respect, Minister, that was not my question. The default commencement date is normally no more than 12 months from the date of introduction of a bill. The default commencement date is 1 July 2020.

Mr DALIDAKIS — Sorry; I misunderstood you. It would still need to effectively be passed and then proclaimed. I will seek advice, but my understanding is that, should the Parliament choose to pass this legislation, the bill will obviously be proclaimed forthwith. But I will seek the guidance from the box about why 2020 was chosen.

Mr O'Donohue, that is a much better question than I had anticipated. I apologise for being unfair. So the reason that it has got the proclamation date of the middle of 2020 is, as I am advised, that there is an expectation that consultation in relation to the regulations that the minister will set could take up to 18 months, and so the proclamation date of 1 July 2020 effectively allows for that 18-month period but ensures that consultation with stakeholders within the sector does not go beyond that period. So it will come into effect on that day and effectively see that stakeholder regulatory consultation period be done before that period, but if not, then it comes up at that date.

Mr O'DONOHUE — Thank you, Minister, for that explanation. As part of the consultation period, will there be a formal regulatory impact statement (RIS) process completed?

Mr DALIDAKIS — I can confirm to Mr O'Donohue that the answer to that question is yes.

Clause agreed to; clause 3 agreed to.

Clause 4

Mr O'DONOHUE — I just want to ask a couple of questions about one or two of the definitions. On page 5 of the bill it says:

> ***efficiency rating system*** means a system of rating the efficiency of any appliances, fixtures and fittings prescribed for the purposes of section 54(1), 69 …

One of the concerns that has been raised by stakeholders with the opposition is that whilst we all support our homes and the housing stock becoming more energy efficient there is obviously a cost associated with that, and part of the bill may require higher energy-rated hot-water systems and the like to be required for the housing stock. What comfort can you give to the sector and to the providers of the supply to the marketplace that they will not be required to install top-rated energy hot-water systems in a quick way that will impose an unrealistic cost burden?

Mr DALIDAKIS — Thank you, Mr O'Donohue. Can I say that if I reflect back on the basic minimum standards for rental properties that I took you through about 5 minutes ago, at this point in time energy products, or the efficiency of appliances, fixtures and fittings as prescribed for that clause that you have asked a question about, are not part of the minimum standards. Again, because it is not part of the minimum standards, that should not be a concern for our RRPs in terms of the mandating of it. But again, if I reflect, I did say that there was some flexibility built in to allow the minister to look to incorporate additional standards such as energy and water efficiency requirements.

So on the one hand I am giving you advice that there is no minimum standard for this at this point; on the other hand I have given you advice that there is the ability for the minister to of course look to incorporate standards imposed under other Victorian legislation. Again that is a requirement of flexibility with other Victorian legislation, but what I can say to you is that there is no minimum standard requirement at this point in time that would give RRPs cause for concern.

Mr O'DONOHUE — Thank you, Minister. I suppose hopefully that RIS process you referred to earlier will also balance out the competing priorities that we have referred to. The next definition, Minister, again on page 5, refers to an 'embedded electricity network', which means a privately owned electricity network. Minister, the government has floated the idea of a public energy network. Why does the bill specify only a privately owned energy network?

Mr DALIDAKIS — I will confirm with the box, Mr O'Donohue, but there are some states that do have energy provided through their own means, so that would I believe take that into consideration.

I can confirm to you, Mr O'Donohue, that I was quite correct. It is pleasing for everyone here to make sure that I am not taking up time unnecessarily. What I can also provide as additional information is that embedded networks are increasingly becoming more popular as a distribution model in multitenanted developments and their regulation is currently under review by the Department of Environment, Land, Water and Planning.

Ms BATH — I was just listening to the questions around clause 4 in terms of an energy rating system, and I guess it just propelled me to a very sad situation that you, Minister, I am sure, would be aware of, which is when earlier this year a lovely lady died due to a Vulcan gas system. It was an aged system. I am assuming that these are going to be replaced now in an evolutionary process in housing systems that the government has jurisdiction over. Is this therefore likely to capture the new systems in place? So I guess I am looking for just a little understanding around that.

Mr DALIDAKIS — I thank Ms Bath for her question. Ms Bath, I think you came in just after I had taken Mr O'Donohue through the minimum standards, but as I indicated earlier, one of them in fact is a functioning heater in the property's main living area. That is a requirement, and as my understanding is, of course the Department of Health and Human Services is required to comply with these minimum standards.

Clause agreed to.

Clause 5

Mr O'DONOHUE — I move:

1. Clause 5, page 8, line 31, after "any" insert "domesticated".

This issue has been canvassed — the definition of a pet or an animal — and we believe that it should be restricted so the classes of animals canvassed by Mr Morris in his questions are more limited. We are concerned that, notwithstanding the minister's answers about local government and other guidelines that restrict exotic animals and animals that are perhaps inappropriate, this should be codified in the act at a

minimum and that any pets should be domesticated animals, not crocodiles or —

Honourable members interjecting.

Mr O'DONOHUE — Well, all sorts of animals that would just be inappropriate.

Mr DALIDAKIS — The government will be opposing this amendment. We believe that the existing definition already takes into account what can and cannot be had. Of course, as I stated to questions earlier, there are limitations to what people can potentially have in their backyard. As much as my children would like an Indian elephant roaming around their backyard, the backyard would be very small.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr (*Teller*)	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms (*Teller*)
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms

Amendment negatived.

Mr O'DONOHUE — I move:

2. Clause 5, page 8, after line 33 insert—

"***private student accommodation*** means a premises that—

(a) is primarily used to provide accommodation for students attending a school or an institution which provides education and training; and

(b) is not formally affiliated with (within the meaning of section 21(2)), operated, owned or leased by a school or an institution which provides education and training;".

I am seeking to create a clear distinction between private student accommodation, rooming houses and other forms of accommodation. As I said in my contribution to the second-reading debate, and as I said in relation to some points made to the minister when we were discussing clause 1, private student accommodation is a discrete form of accommodation that needs to be defined in the act and that ultimately, I think, needs its own section in this legislation — in the RTA — because of the growth in the sector, the importance of the sector and the specific requirements of that sector.

Mr DALIDAKIS — The government will not be supporting the amendment as per my earlier and substantive answer to Mr O'Donohue. Again for the record I reassure the international student community, because this also impacts upon them, that the government is interested in their welfare, and I will continue to work with the Honourable Phil Honeywood in relation to international student accommodation and homestay.

Dr RATNAM — I will just ask a question regarding the student accommodation definition, and it pertains to the amendment as well. Minister, apologies; I think I might have missed some of the contribution earlier when there was a more substantive discussion about student accommodation, so if you could just indulge me asking this question for the record. We do have some concerns about student accommodation that have been raised by student accommodation providers. It does not seem to be well considered under this bill and it is not defined, which the amendment goes to. It does not seem to have any specific considerations applied to them, but obviously it is a specific type of landlord-tenant relationship that has some specific considerations as well due to the nature of the accommodation and particularly due to the provision of communal facilities. Can the minister outline again where he sees student accommodation providers fitting within this bill and any consideration that has been given to the specific circumstances of that accommodation type? I understand that you did speak to it before, but I missed some of that contribution, so could you just reflect a little bit —

Mr Dalidakis — I thought your question was to Mr O'Donohue.

Dr RATNAM — No, my question is to you regarding something I think you referred to previously. I am talking about student accommodation. I did miss some of that contribution. Could you just outline again where you think student accommodation fits, given that it is not defined in this bill, and what consideration has been given to the specific circumstances of that accommodation type?

Mr DALIDAKIS — Dr Ratnam, I did extensively answer Mr O'Donohue on this earlier, but we give every member one more go of right, so I am happy to indulge you. It is a serious issue. My response to Mr O'Donohue at the time leant very extensively on my role as trade minister, because international education falls within my trade portfolio. International education is our number one services export earner. It contributed nearly $9.9 billion of revenue to the state of Victoria in the calendar year 2017, and it employs in excess of 58 000 people across the state. So it is a very serious issue for us as a social welfare issue for international students as well as an economic issue for us.

What I indicated to Mr O'Donohue was that I have indeed been working with a former minister in the other place in a former government, the Honourable Phil Honeywood. I have worked with him closely and extensively on this issue. Mr Honeywood indicated to me that the previous federal minister had indicated that they were considering an investigation into homestay and international student accommodation. I indicated to Mr Honeywood, given that he not only was on a committee of mine here in Victoria but also sat on a national committee, that it was my desire to see a national approach to that issue. Unfortunately in the aftermath of *Fright Night 2* when Prime Minister Morrison took over from Prime Minister Turnbull and with the ministerial changes my understanding is that there is not a desire to proceed with a national framework and a national review into homestay and international student accommodation.

As I indicated to the chamber in response to Mr O'Donohue's question and as I indicate to you, should this government be returned, and should I be the minister responsible, I will ask Mr Honeywood to lead a review into international student homestay and accommodations, because I do acknowledge that it is an issue that does need attention from the government. If the federal government will not look at it across the board, then I will certainly provide that leadership for student accommodation and homestay here in Victoria.

Dr RATNAM — Thank you for obliging me with that one once again. More specifically, in terms of student accommodation and particularly the communal facilities that they often have, I am just wondering do you believe, in light of the amendment that has been proposed that has a definition of 'student accommodation', that the bill as it is provides enough guidance for what happens in those circumstances where we have quite special considerations of communal facilities? For example, if there is an application for a pet, could the whole building get exempted because of the communal facilities it could impact, or would they have to go to VCAT for every single application? I am just wondering: do you think the bill speaks enough to those circumstances, or is an extra definition needed?

Mr DALIDAKIS — I thank Dr Ratnam for her further question. Can I indicate that not all student accommodation providers operate rooming houses, and that is where the distinction for the benefit of this legislation sits. Some student accommodation providers are also exempt from the Residential Tenancies Act because they may be affiliated with an educational institution. Beyond that of course if a student accommodation does not meet the definition of a rooming house, then it will not be affected by the RTA reforms to introduce a very tailored rooming house agreement in order to accommodate that. If student accommodation providers are operating rooming houses, they may still use part 2 of the residential rental agreements in relation to any self-contained apartments, recognising that of course students in a rooming house can sometimes have a slightly different form to other rooming house inhabitants.

Sitting suspended 6.31 p.m. until 8.03 p.m.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr (*Teller*)	Somyurek, Mr
Melhem, Mr	Springle, Ms
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms (*Teller*)
Patten, Ms	Truong, Ms

Amendment negatived.

Clause agreed to.

Clause 6

Mr O'DONOHUE — Minister, I noted your observation earlier that neither you nor I have carriage of this bill except in this chamber, so in that context I ask a question on page 17 of the bill, where clause 6

inserts new section 3A(a)(iv) under 'Objectives of this Act' about site owners and site tenants under site agreements. Can you describe for my benefit and the benefit of the committee what type of tenancy arrangements they are? Are they demountables and that type of accommodation? Your advisers are giving me a big nod.

Mr DALIDAKIS — I thank Mr O'Donohue for his question. That is correct. It is effectively a demountable, so the land underneath is the land they rent but the dwelling is their own.

Mr O'DONOHUE — Thank you. Minister, there are some specific sections in the act dealing with caravan parks. We had a discussion in the second-reading debate, and the minister's second-reading speech talks about it. Ms Fitzherbert asked a question about caravan parks that are converted and the impact on the supply of caravan park-style accommodation arrangements. Does the bill have anything specific for tenants in these demountable-style premises?

Mr DALIDAKIS — As I am advised, tenants in a caravan park are under part 4 and the demountables are under part 4A under the site agreement.

Mr O'DONOHUE — Do the protections that this bill is seeking to put in place in relation to caravan parks also apply to the demountables?

Mr DALIDAKIS — Yes.

Mr O'DONOHUE — They do. Thank you.

Clause agreed to; clause 7 agreed to.

Clause 8

Mr O'DONOHUE — Minister, just a question on clause 8, headed 'Minister may declare building to be a rooming house'. It outlines how the minister can make that declaration. Can you just describe to the committee when that power will be exercised?

Mr DALIDAKIS — Yes, certainly. I thank Mr O'Donohue for his question. I am happy to advise him that in relation to the expansion of buildings that may be declared as a rooming house to include a building owned or leased by a registered housing provider within the meaning of the Housing Act 1983 or registered housing association within the meaning of that act, a notice under section 19(3) may be published on the internet rather than exclusively in the *Government Gazette*.

Mr O'DONOHUE — Thank you, Minister. I appreciate that information. What sorts of circumstances would give rise to that declaration? What is the policy intent?

Mr DALIDAKIS — Internet as distinct from gazette.

Mr O'DONOHUE — Why is that power needed? Is there a certain threshold or a number of residents?

Mr DALIDAKIS — As I am advised, Mr O'Donohue, in fact this is an existing provision in terms of just modernising different distributions of information.

Clause agreed to; clauses 9 to 16 agreed to.

Clause 17

Mr O'DONOHUE — I move:

3. Clause 17, page 31, after line 7 insert—

> "(2) A residential rental provider may apply to the Tribunal for an order requiring a renter who occupies rented premises under a periodic residential rental agreement to enter into a written residential rental agreement.".

4. Clause 17, page 31, after line 20 insert—

> "(3) The Tribunal may make an order requiring a renter to enter into a written residential rental agreement if the Tribunal is satisfied that—
>
> (a) the residential rental provider and renter are subject to an existing periodic residential rental agreement or a residential rental agreement that is not in writing or that is only partly in writing; and
>
> (b) the renter is continuing in occupation of the rented premises after a previous fixed term residential rental agreement has ended.".

The object of these amendments is to require a residential rental agreement to be reduced to writing. I think in the previous bill this place considered that. With the amendments to the Residential Tenancies Act 1997 and the creation of longer lease periods, one of the requirements was that those longer leases be reduced to writing. As I think the minister's second-reading speech for that bill noted, having a written agreement reduces uncertainty, confusion and the like. In a similar vein the opposition believes there should be a capacity to apply to VCAT to seek an order requiring a renter who occupies rented premises under a

periodic residential rental agreement to enter into a written residential rental agreement.

Mr DALIDAKIS — I thank Mr O'Donohue for his proposed amendments. The government will not be in a position to support them. The government's view is that, on balance, the amendments are unfair, restrictive and redundant because the amendments as they stand would force a renter living in premises under a periodic residential rental agreement to enter into a written residential rental agreement for a specified fixed term.

Mr O'DONOHUE — I just ask the minister to clarify how is what the opposition is proposing redundant?

Mr DALIDAKIS — Again, Mr O'Donohue, as I explained, the government does not believe that they are necessary to then enter into a written residential rental agreement for a specified fixed term.

Committee divided on amendments:

Ayes, 17

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

Noes, 21

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

Amendments negatived.

Clause agreed to; clauses 18 to 20 agreed to.

Clause 21

Mr O'DONOHUE — Minister, I just want to clarify something with you on page 34. Clause 21 inserts new section 30C under division 1B: 'Residential rental provider must not request prescribed information from applicants'. Again, I assume they are private details of the applicant. There is only certain information that can be requested. Can you just clarify for me what new section 30C actually means?

Mr DALIDAKIS — As I am advised, basically what new section 30C does is it ensures that an RRP can obviously seek feedback from referees that are provided, but they cannot seek any other information that is not required on the form itself.

Mr O'DONOHUE — Thank you, Minister, for that answer. I just had one other question on the same part, but on page 36, division 1C, on rental auctions, and I apologise if this information is publicly available but I have missed it. Can you just give some information to the committee about how prevalent rental auctions are in the current market?

Mr DALIDAKIS — Mr O'Donohue, as I am advised, the reason that this came about was because of stakeholder feedback and also anecdotal information that this was occurring. So this is just simply an attempt to try to lock it down to ensure that those types of auctions do not occur to unfairly take advantage of people in a hot market.

Mr O'DONOHUE — Thank you, Minister. I appreciate that. Do you have any data on whether it is 1 per cent, 10 per cent, 5 per cent or infrequent, or just any feedback about how common rental auctions are?

Mr DALIDAKIS — I have got no data that I can refer to at this point in time beyond the feedback we received in consultation and that anecdotal feedback that we received. I am not sure that there is any hard evidence that exists.

Clause agreed to; clause 22 agreed to.

Clause 23

Mr O'DONOHUE — I move:

5. Clause 23, page 39, line 4, after "64" insert "or in respect of the keeping of a pet under section 7IF".

This is a test for my amendments 16 and 17. This amendment is in relation to the keeping of pets and the issue of a bond for pets. The opposition believes that there is added risk for an RRP if a pet is at the premises and that should be reflected in the bond, and that is the purpose of this amendment.

Mr DALIDAKIS — We believe that the amendment as proposed by Mr O'Donohue is proposed in good faith. We think that the amendment on face value does sound reasonable; however, the government will not be supporting it for a number of reasons, including the fact that the requirement of a pet bond we believe is superfluous because the renter is already liable to reimburse the RRP for any damage to the

premises caused by their pet or a failure to otherwise leave the premises in a reasonably clean condition.

Furthermore, the bill also inserts new section 27C, which allows the RRP to require that the renter have all or part of the rented premises professionally cleaned, including fumigation, if this is necessary to restore the premises to the condition that they were in immediately before the start of the tenancy. Lastly, whilst I know that this is not the intention of either Mr O'Donohue's amendment or indeed of the contribution that he has made just now, there is the view that that potentially does discriminate against people who are dependent upon an assistance dog, because that would require them to have that additional pet bond as well.

Again, financially disadvantaged renters are another group that we would be concerned for, but overall, as I have indicated, under section 27C and the existing bond itself the tenant is still liable, thus we do not believe that a pet bond is required.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (*Teller*)	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms (*Teller*)

Amendment negatived.

Clause agreed to; clause 24 agreed to.

Clause 25

Mr O'DONOHUE — I invite members to vote against this clause. Clause 25 inserts a new section 35A, headed 'Residential rental provider or renter may apply to Tribunal to amend inaccurate or incomplete condition report'. The opposition believes this will create another burden on the tribunal, and this is not the most appropriate way for that matter to be resolved. Therefore I invite members to vote against clause 25 so that new section 35A will not be inserted in the act.

Mr DALIDAKIS — The government will not be supporting the invitation to omit the clause. Can I say from the outset that there is no bigger supporter on this side of the chamber of removing a regulatory burden than I. However, this particular clause provides for VCAT to correct an inaccurate or an incomplete condition report, and as such we think that that benefits both the RRP and indeed the renter.

The DEPUTY PRESIDENT — If there are no further speakers, I will put the amendment moved by Mr O'Donohue, but members should understand that I will put the clause to the test. Members who wish to support Mr O'Donohue's amendment to omit the clause should vote no.

Committee divided on clause:

Ayes, 21

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

Noes, 17

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

Clause agreed to.

Clauses 26 to 33 agreed to.

Clause 34

The DEPUTY PRESIDENT — I ask Mr O'Donohue to move his amendments 7 and 8, which are a test for his amendment 27.

Mr O'DONOHUE — I move:

7. Clause 34, page 47, line 14, omit "agreement";" and insert "agreement".".

8. Clause 34, page 47, line 15, omit all words and expressions on those lines.

The opposition is basically seeking to retain the status quo — that RRPs can ask for a rental increase at six-monthly intervals. I note the comments of Mr Davis during his second-reading contribution when he spoke of the flexibility that shorter term leases can bring to people moving interstate for a specific purpose or from overseas for a specific purpose or people who are taking a short-term rental agreement in between perhaps moving from one property to another. In that context we believe the status quo should be retained.

I also note, and as numerous members during the second-reading debate cited, that returns on residential properties have decreased over time. This bill will increase the regulatory burden on those same owners. The risk we in the opposition feel is that it could actually have the perverse outcome of reducing the available stock in the marketplace, notwithstanding the answers the minister has provided to previous questions about that issue. So in the broader context the opposition believes we should retain the current arrangements, and therefore we seek to reduce the 12 months to six months.

Mr DALIDAKIS — I thank the member for his amendment. The government will not be in a position to support his amendment. We believe, as I indicated earlier to the chamber, that the provision for annual rent increases does provide greater stability for renters. It does not impede the ability of RRPs to set that increase annually. The yearly frequency in practice of course allows for rental increases, but rather than doing it six-monthly, we believe that yearly is far and away a better practice.

Dr RATNAM — We are opposing these amendments on the grounds of affordability, as has been canvassed in the debate before. This is a really significant part of the reform, something that renters have been crying out for for a very long time. They are often exploited and taken advantage of, when rent increases can be levelled at them every six months. It is really important that the 12-month clause is now introduced for the sake of affordability for renters, who are often at the vulnerable end of the housing market.

Committee divided on amendments:

Ayes, 17

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

Noes, 21

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

Amendments negatived.

Clause agreed to; clauses 35 to 39 agreed to.

Clause 40

Mr O'DONOHUE — Minister, I have a query about how clause 40 will operate, specifically the new section 53A to be inserted into the act:

> **53A Residential rental provider's liability for excessive usage caused by faults**
>
> (1) Subject to subsection (2), if a renter has been charged for excessive usage of a service at the rented premises caused by a fault in infrastructure or any fixtures or buildings at or connected to the premises, the residential rental provider is liable for that part of the excessive charge that is additional to an amount of ordinary usage by the renter.

Minister, how is that ordinary usage to be calculated? Is that by comparison to previous bills? Is it a standard ratio for the number of inhabitants, say, in a household? How would that be calculated?

Mr DALIDAKIS — As I understand it, it is in the explanatory memorandum on pages 31, 32 and 33. In response to Mr O'Donohue, I am advised that in effect they will look at ordinary usage, so if there is a spike, then they will deal with that as a discrepancy.

Clause agreed to; clauses 41 to 47 agreed to.

Clause 48

Mr O'DONOHUE — I move:

9. Clause 48, page 58, after line 10 insert—

"Penalty: 60 penalty units.".

The purpose of amendment 9 standing in my name is to insert the addition of '60 penalty units' after line 10 so that the penalty applicable to both the RRP and the renter is the same. We believe that will provide balance to this element of the bill.

Mr DALIDAKIS — I thank Mr O'Donohue for his further amendment. The government will not be supporting the amendment. We do not believe in criminalising renters' non-compliance with the duty to leave the rented premises reasonably clean at the end of tenancy. We think that is inappropriate, and the act already provides the RRP with other pathways to require performance of this duty provision. Of course that, as I have already explained, includes obviously the bond itself or requirements for premises to be professionally cleaned accordingly, so we do not think it is necessary, and that is why we are opposing it.

Dr RATNAM — Could I ask a question of the mover of the amendment, through the Chair. I did not quite grasp the rationale for the amendment. Is it possible for the mover of the amendment to once again outline the rationale for this amendment?

Mr O'DONOHUE — Thank you, Dr Ratnam. This merely seeks to replicate the penalty that applies to an RRP to the renter so that the penalty is the same.

Dr RATNAM — The Greens will also be strongly opposing this amendment. Once again, we have bonds for a reason, and if there are outstanding costs that arise post a renter leaving a property, there is proper recourse through a very established bond system that does work quite well. This is really unfair and too high a penalty for renters, who already face a number of barriers in terms of housing affordability. It is really outlandish to propose this amendment.

Mr MORRIS — The minister made reference to criminalising the renter if they do not leave the rented accommodation in a clean condition. I was hoping the minister might be able to confirm or explain that use of the word 'criminalise' with regard to his statement on this amendment.

Mr DALIDAKIS — Mr Morris, I am happy to accept your question in good faith. It is an imposition of a criminal penalty on the renter, not criminality in terms of saying, 'You're going to jail'. The criminality is in terms of the penalty.

Committee divided on amendment:

Ayes, 17

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

Noes, 21

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

Amendment negatived.

Clause agreed to.

Clause 49

Mr O'DONOHUE — I move:

10. Clause 49, line 7, omit "may" and insert "must not".

11. Clause 49, lines 8 to 10, omit "that are prescribed modifications without the residential rental provider's consent." and insert—

"unless—

(a) the modifications are prescribed modifications; or

(b) the residential rental provider has given consent to the renter to make the modifications.".

The amendments seek to tighten the works that can be done on a RRP's property without consent.

Mr DALIDAKIS — I thank Mr O'Donohue for moving these further amendments. The government will not be supporting these amendments. The government in fact is actually unclear what the proposed house amendments are trying to achieve, as we believe that they preserve the renter's ability to make prescribed modifications without consent and that the RRP's consent to other modifications are still and would still be subject to section 64(1B). However, the proposed house amendments put forward by Mr O'Donohue — although I do note that they are not themselves Mr O'Donohue's — to section 64(1) would still be duplicative of section 64(1A).

Mr MORRIS — Minister, I was just hoping for some clarification. Clause 49 substitutes new section 64(1), which states:

> A renter may make any modifications to rented premises that are prescribed modifications without the residential rental provider's consent.

I was just hoping that the minister might be able to further extrapolate what those prescribed modifications are.

Mr DALIDAKIS — As I read the legislation, clause 49(2) says:

> For section 64(1) of the Principal Act **substitute**—

So the area that he is talking about, subsection (1), is to be substituted. Again, depending upon the modification, as we have discussed earlier on clause 1, it is still incumbent upon renters to seek approval for modifications.

Mr MORRIS — Thank you, Minister, for that response. I am not sure it provided any further clarity, though, as to what a prescribed modification is.

Mr DALIDAKIS — I went into that earlier. Again, I went through this in clause 1. A renter will be allowed to make certain minor modifications to a rental property without first obtaining the RRP's consent. The definition of minor modifications will be set out in the regulations, but it is expected to include things like picture hooks and furniture anchors to stop furniture toppling over. Renters will otherwise continue to be required to obtain the RRP's written consent for any other modifications that are not minor. Consent cannot be unreasonably refused if the modifications fall into particular categories that do not otherwise involve penetrating or permanently changing the surfaces, fixtures or structures of the property or are essential to health and safety — for example, installing space-cooling options such as an air conditioner, meeting the needs of someone with a disability, protecting a renter from family violence, amounting to reasonable security measures, permitting the installation of telephone cables or other types of communication technology, or any other prescribed modification.

Renters will remain responsible for restoring any changes made to the premises and will also be able to lodge a restoration bond to cover the future removal of fixtures. Consent to fixtures is not dependent upon whether the renter can lodge a restoration bond; however, it does illustrate that they will be able to meet their obligation to restore the property if requested. Does that so far meet what you are asking, Mr Morris?

Sitting suspended 9.15 p.m. until 9.34 p.m.

The DEPUTY PRESIDENT — Minister, you have an answer, I believe.

Mr DALIDAKIS — I believe we were talking about modifications, which may have included smoke alarms, as it happens. But I can advise you that we are not requiring sprinkler systems in renters' apartments at this point.

Mr MORRIS — Thank you, Minister, for that response. From your response I take it that rather than having surety about these prescribed modifications, they are going to be contained in regulations. I would certainly raise the point that it is very difficult for members of this house to support or otherwise when a very broad term such as 'prescribed modifications' is going to be in a regulation rather than legislation. I just put that point on the record.

Mr DALIDAKIS — It is nice to have everyone safe and sound and back in the chamber. Of course our thanks go to the Metropolitan Fire Brigade for keeping us safe. In response to Mr Morris's question, in response to one of the questions earlier from your colleague Mr O'Donohue we pointed out that there will be a regulatory impact statement, or RIS, that takes place. That RIS, you could imagine, will be obviously quite a substantive piece of work, and that is where some of these issues will be further investigated and dealt with. I think you can have confidence in that.

Again, as I have indicated, the policy in relation to minor modifications will not be necessary to obtain an RRP's consent, but for major modifications it will.

Amendments negatived; clause agreed to; clauses 50 and 51 agreed to.

Clause 52

Mr O'DONOHUE — I move:

> 12. Clause 52, after line 22 insert—
>
> "(3) This section applies on and after 2 years from the date that regulations prescribing rental minimum standards first come into operation.".

This seeks to create a two-year transition period to the new minimum standards that will apply. I note that in government the opposition brought in minimum standards for rooming houses and that this bill is seeking to bring in minimum standards. We do believe there should be a transition period so that RRPs have time to find the money necessary to do any upgrades to meet those standards. Given the minister's answer about the number of RRPs who have very modest incomes, I think that is appropriate.

Mr DALIDAKIS — The government will not be supporting Mr O'Donohue's amendment. During the consultation prospective stakeholders expressed a preference for a single commencement date for implementation of the prescribed rental minimum standards as it provided certainty for the market and avoided unnecessary confusion. There will be a transition period to allow the government time to prescribe the exact detail of the minimum standards in the regulations, as I foreshadowed to Mr O'Donohue's colleague Mr Morris on the previous question. It is intended the regulations will be made with a commencement date at least two years before the rental minimum standards are proclaimed to commence operation, and this will allow time for the standards to be communicated to RRPs and renters so that everyone understands what is involved.

Dr RATNAM — I just have some further questions on that. It sounds like there will be a period of transition, as you have just alluded to — a two-year period from which the regulations are set before they come into effect. When does the government intend to begin this consultation and set these regulations?

Mr DALIDAKIS — As I indicated in response to an earlier question from Mr O'Donohue, Dr Ratnam, the RIS will take place over the next 18-month period, which is why the commencement date is not until July 2020.

Dr RATNAM — Can I ask what sorts of measures you will be considering — installations, minimum requirements, window coverings et cetera? Are you able to go into any detail about the types of measures that you will canvass?

Mr DALIDAKIS — As tempted as I am to say no to your request — could you ask — I will move past that and allow you to ask that question. Clause 52 inserts new section 65A in the act to provide that RRPs will be required to ensure that the rental properties that they let out comply with prescribed rental minimum standards. The minimum standards that will be prescribed include basic yet critical requirements, which I indicated to the house earlier are things like a vermin-proof rubbish bin; a functioning toilet; adequate hot and cold water in the kitchen, the bathroom and the laundry; external windows that have functioning latches to secure against external entry; a functioning cooktop, oven, sink and food preparation area; a functioning single-action deadlock on external entry doors; functioning heating in the property's main living room, which we discussed because of the tragic circumstances that you raised with me of a previous sad example of somebody passing away due to, I think it was, a faulty flue and the tragic consequences of that; and of course window coverings to ensure privacy in any room the owner knows is likely to be a bedroom or main living area. These are the types of areas that we believe are the minimum standards we will work to, and anything beyond that is what we have indicated will not be prescribed at this point.

Dr RATNAM — Thank you very much for that answer, Minister. Can I ask: if through the consultation process, for example, more types of minimum standards are canvassed and there is overwhelming public support to move beyond the things you have described, will the government be open to introducing things that come through the consultation?

Mr DALIDAKIS — I thank Dr Ratnam for her thoughtful question. We are not in a position to say — that is a hypothetical — but there will be a regulatory impact statement. It will be a thorough piece of work, and as most people in this place know, when a RIS is undertaken it does have a look at what the needs of the community are and they are taken into consideration against what we have indicated through the legislation. It is a fine balancing act, but overwhelmingly the reason that this legislation is being brought forward, the reason for its existence, is to provide greater confidence to people that are renting so that they are looked after and provided a degree of certainty. I think it is fair to indicate, given that is the basis of this legislation moving forward and why the government is putting it forward to this house for their support, that a RIS would be more likely to be considerate of these types of issues.

Dr RATNAM — I have a final question on this clause. Obviously a lot of the detail will be specified through the regulations, as you have alluded to, and there is obviously a lot of anticipation that these regulations and the process of consultation will start sooner rather than later. Is there any detail that you can speak to about what the initial thinking is about the process for setting up the regulations, even the consultation mechanisms? I know you said it is going to happen within the two days, but is there any prethinking you can share and put on the record in terms of what is going to happen in terms of setting those regulations?

Mr DALIDAKIS — I am not sure that I am in a position to provide that information to you at this stage, Dr Ratnam. The reason for that of course is that between now and when the RIS takes place we do have an election. We need to be mindful of the fact that any process that we were to start now would be interrupted by the election, so this process will not get underway until early 2019.

Committee divided on amendment:

Ayes, 17

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

Noes, 21

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

Amendment negatived.

Clause agreed to; clauses 53 to 60 agreed to.

Clause 61

Mr O'DONOHUE — I move:

13. Clause 61, page 76, lines 4 to 9, omit all words and expressions on these lines.

14. Clause 61, page 76, lines 19 to 36 and page 77, lines 1 to 2, omit all words and expressions on these lines and insert—

"**71C When is the residential rental provider taken to have consented to the keeping of a pet on rented premises?**

A residential rental provider who is given a request under section 71B(2) to keep a pet on rented premises is taken to have consented in writing to the request unless the residential rental provider gives the renter written consent or a written refusal within 21 days of being given the request.

71D Application to keep a pet on rented premises or to exclude a pet from rented premises

(1) A renter (other than a renter who rents private student accommodation) may apply to the Tribunal for an order to keep a pet on the rented premises if—

(a) the renter has requested the residential rental provider's consent to keep a pet on the rented premises under section 7IB; and

(b) the residential rental provider has refused to consent to the keeping of the pet on the rented premises.".

These amendments again seek to deal with this issue of the power that the government is seeking to include in relation to pets — for renters to have pets. Similar to the amendments to previous clauses earlier in the bill, we do not think that that balance is correct.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendments. The government will not be supporting these amendments. In terms of amendment 13 to clause 61, the government just does not believe that it does anything of benefit. In terms of amendment 14, the view is that the amendment would give the RRP an unfettered discretion to refuse consent unreasonably, with a delay of 21 days, and impose a burden on the renter to subsequently appeal the refusal at VCAT. We think that renters are unlikely to then exercise their rights at VCAT due to the power imbalance in that relationship. That is the whole point of this legislation, to try to get that balance right, and we just do not think that the amendments before us do that.

Amendments negatived.

Mr O'DONOHUE — I move:

15. Clause 61, page 77, line 19, after "pet" insert "or a pet of that type".

Again, similarly to the previous amendments, amendment 15 deals with the issue of pets and seeks to tighten the test that currently stands.

Mr DALIDAKIS — I thank Mr O'Donohue. Unfortunately the government is not going to be supporting this one either. The view is that this amendment appears to be aimed at enabling a landlord or an RRP to obtain a VCAT order refusing consent to a class of pets to which the renters' pets belong. Again, this goes against the spirit of the legislation which we are trying to enact and that is why the government will not be supporting this proposed amendment.

Amendment negatived.

The DEPUTY PRESIDENT — Mr O'Donohue has already tested his amendments 16 and 17.

Clause agreed to; clause 62 agreed to.

Clause 63

Mr O'DONOHUE — I move:

18. Clause 63, page 79, lines 9 to 12, omit all words and expressions on these lines and insert—

'(b) in paragraph (a), for "landlord" **substitute** "residential rental provider";'.

19. Clause 63, page 79, line 21, omit "7" and insert "14".

These amendments seek to increase the period for an RRP to reimburse repair costs from seven to 14 days. Fourteen days is the current period and we think that is an appropriate period in the circumstances.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendments. The government again is not going to be supportive of these amendments for a range of reasons. First amongst them of course is that market research that was undertaken as part of the Fairer Safer Housing review — and we referenced this review earlier this evening — found that of renters who have requested repairs and maintenance, around one in two — in fact, to be precise, 53 per cent — experienced problems in getting that work completed. Furthermore, clause 63 of the bill reduces the time that the renter is left out of pocket if they have had to pay for urgent repairs that the RRP should have undertaken, and it creates stronger incentives for an RRP to investigate or respond quickly to an urgent repair request.

I must say that I have personally experienced this very provision when looking after a family member who had been a long-term renter and had problems with having their air conditioners fixed by, in that case the landlord, the RRP. They were somewhat evasive about having that repair work done, given that at times that kind of electrical machinery can be expensive to either repair or indeed replace.

So this is important in getting the balance right. We believe that it does that and that is why the government will not be supporting the amendments.

Amendments negatived.

Mr O'DONOHUE — I move:

20. Clause 63, page 79, line 29, after "system" insert "that is not under a warranty".

21. Clause 63, page 80, line 2, omit 'system.".' and insert "system.".

22. Clause 63, page 80, after line 2 insert—

"(3A) If a renter replaces an appliance, fitting or fixture under subsection (3), the residential rental provider is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.

The purpose of these amendments is to clarify the reimbursement for repairs that are carried out so that appliances that are replaced by the RRP are replaced on a like-for-like basis, so that the standard is maintained but is not used to upgrade unreasonably at the RRP's expense.

Mr DALIDAKIS — Again, I thank Mr O'Donohue for his suggested amendments. The government will not be supporting these amendments. We believe that the amendments are unnecessary. We believe that the RRP already has the ability under Australian Consumer Law to seek compensation from a manufacturer or supplier of an appliance for a major product failure. A major failure of course includes an irremediable manufacturing fault in that product. We think that the amendments would also undermine the urgent repair regime and affect the supply of utilities to the property, reducing the renter's enjoyment of the property, but also again making sure that that balance is straddled, that balance is sought, to ensure that the renter's rights are not voided by the ability of the RRP to unnecessarily frustrate in terms of repair or replacement.

The DEPUTY PRESIDENT — The question is that amendments 20 to 22 moved by Mr O'Donohue, which are a test for his amendments 29 to 31, be agreed to.

Amendments negatived; clause agreed to, clause 64 agreed to.

Clause 65

The DEPUTY PRESIDENT — I invite Mr O'Donohue to move his amendment 23, which is a test for his amendment 24.

Mr O'DONOHUE — I move:

23. Clause 65, page 81, after line 28 insert—

'(4) For the purposes of subsection (3)(b) and (c), the Director may take into account whether the residential rental provider is experiencing hardship.".'.

This amendment and its subsequent test seeks to insert a hardship clause for the RRP in a similar way to the hardship clause that exists for the renter. There are circumstances when the RRP could well be facing significant financial hardship as a result of external factors. This bill does not contemplate such events, and we believe in the interests of balance that it should. Therefore this amendment seeks to insert that hardship test for the RRP to mirror that of the renter.

Mr DALIDAKIS — The government will not be supporting this amendment. The government's view is that an RRP's duty is to maintain the rented premises in good repair as a basic and critical duty. Furthermore, we do not support the amendment because we believe that duty of repair is fundamental to the relationship between the RRP and of course the renter.

Amendment negatived; clause agreed to; clauses 66 and 67 agreed to.

Clause 68

The DEPUTY PRESIDENT — Mr O'Donohue's amendment to clause 68 has already been tested.

Clause agreed to; clauses 69 to 74 agreed to.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Clause 75

Mr O'DONOHUE — I move:

25. Clause 75, page 95, line 33, omit "appointment;" and insert 'appointment.".'.

26. Clause 75, page 96, lines 1 to 7, omit all words and expressions on these lines.

The purpose of these amendments is to remove the new entitlement the bill creates to compensation as a result of sales inspections. The opposition does not believe the case has been made for creating this new compensation regime and believes it is unnecessary.

Mr DALIDAKIS — Thank you, Mr O'Donohue, for your amendments. The government will not be supporting them. The industry has already acknowledged the disruption on renters, as some RRPs and agents offer renters affected by sales campaigns compensation in the form of rent reductions, gift cards or indeed vouchers. We think that the appropriate amount of compensation to be prescribed will be determined through further consultation. If Mr Morris were here, I would obviously refer back to the RIS, as I have discussed with him, in relation to stakeholders prior to making those regulations. So they are amongst the reasons why the government will not be supporting these amendments.

Amendments negatived; clause agreed to; clauses 76 to 93 agreed to.

Clause 94

The DEPUTY PRESIDENT — Mr O'Donohue's amendment 27 to clause 94 has already been tested.

Clause agreed to; clauses 95 to 108 agreed to.

Clause 109

The DEPUTY PRESIDENT — I believe Mr O'Donohue's amendment 28 has already been tested. If he does not wish to go further, then his amendments 29 to 31 have been tested as well.

Clause agreed to; clauses 110 to 180 agreed to.

Clause 181

Dr RATNAM — Many part 4A residential parks are now charging residents a deferred management fee, which is an exit fee traditionally charged to retirement village residents. There is no regulation of these fees, and they can be applied very unfairly. Why did the government not create regulatory powers in relation to this to protect tenants as part of this legislation?

Mr DALIDAKIS — I thank Dr Ratnam for her question. I am not going to give you much joy, Dr Ratnam. The reason is that the government does not believe that the charges should be voided, but what we do believe is that the charges should have a greater level of disclosure. What this aims to do is provide that greater level of disclosure as a direct measure of fees charged. Obviously operators can charge them, but people need to be aware very clearly of what those charges are in order to be able to make those decisions.

Dr RATNAM — Just to follow up on that, I have got a range of questions that are part of part 6, from clauses 181 to 235. I am happy to ask them all now and finish them off if that is okay, because I do not think there are any other amendments. So just in relation to that answer — thank you, Minister — are you saying that there is a mechanism by which the disclosure of the charges is going to be improved through this bill?

Mr DALIDAKIS — Yes.

Dr RATNAM — Okay, all right. Just a further question on part 4A. Despite part 4A residential parks often being home to older and vulnerable people, unlike retirement village operators these owners are not required to register with Consumer Affairs Victoria. This means we do not know how many residential parks are here in Victoria, nor can potential residents search to see if a part 4A park is properly registered. Why did the government not include amendments to

require residential park owners to register with Consumer Affairs Victoria?

Mr DALIDAKIS — Can I just ask which clause you are talking about right now?

Dr Ratnam — It is part 6 — it is generally canvassed between clauses 181 and 235.

Mr DALIDAKIS — Under new section 206FA. I thank Dr Ratman for her further question. Dr Ratnam, all caravan parks, including part 4A parks, are indeed required to be registered with councils. That information is not necessarily disclosable to the general public, though, and the reason I make that point is to contrast it with rooming houses, which are searchable by publicly verifiable means. The reason for the differential is that generally speaking people that are our most vulnerable are indeed most likely to be found in rooming houses, whereas the people that seek accommodation in caravan parks are of course not necessarily of the same level of need and care and oversight by the state.

Dr RATNAM — Thank you for that response. I would urge the government to reconsider that. While they might be registered with councils, we are hearing more that there are very vulnerable people who often find that caravan parks are the only place where they can afford a home. I think it is a significant gap, which is what these questions are alluding to — that it needs more regulation and oversight. We have had lots of representation that there is a big gap in this legislation and that we need to consider this in the future. In the consultation that is going to occur — we would say in the regulations, for example — we really urge you to reconsider that, because as the affordability crisis worsens we are going to start seeing more people needing to find alternative avenues for housing. This is becoming a legitimate avenue for housing now and often the point of last resort.

A couple more questions on this point, on part 4A parks: so unlike retirement villages there are also no minimum standards relating to who can operate a part 4A park. This means that people with previous bankruptcies or people convicted of fraud or dishonesty offences, for example, can manage one of these parks. Why did the government not include in the amendments minimum standards regarding who can operate a part 4A park?

Mr DALIDAKIS — I thank Dr Ratnam. Again, I do not think I am going to give you much joy on this one. As far as we are concerned, the government's position on this is relatively clear. Of course when the RIS takes place next year you or indeed the stakeholders that you have been conferring with are absolutely welcome to participate in that RIS process.

Dr RATNAM — In regard, once again, to the 4A park, compensation is not required to be paid to residents if the caravan park owner or part 4A site owner is not the owner of the land and the closure of the park is due to the expiry of a head of lease of that land. Why is that the case?

Mr DALIDAKIS — Thank you, Dr Ratnam. We did largely discuss this issue much earlier in the committee stage. But very specifically, there are two very different examples for this incident. There is the area where the park operator is also the landowner. In that case compensation is payable. There is the other example where the park operator is not the landowner, and so the ability to seek compensation is limited because the park operator in this case is very much held hostage to the landowner's decision to potentially sell, as is the resident of the park itself. That is why it is also clarified that when somebody moves into a park it will be made clear to them as to who is the park owner and who is the park operator, and indeed whether compensation would be payable if the owner-operator were one and the same or of course were two distinct and different entities.

Dr RATNAM — I have a final question then — just a follow-up to that. Thank you for that answer. It sounds like if the caravan park operator is not the site owner, then the potential conversation is very limited — but that is if the landowner has decided to do something with that land, for example. What if the proprietor who is not the landowner decides to end the lease not for that reason but for another reason? Is compensation available to these residents in a circumstance other than the landowner expiring their own lease and forcing the operator to go out?

Mr DALIDAKIS — Where the park operator is one and the same with the landowner, then compensation is potentially payable.

Dr RATNAM — Otherwise not?

Mr DALIDAKIS — Yes.

Dr RATNAM — So I guess just for the record we believe that in terms of the interaction of those two clauses there is room for further expression and there needs to be further work done to give some satisfaction to future caravan park residents to ensure that they have access to due compensation as well.

Clause agreed to; clauses 182 to 235 agreed to.

Clause 236

Mr O'DONOHUE — I move:

32. Clause 236, page 259, line 29, omit", second, third and fourth" and insert "and second".

33. Clause 236, page 260, line 19, omit "fifth" and insert "third".

Mrs Peulich in her second-reading contribution talked about the cash-flow challenges for those of modest incomes who rely on the rental income stream from a property, and the minister identified that there is a significant proportion of property owners who have the one property and rely on that income stream. The changes the government is proposing in this section are going to make that income stream much, much less certain by giving basically five opportunities for non-payment before an RRP can give notice to vacate.

The opposition does not believe that is the right balance, and it will create uncertainty and difficulty for RRPs. We believe that a more appropriate balance is to limit or provide the RRP with the option of issuing a notice to vacate after the second missed non-payment. We believe that strikes the right balance between giving the renter the opportunity to bring any arrears up to date and giving the RRP the opportunity to issue that notice after that second occasion. We believe the bill as it is drafted does not strike the right balance, and these amendments are seeking to return to the correct balance.

Mr DALIDAKIS — I thank Mr O'Donohue for his considered amendments. The government will not be supporting them. It is simply that we have a disagreement on the balance before us, and for that issue alone we believe that it skews the balance away from the renter of course, who we believe this legislation has been designed to support because of the imbalance of the power relationship.

Committee divided on amendments:

Ayes, 18

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

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Jennings, Mr	Shing, Ms (*Teller*)
Leane, Mr	Somyurek, Mr
Melhem, Mr	Springle, Ms (*Teller*)
Mikakos, Ms	Symes, Ms
Mulino, Mr	Tierney, Ms
Patten, Ms	Truong, Ms

Amendments negatived.

Mr O'DONOHUE — I move:

34. Clause 236, page 261, lines 31 to 33, omit "within a 12 month period of the residential rental agreement".

35. Clause 236, page 262, lines 1 to 17, omit all words and expressions on these lines.

The bill as drafted and proposed by the government, in addition to creating five opportunities to make good an arrears before the notice to vacate can be issued, also in clause 236 creates a reference to a 12-month period in respect of an occasion of non-payment of rent. So in effect, as a hypothetical example, five missed payments are made good and then at the end of 12 months the slate is wiped clean and that can occur again, which I think exacerbates that potential cash flow challenge for an RRP who may have mortgage obligations and other financial obligations and rely on that income. The opposition believes that by creating this 12-month period after which that history of breaches of paying rent on time is wiped clean is inappropriate and that it does not strike the right balance. Therefore this amendment seeks to remove that.

Mr DALIDAKIS — I thank Mr O'Donohue for his further amendments. As I indicated in relation to amendments 32 and 33, the government's position is unchanged, and we will be opposing them.

Amendments negatived; clause agreed to.

Clause 237

Mr O'DONOHUE — I move:

36. Clause 237, page 294, lines 29 and 30, omit "has entered into a fixed term rooming house agreement" and insert "continues to occupy a room after a fixed term rooming house agreement entered into in respect of the room has ended".

This amendment seeks to modify certain words dealing with notices of intention to vacate a room in a rooming house agreement. Given the government has not provided separate definitions or a section for student housing accommodation, this rooming house section also deals with the vast array of student housing accommodation. The purpose of this amendment is that the termination of the agreement cannot just be

provided with 14 days notice so that there is a more reasonable period.

Mr DALIDAKIS — I thank Mr O'Donohue for his amendment. The government will not be supporting this amendment, in a very similar way to amendments 32, 33, 34 and 35. The government's position is unchanged, and we will be opposing it.

Amendment negatived; clause agreed to; clauses 238 to 247 agreed to.

Clause 248

Mr O'DONOHUE — I invite members to vote against this clause. Clause 248 seeks to insert in the RTA after section 332 new section 332A, which states:

> **"332A Tribunal may dismiss possession order application and make compliance order in certain circumstances**

We do not believe that the insertion of this additional section is warranted. It again creates an extra burden on the tribunal, and while I take in good faith the minister's statement that work is taking place in relation to streamlining the tribunal processes, the fact remains that many of the sections amended by this bill will increase the burden on VCAT quite significantly at a time when waitlists are already too long and when case loads are growing in other lists as well the RTA list. So we believe that this clause is unnecessary and that a possession order should be able to stand. The tribunal does not need to have the power to make a compliance order in its place in certain circumstances.

Mr DALIDAKIS — There seems to be a lot of goodwill on all sides of the chamber. As Mr O'Donohue implied that there is good faith on this side, I imply that there is good faith on his. However, the government will be opposing this amendment. We believe that given we are talking about people who are the most vulnerable in our society, having a period as such is not inconvenient, and whilst, yes, there is the potential to create a further impost on VCAT, we believe that that is not inconsistent with what we are trying to achieve through this. Nor do we think that it is inconsistent with the objectives of the overall nature of the legislation.

Clause agreed to; clauses 249 to 267 agreed to.

Clause 268

Mr O'DONOHUE — I move:

38. Clause 268, page 384, line 30, omit "(1)".

39. Clause 268, page 385, lines 1 to 36 and page 386 lines 1 to 2, omit all words and expressions on these lines.

This next tranche of amendments really deals with the disposal of goods left behind by a renter after they vacate a premises and what needs to be done by the RRP with those goods pursuant to the RTA. Whilst we recognise that there must be a process by which goods can be stored and eventually disposed of, we again do not believe that what is proposed in the legislation strikes the right balance. Therefore these amendments seek to return that balance as the opposition perceives it. So amendments 38 and 39 seek to remove certain provisions relating to occupation fees payable for goods left behind by renters. The subsequent amendments, which we will get to in due course, deal with other elements of this issue.

Mr DALIDAKIS — The government will not be supporting the house amendments as moved by Mr O'Donohue. We believe that the proposed house amendments would omit new section 332A of the act, which provides that VCAT may dismiss a possession order application and instead make a compliance order in certain circumstances. It is our view — the government's view — that without the alternative option of making a compliance order, section 330 would require that VCAT must make a possession order if it is reasonable and proportionate in the circumstances. VCAT may have no option but to make a possession order which would lead to unnecessary evictions, and that is why the government will not be supporting this amendment.

Amendments negatived; clause agreed to; clause 269 agreed to.

Clause 270

Mr O'DONOHUE — I move:

40. Clause 270, page 387, line 5, omit "6" and insert "3".

41. Clause 270, page 387, line 10, omit "6" and insert "3".

42. Clause 270, page 387, line 14, omit "6" and insert "3".

These amendments seek to reduce the period in which a renter may make requests for the proceeds of the sale of goods from six months to three months. I have canvassed the general issue in the discussion about the previous two amendments, but again, there must be a reasonable time under which a renter can request or access goods or the proceeds of the sale of goods, and an RRP must have a reasonable time in which they can, after a renter has vacated a premises and left goods behind, dispose of those goods. We believe that a three-month period is reasonable, as opposed to the six-month period that has been proposed by the government.

Mr DALIDAKIS — The government will not be supporting the amendments as moved by Mr O'Donohue. This is an issue of fairness and of what is the right balance. It is not to criticise Mr O'Donohue's movement of these amendments; it is just that the government does not believe that this does strike the right balance. We believe that the clause as it stands already achieves that balance. As such the government will not be supporting the house amendment.

Amendments negatived; clause agreed to; clauses 271 and 272 agreed to.

Clause 273

The DEPUTY PRESIDENT — I invite Mr O'Donohue to move his amendments 43 to 46, which are a test for his amendments 47 to 50.

Mr O'DONOHUE — Thank you, Deputy President. I move:

43. Clause 273, line 23, omit "Section 395 substitute and new section 395A" and insert "New sections 395A and 395B".

44. Clause 273, line 25, omit "For section 395 of the Principal Act **substitute**" and insert "After section 395 of the Principal Act **insert**".

45. Clause 273, line 26, omit "**395**" and insert "**395A**".

46. Clause 273, page 388, lines 3 to 13, omit all words and expressions on these lines and insert—

> '**395B What if the renter believes the occupation fee is too high?**
>
> A renter or other person who has a lawful right to stored goods may apply to the Tribunal for an order that that the residential rental provider reduce the occupation fee if the renter or other person believes the total amount of the occupation fee required by the owner of premises is greater than the actual costs of storing the goods.".'.

As you said, these are a test for my subsequent amendments 47 to 50. These amendments relate to the fees an RRP can charge for the storage of goods. Again, this is a question of what is reasonable. If someone leaves a premises with goods left behind, it is only reasonable that the RRP can recoup those costs, and the opposition believes that the current proposal by the government, again, does not strike the right balance — hence my amendments.

Mr DALIDAKIS — The government will not be supporting the amendments. We believe that the clause as it currently stands provides for 14 days under a more modern, streamlined goods-left-behind process provided for in the bill, so we do not believe changing it would actually benefit the renters. That is why of course we have brought the legislation forward.

Amendments negatived; clause agreed to; clauses 274 to 310 agreed to.

Clause 311

Dr RATNAM — I note that in the minister's second-reading speech she acknowledged the need for further reforms to make the system less adversarial. Can the minister please outline further what is envisaged here?

Mr DALIDAKIS — As I am advised, Dr Ratnam, there will be a separate process of consultation with stakeholders that will be separate to the regulatory impact assessment that will be undertaken, and stakeholders will be informed of that process and be able to certainly take part in informing the government of obviously what we need to be doing to get it right.

Clause agreed to; clauses 312 to 362 agreed to.

Clause 363

Mr O'DONOHUE — I move:

51. Clause 363, after line 8 insert—

> '( ) In section 395(2) of the Principal Act, for "tenancy agreement" **substitute** "residential rental agreement".'.

In effect it is a very straightforward amendment changing 'tenancy agreement' to 'residential rental agreement', so it is an update of language, as I understand it, as much as anything.

Mr DALIDAKIS — The government will not be supporting the amendment. We just do not think that it is required, and we think it is superfluous.

Amendment negatived; clause agreed to; clauses 364 to 367 agreed to.

Clause 368

The DEPUTY PRESIDENT — Mr O'Donohue, your amendment 52 has already been tested.

Clause agreed to; clauses 369 to 389 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 21

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

Noes, 17

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

Question agreed to.

Read third time.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Broadmeadows Primary School site

Mr ONDARCHIE (Northern Metropolitan) (22:52) — My adjournment matter tonight is for the Minister for Planning in the other place and concerns the retention of the former Broadmeadows Primary School site on Nicholas Street, Broadmeadows, as public open space in light of the current development on the former Yakka site in King William Street. The former Yakka site proposal currently allows for 419 apartments and units, the option of eight storeys, no open space and no solution to the additional traffic that will impact on the existing area and cause some congestion.

The Broadmeadows Progress Association of Hume and Moreland have hand-delivered some correspondence to the local member in the Assembly, Frank McGuire. That happened on 23 July. They have made many phone calls, and the last letter was sent on 5 September. This has resulted in no correspondence, no action and no communication from the member for Broadmeadows to the Broadmeadows Progress Association of Hume and Moreland. Back in 2012 the local member was supportive of the former Nicholas Street school site as an important provider of open space in the local area, yet the Broadmeadows Progress Association of Hume and Moreland cannot get a meeting with the local member despite many, many requests to talk about preserving this very important former Broadmeadows Primary School site as public open space.

The action I seek from the Minister for Planning, in the absence of any correspondence or communication from the member for Broadmeadows to the Broadmeadows Progress Association, is for the Minister for Planning to meet with the Broadmeadows Progress Association of Hume and Moreland, hear their story and understand how important the Nicholas Street primary school site is as public open space.

Community health services

Ms SPRINGLE (South Eastern Metropolitan) (22:54) — My adjournment matter is for the Minister for Health. I was privileged to be involved in the Victorian Healthcare Association's recent annual conference — a two-day event that convened an array of impressive expertise and cutting-edge thinking to address current and future challenges facing the Victorian health sector. Our community health services deliver primary health, human services and support to our local communities, and they are embedded in and tailor services to the communities they serve right across Victoria. These services pride themselves on being accessible and support some of the most vulnerable Victorians — wherever they live and whatever their circumstances. They perform an incredibly valuable role in preventative health and, used effectively, can help to reduce pressure on our overburdened hospital system. But their capacity is being persistently undermined by increasing competition from other services and funding cuts.

Leading up to their annual conference the Victorian Healthcare Association launched the campaign Stand with Community Health, calling on political representatives at all levels, from all parties, to pledge their support for community health. In taking the pledge, politicians would commit to leveraging the growth areas infrastructure contribution funding to establish new community health centres, run by existing community health services; making Victoria's registered community health services preferred

suppliers for the Victorian government, enabling them to deliver more services to vulnerable communities; establishing a community health service capital fund to adequately fund and support existing community health facilities; adequately planning for and funding community health services for future growth and the changing needs of the Victorian population; scaling up and formalising existing hospital diversion projects, including supporting partnerships between hospitals and community health services to better serve the health needs of Victorians; and increasing public dental funding to reduce waiting lists and ensure more people get care when they need it, before routine problems turn into medical emergencies.

Numerous MPs, candidates and councillors from across the political spectrum have taken this pledge over the last few weeks, and the Victorian Greens and I are proud to have joined them. But what we really need to see is support for these objectives coming from the highest levels of government. On that note I call on the minister to pledge support for community health to ensure its current and future ability to support healthier and happier communities right across the state so that we can leverage this unique platform for the benefit of the broader health system, including reducing pressure on our public hospital emergency departments and outpatient clinics.

Food waste collection

Ms TRUONG (Western Metropolitan) (22:57) — My adjournment matter is for the minister representing the Minister for Energy, Environment and Climate Change. VCAT recently rejected a challenge to a 26-year expansion of the Werribee tip, which landfills on average 500 000 tonnes of rubbish each year. Just north of this landfill is an urban growth zone, and a new housing development is currently under construction there. Heading north, and also in my electorate, is another landfill, in Ravenhall, owned and operated by Cleanaway. Cleanaway are awaiting their own VCAT outcome, having also been challenged by residents who oppose the expansion and extension of the tip's operating life. Ravenhall landfilled about 1.3 million tonnes this year.

Considering that 40 per cent of Victorian landfill is food waste, these two tips alone buried about 720 000 tonnes of food, pumping 1 400 000 tonnes of greenhouse gases into the air, the equivalent of driving 230 000 cars on Victorian roads each year. Nearly all of this food waste has no business in landfill. In nature food breaks down, returns to the environment and provides nutrients back to the soil. Instead we bury food in landfill, damaging our environment through the release of greenhouse gases and the generation of leachate that poisons water supplies.

In the recent *Recycling Industry Strategic Plan* the Victorian government committed to develop a circular economy approach between 2018 and 2020. I wonder how the Labor government can be committed to building a circular economy when we see our rubbish tips expanding and polluting at the same scale and speed.

On the urgent environmental challenge of removing food waste from landfill, we understand the following. The waste diversion rate in Victoria has remained unchanged since 2012, while simultaneously $513 million has accumulated and sat idle in the Sustainability Fund, money collected for the specific purpose of funding sustainable alternatives to landfill.

I would like the minister to outline how much food waste is currently diverted through existing investment in kerbside collection of food waste, how much food waste the minister intends to remove from landfill this financial year and how much is financially committed to achieve this goal. Why has the Sustainability Fund not been more appropriately spent to change our diversion rate and at the least to target food waste and green organics waste? The action I seek from the minister is that the Sustainability Fund be spent on the diversion of food waste through investment in organics recycling.

Kinglake mental health services

Mr O'DONOHUE (Eastern Victoria) (22:59) — My adjournment matter is for the attention of the Minister for Mental Health. I have received representations from residents of Kinglake, as has my colleague Ms McLeish, the member for Eildon in the other place, and the representations from those residents of Kinglake concern clients of the Department of Health and Human Services, who I understand have been placed in accommodation in Kinglake. The concern of local residents is that the appropriate services are not available, and this is causing trouble and challenge in that local community.

I understand that police resources have been stretched to try to assist and respond, but I think from the representations I have received that either alternative accommodation closer to services needs to be identified, or the provision of those services needs to be made in Kinglake. I suggest that perhaps the former is more appropriate from the advice that I have received. The action that I seek from the minister is that he engage with the local community — I will not read

them into *Hansard*, but I am happy to provide the minister with the details of the representatives who have contacted me — and work through this issue so that the people in question can receive the appropriate assistance they need and the community of Kinglake can address this situation.

Responses

Mr JENNINGS (Special Minister of State) (23:01) — I have two written responses to adjournment matters that have been raised previously, one from Mrs Peulich on 26 July, and one from Mr Davis on 27 July.

In tonight's adjournment matters Mr Ondarchie raised a matter for the attention of the Minister for Planning relating to the former Broadmeadows Primary School site in Nicholas Street, Broadmeadows, and the aspiration of the Broadmeadows Progress Association of Hume and Moreland for the use of that parcel of land and their desire to meet with the Minister for Planning.

Ms Springle raised a matter for the attention of the Minister for Health, indicating that she is on a pledge and she wants the Minister for Health to be on a pledge too in relation to supporting community health, and also that she provide support to that sector for the important services and support that they provide to the Victorian community.

Ms Truong raised a matter for the Minister for Energy, Environment and Climate Change. It is a theme that she often brings the chamber, discussing the use of the Sustainability Fund in relation to reducing the amount of waste that goes into landfill —

Ms Truong interjected.

Mr JENNINGS — Yes, I was about to go on to that — particularly food waste in this instance, and the measures that could be undertaken to ensure that there were not the volumes of material that she identified in her adjournment matter. She called on the minister to drive that investment and diversion of food waste and indeed, presumably, also reduce that food waste in the first instance from occurring across the community.

Mr O'Donohue raised a matter, and he has given me an indication that he is going to provide the minister with some additional information because of the combination of it having been a very long day and Mr O'Donohue having worked long and hard today but also because of the diplomacy of this matter. It is not actually very clear whether this is driven by the residents of those services or the residents who live in proximity to those services that he is actually seeking a remedy for. Regardless of who is the generator of the story, there is a concern about the range of mental health services that are providing support to those in the Department of Health and Human Services residence in Kinglake, and on behalf of his constituents he is hoping that the services and the connection to better services can be provided. He will either furnish me with that information or the minister directly. That is it.

The PRESIDENT — On that basis the house stands adjourned until tomorrow.

House adjourned 11.04 p.m.