PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 19 June 2018

(Extract from book 9)

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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 K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, 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	AC	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, Luke Bartholomew[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	RV
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[7]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	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
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 9 February 2018
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 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; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria
SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

TUESDAY, 19 JUNE 2018

Tuesday, 19 June 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

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

ROYAL ASSENT

Messages read advising royal assent to:

13 June

Liquor and Gambling Legislation Amendment Act 2018

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018

State Taxation Acts Amendment Act 2018.

19 June

Appropriation (Parliament 2018–2019) Act 2018 (*Presented to the Governor by the Speaker of the Legislative Assembly*).

AUDITOR-GENERAL

Results of 2017 Audits: Universities

The PRESIDENT (12:07) — Can I indicate to the house that I have received a letter from Allan Tait, vice-principal administration and finance, and chief financial officer (CFO) of the University of Melbourne. He wrote:

> I am writing to bring to your attention a letter I have sent to the Auditor-General (A-G), copy attached, outlining the University of Melbourne's (university) concerns regarding the A-G's report to Parliament on the 2017 audits of Victorian universities.
>
> In summary, the university is particularly concerned about the statement in the A-G's report that 'overall, the university sector's financial reports are reliable, except for those of Deakin University and the University of Melbourne'. This statement was redacted in the draft provided to us for comment hence we were not given the opportunity to discuss it with VAGO or provide a submission challenging it for inclusion in the A-G's report. The university considers this to be a major failure in VAGO's processes.
>
> We believe that the statement is incorrect and misleading to users of our financial report. The qualification in the A-G's audit opinion on the university's financial report is a difference of technical opinion relating to AASB 118 rather than any material concern with the standing of the university's financial position or reliability of its accounts, and the university has external advice that supports its view. In the university's opinion its accounting practices and report are reliable, robust and in accordance with accounting standards. Furthermore, the university is recognised for its strong financial management and robust financial position.
>
> Given the potential damage the A-G's comments could cause to the university's reputation and operations, and in turn Victoria's largest services export industry, we request that you draw this to the attention of Parliament. In addition, I am writing to the Public Accounts and Estimates Committee (PAEC) and the federal government to bring it to their attention.

As I said, it was signed by Mr Allan Tait, vice-principal administration and finance and CFO at the University of Melbourne. I have the letter that he forwarded to the Auditor-General and can make available copies to any members if they require that.

Mr Davis — On a point of order, President, I understand why you may regard that as a serious matter and I know you brought it to the chamber's attention in a very good spirited way, but I think we may be establishing a new and unusual precedent in parties that are unhappy with an auditor's report writing to the President, or a Presiding Officer presumably in the other chamber's case, and having their concerns with the auditor aired in a way that I do not recall occurring. I am just trying to understand what the way forward is with every auditor's report in future.

The PRESIDENT — Thanks, Mr Davis. I would take the view that as Presiding Officer I would look at these matters that might be raised with me on a case-by-case basis. Indeed there are a number of matters that come to me that I would not consider bringing to the attention of the chamber. However, in this case I felt that it was a matter of such import in that as a university of significant standing the matter deserved to be raised with the Parliament as per their request. As I said, any further consideration of this will be undertaken no doubt by the Public Accounts and Estimates Committee. I think that there is a serious question here if some information was redacted from the report that was provided to them for comment that then appeared in the final report that was presented to Parliament. I do regard that as a process issue that I think warrants an explanation on this occasion.

TOLL FINE ENFORCEMENT BILL 2018

Introduction and first reading

Ms TRUONG (Western Metropolitan) (12:12) — I move:

> To introduce a bill for an act to amend the EastLink Project Act 2004 and the Melbourne City Link Act 1995 to make the enforcement of fines for unpaid tolls fairer and for other purposes.

Motion agreed to.

Read first time.

FIREARMS AMENDMENT (SILENCERS) BILL 2018

Introduction and first reading

Mr BOURMAN (Eastern Victoria) (12:12) — I move:

> To introduce a bill for an act to amend the Firearms Act 1996 to introduce changes to the controls around the acquisition, possession, use, registration and storage of silencers for use on firearms, to consequentially amend certain other acts and for other purposes.

Motion agreed to.

Read first time.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Management, governance and use of environmental water

Mr RAMSAY (Western Victoria) presented report, including appendix, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr RAMSAY (Western Victoria) (12:13) — I move:

> That the Council take note of the report.

Firstly, I would like to thank the committee for their work on this inquiry: Mr Josh Bull as chair and Ms Bronwyn Halfpenny, Mr Luke O'Sullivan, Mr Tim Richardson, Mr Richard Riordan and Mr Daniel Young as members of the environment committee. I would also like to thank the staff: Dr Christopher Gribbin, executive officer; Ms Annemarie Burt, research officer; Mr Matt Newington, inquiry officer; and Ms Sarah Catherall as the administrative officer. I do appreciate the effort they went to in presenting this report to the Council.

It is interesting to note that I learned quite a bit from this inquiry, particularly the impacts of environmental water and the use of it but also the problems associated with blackwater. I am not sure if many in this chamber would know what blackwater is, so to provide a little bit of an education to them, blackwater actually contains a high level of dissolved carbon. Of course with the increase of this dissolved carbon, the microorganisms that consume oxygen are actually increased and thereby have a significant impact on aquatic life. So it was on this basis that our committee spent quite a lot of time in northern Victoria, and I am sure my colleague Mr Luke O'Sullivan will talk more in depth and with some more substance in relation to the work we did on blackwater. Certainly it was an eye-opener for me to get a better understanding of the impact blackwater has, particularly when government releases environmental water to provide a short-term flooding technique to preserve some of the natural habitat, particularly in the forests and wetlands.

Changes in recent years have seen the government take a more active role in managing water for the environment, and this has included setting aside larger amounts of water for environmental purposes and the construction of infrastructure to control where and when water flows. Obviously this is of particular concern particularly for those irrigators that surround the Murray-Darling Basin in respect to how much water is being held for environmental purposes and what impact that is having on the irrigation communities that use the water to grow food and fibre. There is always a balancing act in relation to the use of water, whether it is for environmental needs, social needs or farming needs, and we highlighted that through the 21 findings and five recommendations of this report.

The inquiry examined the management, use and governance of environmental water in Victoria. The committee heard a lot of support from the community for the different types of environmental water programs. Again, though, I note with caution that the irrigation industry is particularly concerned about any take from the total water pool in relation to the use of more water for environmental purposes, which would be a disadvantage to the irrigation community.

The committee heard there are also a number of areas for improvement which were identified, and we have

identified them in the report. The committee has recommended changes designed to improve the capacity of Victoria's water managers to efficiently and effectively use environmental water, and these include investing in infrastructure to provide real-time monitoring of water and tracking the outcomes of environmental watering actions. The committee also found that benefits could come from improved interactions between government bodies and the community. This includes reporting back to the community in a timely matter on the causes of significant environmental events, improving community understanding of environmental watering programs and seeking additional opportunities to incorporate community input into environmental watering decisions.

In making these recommendations the committee noted the government has signalled its intention to make improvements in a number of these areas through existing plans and strategies. Obviously the government will be required to report back in respect of the recommendations within the normal six-month period. The issues identified in this report provide opportunities for improvements in several areas, and I anticipate — as does the chair, I might add — that these will be incorporated into future plans.

Environmental water is a large and complex topic, as we know with the discussions around the basin. There are some areas that were not possible to explore in the scope of this inquiry. We did have two regional visits into northern Victoria to look at the issues surrounding this inquiry. Water management is about balancing competing demands, as I mentioned before, and the aim is to get the balance right. Certainly we hope that with the recommendations this committee has provided to the government that balance will at least provide some equity in the water management pool.

Mr O'SULLIVAN (Northern Victoria) (12:19) — It gives me great pleasure to speak very quickly on the inquiry into the management, governance and use of environmental water undertaken by the Environment, Natural Resources and Regional Development Committee. I would like to thank the staff in particular for the work they did in this complex area: Chris Gribbin, Annemarie Burt, Matt Newington and Sarah Catherall. They did a tremendous job in understanding the complex elements that form water management in this state and with that the environmental water aspect, which is relatively new to the overall water governance arrangements that we have in this state.

One of the difficulties in terms of incorporating environmental water with water that was used for irrigation and for the community more generally was finding a balance in terms of how environmental water can fit into that overall scenario. As I said, it is a relatively new balance that we have been trying to meet, which essentially started through the Murray-Darling Basin plan back in about 2006 or 2007 — I think that is where its origins were.

I would like to thank the other committee members for their indulgence in coming up to northern Victoria, particularly to the Gunbower forest. I think that was a highlight for all of us to see the environmental water being used in a very practical way throughout the Gunbower forest and in terms of addressing how that interacts particularly with blackwater. That was one of the other areas we had a look at. I think we all came away from this report and our investigations and hearings that we had throughout the state with a better understanding of the role of environmental water. I think we are getting closer all the time to finding that balance rather than how it is at the moment, and I think we will get a beneficial outcome for all involved.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 9 of 2018, including appendices.

Laid on table.

Ordered to be published.

OMBUDSMAN

Administration of Fairness Fund for taxi and hire car licence holders

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

PAPERS

Laid on table by Clerk:

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence, 23 May 2018.

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

Ballarat Planning Scheme — Amendment C210.

Boroondara Planning Scheme — Amendment C278.

Cardinia Planning Scheme — Amendment C239.

Darebin Planning Scheme — Amendment C166.

Golden Plains Planning Scheme — Amendments C77 and C79.

Greater Geelong Planning Scheme — Amendment C349.

Greater Shepparton Planning Scheme — Amendments C192, C193 (Part 1), C197 and C203.

Hepburn Planning Scheme — Amendment C63.

Latrobe Planning Scheme — Amendment C110.

Melton Planning Scheme — Amendment C194.

Moonee Valley Planning Scheme — Amendment C182.

Stonnington Planning Scheme — Amendments C249 and C266.

Whitehorse Planning Scheme — Amendment C193.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 72.

Occupational Health and Safety Act 2004 — No. 71.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 69, 71 to 73, 76 and 77.

Legislative instruments and related documents under section 16B in respect of the Reporting Exemption Order for Incorporated Associations 2018 of 5 June 2018, under the Associations Incorporation Reform Act 2012.

Victorian Law Reform Commission — Report on Access to Justice — Litigation Funding and Group Proceedings, March 2018 *(Ordered to be published)*.

PRODUCTION OF DOCUMENTS

The Clerk (12:23) — I have received the following letter from the Attorney-General:

I refer to the Legislative Council's resolution of 6 June 2018 requiring the Leader of the Government to produce to the house by 2.00 p.m. on 19 June 2018 the following:

(1) a copy of all documents in full, concerning the Andrews government's decision to provide a long-term concession for the Australian Football League (AFL) to locate its headquarters on a parcel of waterfront land in Docklands, including —

(a) all correspondence, including emails, relating to this concession between the Department of Environment, Land, Water and Planning, the Department of Economic Development, Jobs, Transport and Resources, the Department of Premier and Cabinet, the Minister for Sport, the Premier, the Minister for Planning and the AFL, its lawyers and agents;

(b) all contracts, assessments and analyses of, in particular, but not limited to, the value of the land;

(c) all assessments, opinions or commentary provided by the Victorian valuer-general and/or the Victorian government land monitor;

(d) all ministerial briefings; and

(2) similarly, the arrangements struck by the Andrews Labor government with the AFL concerning Etihad Stadium, including financial and other arrangements, and including, but not limited to, any long-term leases and the detailed provision of this concession and including the delivery of (1)(a) to (d) above.

The Legislative Council's date for production of the documents does not allow sufficient time for the government to respond to the Council's resolution. The government is in the process of collating and considering the relevant documents for the purpose of responding to the order.

The government will endeavour to provide a final response to the order as soon as possible.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:24) — Order! I have received a request from Ms Wooldridge to reinstate a question on notice. The question is 12 661 and it was to the Special Minister of State representing the Premier. I have had a look at that question and I am of the view that the answer is not satisfactory in addressing the issues raised in the question notwithstanding an overall comment, and therefore I do reinstate that question.

I have also received a further letter from Ms Wooldridge in regard to questions on notice 12 641 and 12 561. Having looked at both of those questions, which were addressed to the Minister for Roads and Road Safety via the Minister for Agriculture in this place, and the answers provided, I am of the view that the questions have not been satisfactorily answered and I reinstate both those questions also.

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:28) — By leave, I move:

That precedence be given to the following general business on Wednesday, 20 June 2018:

(1) order of the day made this day, second reading of the Toll Fine Enforcement Bill 2018;

(2) order of the day made this day, second reading of the Firearms Amendment (Silencers) Bill 2018;

(3) notice of motion given this day by Ms Wooldridge in relation to the production of certain documents relating to the trial of a medically supervised injecting centre;

(4) notice of motion 591 standing in the name of Ms Fitzherbert in relation to the production of certain documents relating to the Cricket Victoria and Junction Oval agreement;

(5) order of the day 1, resumption of debate on the Crimes Amendment (Unlicensed Drivers) Bill 2018;

(6) notice of motion 582 standing in the name of Mrs Peulich in relation to the impact of cost-of-living pressures;

(7) notice of motion 533 standing in the name of Ms Wooldridge in relation to mandatory youth drug treatment; and

(8) notice of motion 566 standing in the name of Mr Ondarchie in relation to the government's reforms to school cleaning small businesses.

Motion agreed to.

MINISTERS STATEMENTS

Small business cross-border trade

Mr DALIDAKIS (Minister for Small Business) (12:30) — As the Minister for Small Business I rise to update the house on a new multigovernment project that will make it easier for Victorian small businesses to trade in New South Wales. Last week I joined federal Minister for Small and Family Business Craig Laundy, and the New South Wales Deputy Premier and Minister for Small Business, John Barilaro, to announce the establishment of a joint project to simplify cross-border regulation. Also in attendance was my state parliamentary colleague Jaclyn Symes, a tireless advocate for what we are doing in this memorandum of understanding. Also there was the member for Benambra in the other place, Bill Tilley, federal MPs Damian Drum and Sussan Ley, and New South Wales MP Greg Aplin.

Cross-border communities, such as those in Albury-Wodonga, face significant challenges when it comes to engaging in business, many of which their competitors closer to Melbourne simply do not have to consider. Whether it is delays to normal operations or being forced to engage with multiple regulators, these obstacles impact growth and opportunity. These initiatives will cut red tape, freeing up time so more small businesses can grow, contribute to the economy and create new jobs in regional Victoria.

Small Business Victoria will host a suite of community engagement events where the local business community can discuss specific regulatory matters with representatives from the construction, hospitality and taxi service industries. I encourage interested business owners to have their say throughout these sessions. I acknowledge the continued advocacy on the need for these reforms by the local federal member for Indi, Cathy McGowan, who could not join us due to parliamentary committee work elsewhere in Australia. Our work to boost the economic environment of our cross-border communities is further backed by our investment to establish a cross-border commissioner as part of this year's budget, as well as our further reduction in regional payroll tax to 2.245 per cent — the lowest rate of anywhere in Australia.

I take this opportunity to acknowledge Craig Laundy and Deputy Premier Barilaro and their joint efforts in getting the memorandum of understanding to where it is today. Supporting our companies to have the ability to trade with their neighbours will make a lasting difference for cross-border communities, and I look forward to facilitating this initiative alongside the commonwealth and New South Wales governments. After all, it is the people that we are doing this for, and it demonstrates that we — whether it is Labor, Liberal, National, whether it is state or federal or indeed local governments — are delivering for people, businesses and employment.

Kindergarten funding

Ms MIKAKOS (Minister for Early Childhood Education) (12:32) — I rise to inform the house of how the Andrews Labor government is helping to promote inclusiveness and diversity in Victoria's kindergartens. Last week I was pleased to announce that 219 kinders across Victoria will share in $1.2 million in grants under the new inclusive kindergarten facilities program equipment stream. These grants of up to $10 000 per kindergarten will contribute towards the purchase of new equipment such as wheelchair ramps, moveable change tables, sensory play kits, adjustable chairs and even a braille typewriter. Of the 219 kindergartens,

almost half — that is, 45 per cent — of the successful recipients were regional kindergartens.

I was pleased to visit Miners Rest Kindergarten, together with the Labor candidate for Ripon, Sarah De Santis, to make this wonderful announcement. Miners Rest kinder will now be able to buy a selection of resources such as sensory stepping stones, a motor skills set and other teaching aids, as well as a wheelchair ramp to provide a more inclusive environment for the children with additional needs who attend their service.

These grants are the first to be provided through the $6.4 million inclusive kindergarten facilities program, which was funded as part of an overall $19 million package of inclusive education initiatives by our government last year. The program will also offer kindergartens up to $200 000 to upgrade buildings and playgrounds to make them more inclusive, and I look forward to announcing the successful recipients of that stream in coming weeks. The Andrews Labor government is committed to build, upgrade and equip Victorian kindergartens across the state, and that is why we have invested a record $123.6 million to date towards kindergarten infrastructure, including the single largest state investment of $42.9 million in this year's budget. We are making sure that children of all abilities are able to experience a quality early learning experience.

MEMBERS STATEMENTS

Country Fire Authority Shepparton brigade

Ms LOVELL (Northern Victoria) (12:34) — It was an honour to attend the 2018 Shepparton fire brigade annual dinner held in Shepparton last Saturday night. It was great to join acting chief officer in charge of the brigade, Travis Harris, first lieutenant Ben Linnett and the large crowd in attendance to recognise and honour the number of members presented with various service medals and awards for their dedicated volunteer service to the Shepparton community.

Rob Puise received the prestigious National Emergency Medal, awarded by the Governor-General to persons who render sustained service in response to a nationally significant emergency. David Taylor was awarded life membership of the Country Fire Authority, and both Frank Fitzpatrick and Peter Jones were awarded life membership of the Shepparton fire brigade.

The members of the ladies auxiliary make a great contribution to the Shepparton brigade, and it was wonderful to see three valuable members recognised on the night. Lorraine Taylor was recognised for 45 years of service to the auxiliary, Michelle Uniacke for 25 years and Kayleen Fitzpatrick for 15 years service. Other award winners on the night were Ben Temple, Caitlin Dewar, Tim Mortenson and Adam Hermelin, who received both the Jim Jonas Award and the staff award. I would like to congratulate all the award winners and thank the entire membership of the Shepparton fire brigade for the tireless work they do in keeping our community safe.

Eurydice Dixon

Ms PATTEN (Northern Metropolitan) (12:35) — Last night I attended the candlelight vigil at Princes Park for Eurydice Dixon. It was an event that, not surprisingly, brought the community together. Thousands of us stood in the darkness of Princes Park. We stood in silence. We stood in solidarity. We reflected on the inhumanity that we saw and heard about last week. It was a time for us to unite in grief, to mourn the loss of a beautiful young woman and to try to regain some peace and hope in the face of so much sadness; to stand not only in protest but in determination to act; to ensure that this is not about advising women to be careful when they walk alone, nor is it about calling for more police to be stationed in our parks at night, nor is it about suggesting that all men are to blame. It is about working out what we need to do to change.

We must not accept any violence, but we must also remember that violence against a woman is rarely perpetrated by a stranger. Statistically women are still far safer in a dark park than we are at home. We can and we must change this. Eurydice Dixon's rape and murder has shaken us all, not just in Victoria but around Australia. The pain that her family and friends are enduring must be immeasurable. I hope that last night offered some comfort, and I am sure that the thoughts of all of us remain with them.

Eurydice Dixon

Ms MIKAKOS (Minister for Families and Children) (12:37) — I rise today to pay my respects to Eurydice Dixon and to express my condolences to her family, friends and colleagues. I also grieve for all 31 Australian women who this year alone have tragically had their lives cut short at the hands of violent men. These women could be our mothers, our daughters, our sisters, our nieces — their tragedy touches us all. Last night I too stood at Princes Park, shoulder to shoulder with thousands of women and men both young and old, to remember the life of Eurydice

Dixon. Together we stood to remember, reflect and, I believe, silently and powerfully say: enough is enough.

I confess I have shed a lot of tears for this young woman who devoted her short life to making people happy. I have felt both outrage and sorrow. I have also been reflecting on the public discussion about women's safety and about how for too long the onus for our safety has been put on women. As a young student walking the streets around Melbourne University for six years, I walked from a dark closed library through a badly lit campus to a Carlton bus stop with my heart in my mouth and holding my keys in my hand as a potential weapon. As a young woman my friends and I took turns to guard our drinks so that they were not spiked. It is time that women shared these stories to help men understand what girls and women experience every day.

Most of the violence still remains hidden in the home, unspoken, with so many women and children suffering in silence at the hands of perpetrators who profess to love them. When women are killed or sexually assaulted, their perpetrators are overwhelmingly men. Most men respect women but too many do not, and this has to change. Cultural change takes time, but it must start now. We need boys and young men to learn to respect girls and women at kindergarten, at school and in the home. For Eurydice and for every other woman who has tragically died, we must keep working towards a society that respects women. Rest in peace, Eurydice. You will not be forgotten.

Eurydice Dixon

Mr FINN (Western Metropolitan) (12:39) — I rise today to express my profound sadness at the tragic death of Eurydice Dixon last week and to offer my most sincere condolences to her family and friends. To lose someone so young in such violent circumstances is a shock to our city and our state, and the grief will undoubtedly be felt by even those who never met Eurydice.

I join with the Prime Minister and the Premier in expressing the strong view that women should be able to walk anywhere at any time of the night or day. That is a basic right. It is a major concern when the Lord Mayor admits she does not always feel safe in the city she leads and perhaps even a greater concern when the Minister for Police expresses a similar view. I know women in my own region who have told me they will not walk alone in their own suburb in broad daylight. Something is dreadfully, dreadfully wrong.

Yes, women should feel safe to walk anywhere at any time in our state, but that is not the case. Men too should feel safe to walk anywhere at any time, but nor is that the case. Families should feel safe in their own homes, but that is no longer the case. Disabled children should be safe to catch the bus to the local shopping centre without being bashed and robbed, but we know that is also not the case. Victoria Police has previously advised motorists to keep their car doors locked while they are driving so they can be relatively safe from carjackers. When driving to the shops for milk and bread risks a carjacking, we know Victoria is no longer a safe place to live. As a father, I fear for my children's safety as they make their way around Melbourne. That is not the way it should be.

There is a community safety crisis in Victoria. Never before have Victorians felt as fearful living in their own state as they do today. Clearly something is dreadfully, dreadfully wrong in our state, and I am very hopeful that in the next few months we will begin the journey together to make Victoria safe again. Victoria must become a place where walking home is no longer a fatal decision.

Rubicon Valley logging

Ms DUNN (Eastern Metropolitan) (12:41) — On Saturday, 9 June, I and over 80 other concerned citizens had the privilege of being hosted by the Rubicon Forest Protection Group at the property of Ken and Di Deacon. Along with their colleagues in the Rubicon Forest Protection Group and the broader local community, Ken and Di have been tireless in campaigning to save their local mountain ash forests from being logged. Over 80 people joined Ken, Di and others from the Rubicon Valley in protesting the logging of this beautiful native forest. Groups came from Mirboo North, Noojee and other rural towns that are devastated by the logging of their native forests. A massive banner was unfolded on the burnt coupes and marched from one end to the other. It was quite the effort from all the attendees.

The Rubicon Valley has a bright future in nature tourism, equine education, equine tourism and very importantly as the epicentre of Victoria's fish hatchery. On that note it was disturbing to hear that there are reports that employees at the Snobs Creek hatchery have been gagged by the government from talking about the adverse impacts of logging near the creek on the operation of the hatchery. It is greatly concerning that the government would silence concerns from within the Victorian Fisheries Authority about the damage caused by logging on a facility that underpins the viability of fisheries throughout this state.

Eurydice Dixon

Ms SHING (Eastern Victoria) (12:42) — I rise to pay my respects to Eurydice Dixon and send my love to her friends, her family, her colleagues and her community on the tragic and devastating brutal loss of a woman who was wry and witty, blooming and blossoming into someone that would be a tour de force no doubt to be reckoned with on the comedy stages of this state and perhaps the world. It is indeed such an exercise in contemplating how far we have to go as a community when a woman cannot walk home in safety and security without the feeling that we as women all know of fear, of trepidation, of doubt and of the need to memorise numberplates, to understand where the next street light is and to look for occupied houses which may be a refuge in case we need them.

Eurydice Dixon's name stands for what we need to do now and stands for all of the gendered violence that goes on in our homes and around our country. Her name stands not just for the life that she led but also for the countless numbers of women whose names we do not know — the countless numbers of women whose lives are lost, whose futures are devastated and whose potential self-confidence and momentum to change the world, perhaps in the way that Eurydice Dixon might also have done, are snuffed out. We must do more. We must do better. Eurydice Dixon, your name shall count for what we do from here and your name shall spur us on to do more in the name of women to come in the generations from now.

Ballarat car parking

Mr MORRIS (Western Victoria) (12:44) — We have a significant issue in Ballarat with regard to car parking in our CBD, and unfortunately Daniel Andrews has once again failed the community of Ballarat by backflipping on a decision that had been made to provide over 4000 free car parks in Ballarat CBD. The GovHub development, which has been spruiked by members opposite in this chamber, is one that will see a significant reduction in the number of car parks available in our CBD. If the government's word is true we will see 1000 people employed on that site and a massive reduction in car parking.

Daniel Andrews promised 1000 car spaces in Ballarat's CBD and has once again failed to deliver on it. Daniel Andrews was asked on Ballarat radio recently about what was going to happen to the $2 million that his government said they would provide to the Ballarat council for over 4000 free car parks in Ballarat's CBD. He was unable to answer that. Indeed during that interview he said that he would have to go back and have a look at what that $2 million was going to be used for. Daniel Andrews and Labor committed to having over 4000 free car parks in Ballarat's CBD and once again have failed to deliver.

Violence against women

Ms SPRINGLE (South Eastern Metropolitan) (12:46) — I rise to pay tribute to Eurydice Dixon today. Eurydice was an intelligent and funny woman with a brilliant future ahead of her. That future has been cruelly denied to her, her family and her friends. No words can ease their grief. But there are actions we must take to honour the memories of Eurydice and so many women who have suffered similar fates. Last night's vigils were a moving tribute. But if we are to achieve the fundamental change that is needed in society to stamp out violence against women, this groundswell of sentiment must translate into our daily lives.

All of us need to learn, think and act more to change and challenge aggression and violence wherever it occurs. These conversations need to start in prenatal contexts and continue through child care, preschool and school, into our universities, our workplaces and our communities. They cannot be confined to social media, and they cannot be confined to this news cycle. If we allow that to happen, we will be standing here again in the near future, grieving and in shock, and no closer to the society we need and want to be.

I am compelled to point out the scores of women who have gone missing or been killed this year and for whom no nationwide vigils were held: Qi Yu, Caroline Willis, Karen Ashcroft, Ingrid Driver Enalanga, Teah Luckwell, to name a few. May they all rest in peace, and may none of us living rest until we have done everything within our power to end violence against women.

Hearing technology

Mr DALIDAKIS (Minister for Trade and Investment) (12:47) — The latest accessory I bring to the Parliament fashion stakes goes way beyond the usual drawcards of appearance. Instead, although hardly noticeable, these exciting gadgets behind my ears, the Facett hearing devices, created by Blamey Saunders Hears, are revolutionising our approach to hearing loss. Indeed, they are world-leading technology, showcasing the very best of Victorian — nay, Australian — innovation and research and development. These are the first of their type — self-diagnostic, self-adjusting hearing aids — anywhere in the world.

Yesterday I met with the entire Blamey Saunders Hears team at their headquarters in East Melbourne post their successful application of regulation from the British Standards Institution following support from our Victorian trade and investment office in London. With one in six Australians suffering from hearing loss — a figure that is expected to increase to one in four by 2050 — it is important that not only do we all have access to affordable technologies but also that the associated stigma is eroded once and for all.

Importantly, with advances in digital health, the team at Blamey Saunders Hears is ensuring that everyone can benefit from innovative technology, no matter where they live. I would like to acknowledge the tireless effort of Dr Elaine Saunders and Professor Peter Blamey for their advances in helping to reduce the barriers stopping so many of us from finding a hearing solution. Thank you to the team for lending these hearing aids to me over the next week, and I look forward to giving my feedback to you on this exciting new technology.

The Home Stretch

Ms CROZIER (Southern Metropolitan) (12:49) — I was very pleased to be with the Leader of the Opposition, Matthew Guy, at the Victorian Council of Social Service summit last week, where he announced a policy that will make a real difference to young people leaving state care. Under Matthew Guy a Liberal-Nationals government will partner with Anglicare to deliver the Home Stretch program by providing support and funding to assist with an initial 75 places over two years for young people transitioning from state care.

We want those young people to have the support they need to give them an opportunity to improve their education and training, to find secure housing, to manage their physical and mental wellbeing, to get a good job and to enable them to plan for their future. It is hard enough for any young person turning 18 and wondering about their future, but for some of the most vulnerable kids in state care, uncertainty about their future and the choices they have to make on leaving the familiarity and security of their placement can be even more daunting.

As one young person wrote to the Leader of the Opposition, and I quote:

> You may not have heard of me but I've been a huge advocate for the Home Stretch campaign and the voice of many young people in out-of-home care. I just want to say thank you for looking at it and agreeing to pilot even a small amount of young people. It means the world to me to know that we are actually being noticed by the big decision-makers and that you have an interest in us, so thank you.

That is what good government is about — listening and providing real, practical support where it is needed. This policy initiative will do that, and it is the right thing to do. Daniel Andrews, you should follow the leadership of Matthew Guy and adopt this policy too.

Pakenham infrastructure projects

Mr MULINO (Eastern Victoria) (12:50) — It was a great pleasure to visit the new high-capacity Metro Trains Melbourne stabling and maintenance yard last week with the candidate for the Assembly electorate of Bass, Jordan Crugnale. The two of us enjoyed a tour of this state-of-the-art facility, which will employ up to 400 people throughout its construction phase and around 100 people while in operation. This will be a major source of employment for people across the state as well as locally. Importantly, it is also going to facilitate a dramatic increase in the capacity of our public transport system, which is so important for people living in places like Pakenham.

It was also a great pleasure to visit with Ms Crugnale a significant project also in Pakenham — the Deep Creek Reserve, which the state government is co-funding with Cardinia shire. This is a major environmental project which will see significant preservation of water assets as well as a major educational facility and a significant walking track and all-abilities playground.

I will finish by saying that the jobs created by these two projects are reflected in the overall job performance, which was released very recently and which is very strong, with 2.2 per cent growth over the last year and over 340 000 jobs created since we came to office.

Country Fire Authority Morwell brigade

Ms BATH (Eastern Victoria) (12:52) — Last Friday evening I had the absolute pleasure of attending the Morwell fire brigade annual dinner, and the culture in that room was fantastic. They are a team, but they are also like a big family. The members of the brigade respect the professionalism of the unit and they also have great fun. When I looked around the room at the end of the night and did a rough estimate, there would have been around 1000 years of volunteerism in that space.

It was great to see many people recognised. Five-year service recognition certificates were presented to Jimmy Quinn and Andrew George, a 25-year long service medal to Shaun Cornell, 35-year long service medals to Brian Membery and Michael Franchette, and a 40-year long service medal to Peter Quinn. As a man who sat next to me said of Peter

Quinn, 'He keeps us laughing and gets us organised', so all hail to Peter Quinn. Life membership of Morwell fire brigade went to both John Holland and Don Lovison, who have given so much to that fire brigade and to their community in various ways over many years. Their wives and families also dedicate time to the community through their support for their husbands and fathers. The Firefighter of the Year award went to the amazing Jackie Dalrymple, who runs the junior program.

The juniors and seniors are also fierce competitors in the country championships. Justin Coleman, Jai Jose, Aislin Pavey and Joe Darling received awards for their performances in the championships, so congratulations to them also.

Mildura Future Ready

Mr O'SULLIVAN (Northern Victoria) (12:54) — Last week I had the pleasure of visiting Mildura, and while I was up there I met with the mayor, Mark Eckel, and the CEO, Gerard José, of Mildura Rural City Council. I had discussions with them surrounding a policy platform that the council is supporting, which is called *Mildura Future Ready*. It is a document that contains four elements, which are the return of passenger trains to Mildura, stage 2 of the Mildura riverfront upgrades, the construction of a motorsports track and the development of a Mildura South sports precinct.

It was great to hear from the council about those projects, which Assembly member Peter Crisp has also provided details to me about previously. I will continue to work with Peter Crisp, the council, the federal government, Andrew Broad and the community in relation to bringing the *Mildura Future Ready* project to fruition in the years to come. Peter Crisp has already made significant announcements, with $80 million for level crossing upgrades and removals along the Mildura line, which will pave the way for the return of a passenger train in the future.

Mildura is a great place. There are many great outcomes for Mildura, and I will continue to work with Peter Crisp to ensure that those outcomes can come to fruition for the local community. It is a pity that the Labor government has done very little in the Mildura area since they have come to government. I wish they would, through the budget processes, come out and allocate some money for some of these projects as well.

Caulfield–Dandenong line elevated rail

Mr DAVIS (Southern Metropolitan) (12:55) — Today I want to draw the chamber's attention to the decision of the Labor Party to build a sky rail between Caulfield and Dandenong. That is now running, but the stations of course are not yet finished. Disabled people cannot get on at this point, and there are still serious issues of overlooking. Indeed what the Liberal Party would have preferred to see is a rail-under-road solution. That would have been what the community was promised by Labor and Mr Dimopoulos in the period before the state election. The community wanted a rail-under-road solution, but they were hoodwinked by the Labor Party and its decision to force this substandard solution on the community. We support the removals of level crossings, but we did not support —

Honourable members interjecting.

Mr DAVIS — We always did, and indeed you cancelled the proposals that we had to remove level crossings. A number have been removed across these municipalities, including Ormond, McKinnon and Bentleigh. A number of those were funded by the previous government. They were rail-under-road solutions and were much more accepted by the broad community because they are a much better long-term outcome. The costs of the project are still not known. We know they are at least $3.1 billion over the project estimates, but Minister Allan has refused to release those cost estimates and the costings to date. She should do so before the state election. It is outrageous that Labor will not release the costs of this project.

Eurydice Dixon

Mr O'DONOHUE (Eastern Victoria) (12:57) — I would like to make some remarks about the tragic death of Eurydice Dixon. In Patrick Carlyon's piece today the heading is, 'Reclaim Princes Park: Another vigil that ought never have needed to be staged'. How true that is, and what a tragedy her death is. Like other members I wish to pay respects to and express sympathies to her family, her friends and her community. At last night's vigil I was pleased to join with Ms Crozier from this place, colleagues from across the chamber and from the other place, and at least 10 000 others. We stood at soccer pitch number two at Princes Park, with the lights out in silent reflection. That silent reflection was very powerful, and from this tragedy, from this death, change must happen.

Harold Bould Memorial Award

Mr O'DONOHUE — On a separate matter, I wish to congratulate Izaiah Roach of St Francis Xavier College in Beaconsfield and Emily Bloxidge of Chairo Christian School on being the successful Harold Bould Memorial Award winners, and I wish them every success as they walk the Kokoda Track in the coming school holidays. Many thanks as always to our veterans and to the 39th Australian Infantry Battalion Association, which helped to make it happen together with the sponsors.

LABOUR HIRE LICENSING BILL 2017

Committee

Resumed from 25 May.

Clause 18 further discussed.

Mr Ondarchie — On a point of order, Chair, when we last met to discuss this on Friday, 25 May, I had a number of questions that the minister took on notice, and I am seeking to get responses to those. Specifically, I asked a question in relation to the consultation that the government said they have had with farmers, and the minister took on notice to provide us with the percentage of farmers in the horticultural sector that they have had consultation with, and I am seeking a response to that before we proceed.

Ms PULFORD — Thanks. The Victorian Farmers Federation (VFF) have been extensively consulted, from the original announcement of the intention to license labour hire back in 2014 right up to the introduction of the bill. The minister's office first briefed the horticulture policy council on 26 March 2015 at the invitation of the manager of horticulture. This was of course back at a time when the VFF was supportive of the licensing of labour hire. Their position is different now, and we accept and recognise that; that is understood.

There have been multiple consultations at ministerial office, department and even consultant level that the VFF have participated in. The office of the Minister for Industrial Relations met with VFF representatives to discuss industrial relations including labour hire licensing on 1 September 2015. They again met at the VFF specifically to discuss labour hire licensing on 31 August 2016. The Minister for Industrial Relations met with the VFF to discuss labour hire licensing on 26 July 2017. The VFF participated in the labour hire inquiry, that is the inquiry that was undertaken to inform the government's decision about whether or not we would indeed move to regulate labour hire. The VFF made a submission and attended hearings throughout that period. The VFF made a submission to the initial inquiry and also gave evidence, as did a range of fruit and vegetable growers and other organisations. That material was taken into account in the inquiry's recommendations, which the government accepted in its response.

During the inquiry and post-inquiry, and before the bill was presented to the Parliament, Agriculture Victoria representatives discussed this with the Victorian Farmers Federation and a range of other food and meat producers, companies and stakeholders. The minister's office briefed the VFF again on the outcomes in September 2017 prior to the introduction of the bill. On 23 November Industrial Relations Victoria (IRV) also sent out a consultation paper on the development of regulations to the VFF. No response was received with any input on behalf of their members. There was a further meeting with Industrial Relations Victoria and Agriculture Victoria on 21 February. On that occasion IRV outlined timing and further consultation on the implementation if the bill passes — the work on regulations, phasing provisions and the like. The Victorian Farmers Federation raised some concerns with the bill and provided, I am advised, constructive points for consideration in the regulation development — some suggestions on types of businesses that might be exempt from needing a licence.

Industrial Relations Victoria committed to set up another meeting with the VFF to continue discussions. In seeking to establish that meeting Agriculture Victoria followed up again on 28 February seeking further information on any impacts on horticulture the VFF may wish to provide the government. Industrial Relations Victoria have also followed up, offering a subsequent meeting. Both my office and the office of the Minister for Industrial Relations also met with representatives of the VFF on 18 April 2018, and we continue to seek and welcome the input of Victorian farmers to the development of regulations as we go forward. But there have been lots and lots of opportunities for the Victorian Farmers Federation and others to have had input, including of course through that period of the inquiry, the further development of the bill and subsequently.

Mr Ondarchie — On the point of order, Chair, I thank the minister for her response. However, I draw you back to the discussion we had on 25 May. It was not associated with the industry body, but moreover specifically it was associated with the farmers that Mr Gepp referred to in his second-reading speech,

saying, 'We have spoken to lots of farmers', and in fact to quote you, you said you had 'spoken to lots of people', and we are assuming others have as well. The question was around the number of farmers that you have asked, not the industry body, so apropos of my question to you on 25 May, the percentage of farmers in the horticultural sector that has been spoken to. The question was not related to the industry body.

Ms Shing interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I believe the minister has already responded with a number of answers. I will not take this as a point of order, but if the minister wants to add anything to the answer, she is happy to do that, but if not we will move on to clause 18.

Ms PULFORD — Probably in this instance I am speaking more as the Minister for Agriculture rather than the minister representing, on this occasion, the Minister for Industrial Relations, but I talk to farmers every week. I do not measure the value of those conversations by percentages. I measure those conversations by the nature of the conversation and the subjects contained within, so I must confess that, three and a half years into this job, I could not give an accurate account of the percentage of people who would define their primary source of income as farming — that I have spoken to — but I can tell you that there are a lot of them.

Mr Ondarchie — On a further point of order, Chair, in relation to a discussion that we had on 25 May of this year regarding some uncertainty about guidelines around job placement. The minister told us then that the commission would publish some guidelines so that everyone is crystal clear on whether or not they need to check that a third-party company they are using has a licence. I am just wondering if, in order to progress our discussions today, there has been any update on those guidelines.

Ms PULFORD — No.

Mr Ondarchie — On a further point of order, Chair, in relation to clause 18 and questions that were asked in the latter stages of our discussion. The minister indicated to us that data around how many labour hire companies and the modelling around labour hire companies, be they small, medium or large, is work that is being undertaken. She was not able to provide that information on the day but indicated she may be able to provide it at a later date. I am quoting her. She further went on to say that she was happy to take it on notice and provide it when it was available. I am just wondering if there is an update on the percentages of small, medium and large businesses that will satisfy the $4 million requirement to operate in this matter.

Ms Shing — On the point of order, Chair, just while the minister is with the advisers, these do not appear to be points of order. Rather they seem to be a continuation of the substantive discussion on the provisions of the bill as it follows on from the last day of sitting. On that basis I seek a determination as to whether this is indeed a point of order or whether we are in fact continuing the discussion as it relates to the bill.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Just on the clarification point, I agree with Ms Shing about your point of order, Mr Ondarchie. Regardless, in my view the minister does not have to reply or come back to you at all at this stage. It is up to the minister to respond or not. Minister, it is up to you.

Ms PULFORD — Yes. I am advised that we will be in a position to provide further information today on that, to the extent that it is available. If you recall, Mr Ondarchie, at the time you asked the question I said that we would provide you with it to the extent that it is known. Of course this is an industry that we are seeking to regulate and to establish a licensing scheme for. It is currently very unregulated — extremely unregulated in some parts — and we will provide what we can. I offer our best endeavours to that end.

Mr ONDARCHIE — Given the minister's response, I move:

That progress be reported.

Chair, we have now, in this short period, asked a number of questions that were taken on notice hoping that 25 days on, these questions could be satisfied. We are fully cognisant of the fact that when we ask these sorts of questions in the committee stage of a bill the answers might not be readily available and some may need to be taken on notice. We accept that. We think that is a standard understanding of doing business. But I have to say that it is 25 days since we did that, and some of the questions we asked were very simple. They were about the modelling of how the government arrived at their apparent figure of around $4 million to run this. We were trying to understand how many businesses were involved. We were trying to understand what the likely percentages would be in the break-up of businesses into small, medium and large when we used the examples that they gave us from other jurisdictions.

Twenty-five days ago, in trying to understand the allocation of the $4 million and what the likely costs are to be for each of these businesses to obtain a licence, the minister said they did not have the information readily available. We accepted that and that it may have been able to be produced at a later date. We are 25 days on now and the government are expecting us to proceed with a bill on which we still do not have answers. Given that 25 days has not been sufficient for them to gather the necessary information, we are more than willing to give them more time to do this. Hence the reason I suggest now that we pause on this matter, that they go back to the department and back to the sector so that they can give us a better understanding on how many farmers they actually did speak to rather than just to the industry body. That is the reason I think we should, as a Parliament, give them a chance to pause, go back and get the information so this house of review can readily deal with this matter that is before us.

I would have thought, Chair, that 25 days would have been more than adequate to come up with the information we were seeking. I had some faith that in fact the government may have done this modelling prior to bringing this bill to the house, because when we asked what was the budgeted figure for this, the minister responded that it is around $4 million. They said that there are likely to be around 1200 businesses that satisfy the requirement to get a licence. We are trying to understand how many of those 1200 businesses actually break up into large, medium and small businesses so we can do some maths on how much it is going to cost those licence-holders to obtain these licences in order to run their businesses.

As I said to you, Chair, at the time that information was not clear. At the time it was a question that needed to be considered, but I do make the point that that was 25 days ago. Given that we have done that —

Ms Pulford interjected.

Mr ONDARCHIE — To pick up the minister's interjection, she has just told me she did not have the information available, but lo and behold, suddenly it is available. Now either you do or you do not; either you have misled the house or you have not misled the house. You told us that you did not have that information readily available. You said it is not there, and you wanted to move on —

Honourable members interjecting.

Mr ONDARCHIE — Despite all the screaming and shouting over there, Chair, one day they say they have got it, one day they say they have not. Who can believe anything that they say? Less than 5 minutes ago the minister told me they did not have the information, hence the reason I moved to report progress on this. Now they are suddenly running back saying, 'We might have it now'. The motion before the house is to report progress, and I move the house duly consider that motion and give the government a chance to catch up after 25 days of seemingly doing nothing.

Ms SHING — I actually want to address this because the hypocrisy that we are hearing in the context of the debate and the carriage of this bill through this chamber is breathtaking. I would have thought that those opposite had in fact dived to the bottom and reached the bottom, but what we see now is an attempt to dig even lower, to get even muckier and to get even sloppier, when in fact those opposite quite frankly do not want to see this bill debated at all, let alone passed. Do you know why they do not want to see it debated at all, let alone passed? It is because it means fair terms and conditions for some of the most vulnerable workers in our state. They are beholden to resurrecting WorkChoices, even though Mr Abbott and company talk about it being dead, buried and cremated. Despite the fact that those opposite have in fact amongst their rank people who say that it is better to have a dog than a worker in a workplace, despite the fact that those opposite have fought tooth and nail to do everything possible to undermine fair rates for owner-drivers, for forestry contractors, for piece-rate workers —

Mr Ramsay — On a point of order, Acting President, Ms Shing is straying into a much broader commentary in relation to a whole lot of things that are not actually relative to the bill. There is nothing about WorkChoices discussed in this bill. There is no discussion around any of the other breathtaking messages that she wants to impart to us. If she actually wants to provide a summary, and that is what this is about, with respect to where we are up to in the committee stage, then so be it. It certainly does not give her licence to provide a much broader commentary on a whole lot of things that are not relative to this labour hire bill.

The ACTING PRESIDENT (**Mr Elasmar**) — It is about the proposed motion, and I ask Ms Shing to come back to the topic.

Ms SHING — What this bill is about — and it is unfortunate that we had this point of order raised, because it appears that Mr Ramsay does not even know what it is about — is licensing and registration for vulnerable workers. It is about the fact that people who work in vulnerable industries —

Mr Ramsay — On a point of order, Acting President, Ms Shing was reflecting on my understanding of this bill. I can assure her that I spoke to this bill and actually participated in the committee stage in the last sitting week. I have also sought advice from the Victorian Farmers Federation. I am well endeared to the bill —

The ACTING PRESIDENT (**Mr Elasmar**) — There is no point of order.

Mr Ramsay — It does not mean I support it, Ms Shing. I am just saying I fully understand the substance of the bill.

The ACTING PRESIDENT (**Mr Elasmar**) — Thank you, Mr Ramsay, there is no point of order.

Ms SHING — If only Mr Ramsay were as sensitive to the needs of vulnerable workers as he is to raising vexatious points of order to continue to stymie debate on this bill. This bill is about providing protections for some of the most vulnerable workers in the state. No matter how you slice and dice it, this is a bill which has been a long time coming, and it deserves to have the proper level of scrutiny in substantive terms by this Parliament. What we see is a cute, gilded attempt by those who sit on the other side of the chamber — in the interests of industry and big business — using every contrivance they can possibly come up with to deny this process and what it is intended to achieve.

What we see now is some sort of confected effort by those in opposition to again drag things out. They will sit on their high horses and they will sit atop their ivory towers and talk about how the business of the Parliament has been disrupted, and yet ultimately they are very happy to waste as much time as they possibly can. The bottom line is that questions have been asked and the information has been provided. What I suggest we do is limit ourselves to actually progressing these matters in the bill whereupon those opposite might be viewed with a smidgen more integrity than they currently are when it comes to matters around workplace relations and minimum standards.

Committee divided on motion:

Ayes, 18

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

Noes, 22

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

Motion negatived.

Ms PULFORD — This is not on clause 18; this is in response to Mr Ondarchie's point of order and in response to a number of questions that the government undertook to provide further detail on. I apologise for these answers not having been here at the moment Mr Ondarchie asked for them, but they were literally on their way into the building. I can confirm that the responses I have provided to date are all accurate, but I am just wanting to provide some further information in response to these questions.

Existing data indicates that there are between 1200 and 1541 labour hire businesses operating in Victoria. It is difficult to predict the exact number of organisations that will be required to, or that can be expected to, obtain a licence under the scheme. This is so for a number of reasons, including the fact that the introduction of the scheme will be the first time that Victoria has collected such targeted information about the labour hire industry. It is also due to inconsistencies between the different sources of existing data. As I indicated earlier, this is a new area of regulation, so we will know more in the future than we have known in the past, by its very nature.

According to the discussion by Deloitte Touche Tohmatsu in the draft regulatory impact statement (RIS) currently in preparation, inconsistencies between different sources of data may be due to the differences in definitions used to define the labour hire industry, the manner in which unregistered businesses are captured by datasets and the underlying methodological practices in data collection. Data from WorkSafe Victoria included in the *Victorian Inquiry into the Labour Hire Industry and Insecure Work: Final Report* indicates that the number of labour hire businesses registered for WorkCover premium services in Victoria in 2014–15 was 933. Of these businesses, the inquiry final report states: 531 labour hire businesses employed 100 or less labour hire employees; 136 employed 500 or less labour hire employees; and 52 employed more than 500 labour hire employees. Data about the remaining

approximately 200 businesses in the total amount of 933 was not available in the inquiry final report.

However, the inquiry final report noted that the Parliament of Victoria Economic Development Committee's *Inquiry into Labour Hire Employment in Victoria* interim report from December 2004 and the final report from 2005 presented different figures. The 2005 Victorian inquiry report used evidence from the Victorian WorkCover Authority to find there were around 1200 labour hire agencies in Victoria, with many regarded as small businesses. According to the discussion by Deloitte in the draft regulatory statement, a 2016–17 estimate of the number of labour hire businesses, available from IBISWorld data, indicates that there are 1541 labour hire businesses. Work on the proposed fees for the Victorian system and the projected number of businesses in each licence category are, as I indicated two sitting weeks ago, still under development.

Mr ONDARCHIE — Minister, thank you for those numbers — the one of 13 years ago at 1200 and the two-year-old one at 1541. That was part of a discussion we were having around what the likely licence fees would be, given that Queensland charges approximately $1000 for a small business, $3000 for a medium-sized business and $5000 for a large business. Are you able to update the house, therefore — given those numbers — on what the likely fees for small, medium and large businesses are going to be, based on the Queensland model?

Ms PULFORD — No. I have not got anything further to add, other than to refer Mr Ondarchie to the information I have just provided the house and the information that I provided the house two sitting weeks ago.

Ms BATH — I would like to raise a comment and then a question around your initial comments, Minister, at the start of this briefing session or committee-of-the-whole session. You made mention around communications within the industry.

The ACTING PRESIDENT (**Mr Elasmar**) — Is that on clause 18, Ms Bath?

Ms BATH — Acting President, I believe that a member of the Parliament is allowed to make a comment before she actually goes into a question.

Ms Symes — On a point of order —

Ms BATH — There is nothing in the standing orders to prohibit the fact that I can do that.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Thank you. Before I ask Ms Symes for her point of order, as long as it is related to clause 18, I am happy with that. Ms Symes? No; okay.

Ms BATH — Thank you, Acting President. In relation to communications, the horticultural group of the Victorian Farmers Federation (VFF) have asked me to correct the record from their point of view, from their position. They asked me to say that —

Ms Pulford — On a point of order, Acting President, I am just wondering if the member could outline how this relates to clause 18.

The ACTING PRESIDENT (**Mr Elasmar**) — It is clearly not on clause 18, Ms Bath.

Ms BATH — There is nothing in the standing orders to say that I cannot raise a position, particularly when at the start of this session the minister actually raised things around communication.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Members, it is not a debatable issue. Is there any question on clause 18? Please, let us be clear about this.

Mr ONDARCHIE — Just on Ms Bath's contribution, though, clause 18 does talk about applications for licences, and some farmers are affected by these applications for licences, of which we think there are somewhere between 1200 and 1541. Ms Bath goes to make a valid point about that, and she has not really been given the opportunity under clause 18 and applications for licences to talk about the VFF's position on applications for licences. So I put to you that in fact Ms Bath has not had a chance to even prosecute her position because she has been cut off initially when clause 18 directly relates to a valid application for licences.

The ACTING PRESIDENT (**Mr Elasmar**) — Is there any question, Mr Ondarchie, not about what Ms Bath wants? I gave her the opportunity, and I said to her that she can make a comment if it is related to clause 18. She had the opportunity.

Mr ONDARCHIE — That is fair, Chair. I will allow Ms Bath to after I have completed talking about clause 18. Minister, talking about clause 18, it relates to circumstances in which a person cannot make a valid application for a licence or application for the renewal of a licence. We talked about the word 'unduly' and things like that. There are words in here, Minister, about people continuing to ask for licences when it has

been dealt with. What about in the case where people give repeat objections? How does the government deal with that, where people just give continual objections that hold up the process for licence renewal?

Ms PULFORD — Where in clause 18 is the reference to the objections process? I am struggling to see it.

Mr ONDARCHIE — Subclause (1) relates to preventing a person from unduly burdening the authority with repeat applications in circumstances where a licence will not be granted. What I am asking is: how will the government deal with repeat or an undue number of objections that will burden the authority without allowing the licence to be granted?

Ms PULFORD — Sorry, I am not trying to be difficult — literally which sentence are you referring to in clause 18?

Mr ONDARCHIE — Subclause (1).

Ms PULFORD — Yes:

> A person must not make an application under section 17 for a licence or under section 28 for renewal of a licence if—
>
> (a) within the preceding 2 years, a licence (however described) held by the person under a labour hire industry law was cancelled other than—
>
> (i) on the initiative of the person; or
>
> (ii) in the prescribed circumstances …

So you are talking about something else.

Mr ONDARCHIE — Well, no, not really, because we talked about, when we talked about the purposes in clause 1, exactly this, and we made the point in clause 1 that people should not be applying unduly, annoying the authority with repeat applications when they are not going to get them. What I am asking is: if people are applying for licences, how is the government going to deal with repeat or an undue series of objections to dealing with that application? What we do not want — and we talked about this in clause 1 — is this to be an elongated process for no valid reason.

Ms PULFORD — For reasons that I can only assume relate to the Liberal Party's desire for the most vulnerable and exploited workers in the state to be denied the protections that these laws seek to provide for them Mr Ondarchie has clearly been tasked with another ridiculous and frankly embarrassing filibuster. Mr Ondarchie knows that I pointed him to the dictionary for the definition of 'unduly' when we spent a couple of hours on this bill in committee in clause 1 when we discussed these issues.

I mean, we could get into a whole discussion about what is unduly and at what point it becomes annoying, but I really would suggest that Mr Ondarchie might want to get a mirror if he wants to really understand that concept. I am happy to answer any questions on clause 18 or any of the other clauses.

Mr ONDARCHIE — Minister, I have to say you are better than that. Goodness me.

Ms Pulford — So are you, Craig — making a fool of yourself.

Mr ONDARCHIE — No, but the issue, whether you choose to accept it or you simply do not understand, is this: it has been very clear that the authority do not want applicants to continue to apply for licences where it is just not going to happen. We talked about that on clause 1 and you accepted that. What I am asking is: how is the authority going to deal with some people who are repeat objectors? We have seen this in a range of activities in Victoria, irrespective of what they are. If someone just repeatedly objects to someone being granted a licence and that holds up the process, how is the authority going to deal with that?

Ms PULFORD — If it helps, I can point out to Mr Ondarchie that the word 'unduly' does not appear in clause 18 of the bill. Other than that, I really have not got a whole lot to add, I am sorry.

Mr ONDARCHIE — Well, there is no surprise there, is there? I have no further questions on clause 18.

Clause agreed to.

Clause 19

Ms BATH — On clause 19, there are many people in the horticulture industry who are frustrated about the onerous nature of the provisions in this clause. To that point the VFF horticulture group has certainly requested that I make some comment about the lack of communication during the drafting process of this bill. They note that neither Minister Hutchins nor Minister Pulford made themselves available with respect to meeting any of the leadership team at any point during the drafting or following the presentation of the bill to Parliament, despite representative groups being interested in participating in communication —

Ms Pulford — On a point of order —

The ACTING PRESIDENT (**Mr Elasmar**) — The minister on a point of order. I can see what the point of order will be.

Ms Pulford — Acting President, I have two points of order, I guess. One is that this does not relate to clause 19. The other is that I have already provided an extensive outline of the contact between the VFF and the minister's office and her department — all the opportunities that the VFF have had to participate in the development of this legislation.

Mrs Peulich — That's not a point of order.

Ms Pulford — My point of order is on relevance. This is not on clause 19.

Ms BATH — In actual fact that is interesting, Minister, because when the information comes across that you want to portray, it is well for us to listen, but when there is a counterpoint then you are not prepared to listen to a different point of view in relation to the communication with the VFF.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Ms Bath, have you got a question on clause 19?

Ms Pulford — On a point of order, Acting President, Ms Bath was not here when I described in great detail what it is that she is seeking further comment on.

The ACTING PRESIDENT (**Mr Elasmar**) — I do agree on that. Ms Bath, have you got a question on clause 19, please?

Ms BATH — Clause 19 is quite onerous. What is going to be done to support small labour hire businesses to provide key information to the smaller farmers within one region? For example, the application must include name, position description and contact details of the prescribed number of nominated officers for the licence, and each relevant person must be a fit and proper person. What is going to be done to support those small local hire businesses?

Ms PULFORD — In relation to Ms Bath's concern that people might not have the information they need about what they would be required to do to comply with the legislation, I can certainly indicate that there will be an extensive information and education campaign to support the implementation of this legislation. The horticulture industry will be an area of focus. But the information that small labour hire companies, along with large labour hire companies, would be required to provide would be very standard information. We do not believe that it is onerous. It is the sort of information that any company complying with their existing legal requirements around keeping payroll records and employment records would have readily to hand.

Ms BATH — Thank you, Minister. You mentioned just then that education would be provided to those small labour hire businesses. What funding is the government going to provide for those educational opportunities?

Ms PULFORD — As I indicated in response to questions on clause 1, the funding for the implementation of this is provisioned for in the budget.

Mr RAMSAY — I have a question in relation to a requirement for retrospective information regarding previous work provisions. I am just wondering what sort of comfort you can give for the protection of previous hosts who may no longer want to utilise the labour hire company applying for a licence. This is a lot of information and the Victorian Farmers Federation have raised concerns about protecting that information with respect to retrospectivity.

Ms PULFORD — This legislation does not have any retrospective effect.

Mr RAMSAY — My understanding is that when a labour hire business wants to apply for a licence there is a requirement for retrospective information for the past 12 months; is that not correct?

Ms PULFORD — I am sorry, Mr Ramsay, are you talking about the host or the applicant?

Mr RAMSAY — The applicant.

Ms PULFORD — That information is already required to be kept by these businesses under commonwealth legislation, so they already have it.

Mr ONDARCHIE — Minister, clause 19 imposes extensive information provision requirements on applicants, and there is the scope for the regulations to make those requirements even more onerous. For example, if you are a small, family-run business from, say, a non-English-speaking background that is providing jobs for dozens of low-skilled migrant workers from the same non-English-speaking background, who are quite likely refugee workers lawfully accepted into Australia, you are paying your workers the correct wages and you are registered with WorkCover and the tax office, every piece of bureaucratic information that you are required to provide — not only at the time of registration but every time the information changes or whenever the authority

requires you to provide new information — makes it harder and harder for your small business to comply.

Eventually these small businesses may well give up and all the workers for whom horticultural work is one of the few jobs they are able to get could be out of work. I just wonder how that is compassionate. I wonder how it is we are providing refugees and migrants with a welcoming home in Australia when you are throwing them out of work because you are piling bureaucracy onto these small businesses to the point where it makes it almost impossible to comply. I just wonder how that is a good thing. Minister, in clause 19(1)(a) what is meant by 'registered with the Australian Taxation Office as prescribed by the regulations'?

Ms PULFORD — The government has consulted with the Australian Taxation Office (ATO) on this provision. The regulations will describe circumstances where an applicant would be registered with the ATO, which would be all the usual things like a requirement to be registered to pay GST as is applicable in their business. It is the usual reasons that businesses register with the ATO — nothing out of the ordinary.

Mr ONDARCHIE — Therefore is it not sufficient enough for the applicant to show they are registered with the ATO as required by law? Why the need for the extra commentary in this clause?

Ms PULFORD — I am sure Mr Ondarchie understands the purpose of the legislation is to provide additional assurance about compliance with existing laws. There is nothing in the labour hire licensing scheme that requires any change to minimum standards, for instance. It is about ensuring that the loop is closed, essentially. This is to create that link between the registration with the ATO and the licensing scheme.

Mr ONDARCHIE — It would be simple enough just to say you are either registered with the ATO or you are not. Similarly in clause 19(1)(b), regarding being registered with WorkSafe Victoria, what is it that the regulations may prescribe there as a result of being registered with WorkSafe Victoria?

Ms PULFORD — The regulations, as I have indicated, are in development. As you know, Mr Ondarchie, there will be an extensive period of further consultation and an opportunity for anyone in the community who has a view about the draft regulations to provide further input to the government. That will be accompanied by a regulatory impact statement so that all of the impacts of them are known and understood. I would simply refer you to my answer to your previous question. This is to ensure that there is a relationship between compliance with existing requirements — be they from the Australian tax office, be they from WorkSafe — and the licensing scheme.

Mr ONDARCHIE — Minister, given that the regulations are still in development and there needs to be a period of consultation, to pick up your words, to understand the impact of the regulations that are being developed, wouldn't it be appropriate, then, to complete those works before this bill is passed by the Parliament?

Ms PULFORD — No, we do not believe so. It is very much the ordinary order of things that the Parliament would determine a question on legislation, and then regulations, while well in development, would be finalised following the passage of the bill. Without the power that the bill creates to establish the regulations, there is no need for them, so this is one of those walk-before-you-run-type things. We pass the legislation, and we finalise the regulations. There is, as part of that process, a regulatory impact statement and a further opportunity for individuals and organisations to provide feedback on those, and then the regulations are finalised. It is how we do lots of things around here.

Mr ONDARCHIE — But herein lies the problem, Minister, in this Legislative Council, the house of review: you are asking this Parliament to pass a bill devoid of regulation and devoid of consultation. The Liberal-Nationals opposition have done extensive consultation with people, and the issue that we are hearing, where it relates to clause 19, is the uncertainty. They are unsure what the regulations may prescribe. They do not know if they should support this element of the bill because they just are not certain as to what is going to happen. Minister, given that you do not think it is appropriate that you —

Ms Pulford — Make regulations before we pass legislation.

Mr ONDARCHIE — that you enter into extensive consultation and get it done before passing the bill, it would seem appropriate at this time, given the consultation that we have had — the extensive consultation that we are actually able to quantify — that we report progress now to allow the industry, to allow the people affected, to understand that the consultation period you are going to undertake around the regulations is completely exhaustive before we get a chance to progress this bill.

I move then, Chair:

> That progress be reported.

Ms PULFORD — I move:

> That the question be now put.

The ACTING PRESIDENT (**Mr Elasmar**) — The question is:

> That the question be now put.

I ask six members to stand in their place.

Required number of members having risen:

The ACTING PRESIDENT (**Mr Elasmar**) — Members, there has been some misunderstanding of the procedure. Members were confused, so I will put the question again. The question is:

> That the question be now put.

Motion agreed to.

The ACTING PRESIDENT (**Mr Elasmar**) — The second question is:

> That progress be reported.

Committee divided on motion:

Ayes, 20

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

Noes, 20

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

Motion negatived.

Business interrupted pursuant to sessional orders.

DISTINGUISHED VISITORS

The PRESIDENT (14:08) — Order! I acknowledge in the public gallery today Paul Jenkins, who was a former member of the other place — the dark side. Welcome.

QUESTIONS WITHOUT NOTICE

Prisoner transport

Mr O'DONOHUE (Eastern Victoria) (14:09) — My question is to the Minister for Corrections. Minister, according to His Honour Justice Lasry, last week Corrections Victoria failed to deliver accused Dimitrious Gargasoulas to court, in contravention of a court order. His Honour said:

> There is a jail order, but corrections failed, as they often do, to get him here.

Minister, how many accused have failed to be delivered to court, in contravention of a court order, this financial year, and what has been the total quantum of costs orders against Corrections Victoria for these failures?

Ms TIERNEY (Minister for Corrections) (14:09) — I thank the member for his question. The member is wrong. That prisoner was available for his court appearance and the hearing did occur. The fact of the matter is that this story appeared in the media, and once they understood what was going on that story was removed from that site.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:10) — Minister, I did not refer to any media story. I was quoting His Honour from the transcript of the court, so it appears that you are saying His Honour Justice Lasry is wrong.

By way of supplementary: Minister, justice delayed is justice denied. This issue has been ongoing for some time, and in fact it was reported today that accused terrorist Ali Khalif Shire Ali was unable to get a seat on the bus for court. I ask: when will the Andrews government adopt the Liberal-Nationals policy of having the Magistrates Court sit at a select number of Victoria's correctional facilities to hear procedural matters, relieving pressure on the court system and reducing prisoner transport movements?

Ms TIERNEY (Minister for Corrections) (14:11) — I thank the member for his question. The matter of court appearances is not an issue of justice denied. The fact of the matter is in terms of the matter that

Mr O'Donohue raises that was a matter from yesterday, there were some issues at the courts yesterday but the prisoner was presented to the court in the afternoon and, as I understand it, is before the courts again today. The government has not shirked from the fact that there are demand pressures in our system, and it does recognise that our prison population is growing. That is why we have added a number of beds — around 1900 — to the system. We have also funded over 1200 new beds across the state and are including a new 700-bed maximum security prison at Lara. We have also of course —

The PRESIDENT — Thank you, Minister.

Prison security

Ms FITZHERBERT (Southern Metropolitan) (14:12) — My question is also to the Minister for Corrections. Minister, the Judy Lazarus Transition Centre is supposedly for the best behaved prisoners prior to their release to enable this select cohort to commence their reintegration into the community. Minister, on 16 June at around 11.20 p.m. 31-year-old Adrian Horton was confirmed as an escapee from the centre. Minister, how did he escape without the knowledge of prison authorities?

Ms TIERNEY (Minister for Corrections) (14:12) — I thank Ms Fitzherbert for her question. A prisoner did escape from the minimum security Judy Lazarus Transition Centre on Saturday evening. Police were notified immediately, and he was recaptured on Monday afternoon. As the matter is now under investigation, I will not make any further comment in relation to that. But the Judy Lazarus Transition Centre is a minimum-security facility for low-risk prisoners nearing the end of their sentence. It is designed to assist prisoners to successfully transition back into the community. In over 10 years since it opened the Judy Lazarus centre has only had one other escape. It has been proven to be a very effective facility at helping prisoners transition back into the community. This prisoner was within weeks of completing his sentence and was preparing to integrate.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:13) — Minister, given the behaviour and security vetting required to be placed at the centre, what failures have you identified that led to this prisoner being incorrectly placed at the centre rather than at a more secure prison, and what will be changed to make sure this does not happen again?

Ms TIERNEY (Minister for Corrections) (14:14) — I thank the member for her question. The fact of the matter is that the placement of prisoners is an operational matter, and I have been advised that this prisoner was appropriately placed. It is under police investigation, and I am unable to make further comment.

Prisoner transport

Mr O'DONOHUE (Eastern Victoria) (14:14) — My question is to the Minister for Corrections. Minister, last Friday prisoner transport staff went on strike. Can you advise the house how many prisoner court appearances were adjourned or cancelled as a result of the strike?

Ms TIERNEY (Minister for Corrections) (14:15) — I am advised that none were impacted.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:15) — Thank you, Minister. Minister, the transportation of prisoners to court, other prisons and police cells is critical to the effective operation of the justice system. What matters that resulted in the strike remain outstanding, and what time frame have you set to have these issues resolved?

Ms TIERNEY (Minister for Corrections) (14:15) — Again, there were no impacts on prisoner transport services on Friday, with prisoners transported to and from court as per normal. While any industrial discussions are a matter for G4S and its staff, G4S has assured the department that it will continue to meet its contractual obligations.

Corrections system

Mr FINN (Western Metropolitan) (14:15) — My question is to the Minister for Corrections. Minister, according to the public statistics from the Crime Statistics Agency, instances of crime in Victoria's justice centres, which include Victoria's prisons, has increased from 797 in 2014 to 1815 in the year to March 2018, or a staggering 127.7 per cent increase. Minister, these figures just confirm what Victorians already know: that you have lost control of Victoria's prison system, which continues to lurch from crisis to crisis. Minister, what plans do you have to bring this law and order crisis in our justice facilities under control?

Ms TIERNEY (Minister for Corrections) (14:16) — In terms of the story that those opposite tend to just roll out time and time again about a system in crisis, there is no crisis. The fact of the matter is that Corrections Victoria is a very well oiled machine and is managing a very robust system very well. We have a very planned and measured approach to expanding our system. We are ensuring that there will be additional prison beds and that a new prison will be built that will enable more rehabilitation to occur within the prison system and indeed more education programs to be provided in the system.

In terms of crime statistics, what we see is the opposition continually wanting to cherry-pick data, comparing raw numbers from 2017 and 2010. Over those seven years the population in our prisons has grown from 4500 to about 7400 now, so their claims are not only misleading but disingenuous and deceitful. When you measure the rate of offences recorded per 100 prisoners it tells a very different story. Once again the worst year for offences, as it was for assaults, was 2013, when Mr O'Donohue was in his first year as corrections minister. It was on his watch. We are dealing with a growing population and a more violent cohort, and as a result there has been a change in a range of policies in relation to policing and sentencing, but the system is operating well and much better than it did under the coalition.

Supplementary question

Mr FINN (Western Metropolitan) (14:18) — Minister, given the massive increase in crime, what advice have you received regarding the impact on Victoria Police's scarce resources from the constant call-outs to correctional facilities for their assistance and backup?

Ms TIERNEY (Minister for Corrections) (14:19) — Goodness me, President. Again, in terms of what was occurring previously, the assault rate across the prison system was at a record high in 2013 — double what the rate is now. Beechworth, Dhurringile, Marngoneet, the Metropolitan Remand Centre and Port Phillip Prison had higher assault rates in 2013. Hopkins had the highest rate —

Mr Finn — On a point of order, President, I have asked a specific question about the impact on police resources as result of the increased crime in prisons. I am just wondering if the minister might refer to the supplementary question in her answer and not talk about matters that are not entirely related to the question at all.

The PRESIDENT — Order! I note the supplementary question. I actually have some concern about whether or not the minister would be in possession of the information that is sought in this particular supplementary question, because it involves an agency that is under another minister, and I am not sure that there would be any understanding by this minister of the answer to that question. In that context, I think the answer that she is providing might be a little argumentative, but then so too was the substantive question. Minister, to complete the answer, if you are able to address the matter raised, please do so.

Ms Wooldridge — On a point of order, President, the question actually asked what advice she has received in relation to the matter, and it is quite regular for ministers to receive that sort of advice from their department in relation to the impact it has on others and the operations of their sentence. I think it is very directly a question that she can answer, and if she has received no advice, she is quite welcome to give that response.

The PRESIDENT — If the minister is in a position to answer it, she will, I believe. As I said, I am not sure that she necessarily will.

Ms TIERNEY — Thank you, President. I thank the members for their points of order. The fact is that I do have confidence in Corrections Victoria. I meet with them on a very regular basis, and I believe that they do provide me with advice and information that pertains to the proper management of the correctional facilities in the state. I stand by them in having that confidence. I believe that this is an attempt by those opposite to trash Corrections Victoria and the Department of Justice and Regulation.

Child protection

Ms CROZIER (Southern Metropolitan) (14:22) — My question is to the Minister for Families and Children. Minister, an offender with five previous convictions of rape was recently awarded his working with children certification after a Court of Appeal judgement. The man is seeking to become a youth worker, and despite your department's objections, where they told the court that children's safety will be at risk because he had a history of violent offending and a short temper, the certification was still granted. Minister, the man has the green light to work with vulnerable children in residential care. Minister, are there now any other avenues which the Department of Health and Human Services can pursue to protect vulnerable children by ensuring this man does not work for them?

Ms MIKAKOS (Minister for Families and Children) (14:22) — The member in her question has actually acknowledged that this is in fact a Court of Appeal decision, and the last time I checked the Court of Appeal made its decisions independently of government. I make the point also that the working with children check legislation does actually sit with the Attorney-General, not with myself, and it is his portfolio responsibility. The further point that I make to the member is that, as has been reported, the working with children check in relation to this matter — the notice — was in fact denied by the Department of Justice and Regulation and was overturned by VCAT, and then that matter was upheld by the Court of Appeal.

The other point that is important to make to the member is that there is a process by which any agency seeking to employ a staff member in residential care would be seeking not just working with children check information but criminal history checks, so just because somebody has a working with children check notice does not in fact guarantee them employment anywhere. It is still available to a potential employer, having examined someone's police check history, their criminal history, to not in fact offer a person any employment whatsoever if they believe that that person may pose a risk to young people.

I make the point also that these matters have been the subject of significant tightening by our government. The Attorney-General has led significant legislative reform already in relation to working with children processes, making it more difficult for people in these types of circumstances to actually get a working with children check notice. Similarly, he has also led significant reforms, with sex offender criminal legislative changes that strengthen laws to keep children safe by placing stricter controls on registered sex offenders. This has given Victoria Police greater powers, including seeking orders to prohibit offenders from attending areas frequented by children as well as preventing offenders from engaging in certain jobs and volunteer work. So I think it is important that the member understands that the government has already made a number of changes in relation to these matters. These matters are also subject to some recommendations from the McClellan royal commission in relation to these issues, and obviously the government is considering these particular recommendations.

I make these points to the member, having explained to her at the outset that these are in fact matters that do sit with the Attorney-General. If she has some specific questions in relation to the Attorney-General's intentions in relation to these matters, then she should direct them to the relevant minister. I have explained to the member already the process that has been undertaken in relation to these matters and in fact that potential employers, which are not in fact my department but in fact community sector agencies, are able to access relevant information through police checks. This is a process that would give them access to relevant information that they can then weigh up in making their judgements as to whether a potential employee poses a risk to children.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:26) — Minister, thank you for that response. And so I ask: are there any additional oversight measures in place for residential care workers who have a concerning criminal past?

Ms MIKAKOS (Minister for Families and Children) (14:27) — For four minutes, I think, I have just explained that to the member. Can I also advise the member that when I became the minister I was shocked to discover that up to a third of residential care workers had no relevant qualification when Mary Wooldridge was in fact the minister. That is something that we have rectified. With the support of Minister Tierney, and Minister Herbert previously, we introduced mandatory minimum qualifications that have seen around 1400 residential care workers undertaking relevant qualifications to undertake this important work. We have provided funding for improved staffing levels in residential care. There are processes that go to quality of care investigations if there are allegations relating to residential care workers, and there is a process by which the department and a suitability panel can in fact take action against any staff member where there is a complaint.

Ms Wooldridge interjected.

Ms MIKAKOS — I have just explained that process to you, Ms Wooldridge.

Public sector industrial action

Mr DAVIS (Southern Metropolitan) (14:28) — My question is for the Leader of the Government. Minister, is it a fact that at a recent meeting with representatives of Trades Hall Council Andrews Labor government representatives, including you, Mr Jennings, gave a commitment that the government will not use section 418 of the Fair Work Act 2009 to seek an order to halt illegal or unprotected industrial action in the Victorian public sector?

Mr JENNINGS (Special Minister of State) (14:29) — The answer to that question is no.

Supplementary question

Mr DAVIS (Southern Metropolitan) (14:29) — Well, if you say that no such commitment has been given, will you inform the house exactly what commitments, arrangements or understandings were reached with Trades Hall Council at the meeting that you attended?

The PRESIDENT — I call the Minister, Mr Jennings, but I do express some concern that this is a significant broadening of the subject matter from the original question.

Mr JENNINGS (Special Minister of State) (14:29) — What I can actually say is that there was no meeting that I was in attendance at where that issue was discussed with me, either from Trades Hall Council or from the government.

Recycling industry

Mr PURCELL (Western Victoria) (14:29) — My question is for Minister Jennings representing the Minister for Energy, Environment and Climate Change. Recyclable stockpiles are a growing problem, with reports that there are something like 200 dangerous stockpiles of material scattered across the state at this very moment that need to be dealt with. I note the minister's release this week announcing $4.2 million in funding for 13 recycling projects, notably none in western Victoria. My question to the minister is: how is the government investing in a consolidated long-term solution to our recyclable waste crisis?

Mr JENNINGS (Special Minister of State) (14:30) — I thank Mr Purcell for his question. I can understand that Mr Purcell joins other members of the Parliament and other members of the community in being concerned about the challenges confronted by councils and communities in relation to the degree of recycling that is taking place within the Victorian community and within Victorian industry and the costs that may be borne by councils and communities in relation to what has been an adverse shock in relation to the export of potentially recyclable material.

What I am mindful of is that the government has tried to address this in a variety of ways during the course of this term. You would have previously heard me discuss somewhere in the order of $80 million that the government has committed to recycling programs during the course of this term to reactivate the industry. But at the heart of your question probably is, I think, a legitimate concern that there may be seen to be a fragmented approach to how we are dealing with this.

I have had conversations with my colleague the minister for the environment in relation to this on how we can provide greater certainty to the community. What I can say, from my knowledge of Warrnambool council as one council in western Victoria grappling with this issue, is that between March and June somewhere in the order of approximately 1200 tonnes of recyclable material was generated and processed within that community. That council and other councils can make use of the government's assistance package provided to councils; $12 million has been allocated across the state to assist councils. On the basis of what was incurred during the first three months of that scheme you would imagine Warrnambool council could have been eligible for a $70 000 payment in terms of supporting its local community to offset the burden on ratepayers from that fund, but the request for funding will be made at the end of September–October on the basis of the total volume that has actually been attracted during that period of time. So Warrnambool council is one council that will have the opportunity later in the year, and all other councils will have the opportunity, similarly, to put in the tonnage that they have actually generated by the end of the September quarter.

Of the Resource Recovery Infrastructure Fund that Mr Purcell talks about, I am mindful that in last year's round — the first round of that fund — there were two projects in western Victoria. Indeed in the most recent round, which was a $4 million round, from memory, there were a number of projects in western Victoria. They were not necessarily further south-west than Camperdown, but Camperdown was a beneficiary of the scheme, and Warracknabeal, in the recent announcement. So both of those are clearly in western Victoria, and Maddingley, I understand is in western Victoria as well. But you are talking about south-west Victoria, and councils in south-west Victoria will have the opportunity to make an application for round 3, which will open shortly and be able to fund additional support to those councils. Beyond that there is also an opportunity for councils and for private operators of landfill who actually deal with e-waste to make application to a $15 million fund to support the recycling of e-waste material.

Now, there are many opportunities for funding, but your question about whether that will be fragmented and easily understood by councils and communities and how it is all brought together is a relevant question, and I will seek some additional support if I can from my colleague.

Supplementary question

Mr PURCELL (Western Victoria) (14:34) — I thank the minister for his response. It was interesting that he did raise Warrnambool as one of the councils that will likely get substantial compensation from the government, because Warrnambool council have actually, or will from 1 July, increased their waste collection fee by $69 per household, so would the government expect as part of the contribution that they give to the council that that would be refunded to the households?

Mr JENNINGS (Special Minister of State) (14:35) — Thank you, Mr Purcell. That is a reasonable question that I think ultimately will be answered by the way in which councils configure their cost structures and what type of package support they seek from the government, but the intention of the state government's investment is to reduce the impost that would flow from councils to their residents. I am not quite sure whether it will be a dollar-for-dollar amount in relation to the support that the state provides to councils, but I think that should be something that at a policy level and a program level will be worked through between councils and their ratepayers, at one level, but more importantly in relation to their application for the assistance of the state government funding.

Clergy mandatory reporting

Ms SPRINGLE (South Eastern Metropolitan) (14:36) — My question is for the minister representing the Attorney-General. In October South Australia's Children and Young People (Safety) Act 2017 will come into effect, requiring ministers of religion to meet strict mandatory reporting requirements, including information communicated during confession. South Australia will be the first to adopt the royal commission's recommendation to remove the exemption from mandatory reporting for priests hearing confession. Victoria already has a criminal offence for failing to report child sexual abuse to police, but the Evidence Act 2008 provides special protections for clergy members in the context of religious confession. Campaigners have been pushing for all states and territories to end special protections for confessions as part of the national response to the royal commission. Will the Victorian government be following South Australia's lead in implementing the royal commission's recommendation for these special protections to be removed?

Ms Mikakos — On a point of order, President, I acknowledge the importance of the issue that the member has raised, but I do think it is steering in the direction of breaching standing orders in effectively calling for a legislative change. I just wish to draw that matter to your attention in that I do believe it is outside the scope of what is permissible.

The PRESIDENT — Order! It is true that a member cannot ask for legislation as such, but the member has couched her question in the context of whether legislation may be introduced — in other words, it is a slight nuance. In that context I do accept it.

Ms TIERNEY (Minister for Training and Skills) (14:38) — I thank Ms Springle for her question, which arises from recommendations of the royal commission. I do note that this is an issue that is important to a number of people and has had recent media discussion in the last fortnight or so. I will seek a response from the Attorney-General as to whether there are intentions to bring about changes to the Evidence Act 2008.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (14:38) — I thank the minister for her answer. Has the government consulted with stakeholders on a specific proposal and time line for implementing this recommendation and, if so, with which stakeholders?

Ms TIERNEY (Minister for Training and Skills) (14:39) — I thank the member for her supplementary. I am advised that there was a recent meeting of attorneys-general in Perth where there was agreement that a national response to the confessional seal was desirable and that a working group should carry out further work. I would assume that as that working group undertakes its work it will also determine the consultation process.

Noojee logging

Ms DUNN (Eastern Metropolitan) (14:39) — My question is for the Minister for Agriculture. The social impact assessment scoping report for the logging of coupes near the township of Noojee was released in May. The report was commissioned by VicForests and notes that hospitality and tourism are the mainstay of the local economy; visitors are drawn to the area by the beauty of the forest and the rivers and the biodiversity within them; the coupes slated for logging will be visible from the main part of the town; the impacts on the landscape will be long-term until the forest is fully regenerated in many decades time; once lost, it would be hard to win back the tourism interest in the district, which would compromise the local economy; smoke from regeneration burns has a negative effect on some

people's health; and only two residents are working at the local sawmill out of a population of 156 people. Minister, now that your government has learned of the long-term economic losses of logging adjacent to Noojee, will you direct that the coupes in question be permanently removed from the timber release plan?

Ms PULFORD (Minister for Agriculture) (14:40) — I thank Ms Dunn for her question and for her interest, specifically around the interaction between logging activity and tourism in Noojee. In fact Ms Dunn's question went to about a half a dozen different topics, but that I think was the essence of it. Just to provide some background and context for members, on 2 May and again on 10 May the Federal Court granted an injunction on this coupe and the government is working through the legal process. VicForests has undertaken consultation regarding the harvesting near Noojee in accordance with its usual processes of community engagement and consultation before logging. VicForests held a public drop-in day in Noojee at which residents expressed a preference for VicForests to add extra 100-metre buffers in the coupe for visual purposes. VicForests agreed to incorporate the buffers to provide visual screening of the coupe from the town centre. VicForests also invited community members to attend night survey walks with its ecologists, field assessments and preharvest surveys. These are part of the routine and thorough preharvest process that is designed to check and update desktop data prior to any harvesting activity. I would also indicate that VicForests will be retaining areas — around about 20 habitat trees — to protect any areas of potential greater glider habitat. But forestry and tourism have coexisted in Noojee for some time, and our intention is, as I said at the outset, to work through the legal process that is currently underway.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:42) — Thank you, Minister, for that answer. I must say that those forests are impressive in relation to the number of greater gliders that were certainly there when I went out wildlife watching with citizen scientists on Easter Saturday evening. It was certainly nice to do that at that time. However, that is an aside. My supplementary question is: will VicForests conduct social impact assessments on all logging coupes in the timber release plan?

The PRESIDENT — I will invite the minister to answer. But again I caution members about providing an entry question as a substantive question which is quite specific, and then on a supplementary question trying to go for the whole global community. In many ways that is what this question does. As I said, I will invite the minister to respond, but please recognise that a supplementary question really does need to be apposite to the original question and/or the minister's answer. It is not an opportunity, having struck a wedge, to actually then go much broader.

Ms PULFORD (Minister for Agriculture) (14:43) — President, you might not like my answer very much then, because it is on a whole new area of subject material, as the question invites. Ms Dunn asked about the timber release plan. What I can indicate is that we are updating the allocation order and the timber release plan, and they really sit alongside one other from a process point of view. The allocation order vests timber in state forests to VicForests for harvest and sale. The updated allocation order will provide the timber industry with operational certainty which it needs and which VicForests needs to fulfil contracts that already exist. It has not been updated since 2013 and it is certainly due to be updated. It will strengthen the protection measures that have been put in place for Leadbeater's possum in the Kuark Forest protection area in East Gippsland that was recently announced by my colleague the Minister for Energy, Environment and Climate Change. The timber release plan, which Ms Dunn asks about, is a planning tool, and it does not in any way change the areas of forest available for harvesting under the forest management zoning scheme, nor does it — and this is an important point, I think — change VicForests's legal obligations to protect forest values and sustainably manage our forests.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:45) — I have two written responses to the following questions on notice: 12 664 and 12 690.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:45) — In respect of today's questions, Mr O'Donohue's first question to Ms Tierney, the substantive question, I direct a written response within one day; Ms Fitzherbert's question to Ms Tierney, the substantive question, one day; Mr Finn's question to Ms Tierney, the supplementary question, one day; Ms Crozier's question to Ms Mikakos, the substantive and supplementary questions, one day; and Mr Purcell's question to Mr Jennings, the substantive question, two days. I am

amazed that after all the information provided to the house the minister is seeking to add to it further. Ms Springle's question to Ms Tierney, the substantive and supplementary questions, two days.

Mrs Peulich — On a point of order, President, in relation to the written response to a question without notice that I directed to the Minister for Training and Skills on 8 June 2018 — and you have a copy of that question — I contend that the minister has not answered the question; in actual fact she has used it as an opportunity to attack the opposition. I ask that the substantive question be reinstated.

The PRESIDENT — Mrs Peulich did me the courtesy of providing a copy of this question and the answers provided. I am of a view that the supplementary question is adequately answered. I am not sure that the substantive question was addressed sufficiently, so I will reinstate that.

Ms Lovell — On a point of order, President, I draw your attention to an answer that I received from the Minister for Training and Skills to a question that I asked on 8 June. It is the substantive question to which the minister had failed to respond, and she has given a response that does not answer the question at all.

The PRESIDENT — I again have had an opportunity to actually consider this answer, which was raised by Ms Lovell. I am of the view that the substantive question has not been answered sufficiently, so I also reinstate that one.

Mr O'Donohue — On a point of order, President, the third question I asked of the minister today, the supplementary question, dealt with the issues outstanding that led to the strike action last Friday. I submit to you that the minister did not answer that question, and I would therefore request that a written answer be provided. This is the third question in relation to the strike by the —

The PRESIDENT — Was this today?

Mr O'Donohue — Yes.

The PRESIDENT — I thought that the minister answered those. I was satisfied with the minister's answer on both those questions. The minister basically said there was no disruption, as I understand, and indicated that it was covered.

Mr O'Donohue — With respect, President, the supplementary question was not dealing with the disruption; it was dealing with the issues that remain outstanding that led to the strike in the first place. That was the essence of the supplementary.

The PRESIDENT — Having had the opportunity to reconsider that, I will seek a further written response in respect of the supplementary question of question 3 posed by Mr O'Donohue.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:49) — My constituency question is for the Minister for Public Transport. The Victorian budget 2018–19 budget paper 3, page 28, shows that improvements to Shepparton rail services will not be delivered until 2022 at the earliest — four long years away. In the meantime, a post on the SheppartonRAILS Facebook page of 14 June reads:

> So disappointed with today's train. I really want to support the Shepparton line but after waiting for half an hour on the windy platform at Southern Cross as they tried to start the train it was cancelled and we're on the next service to Seymour where we'll change to a bus. They really need new trains!

Minister, while the Shepparton community waits four long years for your promises on the never-never, what action are you taking to immediately improve the standard of passenger rail services between Shepparton and Melbourne?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:50) — My constituency question today is for the Minister for Roads and Road Safety, and it concerns the area of Darebin in my electorate of the Northern Metropolitan Region. It concerns Spring Street in Reservoir, particularly between Powell Street and Stewart Street, where quite frankly, because of the changes in speed limit around the local area from 60 kilometres per hour down to 50, this particular area has become a rat run for people to get themselves around the area. The speed at which the vehicles use that particular area is very dangerous — some speeding down the hill at over 60 kilometres an hour towards the Spring Street T-intersection and others that get up the Gilbert Road hill as fast as possible. There have been responses from VicRoads saying, 'We're looking at the traffic flow, we're working on it and we're trying to do something', but nothing has really happened. The question I have is: what, Minister, will you do to ensure speed control measures occur on Spring Street in Reservoir?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (14:51) — My question is directed to Natalie Hutchins in her role as Minister for the Prevention of Family Violence. I have a number of agencies that deal in family violence in the Eastern Metropolitan Region that appreciate that a lot of work has been done and a lot more work has got to be done around the prevention of family violence, and they appreciate that a lot of that has come out of the recommendations of the Royal Commission into Family Violence. The concern they have is that the ongoing funding and the implementation of those particular recommendations may not be bipartisan, and they have questioned that with me a number of times. The question I would ask the minister is: what conversations has she had with the opposition as far as their position on these recommendations? Will they continue to be funded well into the future, even if there is a change of government? What other conversations has she has had with other parties?

The PRESIDENT — Thank you, Mr Leane. That is not an acceptable constituency question. As you would agree, there was no geography involved in that at all.

Mr Leane — On a point of order, President, I am not too sure if you might have been distracted. I actually said that I have had conversations and this has been brought up with me by agencies that work in the prevention of family violence in the eastern —

The PRESIDENT — Your question was talking about the opposition, to see what they might do.

Mr Leane — The concern of these agencies, which you would know — I would rather not say who they are — in Eastern Metropolitan Region that they have brought to my attention is there is not a bipartisan position on the ongoing funding of the services that they perform now. The question that they would like answered is if the minister has actually had any commitment or conversations around what the position of the opposition is. I would imagine that she would have conversations constantly in that area.

The PRESIDENT — Thank you. You have had two goes, but no deal.

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:53) — My constituency question is to the Attorney-General. When the deeply flawed West Gate tunnel project is completed, motorists from Melbourne's west using the tunnel will be charged for entering the city of Melbourne. As all other motorists entering Melbourne from the east, south and north are not subject to this new tax, it is clear the Andrews government is indulging in a particularly nasty form of discrimination against those who live in the west of Melbourne and indeed western Victoria. Will the minister investigate the very real possibility that this situation breaches Victoria's anti-discrimination laws?

Mr Leane — That's a lot better!

The PRESIDENT — No, it is not. Mr Finn, that is a broader question. It is not a specific question about even that toll; it is looking right across the thing. I will give you a second shot at it.

Mr FINN — Alright. I thought I spoke about the west for pretty much 90 per cent of that, but I will give it another shot, given you are not happy with the 10 per cent. Will the minister investigate the very real possibility that this situation breaches Victoria's anti-discrimination laws against people living in Melbourne's west?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:55) — My constituency question is for the attention of the Minister for Roads and Road Safety. After years of neglect the state government finally undertook a much-needed upgrade of the dangerous and congested Bolton Street in Eltham. Unfortunately the planning designs for the upgrade were rushed and the upgrade was poorly executed. This caused significant delays during construction and had a disastrous effect on the community and local traders, who in some cases experienced losses of up to 40 per cent of their usual trade. The final outcome has residents and business owners left confused, with a botched road design that is just as dangerous as before. Unclear signage and lane markings cause cars to meet oncoming traffic in the continuous turning lane. It is a clear example where through-traffic flow has been put ahead of safety. My question is: will the minister conduct a full safety assessment of Bolton Street and implement changes that improve safety and provide clarity for drivers trying to navigate new signage and lane markings?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:56) — My constituency question is directed to the Premier. On ABC Radio last week the Premier indicated that if Ballarat City Council were to approach him, he would be open to providing them with more funding than the $2 million that has apparently been made available to increase the number of car parks in Ballarat's CBD. We

are well aware that the Premier has failed to match the commitment he made to ensure that car parking in Ballarat's CBD remains free. The question that I ask is: will the Premier provide to the Ballarat council funds that will ensure the promised 4367 free formal car parks become a reality?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:57) — My constituency question is for the attention of the minister responsible for WorkSafe, the Honourable Robin Scott, and comes from Mr Greg Merrett, a constituent in Torquay. He has asked me to raise a question with the minister on his behalf in relation to a workplace matter where he sought leave and received an approved claim from WorkSafe in 2007. The minister is aware of this matter and has received previous correspondence from both me and Mr Merrett. On 5 March 2018 I forwarded to the minister a letter outlining that Mr Merrett was unsatisfied with the minister's response and disputes the outcome. I ask the minister, on behalf of my constituent: when is he likely to get a response, considering it is now well over three months from the last correspondence sent to him?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:58) — My constituency question is for the attention of the Minister for Planning. What I seek from him is the release of information across municipalities that I represent in Southern Metropolitan Region — that is, Boroondara, Whitehorse, Monash, City of Port Phillip, Bayside, Kingston —

An honourable member — Whitehorse?

Mr DAVIS — Yes, part of Whitehorse, and Glen Eira. I ask: will he release the number of properties in which neighbourhood residential zone changes that he brought in in May 2017 have resulted in more than two dwellings being built?

The PRESIDENT — Mr Davis, you actually mentioned some councils that I think are not in your electorate.

Mr DAVIS — No, I did not. Those are in my electorate. You are quite wrong, President. I know my councils quite well.

The PRESIDENT — I have never seen you at a Whitehorse meeting.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (14:59) — My constituency question is to the Minister for Police. Last week I attended a community safety meeting conducted by local police in Port Phillip. There was a reference to the number of police resources locally, including just one divvy van. The police explained the delays that are involved when that resource is tied up with matters and with processing them. They made the point that additional police numbers were announced two years ago and are just now starting to arrive. Given that stories were told at the meeting of personal experiences of crime and of waiting for police, this was greeted with some audible frustration from the people who were at the public meeting. There was discussion of what appeared to be a relatively small number of additional police resources that have commenced in the local area. The question I have for the minister is: in the City of Port Phillip region how many additional police have been funded and delivered during this government?

Eastern Victoria Region

Ms SHING (Eastern Victoria) (15:00) — My question is for the attention of the Minister for the Prevention of Family Violence and Minister for Women, Natalie Hutchins, in the other place. It relates to the initiation of the family violence hubs and reforms from the 227 recommendations of the Royal Commission into Family Violence. Following the implementation of the reforms and the recommendations there has been considerable funding provided to the Latrobe Valley area and to Gippsland more broadly to tackle family violence, which accounts for a really significant component of police work, crime statistics and also the trauma, the upset and the hurt that is faced by Gippsland families and communities every day. I ask the minister: what funding is available now and in the long term from state and federal sources to ensure that not just capital but operational costs can be met to ensure that family violence is tackled not just now but in the medium and long term, and are there any alternative policies that might further assist with the implementation of this work?

The PRESIDENT — We will strike out the alternative policies.

Honourable members interjecting.

The PRESIDENT — We know what a constituency question is, I think. Using them to play games with opposition positions is just not right. It is

not part of the minister's jurisdiction. I am allowing it, without that last phrase.

Ms SHING — On a point of order, President, I was actually referring to alternative policies from the federal government because it is cross-jurisdictional.

The PRESIDENT — It is not within the minister's jurisdiction, really, to determine those policies. You have asked about the funding; that is the question.

LABOUR HIRE LICENSING BILL 2017

Committee

Resumed.

Clause 19 further discussed.

Mr ONDARCHIE — Minister, apropos of my earlier comments about the imposition on applicants, you are asking an applicant under clause 19(2) to go back through their records and count up exactly how many workers they have supplied in the 12 months before they apply. This number could change day by day. If the applicant plans to lodge an application on Monday but it is delayed until Tuesday, then they will need to do a recount. Bear in mind that a first-time applicant will not have needed to keep the records in this form; they would have kept records of each employee and the wages paid, but if they have a large number of employees on their books who do different work at different times, they would have to check back through every one of their employee cards and count up who has done work for a host and who has not done anything over the last 12 months. I guess if you are a big firm with a big computerised system, you may or may not be able to do this, but if you are a small family business spending your time finding fruit-picking jobs for your fellow migrants, it is just going to be more time-consuming work that they need to undertake. Why is it that you need to know exactly how many workers are supplied in the 12 months before they apply?

Ms PULFORD — The government is of the view that a 12-month duration is reasonable. In any legislation or any regulation picking a duration or picking a date will mean that there will be things that will be on one side of it or the other, but we do not believe this is an onerous requirement, and any labour hire company that is currently compliant with the laws of the land will have all of this information readily to hand.

Mr ONDARCHIE — Minister, that may be so if you are one of the large labour hire companies that are numbered somewhere between 1200 and 1541, but if you are a small business, this could be quite an onerous task. Why do you need the exact number?

Ms PULFORD — The government believes that having the number of employees made available is important for knowing who is on the books and who is not. As we have said on many occasions, these are records that are already required to be kept. Anyone who is already doing the right thing has nothing to fear from these changes; they will already have this information readily to hand. The requirements are the same, no matter the size of the labour hire company, and they are very modest requirements. If you are in the business of providing employees to third parties, knowing the number of employees you have, I would have thought, is an absolutely essential part of the day-to-day operation of your business.

Mr ONDARCHIE — Thank you, Minister. Given we are perhaps talking about, in my case here, examples of smaller businesses rather than the medium to large ones, will the government allow any tolerance on not getting the number exactly right?

Ms PULFORD — The authority will have discretion on a range of matters, including this, so as to not unnecessarily cause anyone to be penalised for a simple error or omission, but the idea of this is to be able to have an accurate count of the number of employees.

Mr ONDARCHIE — Further, Minister, in clause 19(2), what sort of information are you planning to require by regulation?

Ms PULFORD — I would refer you to my earlier answers on the development of regulations. There is a proper process for the creation of any set of regulations, including the publication of exposure draft regulations and community consultation. The proposed labour hire licensing regulations are being drafted in anticipation of the passage of the bill and consultation has already commenced. The first draft of the regulations is currently being prepared, as I said earlier, along with a regulatory impact statement (RIS). A consultation paper on the development of regulations was provided late last year to specific stakeholders. Once finalised, the draft regulations and the RIS will both be released for a minimum period of four weeks for consultation. Stakeholders will be provided with a copy of the draft regulations and the RIS for formal consultation. The draft regulations and the RIS will also be published more broadly for any feedback, including on the department's website. It is not appropriate, I believe, to pre-empt the outcome of the regulatory process.

Mr ONDARCHIE — Thank you, Minister. Will you be requiring the names and addresses of all the individual employees?

Ms PULFORD — No.

Mr ONDARCHIE — This sort of data that you gather under the regulations, Minister, who will be able to access that information?

Ms PULFORD — The bill contains at division 2, clause 103, a secrecy provision to ensure the security of such information. The freedom of information laws have also been taken into account in the preparation of this bill. We are confident that this is information that would be exempt, that this is not information that would be able to be released under FOI, so the only place where this would be held would be with the Labour Hire Licensing Authority.

Mr ONDARCHIE — Thanks, Minister. Can I take you to clause 19(4), where it requires that the applicant must provide certain information in relation to each 'relevant person'. A relevant person includes every officer of the applicant where the applicant is a body corporate. 'Officer' is defined in clause 3 to include anyone who:

> … makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the body corporate …

The wording is very similar to the definition of the word 'officer' in the Corporations Act 2001 on the meaning of which there has not been any definitive court ruling. Minister, how is an applicant supposed to work out who is and who is not an officer for the purposes of this requirement?

Ms PULFORD — As I indicated earlier, there will be communications and education materials available to people who wish to participate in the scheme to assist them with these kinds of questions.

Mr ONDARCHIE — Thanks, Minister. You are going to ask people to obtain licences not knowing what the rules of the deal are going to be. Is the IT manager an officer?

Ms PULFORD — That would depend on the structure of each individual company, but typically they would not be.

Mr ONDARCHIE — Bear in mind that 'officer' is defined in clause 3 to include anyone who:

> … makes, or participates in making, decisions that affect the whole, or a substantial part, of the business …

Ms Pulford — At clause 3?

Mr ONDARCHIE — I am using the definition that is in clause 3. So is the person then who phones up workers to check their availability and decides who is sent to what job an officer under that definition?

Ms PULFORD — Mr Ondarchie, you have talked a lot about the difference in scale between the very large labour hire companies that might have 500 or more people on their books and the very small, say, family business operations. In some cases the answer would be yes and in some cases the answer would be no.

Mr ONDARCHIE — This makes it very difficult, Minister, to substantiate the review of this legislation when we have a bit yes and a bit no here — it may or may not be.

Ms Pulford — Could I perhaps assist you?

Mr ONDARCHIE — Sure.

Ms PULFORD — Clause 3, which we passed about four weeks ago, defines 'officer' in relation to a body corporate as:

> … any person (by whatever name called) who—
>
> (a) is a director or secretary of the body corporate; or
>
> (b) makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the body corporate …

That is not particularly complicated language. If the person who is a director of the company is the person who makes the phone calls to book people in for jobs, then the answer is yes. If that person is not a director of the company or a secretary or a key decision-maker in the company, then the answer is no. Mr Ondarchie, you may not have much confidence in the ability of business operators in Victoria to apply common sense, but we do.

Mr ONDARCHIE — Thanks, Minister. It will be a time before I take direction from you about running a business. Minister, in clause 19(4)(b) and (c), an applicant needs to disclose whether or not an officer has worked as an officer for a company which has had a workplace injury or claim notified to the authorities. Minister, that may well apply to many employers. If this applies to every WorkCover claim, however minor, exactly what sort of workplace injuries and other matters are covered by these requirements?

Ms Pulford — Sorry. Your question?

Mr ONDARCHIE — The applicant needs to disclose whether an officer has worked for a company which has had a workplace injury or claim that is notified to the authorities. That could well apply to many, many employers, however minor the claim. Exactly what sort of workplace injuries and other matters are covered by these requirements?

Ms PULFORD — Injuries that are notifiable under the Accident Compensation Act or the occupational health and safety laws.

Mr ONDARCHIE — What will the regulator use that information for?

Ms PULFORD — To ascertain compliance with occupational health and safety laws and workers compensation laws — existing laws, no new standards, no new requirements on anybody.

Mr ONDARCHIE — So is the requirement, according to you, by this clause then to require every applicant to notify every one of its officers who has worked somewhere in the last 12 months where an employee had an injury, even if it was like a sprained thumb or something like that?

Ms PULFORD — A sprained thumb is not typically notified to WorkSafe.

Mr ONDARCHIE — Okay. I will just withdraw the example, then. So is your requirement that every applicant notify every one of its officers that has worked in a place where there has been a workplace injury? They are required to make that notification; is that what this clause is asking them to do?

Ms PULFORD — The applicant is required to notify whether or not any incidents occurred during the 12 months preceding the time at which the application is made where there was a requirement to notify a workplace health and safety incident or a workplace accident.

Mr Ondarchie interjected.

Ms PULFORD — Well, yes. I mean, it is pretty straightforward. If there is a notifiable incident, which is quite a high threshold — to report an occupational health and safety incident to the regulator is quite a high threshold — and similarly the notification of an injury. I think we can rest our concerns about sprained thumbs, but where there has been an incident that has required that notification, then the applicant needs to provide whether or not to their knowledge those things happened.

Clause agreed to; clauses 20 and 21 agreed to.

Clause 22

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Ondarchie has a few amendments. I do not believe they have been circulated.

Mr ONDARCHIE — Acting President, I do have amendments on clause 22 and beyond. I ask that those be circulated now.

The ACTING PRESIDENT (**Mr Elasmar**) — I ask Mr Ondarchie to move his amendment 1 to clause 22.

Mr ONDARCHIE — I have some questions that I wish to put before we proceed. Minister, this clause stops a person from being deemed to be a fit and proper person for a wide range of reasons, many of which may involve no wrongdoing or failure on behalf of the person concerned. If any officer — for example, a senior manager of the applicant — does not meet the fit and proper person test, the authority is entitled to refuse to issue the licence or refuse to renew the licence, and the applicant is then dependent on the authority's discretion as to whether to issue a new licence or renew a licence.

In clause 22(b) a person is deemed to be not a fit and proper person if at any time in the last five years they have worked in a senior role in a company that has breached a workplace law, a labour hire industry law or a minimum accommodation standard. What I want to ask is: how is it fair that someone who has worked in one of those organisations — for example, as the head of IT for a company — but may have had nothing to do with a breach of occupational health and safety on a factory floor is deemed not a fit and proper person?

Ms PULFORD — The IT person is not the applicant. You are asking how the IT person is prohibited from making a successful application under the scheme. If the IT person is not the officer legally responsible for the entity, then the IT person is probably fine — unless of course they are also the director. This was the question you were asking on the last clause: what if the person making phone calls is an officer? What if the IT person is an officer? We are talking about a very varied scale of businesses. In some of these operations that are very, very small family businesses, then the directors do it all. In the larger organisations the IT person is unlikely to be the officer.

Mr ONDARCHIE — So then, Minister, if a senior manager who is working in, as you deem it, a large company or, I think you said, medium, with over 500

employees — I did not draw that analogy — has not met the fit and proper person test, does that mean the whole organisation cannot engage as a licence applicant?

Ms PULFORD — The IT person will be fine.

Mr ONDARCHIE — Minister, that is in contradiction to what it actually says here in the bill, because it says that if you have worked for a company any time in the last five years that has breached a workplace law, a labour hire industry law or a minimum accommodation standard then that would deem you not to be a fit and proper person. How can that be? If you worked in that organisation and you had no responsibility for that but you have a senior role in the applicant's business, how can you be deemed not to be a fit and proper person?

Ms PULFORD — The fit and proper person test applies to the applicants and the senior officers of the organisation.

Mr ONDARCHIE — The person could be a senior officer.

Ms PULFORD — That is right, but you said that they were the IT person. I said to you that if the IT person is a senior officer, then yes, it applies. But it does not apply because they are the IT person; it applies because they are the senior officer. No-one is deeming anyone to be fit and proper persons on account of whether or not they are the IT person. Applications will not rest on the fit and proper person status of the IT person or the person who makes the phone calls. It is the status of the applicant and the senior decision-makers in the business. If the person's substantive role in the organisation is the person who makes the phone calls to book the jobs or the person who is the IT person, then that is not information that would be required to be provided by the applicant.

Mr ONDARCHIE — Let us take this a step further then, Minister. For a person who has a senior role in an organisation that is an applicant and who in the last five years worked for an organisation that breached a workplace law, a labour hire industry law or a minimum accommodation standard — it had nothing to do with them but they are now a senior officer in the company of an applicant — are they then deemed under this clause to be not a fit and proper person?

Ms PULFORD — If that person was an officer of the entity that had been found by a court, tribunal or regulator to have contravened a workplace law, a labour hire industry law or a minimum accommodation standard and so on — members have the legislation in front of them — or if that person had been found guilty of an indictable offence against a person or an offence involving fraud, dishonesty or drug trafficking that was punishable by a term of imprisonment of three months or more at the time, then yes, that information would be required to be furnished. But if you look at clause 22(b), the person who is an officer in the business for which the application is being made needs to have been in a senior role, in a leadership role or in a key decision-making role in that other hypothetical organisation that had been found by a court, tribunal or regulator — this is a fairly high threshold here, Mr Ondarchie — to be in breach of the application of minimum legal standards, and then, yes, that information would be required.

Mr ONDARCHIE — In clause 22(d), Minister, a person is deemed to not be a fit and proper person if they have worked in a senior role as an officer of a company that has become insolvent. If I could just take my last point to this issue around insolvency, are you telling us that if someone has had the misfortune to be employed by a company that has gone broke, that then makes them not a fit and proper person to work for a labour hire business? They might have had nothing to do with the company being insolvent. Under this provision they would be treated as not a fit and proper person simply because they took a job with a company that went into receivership.

Ms PULFORD — Anyone who did not have anything to do with that circumstance would not, by the definition in clause 3, be required to disclose that, because they either were or were not ultimately responsible for the circumstances. You have outlined a circumstance where the previous company the person has been an officer of has had an adverse finding against them by a court or a tribunal. In this instance you are talking about somebody whose business has been insolvent. If it had nothing to do with the person, then no, there would be no requirement to disclose that; but if they were an officer and they were ultimately responsible for the circumstances in this other hypothetical business, then yes, they would.

Mr ONDARCHIE — I would now like to directly speak to my amendments 1 to 6, as circulated. The first pair of our amendments remove the capacity for the government to use regulations to add new grounds to disqualify a person from being fit and proper. The grounds are very wide and sweeping already, and if new grounds are to be added, it should be by amendment, not by regulation. I will therefore move my amendments 1 and 2.

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Ondarchie, I advise you to move your amendment 1, and then we will deal with amendments 2 to 6 separately, if you have no issue with it.

Mr ONDARCHIE — Sure. I am just trying to be more efficient, but that is alright. I move:

1. Clause 22, lines 27 and 28, omit "a court, tribunal or regulator" and insert "a court or tribunal".

Ms PULFORD — In response to Mr Ondarchie's amendment 1, the government will not be supporting it. Clause 22 lists situations where a person may not be fit and proper to gain a licence. The change that Mr Ondarchie proposes would exclude consideration of findings of a contravention under the Fair Work system — for example, notices to comply by Fair Work or enforceable undertakings — meaning that the key industrial relations enforcement system may not apply. Likewise actions by regulators such as the Australian Tax Office or WorkSafe, such as improvement notices or prohibition notices, would be excluded.

The approach is inconsistent with other jurisdictions also. That is not the main reason that we are opposing the amendment, but I think it is a point worth making that we have sought to have, to the fullest extent possible, consistency with other jurisdictions that are taking action to regulate labour hire; Queensland and South Australia are both different. But in essence Mr Ondarchie's amendment seeks very much to water down some of the key features of this legislation and it is completely contrary to the government's intent and the purpose of this bill, so we are opposing it.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

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

Amendment negatived.

Mr ONDARCHIE — I move:

2. Clause 22, line 31, after "standard" insert "and, to the extent that the requirement that a person is a fit and proper person relates to a decision to cancel a licence or not to renew a licence, the finding is final, within the meaning of subsection (3)".

3. Clause 22, page 23, line 24, omit "Act;" and insert "Act.".

4. Clause 22, page 23, line 25, omit all words and expressions on this line.

5. Clause 22, page 23, after line 25, insert—

   "(2) A person is not taken not to be a fit and proper person merely because the person was an officer of a body corporate referred to subsection (1)(a), (b), (c), (d), (e) or (f), unless the person was personally culpable in relation to the matter or matters specified in whichever of those provisions is applicable in respect of the body corporate.".

6. Clause 22, page 23, before line 26, insert—

   "(3) For the purposes of subsection (1)(b)(i), a finding is ***final*** if all rights of review or appeal available in respect of the finding have been exhausted, whether because—

   (a) all applications that are capable of being made for review or appeal have been made and the finding has been upheld; or

   (b) if not all such applications have been made and been unsuccessful, all time periods within which such applications may be made have expired.".

I have already touched on amendment 2 in my preamble to the last consideration. The second area of our amendments says that a person is not disqualified from being a fit and proper person unless they have been personally culpable, not just because they have happened to work at a company where someone else was culpable. I could use the example of disqualifying Chris Eccles as Secretary of the Department of Premier and Cabinet just because somebody in the Department of Justice and Regulation was in breach of workplace safety laws. Whether or not someone was culpable will be a question for the regulator to judge on the facts, just as is the question of whether or not the person was an officer, as the minister and I just talked about.

The third area of our amendments provides that it is not just a finding by the regulator that disqualifies someone, it has to be a finding by a court or tribunal and one that has not been overturned on appeal. If a finding remains on appeal, the status quo should apply until the appeal has been decided, so a licence should not be cancelled or refused renewal based on a finding that is subject to appeal. Again that is just basic fairness — that someone should not lose their livelihood unless there has been an independent finding against them, and of course they should not lose their livelihood if they have been cleared on appeal.

Ms PULFORD — The government will not be supporting these amendments for the same reason we did not support the last ones. They seek to undo the very essence of this reform. I think it is probably also worth pointing out that this bill was second-read in the other place on 14 December 2017, a full six months ago. The opposition's amendments were not flagged in the second-reading debate in the lower house. They were not flagged in the second-reading debate in this place. They were not flagged during the first 2 or 3 hours of the committee stage a couple of weeks ago. That is not the reason we are opposing them. We are opposing them because they seek to completely undermine what it is we are trying to build in the way of protections for vulnerable workers. But it is very unusual. In all my time here I do not know that I have seen amendments not previously even remotely foreshadowed dropped into the debate when you are as advanced as clause 18 in the committee stage of a bill. It just seems unusual.

Mr ONDARCHIE — In response to the minister's point, I think it is a bit far-fetched for the minister to come in here and talk about a bill being introduced in the other place in December 2017 and to be now getting amendments to a bill that has just come through when on the notice paper we have the Appropriation (2017–2018) Bill 2017 and the budget papers 2017–18. We have the Target One Million motion, which has been sitting on the notice paper for a long, long time, as well as the Statute Law Revision Bill 2017. I think it is a bit much for the minister to come in here claiming 'You haven't quite given us enough notice on this' when we have the budget papers of this financial year that finishes in a week's time still on the notice paper and we have not dealt with it. I think it is a bit much, Minister.

Ms PULFORD — I think Mr Ondarchie completely misses the point and maybe protests a little too much. These are amendments to a bill that has been considered. I am not saying that we are opposing these amendments because of the late manner in which they were dropped. It is just interesting, I think, that the Liberal Party have had a position of straight opposition to this bill, which we understand. We know that they do not like this type of reform and it is no great surprise to anyone, but the budget was passed in accordance with the rules of Parliament.

Committee divided on amendments:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr (*Teller*)	Pulford, Ms
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

Amendments negatived.

Clause agreed to.

Ms Crozier — On a point of order, Acting President, I would just like to bring to your attention that during the course of that division Mr Morris and I had trouble with our swipe cards when trying to access the Parliament building. I know Mr Eideh's swipe card actually worked, but I think that should be noted in the course of these important divisions that are occurring.

The ACTING PRESIDENT (**Mr Elasmar**) — Definitely, Ms Crozier. Thank you for bringing that to our attention. You are talking about the ground floor, correct?

Ms Crozier — Yes.

The ACTING PRESIDENT (**Mr Elasmar**) — All right; from the back.

Mr Davis — Further to that point of order, Acting President, can I just make the point that this has been raised before. Members have to cross that path with vehicles — large trucks — moving backwards and forwards. There is no guarantee that members will be able to move on the ground floor when a division is

occurring, and there is a serious risk that either a member will duck across through the industrial equipment and the heavy vehicles to get to a division, or worse still a member may indeed suffer.

The ACTING PRESIDENT (**Mr Elasmar**) — Thank you, Mr Davis. I will make sure that both matters are raised with the President. Thank you very much.

Clause 23

Ms BATH — Clause 23 looks at legal obligations and in particular, Minister, subclause 3 talks about accommodation. I would just like to raise something that has been raised with me by the member for Mildura in the Assembly, Mr Peter Crisp. He is well aware of this as it happens very much in his electorate. I will go through what he suggested.

Where a backpacker hostel owner arranges work for the residents within that hostel with a farmer, the farmer then is a small business person in their own sense and would then directly employ the workers. The hostel owner certainly gains an advantage by that arrangement if there are young people staying there who are then going and working on-farm, working on an orchard or picking cherries or grapes, because if they do not have workers staying there, they do not have the rent. So while this is not in relation to an application, I am interested to know, on Mr Crisp's behalf, whether in this case the hostel owner will be captured by this bill.

Ms PULFORD — Thank you. The question that Ms Bath is asking really relates to provisions in clause 8 of the bill. In the scenario that Ms Bath provided as an example where the farmer, say, or the orchardist is directly hiring and the accommodation business is just providing accommodation, none of this would apply. However, if the role of the hostel is to provide recruitment or placement services as well as a bed, then the provisions of clause 8 would apply.

Ms BATH — Thank you, Minister. How would the relevant authorities understand the distinction between those two? How would they understand that the hostel is providing that? Where is the line of differentiation?

Ms PULFORD — I am wondering how this relates to clause 23.

Ms BATH — You have answered the question, and I appreciate the fact that you have answered the question. In the current arrangements, the farmer as the small business person engages those people and they stay at the youth hostel. There is no change, and that situation can continue on as it is.

Ms PULFORD — Unless clause 8 applies.

Mr ONDARCHIE — Minister, in relation to clause 23(2), the bill provides for a start-up or a new applicant — if I could use that terminology so we both know what we are talking about here — to furnish a plan to ensure the applicant will comply with all of the items as listed. Can you indicate to us, particularly for a small business, what the elements or construction of that plan will look like?

Ms PULFORD — Sorry, are you talking about the applicant or the host?

Mr Ondarchie — The applicant; a new start-up.

Ms PULFORD — What do you mean a new start-up?

Mr Ondarchie — Someone who has not had this before but intends to do so. Do you want me to ask the question again? Would that help?

Ms PULFORD — Maybe.

Mr ONDARCHIE — Okay. In clause 23(2), Minister, it talks about someone who has not provided labour hire services before but intends to do so, and there is a requirement that the applicant can provide on request a plan to ensure they meet both their fiduciary requirements and their OH&S and legal requirements. What is the construction of that plan? What does it look like, particularly for small businesses that are starting out? Are we talking about a full-blown business plan here? What is the government envisaging that plan is going to look like?

Ms PULFORD — It essentially would cover the items listed below clause 23(2). For the benefit of the committee, I can read them out if you want:

(a) laws relating to taxation;

(b) laws relating to superannuation;

(c) laws relating to occupational health and safety;

(d) laws relating to workers' compensation;

(e) labour hire industry laws;

(f) workplace laws;

(g) migration laws;

(h) applicable minimum accommodation standards;

(i) any other prescribed laws.

We would not be requiring information like 10-year business plans, whether there is going to be expansion to the shed out the back in five years — that kind of thing.

The plan is about demonstrating compliance with the existing laws of the land, and as we have said lots of times before, anybody who is already doing this will find that the impact of this on their operations will be absolutely negligible because there is no change to any legal minimum standard that is being effected as a result of this bill.

Mr ONDARCHIE — Minister, I accept those who have had some experience of this may find this transition a little easier, but we are talking about someone who has not conducted these services before. Would a letter that simply says, 'I will meet these requirements as specified in 23(2)(a) through (h)', be enough?

Ms PULFORD — The authority will issue guidelines. The intention is that this is in no way onerous, so it may be a form to be completed or a letter that includes some components that are spelt out but nothing for anyone to be overly concerned about.

Clause agreed to; clause 24 agreed to.

Clause 25

Ms BATH — In relation to 25, it provides that an applicant may apply to VCAT for review of a decision. What was the government's reasoning behind using VCAT as a pathway for a decision to be reviewed?

Ms PULFORD — VCAT deals with review of administrative decisions. They are ideal to perform this function.

Ms BATH — Minister, has the government done any cost analysis as to what cost an applicant will face to make an application to VCAT to review that decision?

Ms PULFORD — As Ms Bath is no doubt aware, its accessibility is an important component of the way that VCAT operates. The government is aware of no plans by VCAT to create some special category of application for any appeal on decisions made in accordance with this scheme, and we would expect them to be applying their current application fee regime as they do for the hundreds, if not thousands, of other types of matters that they hear.

Ms BATH — Thank you, Minister. In relation to this particular bill and requirements around it — and VCAT being that review process — does the government see that there need to be any specialist panel members trained within VCAT to provide information to review these failed licence applications?

Ms PULFORD — No.

Ms BATH — Thank you, Minister. So how can the applicants who have gone to VCAT feel, I guess, justified or comforted by the fact that they will be reviewed to the proper level when there may need to be specialist review personnel within that VCAT process?

Ms PULFORD — This is a licensing scheme. It is not particularly complex and does not require specialist knowledge any more or less than the many other types of matters that VCAT consider. I remember, from many weeks ago when we started this committee stage, just providing for context some other examples of licensing schemes. This is most similar to the licensing schemes that exists for estate agents, for motor car traders, for sex workers, for second-hand dealers and for rooming houses. To the best of my knowledge, I do not believe VCAT require specialist panels for any of those licensing schemes either. In fact VCAT have specialist panels for I think a very small and discrete number of matters that they consider. I am sure this is within the capability of the members of VCAT. And in any event, the allocation of particular matters to particular members of VCAT is a matter for the president of VCAT, if I have that person's title right — the head of jurisdiction.

Clause agreed to.

Clause 26

Mr ONDARCHIE — I have an amendment, amendment 7 standing in my name, which relates to clause 26. In speaking to my amendment, I would make the point that this clause limits a licence to a maximum of three years or less if the commissioner so decides. After three years the licence-holder needs to go through a fresh application for a renewal, with all the information requirements and the risk of the application being rejected. This is a very short time for a licence to run and gives a business very little certainty to plan for the future, expand and create jobs if it could lose its licence and be forced to close every three years.

This is especially so for small family-run businesses who cannot afford the expensive legal fees to take an appeal to VCAT. There is no need to have a time limit on licences as a commissioner can move to cancel licences at any time if the commissioner believes the licence-holder is not doing the right thing. South Australia does not have time-limited licences. Licences

run unless or until they have been cancelled, and we should do the same. Having a licence subject to renewal every three years is unnecessary and provides an opportunity for coercion and corruption based on threats of objecting to a licence unless demands are met.

Chair, before formally putting my amendment I have some questions for the minister. Minister, given the government has a constitutional tenure of four years, why does the government want licences limited to three years when a licence can be cancelled at any time if the holder is doing the wrong thing?

Ms PULFORD — Different licence periods exist for different things. I think the analogy between elected representatives in the Parliament on fixed terms as prescribed in the Victorian constitution is probably a less helpful analogy than, say, a licence to drive a car, a licence to operate heavy machinery or a licence to do lots of different things that people have licences for.

In responding, I speak briefly to Mr Ondarchie's amendment and indicate the government will not support this amendment. The effect of this amendment, as Mr Ondarchie has said, is that licences would exist perpetually. I understand that that is Mr Ondarchie's objective, but that represents a major change to the nature of the proposed scheme. It would remove the renewal process. It would mean that the renewal process would no longer provide an opportunity for the authority to be provided with regular and consistent opportunities to monitor and ensure compliance. This amendment would also require major changes to many other parts of the bill relating to renewals, information and fees required, so on this one I think we are just going to have to agree to disagree. We think that the renewal process is an absolutely essential part of this, and the opposition would prefer that there was not one.

Mr ONDARCHIE — Minister, why does the commissioner have power to issue a licence for even less than three years?

Ms PULFORD — A three-year licence period is what we expect to be the normal licence period. There are really two circumstances where a licence might be issued for a shorter period of time. The first is a circumstance where the applicant is only seeking a licence for a certain period of time to perform labour hire licensing services for a particular task or project that has a limited duration by its very nature. The second is in circumstances where the alternative would be to not issue a licence at all, to provide a limited licence to ensure oversight and perhaps more time for the applicant to demonstrate compliance, so perhaps for an applicant that the authority was not confident would be complying. As an alternative to the answer being, 'No, you can't have a licence at all', this would enable, say, a 12-month licence or a two-year licence in circumstances where the alternative would be no licence at all, so it ensures that proper oversight can exist.

Mr ONDARCHIE — If I could just pick up your second example, Minister: what would be the criteria that the commissioner would use that governs their decision around issuing a licence to someone that, I guess if I can paraphrase what you are saying, they want to try to help along?

Ms PULFORD — That would go to their confidence about the likely ability to maintain compliance.

Mr ONDARCHIE — Minister, you are confirming that an applicant could get a licence of limited tenure even if they have not quite met the criteria?

Ms PULFORD — Yes.

Mr ONDARCHIE — Minister, the scheme that exists in South Australia right now provides for licences that run indefinitely. Given your position on only holding applicants to a maximum of three years, have South Australia got it wrong?

Ms PULFORD — Mr Ondarchie is asking for an opinion about a matter of policy in South Australia. I think it is probably beyond the scope of the discussion and it is certainly beyond the scope of my knowledge.

Mr ONDARCHIE — I acknowledge that you are acting for the minister in the other place, but did the government seek consultation or use South Australia as an example in determining this piece of legislation?

Ms PULFORD — On no shortage of occasions I have indicated that, where possible, we have sought to have arrangements that are consistent with those in South Australia and Queensland.

Mr Ondarchie interjected.

Ms PULFORD — Well, I am not briefed on the South Australian legislation. I can check if you are really that interested in what is going on in South Australia; maybe we could get on a plane or something. I have given you the reasons why we think three years is appropriate.

Mr RAMSAY — Minister, my apologies if you have already dealt with this question, but I was

unfortunately detained outside briefly. I did want to ask you in relation to clause 29 and timing —

Ms Pulford — We are on clause 26.

Mr RAMSAY — Are we? I will go straight to clause 26 and deal with a question I have there. Perhaps when we get to clause 29 I will get to my question again. Again, my apologies if this has already been asked because, as I said, I did not have an opportunity to hear the whole discussion. In fact what I will do, Minister, and my apologies, is wait until we get to clause 29.

Ms Pulford — Okay. We will see you then.

Mr ONDARCHIE — May I thank Mr Ramsay for his contribution too. I move:

7. Clause 26, lines 5 to 13, omit all words and expressions on these lines and insert—

"(b) remains in force until the licence is cancelled or otherwise ceases to be in force.".

My amendment provides that licences will be ongoing, just as in South Australia. There is no good reason to put businesses through the enormous expense and uncertainty of having to apply for renewal every three years, risking being shut down and having their workers thrown out of work. It is also an open invitation for businesses to be threatened every three years, with objections being lodged to their licence renewal unless they meet the demands of individuals or vested interests to make sure that they comply with the things that they need, as opposed to the correct operation of their business. I am worried about the unnecessary or inappropriate demands of people outside their immediate workforce who think that they can make a threat to a business and seek to shut it down unless their demands are met. We see this in workplaces from time to time. My amendment provides that licences will be ongoing, and I ask that my amendment be put to a vote.

The ACTING PRESIDENT (**Mr Melhem**) — Ms Bath, do you have a question before I put the amendment?

Ms BATH — I do. It is in relation to that amendment. Minister, in relation to your comment that there would not be a yearly review if this amendment went through —

Ms Pulford — Three years.

Ms BATH — There would not be a review —

Ms Pulford — Every three years.

Ms BATH — Yes. In clause 34 there is a provision that says 'each reporting period', so I would like to ascertain whether that reporting period would be annually.

Ms Pulford — Why don't we come back to that when we get to clause 34?

Ms BATH — Well, it does relate to this amendment though in that you are saying that there would not be any review enabled, but embedded in the legislation there is a provision for a review.

Ms PULFORD — Our view is that licences ought run for three years. There are some exceptions in circumstances that we have already outlined. We do not believe that licences should operate for all time. To do so would remove the option for the authority to be provided with regular and consistent opportunities to monitor and ensure compliance. This is an essential feature of the legislation and that is why we are sticking with our original plan, Parliament willing, that licences are issued for three years.

Mr Ondarchie's comments about the imposition of enormous costs and great complexity, I think, are a very, very glass-half-empty view of the world. It is a licence application form; it is really not that complicated. We do not believe that this is going to impose an enormous amount of red tape on anyone. Well, you know why we are doing this. We are doing this because we want to provide some protection for some of the most vulnerable and often exploited workers in the state. All employers that are already complying with every law that they are currently supposed to be complying with have nothing to be concerned about.

In response to Ms Bath's question about clause 34, I think we can come to that when considering clause 34. That really goes to the question of reporting rather than the period of a licence so I would submit to you, Chair, that it is not relevant and we should come back to it at clause 34.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
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*)

Amendment negatived.

Clause agreed to; clauses 27 and 28 agreed to.

Clause 29

Mr RAMSAY — I just wanted to raise a question with the minister with respect to clause 29 about the timeliness of the authority in making a decision in relation to an application for renewal. If I can give some background, if a farm is requiring some fairly quick labour to harvest some crops, the timeliness of the determination by the authority is all-important. If in fact there are delays, whether there is a contention in relation to a farmer host making an application for labour to harvest their crops or there is an undue delay due to a range of circumstances, is there anything in this bill that would provide some compensation for the loss to the business during that determination period?

Ms PULFORD — The host employer does not need to make an application.

Mr RAMSAY — I will give you another question. If the authority decides to refuse to renew a licence, they must notify the applicant in writing. Given that they will have all the details of the host, will they also notify the farmer and hosts that have previously used that firm? This is actually quite different to the original question. Ms Pulford may well want to provide me with an answer that is responsive to the question in relation to where it says in the bill about an indeterminate length of time in respect to the determination by the authority of the application by the farmer. This is all in respect — and Ms Pulford will know this — to the importance of being able to attract labour at the point in time that the crops are ready to be harvested. We do not want the authority, for a whole range of reasons, being delayed in making a determination.

Ms PULFORD — I thank Mr Ramsay for his question. A couple of things: there is no obligation to notify the host. The only obligation on the host is to contact the authority, either check their website or give them a call and say, 'Is this organisation licensed?'. That is it. That is the only obligation on the host, or the farmer in the situation that Mr Ramsay has outlined. Secondly, for a licence application under consideration the onus is on the authority to demonstrate that the licence-holder is not operating lawfully. From the moment that the application is made it is deemed that the licence-holder is operating lawfully. If it took six months to consider the application or the renewal, then the licensee would be perfectly free to operate. The obligation on the host is very, very minimal indeed so as to avoid any burden on them at all. The labour hire provider — the licensee — is deemed to be operating lawfully from the day that they make the application.

Mr RAMSAY — Thank you, Minister. I just raise this question on behalf of the VFF. It could be taken on notice. The determinations of the authority could be abused by persons that have an interest. Clause 32, 'Objection to application', states:

> An interested person may, by notice in writing to the commissioner, make an objection to an application for a licence or for renewal of a licence on the grounds that …

and there are a couple of grounds. They include that the person is not a fit and proper person or that the applicant does not or will not comply with legal obligations referred to in clause 23. This clause could be abused by making the authority have to process the objection and go through all the formalities. In fact it could take months, and a crop may never be harvested in time as the labour may not be able to be attracted in time to the harvest the crop. I think I raised this at the start. There are concerns around delays in respect to the applicant gaining the licence and then being able to hire the labour. So the VFF have asked me to raise the question on their behalf about what has been put in this bill to stop this abuse through false claims by objectors who obviously have interests that are not in sync with the applicant.

Ms PULFORD — I have answered this already, really. The licence will be fully operational from the day the application is made. How any harvest could get missed in that scenario I cannot possibly imagine, because a licence is granted as soon as the licence is sought and the application process occurs after the fact.

Mr RAMSAY — The VFF have raised the concern that there are no sections of the bill dealing with false claims and sanctions for those who make them. An objector making false misrepresentations could substantially impact a licence process. If that was the case, of course then it would impact, in this case, a farmer being able to harvest their crops. They would not be able to both get the licence and also employ the casual labour, in this case. The question the VFF again asks is: what penalties will be in place to stop objectors

abusing the system or making false application claims? Because my understanding, from the VFF's point of view, is that there are no sections in the bill dealing with this matter.

Ms PULFORD — But the licence is operational. I appreciate that you are asking a question on behalf of the Victorian Farmers Federation, but there is no delay to anybody because the licence is operational. So you do not need a penalty as such because the licence is issued and operational, and only if it is subsequently not approved is it not operational. The onus is the opposite of what I think Mr Ramsay is assuming or perhaps what the people for whom he is asking this question are assuming. There is literally no scenario where any licence application process would cause any interruption to somebody's ability to hire through a third-party labour hire company.

Mr RAMSAY — You have assumed I have made a number of assumptions on behalf of the VFF, but I am somewhat confused. I thought that if the authority refused to either renew a licence or grant a licence the licence would not be operational. I do not understand how that could possibly not be the case.

Ms PULFORD — The licence is operational from the point of application. As I indicated earlier, and this applies equally to a new application and to a renewal, the licence is in force and the licence-holder is able to operate lawfully until some point at which they are determined to not be able to be issued a licence. At clause 32, when we get there, we can get into objections to applications in a bit more detail. There is no scenario where the consideration of an application or a renewal means that the person cannot operate, because they are deemed to be operating lawfully.

Mr RAMSAY — If I may, I will flag with you, Acting President, that Mr Ondarchie tells me that perhaps in clause 32 I can discuss this a bit more fully because the VFF has some other outstanding matters in relation to the 14 days for a response to an objection by the applicant and other matters that may be more relevant to that clause.

Clause agreed to; clauses 30 and 31 agreed to.

Clause 32

Mr ONDARCHIE — As we flagged just a few moments ago, Minister, clause 32 is going to require some discussion with me and my colleagues. Minister, interestingly enough, the bill talks about who could be a potential organisation with an interest in the protection of workers or the integrity of the labour hire industry and could therefore lodge an objection to a licence or the renewal of a licence, and it has included, for example, in the explanatory notes, a local council, a worker, a union, an industry peak body or another labour hire provider. Is it appropriate, Minister, that a competitor could, by way of seeking a competitive advantage, object to a licence renewal?

Ms PULFORD — On objections, I suppose specifically in response to Mr Ondarchie's question, if a competitor was aware of grounds stipulated in clause 32 and they were substantiated and there was evidence, then, yes, it would.

Mr ONDARCHIE — Minister, what mechanism will the authority have to deal with frivolous or unsubstantiated claims by way of objection?

Ms PULFORD — They will not be progressed. They need to be substantiated and they need to have evidence, and if they do not, then they will not go anywhere.

Mr ONDARCHIE — But, Minister, given that the government has now voted to hold licences to a three-year period, what happens when an objection is lodged and the investigation of that objection extends beyond the three-year period? Therefore the applicant or the licensee no longer has a valid licence and it could substantially affect their business irrespective of whether it is a frivolous or unsubstantiated objection. What methodology or what mechanism will the authority have to deal with that to protect the rights of the applicant and the business holder?

Ms PULFORD — Any objection to an application has to be able to be substantiated. There has to be evidence to support the basis of the objection. Given that initial period of 14 days will essentially sort out the claims or assertions that are without substance from the ones that are with substance, then I would have thought that Mr Ondarchie's very hypothetical scenario is very unlikely to occur.

Mr ONDARCHIE — Minister, respectfully, I am not sure that that is accurate, because it is possible in the course of the investigation that over the 14-day period the person could no longer have a valid licence because their three-year term has expired and the objection was lodged in such a way as to create havoc, perhaps, for that particular organisation. What mechanism exists to ensure that they can continue operating while a frivolous or unsubstantiated objection is lodged?

Ms PULFORD — The licence would be in force, because the licence is in force until it is not. If you cast your mind back to 10 or 15 minutes ago, a renewal

application licence is in force until it is determined to be not.

Mr ONDARCHIE — But, Minister, you just voted to have a fixed maximum three-year licence term on applicants. If the objection is lodged prior to the licence expiring but the investigation extends beyond the licence expiring, are those people then acting outside the law because they do not have a valid licence?

Ms PULFORD — No, they are not, because they will have a valid licence.

Mr Ondarchie — Even if it is beyond three years?

Ms PULFORD — Because they have put in their renewal.

Mr RAMSAY — I guess to me this is one of the most important parts of the bill, certainly in respect to the VFF's concern. They feel that, particularly in clause 32, it is weighted more with the objector than it is with the applicant. That is why I kept talking about trying to get an understanding of the timeliness of the authority making a determination in respect of a number of objections and the process. The VFF again have raised with me the matter that while you say the licence is operational from the date of application, the objectors seem to be able to get more advice from the authority than in fact the applicants can. So if the application is denied or there are some reasons why the authority cannot make a determination, it is the objectors that actually first get notified, not the applicant. In fact I am not even sure if there is a requirement to have the applicant notified. So the question, Minister, is: why is this part of the bill so weighted towards the objector rather than the applicant? What are the reasons behind that?

Ms PULFORD — Are you asking why 32(3)(a) specifies the applicant rather than the licensee? Is that your question? Because that looks to me just like a fairly typical receipt of information. A copy of the notice of objection goes to the applicant 'as soon as reasonably practicable after receiving the notice'. I would have thought 'as soon as reasonably practicable' probably means the same day or certainly within a couple of days — as quickly as possible.

Mr RAMSAY — That is undetermined, isn't it?

Ms PULFORD — Well, it is 'as soon as reasonably practicable'. I guess if it is midnight or whatever and no-one is there or it is Christmas Day or something and the office is unstaffed, perhaps it might take a couple of days more. But 'as soon as practicable' has got a pretty regular meaning in the English language and it is a phrase that is in lots of legislation. So the applicant gets notice of the objection as quickly as possible. What is the complaint? I am not sure I really understand the complaint. As quickly as possible is as quickly as possible. I am not sure that it can be much quicker than as quickly as it can be done. Sorry. I am trying to be helpful.

Mr RAMSAY — I was just waiting for you to finish. I appreciate you are tired, Minister. I am representing the VFF in these questions because they have far more expertise in the area of using labour hire, particularly for seasonal work. Obviously their concerns are that they do not want to be tied up with red tape, regulation and poor timing in respect of being able to get staff to harvest their crops, because it is time critical in many of those horticultural areas that you are familiar with that use a lot of the labour hire firms on a short-term basis. So the question they are asking is: why do we need this red tape regulatory burden when for the main part most employers are doing the right thing by paying their staff the right amount of wages? Under this bill there is a whole lot — and I raised this right at the start in the debate and again in the initial committee in the previous sitting week — of concern about the impost it is going to have on many of those small labour hire firms that work in regional Victoria.

Now, I am putting context, Acting President, before you cut me off and ask me to raise a question with the minister. Their concerns are that it is open to abuse. You have given us no comfort at all or confidence that enshrined in this bill there is some protection for those applicants that are legally going about their business and applying for a licence or renewal of a licence through the authority and seeking a quick determination, even though you say that licence is live from the application. The argument may well be that the objection process and all the formal bits and pieces that the authority goes through may well cause that applicant, who in the main may well be a farmer or host, some significant financial hardship in respect of not being able to get the labour they require because it is tied up in all this hoo-ha through the objection process.

The basis for the question is: how do we protect those honest applicants that are going through the formality of the application and it is being abused by some of these objectors, who may well have a competitive reason for trying to delay the applicant being able to harvest their crops because they are actually in competition with that farmer, in this case? To me, it is open to abuse, and you have failed to give me any sort of confidence yet that this bill will actually protect

those that are legally going about their business of trying for a licence.

Ms PULFORD — I thank Mr Ramsay for his question and for his comments. Equally, you have not provided any basis for the claim that this is open to abuse. If I can just step through some of the things that you have just talked about in your comments, Mr Ramsay. This is not directed at the people who are doing the right thing; not at all. This is very much directed at providing an additional level of protection for some of the most vulnerable people in the workforce in Victoria.

The horticulture industry is an industry that unfortunately has had its share of people not doing the right thing. I agree with you, Mr Ramsay; I think that overwhelmingly people are doing the right thing. The last thing that we want is for our horticulture businesses to be having to compete with people who are putting in place substandard labour conditions and that that be the basis of our competitive advantage. Our advantage in both our domestic and our international markets is the quality of our produce. I certainly would be horrified to see good people doing the right thing in horticulture — good people doing the right thing working in horticulture or running businesses — being forced into a competitive disadvantage by those that are doing the wrong thing, and we know that there are some that are.

All the host has to do is check that the company that they are using is on the website or call the authority — if they do not have the internet, say — to check that they have a licence. That is all the farmer has to do. They just need to make sure that they are on the list. That is the beginning and end of the obligation for the host employer.

For the labour hire company that seeks to have a licence, the minute that they apply for a licence or the minute that they apply for a renewal, they are deemed to have been granted that. So there is no scenario in which the thing that you are concerned about can actually happen. I know that you feel that I have not properly addressed this concern, but equally you have not given me a single scenario where this could actually happen. The licence applicant — the labour hire company — are up and operating from the moment that they put in their licence application. So there is no scenario where there would be an interruption to their operations as a result of anybody objecting. You might have some nasty competitor down the road who is wanting to try and entangle people in a whole lot of procedural guff — I think that was the word you used. We certainly do not want people to be unnecessarily tied down in red tape.

As a host, as a farmer, that is just taking people in for seasonal work, the obligations are so minimal that they pose close to no obligation whatsoever. It is just checking whether or not someone is on the list — that is it. It should take minutes, less than minutes. The labour hire company needs to apply for their licence. If somebody is objecting to their application because they are up to no good —

Mr Ramsay — Or they might be just mischievous.

Ms PULFORD — Yes, that is right, because they are up to no good or because they are mischievous or whatever —

Mr Ondarchie — Not the labour hire company — the person objecting.

Ms PULFORD — Yes, the person objecting. So you are asserting that you might have a whole bunch of people objecting because they are trying to do over their competitor or because they are just mischievous or troublemaking. Perhaps there is some old vendetta about an ex-girlfriend slighted 20 years ago, I do not know, or for whatever reason somebody wants to stitch someone up. They cannot actually do it because the licence is operational. The objector makes their objection, the licence-holder or licence applicant is happily off doing their own thing, providing labour to whomever are their host businesses. While that is happening there is that 14-day period when everybody is off doing their thing on the farm or in the factory or in whatever setting we are talking about. The 14 days is the period in which there needs to be a demonstration of some evidence or substantiation of the basis of the complaint. If there is nothing there within 14 days, the complaint is thrown out. If there is some evidence, then it will be further investigated. But while it is being further investigated the licence applicant or the licence-holder will be able to just continue doing their thing.

Mr RAMSAY — My colleague Mr Ondarchie may well want to cite an example in response to what you have asked for in relation to citing an example.

I just want to close on this, because I can see we are not going to get to where I want to get to and I suspect, Ms Pulford, that you are well entrenched in your position with respect to this. From a philosophical view — and I will ask a question — we have regulators that regulate the employment of workers and make sure that they are paid. We have the Migration Act 1958, we have the Fair Work Act 2009, we have WorkSafe and we have a lot of other regulated bodies, including the Ombudsman, that are supposed to be there to ensure

that these workers are in fact paid what they are supposed to be paid under the laws of the land. The stakeholders I have spoken to clearly indicate that in regional Victoria in small labour hire firms this bill will actually add a significant cost to doing business. They see it as being onerous and they see it as being unneeded in respect of all those other regulators that have a role to play, if only they would actually play those roles. That would be my first port of call — to make sure they are actually in compliance with the authority that has invested in them.

So the question, Minister, is: given all the regulators that we currently have that do have capacity to either apply penalties or jail with respect to those labour hire companies that are not paying the appropriate wages or even providing the proper accommodation as so classified in the awards, could they not actually do the very things that you are seeking in this bill?

Ms PULFORD — I am just wondering how that relates to clause 32.

Mr Ramsay — It could be a yes or a no. I expect your answer would be no.

Ms PULFORD — To?

Mr Ramsay — To make sure labour hire firms are abiding by the legislation, both federal and state, irrespective of whether farmers are using labour hire firms or not, with respect to their obligations for paying workers the correct salaries.

Ms PULFORD — This bears no relationship to clause 32. The philosophical underpinning or indeed just the empirical evidence about the need to license labour hire is something that was canvassed in detail in the second-reading debate. I do not wish to get into trouble with you, Chair, for getting back onto clause 1 when we are up to clause 32.

I am happy to have a cup of tea with you sometime, Mr Ramsay, and I can explain to you why I think the evidence suggests that there needs to be an extra level of regulation, because there are people falling through the cracks — and falling through the cracks badly. Most employers are doing the right thing, but the evidence that was unearthed by the inquiry undertaken prior to the government's decision to regulate labour hire demonstrated that there is a need. We have said on countless occasions we would quite like the federal government to be regulating this area, but they have said that they do not wish to, and so in the meantime we will.

Mr ONDARCHIE — Minister, thank you for your explanation about the capacity for applicants or licence-holders to continue whilst they have lodged their application for renewal irrespective of the objections and so on and until that is determined. I just want to clarify: have I got that exactly right?

Ms PULFORD — I am sorry; what is the question? Is there a question?

Mr ONDARCHIE — I just want to clarify with you what you have told us — that the licensee can continue to run their business, provided they have lodged an application for a renewal, whilst the objections are being dealt with. That is what you have told us.

Ms PULFORD — Yes. I have already answered this 20 times.

Mr ONDARCHIE — I am just going on to something else. If that goes on for some time and there is a mechanism of appeal and they go to VCAT and all that sort of stuff, can that continue for a period of time even though it is going through the long process of appeal and things like that?

Ms PULFORD — I have not got anything further to add. I have answered this half a dozen times at least.

Mr ONDARCHIE — Minister, does that include if the commissioner or the authority has withdrawn the licence while they are going through the renewal process and they have got to go to VCAT? Can they continue under that regime as well?

Ms PULFORD — In what circumstance would the authority withdraw an application? The authority is the body to whom the application is made.

Mr ONDARCHIE — You told us earlier in today's discussion that the commissioner could withdraw a licence if they felt that the applicant or the licence-holder was not compliant. If that happened around the time of a renewal application, can they continue until that is resolved by way of appeal?

Ms PULFORD — Can you try to ask that again so it makes more sense?

Mr ONDARCHIE — Okay. They are due for renewal. In the process of a person seeking to renew an application, the commissioner determines that something untoward has happened and they revoke the licence. Given that will go through an appeal process, can they continue operating until that is determined?

Ms PULFORD — In that circumstance the application before VCAT would be for a stay of the original decision. So instead of it being an application to VCAT to appeal a rejection of a renewal, the process would be that the person would be seeking to have the cancellation overturned.

Mr ONDARCHIE — I have no further questions on clause 32, but I am cognisant of the fact that the minister has been at the table for over 5 hours. I would seek to know if she would like a break for just a few minutes.

Ms PULFORD — I would not mind.

The ACTING PRESIDENT (**Mr Melhem**) — We will deal with clause 32 and then have a break.

Clause agreed to.

Sitting suspended 5.08 p.m. until 5.18 p.m.

Clause 33

Mr RAMSAY — I just wanted to pick up on what the minister said in relation to a previous clause I was raising with respect to the work of Fair Work and the migration acts. The minister referred to the Victorian inquiry of 2015 with respect to the reason this bill is before us. What she did not admit was that this was superseded by changes at Fair Work Australia with additional powers to do the very things the government are suggesting they want to do with this licensing regime — and that is to be able to clean up the industry and prosecute with harsher penalties and criminal offences with respect to those firms that are not complying with award wages. I ask the minister if she wants to respond to the fact that where Fair Work does have significant powers, over and above what it had before the previous Victorian inquiry, it can do very much what she is suggesting that she wants this bill to do. The powers are there. Fair Work has the capacity. Yet she referred to the Victorian inquiry of 2015 as the reason for this bill being here.

Ms PULFORD — We are around 7 hours into the committee stage on this bill — over a couple of different sitting weeks — and I think I have been reasonably generous in trying to assist members with their inquiries. But we are up to clause 33. Mr Ramsay's question bears no relationship to clause 33.

Clause agreed to.

Clause 34

Mr ONDARCHIE — Minister, this clause governs the provision of annual information. Its demands are similarly onerous to the licence application information requirements that we talked about in clause 19. Indeed this clause goes further in listing the sort of extra information the regulations might require. Clause 34(2) sets out a long list of information the regulations can require a licence-holder to provide each year. Which of this possible information does the government intend to actually require?

Ms PULFORD — I refer you to my earlier answers around the process for the creation of regulations.

Mr ONDARCHIE — Has there been any assessment of what the likely cost is to business in order to comply with these requirements?

Ms PULFORD — There is the regulatory impact statement that has been prepared with the draft regulations. I refer the member to my earlier answers.

Mr ONDARCHIE — And does that RIS cover this question around the cost to business to comply with requirements?

Ms PULFORD — Yes.

Mr ONDARCHIE — Minister, also subclause (4) talks in respect of the information provided to the Australian Taxation Office. Is there any scope in this provision for any data sharing between the ATO and the authority?

Ms PULFORD — No.

Mr ONDARCHIE — No? Thank you. Further, clause 34 will provide the authority with regular and accurate information that will assist the authority in exercising its functions. Now, by way of example, businesses provide a business activity statement (BAS) quarterly or sometimes monthly. What is the sort of regularity that this clause requires businesses to report?

Ms PULFORD — I refer you to subclause (5).

Mr ONDARCHIE — Minister, given that under clause 113 there will be no RIS for the regulations made under the bill, how is the government going to ensure that the cost and the burdensome requirement of providing all this information are not going to be impracticable and ensure that businesses do not say, 'Okay, this is just all too hard and we could just give it away'? How do we ensure that we preserve small business through this?

Ms PULFORD — I refer you to my previous answers about the process for creating the regulations that accompany this legislation, including the fact that I have told the house more times than I can count that the regulatory impact statement is being prepared with this. The draft regulations and the RIS will both be released for a minimum period of four weeks for consultation. Stakeholders will be provided with a copy of the draft regulations and the RIS for formal consultation. They will also be published more broadly for feedback. That might be the last time I describe that process because I have done it a lot of times already in this committee stage.

The ACTING PRESIDENT (**Mr Melhem**) — Before I call Mr Ondarchie, I would just like to remind members and reinforce what the minister is saying that I would appreciate it if members were able to restrict their questioning to the clauses and ask new questions instead of repeating the same thing. I am not making a ruling on that, I am just basically making the point, and if members can assist me in that, that would be great.

Mr ONDARCHIE — Like you, Acting President, we are keen to examine each of these clauses, line by line, to make sure we are doing our job. We have no further questions on clause 34.

Mr RAMSAY — I just want to draw the minister's attention to the fact that in the previous clause — and I appreciate we are past that — she said it was not relevant to my question around legal obligations by labour hire firms. In fact I was referring to clause 33(2)(a), which states:

> conditions directed at ensuring that labour hire services provided under the licence are provided in accordance with all relevant legal obligations …

My point at that time was in fact that there are legal obligations under the powers of Fair Work Australia, the Migration Act 1958 and other regulatory authorities. So they apply. That was the reference, and it was relevant to the question that I asked in respect of clause 33. But we have gone past that now. There is no question there, just an observation and statement.

Clause agreed to.

Clause 35

Mr ONDARCHIE — Minister, you will recall that in a previous sitting of the house when we started to talk about costs you referred me to clause 35, so this is probably the time to do this. Given that in today's committee we have heard that it has been modelled on a number of somewhere between 1200 and 1541 potential licence-holders and given the previous advice that you have provided us, using the Queensland example, that it was $1000 for small businesses, $3000 for medium-sized businesses and $5000 for large businesses to obtain a licence, can you provide to the house, based on the 1200 to 1541, what the approximate licence fees are going to be for small, medium and large businesses?

Ms PULFORD — I have already provided answers to this question. The regulations and RIS process will provide further opportunity for those to be developed. I provided Mr Ondarchie with information earlier today about the size of the different businesses and I indicated at the time that the best rule of thumb we are in a position to provide at this stage is the fees that apply in Queensland, and I do not have anything further to add.

Mr ONDARCHIE — Therein lies one of the challenges given the extensive consultation that the Liberals-Nationals have done. Businesses that will be affected by this new legislation are asking, 'How much will it cost me to run the business, and what will be the licence fees?', and we are unable as a house of review to determine what those fees are. I think therefore it requires some further consultation to be undertaken to ensure that we are able to adequately represent the needs of those who have approached us, or whom we have approached, in order to ensure that this clause sits well as an appropriate part of the legislation. I therefore move:

> That progress be reported.

Ms PULFORD — I know Mr Ondarchie has clearly got some bet on with his mates about how many weeks he can delay the passage of this bill. It is all very childish, really. I have already answered this question, but at the risk of tedious repetition, licence fees will be set through regulations. However, it is intended that the fee will be set at a level to allow for cost recovery, with costs to include both the administration of the licence as well as a compliance regime. We are currently finalising the fee modelling options, and I have described to the house on probably 10 occasions today the process by which the regulations and the further consultation that is underway will operate, including the existence of a regulatory impact statement.

I indicated, I think probably in the summing up in the second-reading debate and certainly in the committee stage the last time we considered this bill, that by way of comparison, Queensland has announced that its fee will be around $1000 for small businesses, $3000 for medium businesses and $5000 for large businesses. That is the best indication that we are able to give, and

again the fees will be set through regulations. The regulation-setting process is underway.

Mr ONDARCHIE — I do not think it is reasonable that the minister in speaking to my motion gets all antsy about me asking questions about clause 35 when it was she in the last sitting week who referred me to ask this very question at clause 35. I waited patiently until we got to clause 35, and now I am asking the question that she asked me to ask.

The challenge for us here is that there was an estimate that the budget to run this authority and the commission would be around $4 million. There are somewhere between 1200 and 1541 businesses that will be affected by this, but nobody is able to tell us today — certainly not the businesses affected — what the licence fees will be and how the $4 million is going to be recovered. The thing that I am worried about is that we will pass this legislation, should the house so determine, and then these businesses will get stung with a fee that is outside what has been guided to us today, and that is not reasonable. So I think there is work to be done.

Further, I would say, just to make my point, it is inappropriate for the minister to get worked up about me asking a question on clause 35 when it was she in the last sitting week who referred me to clause 35 to ask this question. I ask that my motion be put.

Committee divided on motion:

Ayes, 19

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

Noes, 21

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

Motion negatived.

Clause agreed to; clauses 36 to 38 agreed to.

Clause 39

Mr ONDARCHIE — I move:

8. Clause 39, page 41, after line 7, insert—

"(4) If the Authority has decided to suspend a licence, and has given the holder of the licence a notice under subsection (2), the holder of the licence may give the Authority a written response to the suspension.

(5) The Authority must—

(a) consider any response given under subsection (4); and

(b) make a decision to revoke the suspension, unless the Authority remains satisfied of the matters specified in subsection (1).

(6) The Authority must make a decision to revoke a suspension if the Authority ceases to be satisfied of the matters specified in subsection (1) in relation to the suspension, whether or not a response has been given under subsection (4).".

I would like to speak to this amendment now. This clause allows the authority to suspend a licence if the authority believes that the holder is in breach of the licence or the law and that substantial harm or detriment will be caused if the licence is not suspended. A suspension power is reasonable, but there is no provision in the bill for the authority to lift the suspension — for example, if the holder shows that the suspension should be lifted or new facts or evidence come to light. I ask the minister: in clause 39 why is there no right for the licence-holder to make submissions to the authority to show that the suspension was not justified or that the reasons for it have been resolved?

Ms PULFORD — Suspension is only allowed in serious and urgent circumstances, and this is set out in 39(1)(a) and (b). In particular the authority must be satisfied that unless the licence is suspended, and I quote:

> … substantial harm or detriment of any kind will be caused …

Arguably it is appropriate to use this power quickly. The authority must provide its decision and reasons for suspension and specify the period of suspension and appeal rights to VCAT, including in respect of the period of suspension. VCAT can issue a stay, as we discussed earlier, on the suspension of an application if satisfied. It will be VCAT that exercises review in relation to that decision, and it can vary, affirm or set aside that decision by the authority. We are going to oppose this amendment.

Mr ONDARCHIE — I did not pick up the last bit. I suspect the minister indicated they are going to oppose this amendment. Minister, why is there no power in this clause for the authority to lift the suspension if it is no longer valid?

Ms PULFORD — Because we have provisioned that suspension is only allowed in very limited circumstances and that VCAT is the proper authority to review that decision.

Mr ONDARCHIE — This could hurt a business for no valid reason, as it may turn out. What funding has or will be provided to VCAT to perform its functions under this clause?

Ms PULFORD — I have already in effect answered this question in relation to earlier questions from Ms Bath. VCAT has sufficient resources to undertake its functions under this legislation.

Mr ONDARCHIE — Thank you, Minister. What level of fees, if there are any, will be payable by licence-holders who want to challenge a licence suspension or any other decision by the authority?

Ms PULFORD — I have already answered this question.

Mr ONDARCHIE — Well, not as relates to clause 39. Minister, as it relates to clause 39, how will the fees for this particular suspension of licence issue be determined?

Ms PULFORD — I refer you to the answer I gave to Ms Bath on fees.

Mr ONDARCHIE — Our amendment introduces some basic fairness for licence-holders and their workers. The amendment provides that the authority must consider any response to the suspension provided by the licence-holder and must revoke the suspension if it is no longer satisfied that the suspension is required and let the business get on with it. I ask that my amendment 8 be put.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Dalidakis, Mr (*Teller*)	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr (*Teller*)	Pulford, Ms
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	Truong, Ms

Amendment negatived.

Clause agreed to; clauses 40 to 44 agreed to.

Clause 45

The ACTING PRESIDENT (**Mr Melhem**) — I will ask first Mr Ondarchie to move his amendment 9, which increases the availability requirements of nominated officers.

Mr ONDARCHIE — I move:

9. Clause 45, lines 25 to 26, omit "nominated officers for the licence are available to the Authority during hours" and insert "at least one nominated officer for the licence is available to the Authority during the normal business hours of the holder of the licence".

I seek permission to speak to that. This clause requires that nominated officers of a licence-holder are available to the authority at any time when workers provided by the licence-holder are working or accommodation or transport is being provided. The practicality of this clause suggests that the nominated officers need to be available 24 hours a day, seven days a week. Minister, in clause 45 what exactly is it envisaged that the authority will want to obtain from having a nominated officer available at any time listed in the clause?

Ms PULFORD — I think it is important to also note that clause 45 only requires that reasonable steps be taken to ensure that nominated officers for the licence are available to the authority at the time set out. It does not require that they are always available; it just requires reasonable steps to be taken.

Mr ONDARCHIE — Minister, what would you determine would be reasonable? When you say being available, is that by phone, by email or being available in person to attend somewhere? What is the definition of being reasonably available here?

Ms PULFORD — By phone or by email.

Mr ONDARCHIE — Minister, how many nominated officers need to be available? Is it just one, as a representative, or all of the nominated officers?

Ms PULFORD — This is about reasonable availability, so in essence it is someone being able to be contacted.

Mr ONDARCHIE — The only reason I ask that, Minister, is that the clause definitely refers to plural, not singular, and that is what we are trying to understand — whether it is more than one. You are indicating it does not need to be more than one.

Ms Pulford — No. I haven't got any more to add.

Mr ONDARCHIE — Amendment 9 standing in my name, Chair, is simply about bringing some common sense to this clause by making clear that a licence-holder simply needs to make at least one nominated officer available to the authority during the normal business hours of the licence-holder. It is simply to put some common sense around this, because as it stands right now, as I have indicated in my questioning today, albeit the minister has answered it, it indicates that they — plural — should be available at any time.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

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

Amendment negatived.

Clause agreed to.

Clause 46

Mr ONDARCHIE — I move:

10. Clause 46, line 7, after "must" insert "not, without reasonable excuse, fail to".

Clause 46 quite simply is a recipe for harassment and coercion. It requires the holder of a licence, which effectively means any manager of the licence-holder, to carry a copy of the licence with them at all times so that they can produce the licence whenever production is demanded by various people, including any worker working for the licence-holder or a host. This will include any union shop steward who could have the power to make incessant and inappropriate demands and hope to catch a licence-holder or a manager without their licence on them at the time. The penalty for failing to produce a licence is around $1800 for an individual and around $9000 for a company. Clause 46 of the bill says:

> The holder of a licence must produce the licence … upon request …

If the holder of a licence is a company, who will be required to produce the licence on the company's behalf?

Ms PULFORD — Sorry, can you repeat the question?

Mr ONDARCHIE — The bill says:

> The holder of a licence must produce the licence for inspection upon request …

If the holder is a company, who then would be required to produce the licence on the company's behalf?

Ms PULFORD — Produce it? The holder of the licence.

Mr ONDARCHIE — But if the holder is a company, who then is required to produce the licence?

Ms PULFORD — Whoever is in charge on the day.

Mr ONDARCHIE — So does that not then need to be an officer of the company or a nominated officer? Could it be just a supervisor?

Ms PULFORD — Yes. That is fine.

Mr ONDARCHIE — If a supervisor is driving a bus load of workers to a market garden to pick fruit, can they then be required by the host to produce the licence when they arrive?

Ms PULFORD — The bill says:

> The holder of a licence must produce the licence for inspection upon request by any of the following …

Then there is a little list, and (b) is:

> a provider, a worker for a provider or a host …

So, yes.

Mr ONDARCHIE — Will the licences under the bill be printed in an official printed form, like a drivers licence or something like that?

Ms PULFORD — Yes.

Mr ONDARCHIE — As such, is it only the original that needs to be produced or can a copy be produced? If there are several supervisors and several managers all working across the business, is there just going to be one copy that needs to be passed around or can it be a duplicate?

Ms PULFORD — There is nothing in the legislation that requires the licence that is provided to be the original copy.

Mr ONDARCHIE — To be copied?

Ms PULFORD — No, there is nothing in here that says it must be the original.

Mr ONDARCHIE — Minister, this is going to sound like an empty question, but it is not meant to be. I am just trying to work out practically how it is going to work in the field, if I can put it that way. How often will someone be required to produce the licence for inspection? Theoretically it could be used to harass someone — not just those acting in an official capacity, such as inspectors or police officers, providers or hosts. Anybody could ask them to produce the licence on a regular basis as a form of harassment. How often is it reasonable to request production of the licence?

Ms PULFORD — The legislation says 'upon request'. Asking for a licence to be provided would be a very unusual form of harassment, I think.

Mr ONDARCHIE — Minister, in paragraph (b) of clause 46, the bill refers to 'a provider, a worker for a provider or a host'. Since the licence-holder is the provider, why would the provider be wanting and entitled to see a copy of the licence? Why would they want to see it given the host is the provider?

Ms PULFORD — No, the host is the host. The host may be wanting to see the licence to provide to themselves some level of comfort that the labour hire company they are using has a licence.

Mr ONDARCHIE — I will come back to this. It also says in paragraph (b) that a worker for a host is entitled to request inspection of the licence, or is it just a worker for the provider plus the host themselves? If there is a worker associated with the host who has no direct relationship to the activities being taken, can they request the licence?

Ms PULFORD — Yes, the worker can. That is what it says in clause 46.

Mr ONDARCHIE — I am trying to understand a little bit more about this clause in relation to who is entitled to demand production of a licence. Will it include union officials? Could they ask for production of a licence under paragraph (d) as a 'prescribed person'?

Ms PULFORD — There is no intention to make a union organiser or a union official a prescribed person under the regulations. I refer to my earlier answers to questions about the regulation-making process. I would also indicate further to this question about this business of, 'Where's your licence? Can I look at your licence?', that a copy of it could go on the website or you could stick it in a frame and pop it on the wall. There are all kinds of different ways of making your licence available to people.

Mr ONDARCHIE — Amendment 10 in my name, which I have moved, relates to our desire to remove the potential for this provision to be misused to harass or threaten licence-holders and their staff. Instead of making it an offence to not produce a licence at any time or on demand, the amendment provides that the licence-holder must not, without reasonable excuse, fail to produce a licence. The minister has gone some way to answering some of that question just now in terms of how a licence could be displayed.

Ms PULFORD — Just quickly, in response, the reason the government is not supporting this amendment is that this clause exists to create an offence of not producing a licence. The change that Mr Ondarchie proposes would introduce a subjective element to proof of the offence, which would create an evidentiary burden on the prosecution.

Amendment negatived; clause agreed to; clauses 47 and 48 agreed to.

Clause 49

Mr RAMSAY — Minister, clause 49 states:

> The Authority may publish on an Internet site maintained by the Authority the following information …

and then come paragraphs (a), (b) and (c), and (c)(ii) states:

> investigations or proceedings on foot in relation to the licence.

It has been raised with me that the authority should wait until an investigation has finished and been proved before publishing the details, because if you are actually

publishing details of an investigation that is still current, the applicant or the business could be besmirched by innuendos in relation to misinformation that may well be spread on the basis of that investigation. So the question to you, Minister, is: why not wait until the investigation is concluded before putting those sorts of details on the website, rather than potentially giving grief to those who are being investigated, who may not have done anything wrong?

Ms PULFORD — The policy decision that has been taken here is to operate this in the same way that the Fair Work ombudsman does, whereby they publish or have the opportunity to publish investigations or proceedings that are on foot. This is basically to enable the provision of information to the public. But I note the word 'may' in that first sentence of clause 49. The authority is not compelled to publish this information, but it is an option that is available to them.

Clause agreed to.

Clause 50

Mr ONDARCHIE — This clause is about the establishment of the Labour Hire Licensing Authority. However, in the last little while, in late May, the government announced that labour hire laws would be enforced by a new Victorian wage inspectorate. I am trying to understand why we should have a Labour Hire Licensing Authority in this bill yet propose to have it enforced by a wage inspectorate. I am trying to understand why there is a shift from the authority to a wage inspectorate when it could be just one or the other.

Ms PULFORD — I am just getting some further advice on that, if we want to move on and come back to this.

Mr Ondarchie — All my questions are around that.

Ms PULFORD — Well, do you want to tell me what your further questions are?

Mr ONDARCHIE — They are all around the Victorian wage inspectorate, Minister. I am in your hands, Chair. We are just waiting on a response, and my questions relate to what will come of that response.

Ms PULFORD — The Victorian wage inspectorate has a broader remit. It is beyond the scope of this bill, but just briefly, it will have responsibility for a broader range of Victorian industrial relations matters, so long service leave, child employment, the owner-driver legislation — so there may be some interaction between the two, but the Labour Hire Licensing Authority is very much a standalone authority that enforces this scheme. This is essentially a licensing scheme rather than a scheme that enforces industrial relations laws.

Mr ONDARCHIE — Minister, I refer you to the government's announcement around the Victorian wage inspectorate where the Premier says, and I will paraphrase here, that every worker has a right to a fair day's pay for a fair day's work; where the Minister for Industrial Relations talked about that the inspectorate will protect all workers, particularly our most vulnerable, and ensure compliance and enforcement with employment conditions across Victoria; and where the Attorney-General talked about Victorian workers deserving to be paid in full and on time, all of which the coalition agrees with. That is precisely what you talked about in clause 1 of this bill. In clause 1 of this bill you said the purpose was to make sure that those vulnerable workers and those that are being exploited get their reasonable remuneration, and this side of the house completely agrees with that. So the challenge for us here is the creation of a Labour Hire Licensing Authority at a predicted sum of around $4 million per annum and a Victorian wage inspectorate that is essentially going to do the things that you wanted this bill to do. Why the requirement for two authorities?

Ms PULFORD — No, they have quite separate functions. This legislation is about establishing a licensing scheme, it is not about enforcing employment standards.

Mr ONDARCHIE — Minister, this is what you said, though. You said that this bill was about making sure that vulnerable and exploited workers are appropriately remunerated and cared for. That is what you said. We accept that as a position. That is exactly the same reason the government have claimed they are setting up the Victorian wage inspectorate. It is not clear why the government has to spend an additional $4 million in setting up this authority, which you claim is about licensing but in fact you said earlier is about ensuring workers are well protected, when you are going to establish the Victorian wage inspectorate as well. I just do not understand the logic, and I am sure the house is keen to know why you would need to spend money setting up this authority and an inspectorate when ostensibly they are designed to do the same things.

Ms PULFORD — Without getting into a long answer about the referral of some of Victoria's industrial relations laws, the residual laws that we have responsibility for and the interaction between those things, I would just again state that they do separate things. This is a licensing scheme. This is to create a

licensing scheme for a type of employment that I think has particular risks in terms of the exploitation of vulnerable workers, but there is nothing in the labour hire licensing arrangements that change — as I have said a million times before during this committee stage — a single condition or that requires any employer to be doing anything in addition to their existing obligations. This is a bill about creating a licensing scheme. The licences will be issued to labour hire companies that wish to participate in the scheme and that can demonstrate compliance with all of those other requirements, and we have been through the list a whole lot of times. The Victorian wage inspectorate's function is quite different. We are very proud of our record of protecting workers rights in Victoria, and we do this in a range of different ways. These two entities will have quite separate functions, but the one thing that they will have in common is that they will provide greater protections but in very different ways.

Mr ONDARCHIE — Will the Victorian wage inspectorate, then, have any duplication of effort that would be covered by the Labour Hire Licensing Authority?

Ms PULFORD — I know Mr Ondarchie is watching the clock, but the Victorian wage inspectorate's functions and duties are beyond the scope of this bill.

Mr ONDARCHIE — I guess that is what happens when you cobble together an idea just before an ALP state conference. I have no further questions on this clause.

Clause agreed to; clauses 51 and 52 agreed to.

Clause 53

Mr RAMSAY — Minister, clause 53(2) states:

> The Authority may engage consultants, contractors or agents for or in connection with the performance of the Authority's functions.

It has been said to me that whoever that might be, it may well be John Setka from the CFMMEU who is engaged as a consultant to advise the authority in respect to applications for licence-holders and he may well be privy to a whole lot of information the authority has in respect to both history and performance. What safeguards are put in place to make sure that whoever the authority sees fit to engage as consultants, contractors or agents will not actually have access to information that is confidential and/or will not have any significant impact on the applicant or licensee?

Ms PULFORD — I am pretty sure Mr Setka has already got a job. The legislation, at 53(3), refers to the capacity of the authority to:

> … enter into an agreement or arrangement for the use of the services of any person with suitable qualifications or experience to assist the Authority in the performance of the Authority's functions and powers under this Act.

I can confirm for the committee that it would be the government's expectation that the authority would engage consultants, contractors and agents in accordance with the usual procurement practices that apply across government.

Clause agreed to.

Clause 54

Mr ONDARCHIE — Minister, when we were talking on clause 1 about the purpose of the bill and we got onto the subject of annual reporting, because there is nothing within this bill that compels the authority to report to the Parliament on a regular basis, you drew my attention to clause 54, wherein it says that:

> The Minister may give … directions to the Authority …

But it still does not talk here about a specific need for the authority to report. Would the government consider incorporating into this bill some requirement that the authority report annually to the Parliament?

Ms PULFORD — The government has no plans to move amendments to this bill on this occasion, but I note that Mr Ondarchie is moving lots and lots of amendments and this is one that he is not moving.

Mr ONDARCHIE — The opposition continues to do the government's job — okay. Minister, do you think it is necessary that the authority report to the Parliament on an annual basis?

Ms PULFORD — The minister, as I indicated in earlier stages of debate on this bill, may wish to require the authority to report on matters relating to the authority's functions. The nature of that reporting would be a matter for a future decision by the responsible minister.

Clause agreed to; clauses 55 to 58 agreed to.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Clause 59

Mr ONDARCHIE — This clause relates to the appointment of the acting commissioner during a vacancy of a period not exceeding 12 months. By way of example, Minister, when the commissioner of the Victorian Small Business Commission was absent, the acting commissioner came from within the department. Is it possible under clause 59 that in fact the acting commissioner associated with the Labour Hire Licensing Authority could also come from within a government department?

Ms PULFORD — Yes.

Mr ONDARCHIE — Thanks, Minister. If an employee of the Victorian public service acts in a commission as appropriated by the Governor in Council, does that provide a conflict of interest?

Ms PULFORD — No.

Clause agreed to; clauses 60 to 66 agreed to.

Clause 67

Mr ONDARCHIE — I move:

11. Clause 67, lines 6 to 9, omit ", at all reasonable times at each place at which the holder of the licence conducts the business of providing labour hire services, keep" and insert "make".

12. Clause 67, line 10, after "business" insert "of providing labour hire services".

13. Clause 67, page 57, after line 7, insert—

> "(6) The requirements in subsection (1) and (2) to make documents available for inspection apply only to the extent that is reasonably practicable to make the documents available.".

Acting President, I seek your approval to speak to these amendments.

The ACTING PRESIDENT (**Mr Elasmar**) — Go ahead.

Mr ONDARCHIE — Thank you. Clause 67 is another clause that imposes impossible requirements and therefore is a recipe for harassment and coercion. It requires that a licence-holder keep available at every place where the holder carries on business all documents relating to the business in a form that can be readily inspected by an inspector. This means that a licence-holder must arrange for every document of the business to be available and ready for inspection instantly at every premise of the business. This is impossible. It is impossible for a small business that keeps paper-based records, and it will even be a nightmare for large businesses that require every business document they have to be cloud based. This clause seems designed to render any labour hire business liable to a civil penalty of over $30 000 for an individual and $120 000 for a company at any time an inspector decides to seek such a penalty.

Minister, this clause requires a labour hire business to have every business document available at every business premises for inspection at a reasonable time. Is that reasonable? Is every document of the department available at every one of the department's offices and places of operation? Is that a reasonable expectation in this clause for business?

Ms PULFORD — The advice I have is that the amendment that Mr Ondarchie is moving — and this goes to his question — has probably been proposed due to a misapprehension about the effect of clause 67(1). That part of the bill simply requires any documents that a provider has at a particular premises to be in a form which can be inspected. It does not require all documents the business may hold to be kept at every premises. So Mr Ondarchie may be well intentioned in moving this amendment, but I think the thing he is trying to fix does not operate the way he thinks it does.

Mr ONDARCHIE — Thank you, Minister. It would be much clearer if the bill was clearer, because it does say to 'at all reasonable times' keep all documents at the location where business is provided. It could be provided at several locations, but that is not clear in this clause. That is why we seek to get some clarification around this. If a small family labour hire business that provides jobs for dozens of low-skilled migrant workers keeps its records in a paper-based form with, let us say, a card for each employee, how can those businesses have those cards individually available at every location of their business? It does not seem practical, Minister. What is your suggestion for the small business here?

Ms PULFORD — I have already answered that.

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Ondarchie, the minister has indicated that she has already answered the question. Do you have any further questions?

Mr ONDARCHIE — Minister, could you outline to the house your view of what one central location would be suitable for the retention of these documents?

Ms PULFORD — I remind Mr Ondarchie that I just said a few minutes ago there is no requirement for

them all to be in one central location, so the question is a bit hypothetical.

Mr ONDARCHIE — The amendments that I moved — amendments 11 through 13 standing in my name — are to reduce the ambiguity in this section of the proposed legislation. They are just intended to bring a bit more common sense back to the bill by simply stating that documents are to be reasonably available for inspection and that they do not need to be at every place of business. It will then be a matter for the court to judge based on normal principles whether the documents are reasonably available or not.

It makes it clear in these amendment that the documents that are required to be available are documents relating to the business of labour hire, not documents relating to any other part of the business that the licence-holder may be involved in, and that is where the ambiguity lies in this section of the bill in clause 67. There are elements of a provider's business or a licence-holder's business that do not relate to the labour hire part of the bill. So these amendments that I have moved — numbers 11 through 13 — are designed to make sure that the documents relating to the labour hire business parts are available but the other parts of the business have really got nothing to do with it. I therefore ask that my amendments be put.

Amendments negatived; clause agreed to; clauses 68 to 72 agreed to.

Clause 73

Mr ONDARCHIE — Minister, clause 73 relates to the capacity for an inspector to enter premises at any time to inspect things of the nature we have talked about today. How will the inspector be identified to the licence-holder?

Ms PULFORD — They will have a badge.

Mr ONDARCHIE — Thank you, Minister. Minister, will the inspector — maybe as an individual on behalf of the authority or with a colleague from the authority — be the only person available to join them for the inspection, or could they be accompanied by people outside the approval of the authority?

Ms PULFORD — I refer Mr Ondarchie to clause 85, which is the provision that provides that an inspector can obtain the necessary assistance to carry out his or her functions. It might include translators, police or forensics specialists to ensure that powers are exercised smoothly.

Clause agreed to.

Clause 74

Mr ONDARCHIE — Minister, this clause provides for entry to a premises without consent or indeed without a warrant. Why indeed would there be a requirement for you to provide that someone could enter the premises without a warrant?

Ms PULFORD — Sorry, can you repeat the question?

Mr ONDARCHIE — Minister, this provides for entry without consent or a warrant. What I am trying to establish is: why would the government look to legislate for someone to enter the premises without a warrant?

Ms PULFORD — In much the same way that WorkSafe inspectors do not require a warrant, to ensure the smooth functioning of the legislation.

Mr ONDARCHIE — Minister, this specifically talks about enter and search powers for someone to enter premises. I draw your attention to the current provisions for search powers under the current legislation that is associated with warrants. They would well and truly cover the requirement for search and entry powers for the passage of the bill. So I am further trying to understand: given the current warrant provisions capture everything you are trying to do here, why would you then provide for someone to enter the premises without a warrant?

Ms PULFORD — For the reasons that are spelt out in clause 74.

Clause agreed to; clauses 75 to 84 agreed to.

Clause 85

Mr ONDARCHIE — I move:

14. Clause 85, line 12, after "any person" insert ", other than—

    (a) an officer or an employee of an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth; or

    (b) a person who has had an entry permit under the Fair Work Act 2009 of the Commonwealth refused or cancelled, and that refusal or cancellation has not been overturned.".

I seek the Chair's approval to speak to that.

The ACTING PRESIDENT (**Mr Elasmar**) — Thank you.

Mr ONDARCHIE — This clause allows an inspector to seek the assistance of any other person for the purpose of exercising a power under the act or regulations. This power is not confined to assistance from persons in positions of authority — such as police officers, staff or contractors of the authority such as interpreters — but extends to any person. This would seem to include anyone off the street, union officials or anyone who has been refused an entry permit under Fair Work law due to past misconduct. Having others involved could compromise the appearance of any independence on the part of the inspector and would give people wide access to the business and business documents that, quite frankly, they should not be entitled to in that case. Others who are outside the official persons could take advantage of being involved for their own specific purposes. Minister, for what sort of reasons apart from requiring an interpreter, which you used in an earlier example, might an inspector want someone else to assist them?

Ms PULFORD — Just to put Mr Ondarchie's mind to rest, the provision is not designed to have the effect of allowing the act's powers to be used to allow union entry. So if that is what this is about, do not worry about that. The translators, police and forensic specialists are the examples that I provided earlier, and I repeat them now. The provision basically ensures that the inspector can have the assistance that they need to carry out their functions. I think translators would be reasonable. That is what we had in mind when this provision was drafted.

Mr ONDARCHIE — If the inspector needs support people or specialists — maybe such as IT specialists or interpreters — why not just limit the assistance to others who are employees or contractors of the authority? Why does this clause allow it to be any person at all?

Ms PULFORD — For instance, translators translate in a variety of languages, and this legislation will operate across the state. This enables agility and allows for the scale of the authority to be smaller rather than larger.

Mr ONDARCHIE — Those translators will be contractors of the authority, and so it goes to my question: why not limit the assistance in this clause just to those who are either employees, if it is a small authority, or contractors, by way of your example of interpreters, in terms of the people who can enter? Why does it need to be defined as any other person?

Ms PULFORD — To enable the inspector to do their job.

Mr ONDARCHIE — It gets more bizarre as the day goes on. Will a person who assists an inspector be covered by WorkCover or by any other form of public liability insurance or indemnity? For example, what happens if they are injured in the course of assisting an inspector?

Ms PULFORD — I think that is beyond the scope of clause 85.

Mr ONDARCHIE — Minister, with respect, it is not really, because this clause talks about the provision of assistance by any other person to the inspectors. I take it that you are not giving any certainty to those who might assist inspectors that their health and wellbeing will be catered for.

Ms PULFORD — I refer Mr Ondarchie to the Accident Compensation Act 1985 to seek the information that he is after.

Mr ONDARCHIE — Will a person assisting the inspector be able to assist the inspector in inspecting business documents of the labour hire provider?

Ms PULFORD — What? The person assisting a person assisting a person — is that what you really said?

Mr ONDARCHIE — No, that is not what I said.

Ms PULFORD — Say it again.

Mr ONDARCHIE — Okay. Will the person who is assisting the inspector — when it talks about the assistance of any other person — be able to assist the inspector in inspecting business documents of the labour hire provider?

Ms PULFORD — Yes, but only where necessary.

Mr ONDARCHIE — Minister, that being the case, what person assisting the inspector would you deem as being necessary to inspect the documents of the labour hire provider?

Ms PULFORD — It would depend on the circumstances. If information needed to be translated, it would be a translator. If it was an IT proposition, it would perhaps be an IT person. If it was a question for which the inspector needed the assistance of a forensic accountant, then it would be somebody like that. It would depend on the circumstances, but it would be limited to the additional assistance that the inspector would need to undertake their functions.

Mr ONDARCHIE — Minister, given that response, is any person who assists the inspector under this clause subject to any secrecy or confidentiality requirements?

Ms PULFORD — Yes.

Mr ONDARCHIE — Minister, that being the case, are you able to point out which provisions in this clause require secrecy or confidentiality on the part of the person assisting the inspectors?

Ms PULFORD — I refer Mr Ondarchie to clause 103(1)(b).

Mr ONDARCHIE — Can I just seek clarification on what the minister said to me then? Did she refer me to clause 103?

Ms PULFORD — Yes, clause 103(1)(b), headed 'Secrecy provision', states:

> … a person who is, or has at any time been, an employee, consultant, contractor, agent or person assisting the Authority referred to in section 53.

Mr ONDARCHIE — In closing the debate around amendment 14 standing in my name, this amendment makes it clear that union officials or anyone who has been refused an entry permit under the Fair Work Act cannot become assistants to an inspector. This should be self-evident fairness to avoid compromising the apparent independence of the authority and to avoid giving others access to premises and records that they would not normally be entitled to.

The amendment also prevents any attempt by the government to use these assistance powers to avoid the right of entry requirements under the Fair Work Act. We have already seen issues with people and unions trying to use occupational health and safety legislation to avoid entry permit laws and to allow onto workplaces union officials who have been banned due to thuggish and illegal behaviour. We have seen it. The last thing we want is for the government to try to use this legislation to allow standover merchants to threaten, intimidate and bully labour hire providers or their staff or their workers. I move that amendment 14 standing in my name be put.

Committee divided on amendment:

Ayes, 21

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

Noes, 19

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

Amendment agreed to.

Amended clause agreed to; clauses 86 to 88 agreed to.

Clause 89

Mr ONDARCHIE — I move:

15. Clause 89, page 74, after line 5, insert—

> "(3) A reference to an inspector in this section is taken to include a reference to a person assisting an inspector.".

This clause imposes confidentiality requirements on inspectors. However, it does not currently apply to anyone who assists an inspector. Minister, I know we touched on this in the last series of debates, so I do not want to elongate this any further at all. Our amendment provides that a person who assists an inspector under clause 85 is bound by the same confidentiality requirements as an inspector themselves. This means they cannot use the information they obtain, such as details of employees or business models, for ulterior purposes such as selling it to a competitor or recruiting members for an organisation.

Amendment negatived; clause agreed to; clauses 90 to 101 agreed to.

Clause 102

Mr ONDARCHIE — I move:

16. Clause 102, page 83, after line 20, insert—

> "(5) The commencement of an application to VCAT for review of a decision to refuse to renew a licence, impose a condition on a licence or cancel a licence (other than at the request of the holder of the licence) is taken to suspend the operation of the decision until the application is determined.".

This clause allows an application for review to VCAT over a wide range of decisions by the authority, such as to refuse, not to renew, to cancel or to impose conditions on a licence. However, it has the fundamental gap that such a decision by the authority takes effect before any review can be heard, by which time the business is likely to have been forced to close and throw its workers out of a job. It is like having the right to appeal against a death sentence but only after the execution has been carried out.

Although VCAT has the right to suspend a decision that is subject to review under section 50(3) of the Victorian Civil and Administrative Tribunal Act 1998, an applicant has to get a hearing before VCAT in the first place before an application for such a suspension can be made. It may be justified for a suspension to take effect immediately subject to the authority having to lift the suspension if it becomes no longer justified, as sought by my earlier amendments, since a suspension is triggered by a risk of immediate harm; but for decisions to cancel or not renew, the status quo — that is, the continued operation of the business — should apply until any appeal under review has been decided. Minister, in what division of VCAT will application for these reviews be heard?

Ms PULFORD — I refer you to my previous answers on this question.

Mr ONDARCHIE — Given your previous answers, Minister, are you able to advise what the current volume of cases in this division is and how long the waiting list is for a hearing?

Ms PULFORD — No, but the government is confident that VCAT is adequately resourced to undertake the functions that many pieces of legislation confer on it.

Can I just take the opportunity while I am on my feet to indicate the government's position on this amendment. This provision that Mr Ondarchie is seeking to insert into the bill would allow an automatic stay of the authority's decision, and we are concerned that it would facilitate an abuse of process. In the case of these decisions the affected person can seek that VCAT stay the authority's decision pending its determination. This is standard practice for VCAT, which will determine whether to grant a stay in the particular circumstances where the failure to grant a stay would affect the application — whether or not there is a serious question to be tried, the public or community interest in which a stay may be granted and the period of time that will elapse before the hearing of any application for review. The government believes VCAT is best placed to balance the interests of the applicant and the objectives of the licensing scheme, and for those reasons it will be opposing Mr Ondarchie's amendment.

Mr ONDARCHIE — Minister, often we hear stories about the long delays in many VCAT hearing lists associated with, for example, planning, domestic building et cetera. What guarantees can the government give to the committee and the labour hire businesses and their workers that any appeals against suspension or indeed any other appeals under this bill will be heard urgently before a business goes into financial stress?

Ms PULFORD — The allocation and the order in which matters are heard by VCAT is a matter for VCAT.

Mr ONDARCHIE — Minister, I hear your response, but we have undertaken, as I have indicated, significant consultation and there is some concern that if we go down this path businesses may well be held up in the tribunal process with delays to hearings that could really cause them some concern. Are you able to give labour hire businesses some certainty about them getting their matter before a hearing sooner rather than later?

Ms PULFORD — As I indicated, the scheduling of matters before VCAT is a matter for VCAT, but I would refer anyone who is concerned to my previous answers. The onus is perhaps the opposite of what I think some members are assuming. A licence is operational from the point of application or the point of application for a renewal. In circumstances in which a licence has been cancelled or there has been evidence to substantiate a complaint, the legislation provides safeguards in terms of opportunities and processes in relation to those decisions. So it is not the case that there will be sudden decisions to cancel a licence.

Earlier we went through in some detail the process and circumstances by which opposition to the granting of a licence needs to pass that first hurdle in the first 14 days. There needs to be substance to the complaint and there needs to be evidence to support the complaint. The licence stays in place during the period in which the authority is considering and investigating the matter, so I would refer Mr Ondarchie and anyone concerned about this to those previous answers.

Mr ONDARCHIE — In terms of the review process, how long does the government expect that each review allocation before VCAT will take?

Ms PULFORD — Can you repeat that?

Mr ONDARCHIE — Sure. I am just trying to ascertain, on behalf of the businesses that may be involved: how long does the government expect each review application before VCAT will take?

Ms PULFORD — I have already answered that question.

Mr ONDARCHIE — So, Minister, are you just saying that that is a matter for VCAT? Is that your response?

Ms PULFORD — No. I have already answered that question at least two or three times.

Mr ONDARCHIE — Given the proposed allocation of $4 million for the authority, Minister, what proportion of that has been budgeted for the authority to spend each year on legal fees to review applications?

Ms PULFORD — The budgeting for the compliance and enforcement part of the functions will be managed within that overall envelope. We do not expect litigation to be a significant part of the budget. I would also counter that this is probably getting a bit beyond the scope of this clause.

Mr ONDARCHIE — The proposal for applicants to go before VCAT, as stated in clause 102 of this bill, is absolutely part of the bill, so it is fair and reasonable to ask these questions. Our amendment provides that if a VCAT review is sought the status quo should prevail so that a business can keep operating in cases of a licence cancellation or a refusal to renew and keep operating under concurrent conditions in cases where a review of a new condition is being sought. The only exception is in cases of suspension, which are cases of risk or substantial harm that otherwise exist. Previous amendments that we have put before the house today have sought to make clear that even in such cases the authority must lift the suspension if it is no longer applicable or the requirement has been satisfied. I ask that my amendment 16 be put.

Amendment negatived; clause agreed to; clauses 103 to 111 agreed to.

New clause AA

Mr ONDARCHIE — I move:

17. Insert the following New Clause to follow Clause 111—

"AA Interstate licensees may be registered

The Mutual Recognition Act 1992 of the Commonwealth applies as if providing labour hire services were an occupation within the meaning of that Act.

Note

The Mutual Recognition Act 1992 of the Commonwealth is adopted in Victoria by section 4 of the **Mutual Recognition (Victoria) Act 1998**. In accordance with section 17 of the Mutual Recognition Act 1992 of the Commonwealth, a person who holds the right to provide labour hire services in another State or a Territory will be, on notifying the Authority, entitled to be registered as a licensed labour hire provider in Victoria.".

Amendment 17 standing in my name is designed to follow clause 111, which has just been passed by this house. At present clause 111 of the bill allows the authority to dispense with some requirements for an interstate licence, but it still requires a provider with a licence in Queensland or South Australia to apply for a Victorian licence and then go through all the processes other than those the authority is able to exempt it from and chooses to exempt it from. This means that labour hire providers will still be forced through a large amount of duplicated red tape, with all the associated costs, expense and delays that are involved.

The Victorian bill applies not just to labour hire within Victoria; it applies to Victorian businesses providing labour hire anywhere else and to businesses anywhere else providing labour hire within Victoria. A large amount of labour hire does involve businesses in one state lining up workers from clients interstate or in multiple states. It will add to the cost and deter the provision of labour hire by many providers if they have to be registered in multiple states. It is like going back to the bad old days where a business incorporated in Victoria had to go around and separately register itself in other states and get approval by the regulator in many other states of Australia.

I think it is time to move beyond that. We should be saying that if you are registered in one state and approved by the regulator in one state then that will count as registration in another state that has a similar scheme. The Queensland and South Australian acts are both similar to the Victorian bill, so meeting the standard of one of those laws will be very close to meeting the standard of the Victorian bill. So I move therefore my amendment 17, relating to new clause AA — interstate licensees.

Ms PULFORD — Just quickly in response to this, conceptually the idea of recognition of interstate schemes is something that we are quite supportive of, but this I think is premature. The implications of this amendment are unclear, and it is not certain if the impact of this amendment would be that the applicants would no longer need to pay a fee to be licensed in

Victoria. If they did not pay the fee, then that would impact the fee modelling upon which the scheme is based so far and, we suspect, would probably increase the price of fees to Victorian businesses. This amendment, we believe, would prejudice Victorian businesses at the expense of interstate counterparts. As I said, we are very open to the concept of mutual recognition, but it needs to be agreed to by all three jurisdictions. Queensland and South Australia are not currently offering this level of mutual recognition, but if they were we would welcome it. So for this reason and just at this point in time it would be detrimental to Victorian businesses to allow interstate businesses to achieve mutual recognition where our businesses would not have the same benefits as interstate businesses.

Finally, until the Labour Hire Licensing Authority has set up relevant memorandums of understanding with other jurisdictions, the authority may not have completed the relevant due diligence to be satisfied that it can rely on the information provided by the other jurisdictions when recognising interstate businesses. I think it is something that we could all potentially work towards in the fullness of time, but I think it is premature to do that. The other states are not offering those reciprocal rights, and we are concerned about the potential risk of additional fee imposition and benefits not flowing to Victorian businesses. The interests of Victorian businesses would certainly have primacy in our thinking over the interests of businesses in South Australia or Queensland.

Committee divided on new clause:

Ayes, 21

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

Noes, 19

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

New clause agreed to.

New clause BB

Mr ONDARCHIE — I move:

18. Insert the following New Clause to follow Clause 111—

"BB Inspection of Register before entering into arrangement for provision labour hire services

For the purposes of section 15(2)(b), it is a reasonable excuse if the person—

(a) within the period of 3 months immediately before entering into the arrangement, searched the Register in respect of the labour hire provider and ascertained that the provider was a licensed labour hire provider; and

(b) at the time of entering into the arrangement, was not reasonably aware that the provider had ceased to be a licensed labour hire provider.".

It inserts a new clause after new clause AA, which has just been passed by the house, and I seek your approval to speak to that.

The ACTING PRESIDENT (**Mr Elasmar**) — Yes, go ahead.

Mr ONDARCHIE — At the moment, someone who is obtaining labour hire workers from a labour hire provider is required to check the register to confirm the provider is registered every time the client asks the provider to provide new workers. For many clients this could be on an almost daily basis. For example, a fruit grower may need workers to pick various rows of fruit one day when those rows have become ripe and then require other workers a few days later to pick other rows of fruit when those rows become ripe. It is unreasonable to require a client to be checking the register day after day when dealing with the same provider.

This is another amendment that the Liberal-National coalition brings forward that seeks to bring some common sense to the bill. It says that if a client has checked the register within the last three months and was subsequently aware that the provider ceased to be licenced, that is a reasonable excuse that they happen to have used that provider after they have lost their licence.

New clause negatived.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Clause 112 agreed to.

Clause 113

Mr ONDARCHIE — I move:

19. Clause 113, page 91, lines 7 to 9, omit all words and expressions on these lines.

This clause provides the regulation-making power for the bill. However, the bill exempts the first set of regulations from a requirement to have a regulatory impact statement. As well, there is no power for either house to disallow the regulations. Minister, I know we touched on it in a general sense when we discussed a number of clauses today. I am just trying to gauge how far advanced the government is in having the regulations drafted for this bill.

Ms PULFORD — A couple of things: a regulatory impact statement is being prepared for the first set of regulations for this bill even though the legislation does not require it. That is very much the way that we are proceeding. I can indicate to the house that the development of these regulations is quite well advanced. They will be released shortly after the passage of the bill.

Mr ONDARCHIE — Minister, are you able to outline what are some of the main topics covered in the regulations?

Ms PULFORD — I think we have probably done that over the 9 or so hours we have been in committee on this bill. I probably do not need to labour the point.

Mr ONDARCHIE — Minister, why in this clause is there no capacity for either house of Parliament to disallow regulations under the bill?

Ms PULFORD — That was a policy decision of the government.

Amendment negatived.

Mr ONDARCHIE — I move:

20. Clause 113, page 91, after line 9, insert—

> "(4) The power of the Governor in Council to make regulations is subject to the regulations being disallowed by a House of Parliament in accordance with section 23 of the **Subordinate Legislation Act 1994.".**

For me, this is a basic protection against the excesses of the executive in relation to the legislation. It means that if a majority of members of this house — not the opposition alone but a majority of the opposition and crossbench members combined — consider that these regulations are inappropriate they can be disallowed. If the government is being truthful in saying, 'There is nothing to fear in this bill, there is nothing to hide, there is nothing that could be done under this legislation. We are being open and above board', why does the government fear allowing either house to disallow regulations under the legislation, Minister?

Ms PULFORD — Clause 113 provides for the regulation-making power. Ordinarily if an act is silent, regulations can be disallowed by a vote of either house of Parliament but only on the recommendation of the Scrutiny of Acts and Regulations Committee (SARC). However, if the act specifically refers to section 23 of the Subordinate Legislation Act 1994, then either house may disallow the regulations without the need for a SARC recommendation. As I understand it, this is extremely rare and such a provision is found in only a handful of Victorian acts. That is the advice we have from parliamentary counsel. The amendment would interfere with the normal SARC process, and we do not believe there is any justification for it. Further to that, the proposition that Mr Ondarchie puts is very much based on hypothetical regulations. I have outlined to the house many, many times today the process for the development and finalisation of those regulations, the consultation and the exposure draft, all of those measures that will be in place to ensure that people who have a view to put about the regulations have the opportunity to do so.

Mr ONDARCHIE — Minister, as you know, regulations as you have outlined already can only be disallowed in the house when a majority of 21 or more members agree. They cannot be disallowed by the opposition on its own. Are you saying that you do not have confidence in the crossbench members of this house to make fair and reasonable judgements about whether or not your regulations should be disallowed? Is that what you are saying?

Ms PULFORD — No, it is not what I am saying at all.

Amendment negatived.

Mr ONDARCHIE — I move:

21. Clause 113, page 91, before line 10, insert—

> "(5) If regulations are made that prescribe a number of nominated office holders for a licence and, in a particular case, the number exceeds the number of natural persons who are responsible for the day-to-day conducting of the business to which the particular licence relates or will relate (the ***relevant number***), the prescribed number is taken for all purposes to be the relevant number.".

The third amendment we are proposing to this clause seeks to avoid a business being made subject to a requirement under the regulations, which is impossible for it to comply with. Clause 17 in part 3 of the bill requires the provider to nominate a prescribed number of authorised officers. However, many small businesses may not have as many officers in total as the number of officers that are prescribed. This is a small amendment, but again it hopefully will ensure there is some common sense in the legislation to say that if the regulations require a business to nominate more officers than it actually has, the business will comply with the regulation by nominating each of the officers. It is a fairly commonsense amendment that we put to the house. It makes this much easier for small business to deal with, and I seek to have it put to the house.

Amendment negatived; clause agreed to; clauses 114 to 118 agreed to.

New part heading and new clauses

Mr ONDARCHIE — I move:

22. Page 94, after line 6, insert the following Part heading and New Clauses—

'Part 9— Amendments relating to the meaning of *provides labour hire services*

119 New section 10(1) inserted

After the heading to section 10 of the **Labour Hire Licensing Act 2018 insert**—

"(1) Despite sections 7 and 8, and to avoid doubt, a person (a ***provider***) does not provide labour hire services if the provider supplies one or more individuals to perform work for another person (a ***host***) in any of the following circumstances—

(a) as part of a genuine supply chain or a contracting or subcontracting arrangement that does not involve the on-hire of a worker to a host to work under the instruction of the host, including, but not limited to, a supply chain or a contracting or subcontracting arrangement in the construction industry;

(b) as part of the outsourcing of a business or part of a business to a third party;

(c) if the supply by the provider of one or more individuals to perform work for other businesses is not the main purpose of the business ordinarily carried on by the provider;

(d) as part of a short term, ad hoc arrangement between businesses;

Note

Examples of such arrangements are workers of one farm business assisting another farm business by picking crops for a day, or workers of one concrete business providing assistance to another concrete business during a concrete pour.

(e) if the provider supplies the individual or individuals to perform work—

(i) in the case of a provider that is a body corporate, for a related body corporate, within the meaning of the Corporations Act, of the provider; or

(ii) in the case of a provider that is a partner in a joint venture, for an entity that is a common joint venture partner of the provider;

(iii) in the case of a provider that is part of an entity or group of entities that jointly carry on business as one recognised business, for another entity in the business;

(f) as part of a bona fide secondment arrangement;

(g) as part of a consultancy arrangement;

(h) in the case of a provider that is a body corporate, if an individual supplied by the provider is an executive officer of the body corporate and is the only individual supplied by the provider to perform work for the host;

(i) if the supply of the individual or individuals to the host is not for the purposes of a business or undertaking conducted by the host, including but not limited to the situation where the supply is for the domestic or personal purposes of the host;

(j) as part of a group apprenticeship or trainee scheme;

(k) if the individual or individuals supplied to the host are Australian legal practitioners performing work for a client;

(l) if the individual or individuals supplied are employees of an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth, in the course of providing assistance to members of that organisation; and

(m) as part of a work experience arrangement or an educational placement.".

120 New section 10(1) inserted

In section 10 of the **Labour Hire Licensing Act 2018** before "Despite" **insert** "(2)".

121 Commencement of sections 119 and 120

Despite section 2, sections 119 and 120 commence immediately after the commencement of section 10 of the **Labour Hire Licensing Act 2018**.'.

Business groups have pointed to the many different instances of ordinary business practices that have nothing to do with labour hire businesses being caught up in the legislation because they come within the very broad definition of the bill. The government has attempted to deal with this by listing a range of activities which the government intends to exempt by regulation. However, it is highly undesirable for such fundamental matters to be dealt with by regulation. Someone's ability to carry out perfectly legitimate businesses and activities should not be dependent on their ability to lobby the government of the day and beg for permission. If it is already recognised that the bill goes too far — and we have done that today — and will catch activities that should not be caught, that should be dealt with by amending the bill itself, not by a series of exclusions by regulation.

Our amendment proposes to exclude a wide range of normal business practices that have nothing to do with the sort of labour hire that the bill seeks to regulate. This list is closely based on a list of activities that the Australian Industry Group (AIG) has raised. There is concern about whether or not the bill will apply to them — as I indicated to the house on a number of occasions today, we have consulted widely — and the amendment seeks to put this beyond any doubt. In some cases it is arguable that the activities listed would not come within the definition of labour hire in the first place, but it is better to have them listed explicitly than to have people left in doubt and forced to seek expensive advice before they know whether they are caught up in this or not.

The government may argue that the minister has already promised to exclude some of these activities by regulation; however, for the reasons I have already outlined as I moved this amendment, it is completely unsatisfactory to have to rely on regulations for such fundamental matters. On top of that the activities the minister listed in closing the second-reading debate cover only some of the areas about which well-regarded industry bodies such as the AIG have such understandable concerns.

So I have moved my amendment 22 because it does truly pick up the anomalies in this bill and it gives businesses the capacity to operate within the scope of this bill and not be unduly restricted in their capacity to do their business.

Ms PULFORD — The government will be opposing this amendment. The change that Mr Ondarchie seeks would move matters that appropriately belong in regulations into the bill. It also removes the consultation process associated with developing regulations. A key benefit of using regulations to include or exclude working arrangements is that it allows the regulation-making powers to recognise that work arrangements consistently change and evolve. This ensures that the scheme is capable of addressing those changes. Locking these amendments into the act, as Mr Ondarchie is proposing, would reduce this flexibility. The government has already formally expressed its intentions in regard to the scope of the scheme, and it is expected there would be a duplication between these suggested amendments and the content of the labour hire regulations. It would also be unfair, I believe, to stakeholders to include exemptions that have not yet been the subject of consultation, such as those in proposed section 10(1)(a) in the amendment.

The impact of some of these suggested amendments is not clear, such as in proposed section 10(1)(c). The bill already contains definitions of 'provides labour hire services' in clause 7, and it would confuse the legal application of those tests by introducing new tests, such as whether or not the supply of individuals is the main purpose of a business. The other drafting issues with these amendments are, for example: what is the meaning of a 'bona fide secondment' in proposed section 10(1)(f)? Some amendments are already excluded by the bill, so the additional text is unnecessary.

For a whole bunch of different reasons we do not think that taking these matters from the process that is currently underway to develop or to finalise the regulations is a good idea. That process is reasonable for stakeholders and it will provide the legal certainty that everybody who interacts with the scheme will need, and so for those reasons we are opposing this amendment.

Mr ONDARCHIE — Therein lies the uncertainty about this bill. This amendment seeks to give some certainty to business. We have heard right through the debate, both in the second-reading speeches and in the committee stage, of the uncertainty and the view about, 'We'll get it sorted out. There'll be guidelines. There'll be regulations. We'll do a RIS. It will all work out fine'. This amendment seeks to give some certainty to

business. I am encouraged that the minister at some point during today's debate said that they want to support business. Here is the opportunity to do that. I ask that my amendment 22 be put.

Committee divided on new part heading and new clauses:

Ayes, 20

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

Noes, 20

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

New part heading and new clauses negatived.

Clause 119

The ACTING PRESIDENT (**Mr Elasmar**) — My understanding is that there are no amendments to this clause, but I will ask if there are any questions or any speakers on clause 119.

Mr ONDARCHIE — I can advise that the opposition has no questions on clause 119.

Clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Ms PULFORD (Minister for Agriculture) (19:52) — I move:

That the bill be now read a third time.

After about 10 hours in committee stage and after many years in development I give a very brief congratulations on this bill to Minister Hutchins for leading this important reform and to the advisers, Nadia and Maddie, for their assistance. In particular I just take a brief moment to pay great credit to some of the most vulnerable workers in the Victorian community, whose courage has enabled this reform.

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

Noes, 19

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

Question agreed to.

Read third time.

ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018

Second reading

Debate resumed from 8 June; motion of Mr JENNINGS (Special Minister of State).

Ms CROZIER (Southern Metropolitan) (19:59) — I am pleased to be able to rise and speak to the Advancing the Treaty Process with Aboriginal Victorians Bill 2018 this evening. I do so because it is an important debate and this issue is an important issue for many, many people. It is an important debate that we are having in the Parliament on this issue. I note that the preamble and introduction to the legislation which has been brought before the Parliament states that this is:

… a bill for an act to advance the treaty process between Aboriginal Victorians and the state by providing for the recognition of the Aboriginal Representative Body,

> enshrining the guiding principles for the treaty process and requiring the Aboriginal Representative Body and the state to work together to establish elements necessary to support future treaty negotiations and for other purposes.

So I think that has been made very clear. There are various elements to the bill, and they are the establishment of an Aboriginal Representative Body to negotiate treaty; the establishment of general guiding principles for the treaty process; the establishment of a treaty authority, which will be a so-called independent umpire, to be established by agreement; the setting up of a treaty negotiation framework by agreement; and the establishment of a self-determination treaty progression fund to be administered by the established Aboriginal Representative Body.

I note that in the other place, the Legislative Assembly, when this bill was introduced there were a number of respected Indigenous Victorians that came onto the floor and spoke about the process and about the importance of treaty, and I want to acknowledge the efforts of all people that have been involved in the preparation of this bill. I understand that they have worked incredibly hard in relation to what they are trying to achieve. I also note that on that day various concerns were raised in various parts of the debate by MPs and that their concerns were very well considered in their contributions. There was, I note, a Greens member who had some concerns about who had been involved with the process and various things, and I will come back to that a bit later.

Overall I think in relation to what this bill is trying to achieve, and as my colleague Mr Bull in the Assembly and others have said —

Mr Davis interjected.

Ms CROZIER — Indeed, Mr Davis, he is a very good man. Representing the part of Victoria that he does, he understands and has worked with many Aboriginal communities in the eastern part of the state and in the Gippsland area, and he is very committed to advancing all efforts in relation to closing the gap. He stated this very eloquently in his second-reading debate contribution because of course he is the former minister and has a great knowledge of the concerns Aboriginal communities and the Victorian Indigenous community as a whole have in relation to a number of areas where we need to improve outcomes for Indigenous Victorians.

I might add that when Mr Bull was minister and I was Parliamentary Secretary for Health for Mr Davis we worked closely together. I recall going to a number of Victorian Aboriginal Community Controlled Health Organisations (VACCHOs) around the state. They were numerous and all very much looked at what they represent. If you look at the VACCHOs themselves, there are a number, and many of them were doing some great work. I recall visiting some in the western parts of Victoria, up along the Murray, in the eastern parts of Victoria and right across the state in relation to looking at health and wellbeing outcomes. I know that others on this side, and I think all members actually, very much support improved health and wellbeing outcomes for Indigenous Victorians.

There were some great responses from those local communities about what they were doing with their local Indigenous communities to advance health and wellbeing outcomes, as I said. It was a great pleasure to go and meet with them to understand what they are actually doing, to see the progress they are making in various aspects and to understand the challenges they often have as well. They spoke of those challenges very freely. Some would be doing various health initiatives that could apply to anyone across the state. I want to congratulate them for the work they did and continue to do, because they are doing various projects and they are undertaking various pieces of research in relation to aspects that affect Aboriginal people, especially children. We need to be looking at the vulnerabilities that children might have in some of those health areas of concern and addressing them so we give them the best opportunities we can as they advance through their childhood into their teen years and then of course into their adult lives.

Whilst I am on that, certainly we all know in this house that there are many young Indigenous Victorians who are overrepresented in various aspects of our youth justice system — who have been caught up in that. We all want to strive for and see an improved outcome for those young Victorians — for any young Victorians that get caught up in the youth justice system for that matter — so they can understand that they have opportunities and they can improve their outcomes. We can certainly do that as well.

I note from the youth justice inquiry that was recently concluded by the Legal and Social Issues Committee that it was very clear that some of the key findings highlighted these aspects. The report states:

> Koori young people are more than 16 times more likely to be on a youth justice order.
>
> In 2015–16, 16 per cent of all young people who received a community or custody youth justice order identified as Koori.
>
> Between 2006–07 and 2015–16, Koori overrepresentation in Victoria rose from 9.7 to 13.2 times the rate of non-Koori young people in youth justice.

They are clear findings. I think we all want to do better. We want to address those issues. As is often spoken about, we want to close the gap so that overrepresentation does not continue on that trajectory that I just spoke of, because it is increasing and all of us need to be addressing those concerns and doing better. I acknowledge that, and I know that another extensive report, the Armytage and Ogloff report, also identified some of these concerning figures and the trajectories that these young people are on.

I do not think it is any surprise for any government that we all want to improve the outcomes for these young people. We all do, and we are seeing that from governments at all levels. While that is the aim for all of us in these places — in parliaments around Australia — we know that the national approach has been very significant. There has been a lot of concentration and effort in looking at how we can close the gap. Part of that has been through various initiatives, and I refer to things like the national apology, which was undertaken by former Prime Minister Kevin Rudd in 2007. In his apology he said:

> And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

I think that is very widely felt amongst all Australians in terms of some of the past history and the past elements that have occurred for various Indigenous clans and Indigenous people. I think we all acknowledge that, and we are all striving, as I said, to close the gap and get some better outcomes not only for vulnerable Indigenous children and young people in Victoria but for all vulnerable children and young people in Victoria, I would have to say.

There has been a lot of concentration on treaty. It has been around and discussed for quite some time, in fact decades. We need to understand and recognise that at a national level, where so much work is being undertaken and where there has been so much work undertaken that, as Mr Bull pointed out in his contribution, any treaty process should be taken at that federal level. Currently we have a federal joint select committee that is looking into this very issue because of its importance and because of what recent initiatives by various governments have been about.

That joint select committee is due to table an interim report in July this year, and its final report is to be handed down later in November of this year. The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples will inquire into and report on matters relating to constitutional change. I will just read this out because it takes into consideration what we are discussing here today. The reason I am saying this is that that national approach is looking at the various issues that we are debating here today. In conducting the inquiry, the committee will:

(a) consider the recommendations of the Referendum Council (2017), the *Uluru Statement from the Heart* (2017), the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (2015), and the Expert Panel on Constitutional Recognition of Indigenous Australians (2012);

(b) examine the methods by which Aboriginal and Torres Strait Islander peoples are currently consulted and engaged on policies and legislation which affects them, and consider if, and how, self-determination can be advanced, in a way that leads to greater local decision-making, economic advancement and improved social outcomes;

(c) recommend options for constitutional change and any potential complementary legislative measures which meet the expectations of Aboriginal and Torres Strait Islander peoples and which will secure cross-party parliamentary support and the support of the Australian people;

(d) ensure that any recommended options are consistent with the four criteria of referendum success set out in the *Final Report of the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*.

In that, it is to:

(i) contribute to a more unified and reconciled nation;

(ii) be of benefit to and accord with the wishes of Aboriginal and Torres Strait Islander peoples;

(iii) be capable of being supported by an overwhelming majority of Australians from across the political and social spectrums; and

(iv) be technically and legally sound;

(v) engage with key stakeholders, including Aboriginal and Torres Strait Islander peoples and organisations; and

(vi) advise on the possible steps that could be taken to ensure the referendum has the best possible chance of success, including proposals for a constitutional convention or other mechanism for raising awareness in the broader community.

Whilst I recognise that this is a far broader issue than that joint parliamentary committee is looking at, it is looking at the issue of self-determination, which is essentially what the treaty and other aspects of this current bill that we are discussing here tonight are about.

I wanted to just put that into this debate because I think it is important to understand what is happening at the national level. Should the report of that committee that

is going to be handed down in November have elements in it that will impact on Victoria, as well as the rest of the states and territories across the nation, then of course we want it to be something that is unified and, as the committee's terms of reference say very clearly, will 'contribute to a more unified and reconciled nation'. I think that is incredibly important when we are discussing this very issue because not only do we want to improve those outcomes of closing the gap but we want all people to be unified in one voice. That is, I think, extremely important in the context of a whole range of issues that arise today.

It was only a few months ago that the Prime Minister and the federal Leader of the Opposition, Mr Shorten, were talking about and coming to an agreement on how they could advance this process, so it is very important that the committee has the ability to receive those submissions. I understand that submissions to the committee only closed a few days ago. I think it was literally a week or so ago. I am sure that many people who were involved in the process here in Victoria in relation to speaking to the government about the process of this debate we are having in looking at a treaty will also be submitting to the inquiry. We have to put that into the perspective of the impact this will have, because if we have a disjointed process and if we have a state-by-state approach — where the Northern Territory is doing one thing, as opposed to Tasmania, as opposed to Victoria, as opposed to the ACT — we are not going to have that unified voice that I spoke about earlier.

I note the New South Wales government's concerns about it. They have stated that their position is that any process leading towards a treaty or treaties with Aboriginal people must be led by the commonwealth government, because as they state:

> The NSW government understands that the commonwealth government is actively considering issues related to self-determination through a bipartisan parliamentary joint select committee.

That is the point I want to make, because that joint parliamentary committee is made up of members of all parties — independent, Labor, Liberal, Greens — and they are looking at these very issues. That will impact on us here in Victoria. That is why — the opposition has made its position very clear — we do not support this bill at this point in time.

Some concerns have been raised by other parties in relation to this bill. I note that there has been various commentary around that. Earlier I referred to the concerns of the member for Northcote in the other place, Ms Thorpe, who spoke of how nations and clans continue to express strong concern about the state-run treaty processes and outcomes to date that are 'disappearing clans', and the Victorian Traditional Owner Land Justice Group made their point on this very clear in various media releases after this bill was introduced in the lower house. The group, which I think from memory Ms Thorpe was referring to in her contribution, was concerned about some of the issues around the clans and how they had been consulted or, in this case, not consulted — that a number of people in the process were not consulted thoroughly. I know that some of those issues were teased out in the consideration-in-detail stage in the lower house as well, and certainly in the committee stage there are some more questions to be asked for the government to answer on this very issue of consultation.

The Victorian Traditional Owner Land Justice Group, in their media release of 6 June, stated a number of concerns. Their major concern about the consultation and negotiation was that:

> The government process has been bureaucratically controlled, one-sided and akin to assimilation.

I am not going to go into this. I am sure we will hear the Greens' own views on this. They would have been speaking to various individuals in relation to those concerns and will be putting their arguments forward in a few minutes time. But my point is that I do not think we have that one united voice when it comes to this process, and I think that is incredibly important if we are going to see success. If we want to see success in closing the gap, in getting those better outcomes — whether they are achieving better economic participation and giving all Indigenous Victorians greater job opportunities or closing the gap in terms of the health issues that arise with some Indigenous people, in particular young people — then we have to be looking at that.

I think that is what we need to be doing. We need to be all at one here, and the best avenue for doing that is through the federal process that is being undertaken now. I think we need to wait and understand what is happening with that joint parliamentary committee, with all of those submissions that they would have received by now going through those public hearings that they are conducting, and understand the issues around all of those elements, including self-determination.

I note that there were also concerns raised by the Scrutiny of Acts and Regulations Committee. They wrote to the minister in relation to a number of issues around various clauses, and the minister wrote back. The various aspects that they spoke to in their report

relate to recognition of the Aboriginal Representative Body and the functions of the Aboriginal Representative Body. They specifically looked at clause 8 of the bill, which they said appears to limit the representation of Aboriginal Victorians in setting up the supports for the treaty negotiation process to the Aboriginal Representative Body that is to be created under the act. I know the minister did write back, but there were certainly some concerns there that I think also raise questions about future treaty negotiations that might be undertaken if and when this bill is passed. They are considerations that need to be teased out, and I am sure we will have more to say in the committee stage.

I was pleased that the committee did actually write to the minister and point out various issues — not only those but more — and I will not go through the details of those. But they did want to understand or get clarification from the minister about the compatibility of clauses 21, 22 and 24 with the charter of human rights and whether there were any issues around that. As I said, I do note that the minister did write back, and in her letter she was satisfied that every element that the committee had raised had been addressed and would not be an issue.

I wanted to just also put on record — because as I said at the outset this is an important debate — I think a lot has been undertaken over various years and decades. Of course we have seen many advancements and even, if I can say, during the last government, of which I was a member, there were various considerations taken by the former Attorney-General, Robert Clark, in extending the Koori courts and in recognising various aspects in relation to Koori representation in the courts. Minister Wooldridge, at the time, set up the first Aboriginal commissioner for children and young people in Andrew Jackomos, and that was also of great significance. We have got a proud record.

I was talking to Ms Bath earlier about the work that she has been doing with some of her local Aboriginal communities in giving them recognition and assisting with an initiative in various areas relating to Return of the Firestick, which will help to rebuild and reinforce valuable ancient cultural knowledge of Victoria's Indigenous peoples in the land management space. If you look back in history and understand what the Aboriginal peoples did in managing the land, they did understand that Australia had droughts, it had floods and at times that fire management needed to be undertaken; certainly that is well recognised. So there is a great effort going on in terms of those Indigenous communities, because of their knowledge and understanding of fire management, having a say in that. I think that is very sound and a considerable recognition of the work that many Aboriginal people understand and do already. It will give them a greater ability to have that land management expertise and work on that.

As we know, environmental burning and traditional fire practices can protect and rejuvenate vegetation, ecosystems and various environmental assets across the state. Coming from far western Victoria, I certainly understand that, as you would, Acting President Purcell. Western Victoria is very fire-prone and there have been significant fires in recent times. We can tell from past history and from the beautiful landscapes what has gone on decades and hundreds of years before us. We understand that work, and I think that is a terrific policy announcement that was announced a few weeks ago. I would like to place on record the work of Ms Bath and others in getting that policy to the fore and for understanding that that is very significant for many local Indigenous communities and people.

I did want to make mention in the final few moments that I have got that we on this side of the house have a very proud history of Indigenous representation in the parliaments. Of course I am referring to Senator Neville Bonner, who was a senator in the federal Parliament from 1971 to 1983, and the Honourable Ken Wyatt, currently the federal Minister for Indigenous Health and Minister for Aged Care. Many of you will also remember our former colleague Mrs Andrea Coote, who is working with Minister Wyatt on a range of issues. She speaks very highly of his extraordinary devotion and commitment to improving health outcomes for Indigenous Australians. I think that is something, and I know the other parties will also recognise the various Aboriginal representatives in our party.

The Liberal Party has a proud history of having the first Indigenous representation in the federal Parliament. In the course of this debate it is always good to remind ourselves where we have come from and to understand some of the terrible circumstances that did occur for many Aboriginals in former decades and centuries. People will have strong feelings about that — I understand that and respect that — but when we are talking about a treaty process here in Victoria for Victorians, again I would have to say that we do have to recognise the work that is being undertaken at a national level. We on this side of the house understand that it is important to work through these issues. That is why the joint parliamentary committee at the federal level and the federal approach is the most important way forward in relation to this very issue that we are debating here this evening.

Together with my other colleagues, I look forward to hearing the rest of the debate, but as I said at the outset, we will not be supporting this legislation. We believe that it is better placed to be undertaken at a federal level.

Ms SHING (Eastern Victoria) (20:29) — I would like to tonight begin my contribution on this extraordinarily important bill before the house by paying my respects to the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin nation, and to all clans throughout Victoria who have contributed to the debate in the preparation of this bill.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING PRESIDENT (**Mr Purcell**) — The question is:

That the house do now adjourn.

Country Fire Authority Shepparton East and Kialla & District brigades

Ms LOVELL (Northern Victoria) (20:30) — My adjournment debate matter tonight is for the Minister for Emergency Services and relates to the unsuccessful funding applications by the Shepparton East and Kialla & District fire brigades in round 1 of the Enhancing Volunteerism Grants program. The action that I seek from the minister is that he fully support and ensure the success of funding applications by the Shepparton East and Kialla & District fire brigades in round 2 of the Enhancing Volunteerism Grants program to allow each brigade to complete redevelopments to help broaden their volunteer membership base.

The Country Fire Authority's Enhancing Volunteerism Grants program is a funding stream that encourages brigades to expand their membership base to better reflect the gender and ethnic diversity of their respective communities. Both Shepparton East and Kialla & District fire brigades submitted funding applications in round 1 of the program to complete station refurbishments to attract new members. Works at Shepparton East fire brigade include facilities for females, and Kialla & District fire brigade wants to construct male and female toilets and change rooms. Despite thorough submissions supported by district management, both brigades were unsuccessful with their applications.

Round 2 of the Enhancing Volunteerism Grants program opened on 1 June and closes on 30 June. Due to the high quality of their respective applications, both Shepparton East and Kialla & District were automatically referred into round 2 of the program. The Shepparton East submission seeks $180 000 for works that include a larger meeting room and kitchen and the installation of a disabled toilet, female facilities and a remote lift door. Kialla & District fire brigade is seeking $194 000 to build both male and female change rooms and toilets.

Both Shepparton East and Kialla & District fire brigades are vibrant and active local brigades where volunteers immerse themselves in their local communities. Both brigades take pride in the services they provide in protecting their local communities. The minister should be justifiably proud of both brigades, and I urge him to lend his support and ensure that both funding applications are successful. The action that I seek from the minister is that he fully support and ensure the success of the funding applications by the Shepparton East and Kialla & District fire brigades in round 2 of the Enhancing Volunteerism Grants program to allow each brigade to complete redevelopments to help broaden their volunteer membership base.

Disability sector training

Mr LEANE (Eastern Metropolitan) (20:33) — My adjournment matter is directed to Minister Gayle Tierney in her role as Minister for Training and Skills. I noticed recently that the minister was at The Gordon's East Geelong campus to launch a new course, Course in Introduction to the National Disability Insurance Scheme (NDIS), which was developed by industry employers with the Victorian skills commissioner in response to jobs growth in the disability sector, particularly after the introduction of the NDIS. The good thing about this course is that students can go straight into jobs in the disability sector or alternatively move to specialised courses in individual support, mental health, community services, disability and allied health, which are on the Labor government's new free TAFE course list. I think this is a fantastic initiative that the minister has launched in Geelong. The action I seek from the minister is that she work in with TAFEs in the east of Melbourne to ensure that this course is available for people who would like to do this course and get occupations in this area in the east of Melbourne.

North-east link

Ms DUNN (Eastern Metropolitan) (20:34) — My adjournment matter tonight is in relation to the consultations on the north-east link, and it is for the Minister for Roads and Road Safety. On 15 June this year there was yet another report, this time in the *Herald Sun*, about the shambolic approach taken to

consultation for the north-east link. A local resident of 32 years on Estelle Street in Bulleen is campaigning to save his park from the widening of that section of the freeway to 17 lanes. The response from Duncan Elliot, CEO of the North East Link Authority, was that they will keep this resident updated on the project's progress.

This is symptomatic of the entire approach taken to this road. The government is intent on crashing through with its design, regardless of what the local community wants or thinks or values. Petitions overflowing with signatures can be submitted, and yet all anyone gets in return is a dismissive, 'We'll call you'.

And where is the responsible minister, Minister Donnellan, the Minister for Roads and Road Safety? He is where he always is when residents have an issue with the north-east link: nowhere to be seen. He never attends community consultations, he never fronts up and meets with affected residents or businesses and he never has anything to say about it aside from shallow bromides such as when he said, and I quote, that the government knows:

> … how important open space is for people …
>
> Which is why plans are being refined across the project to minimise impact from construction as much as possible …

Minister Donnellan, it is not just the construction phase that is the problem; it is the fact you are tearing up and permanently occupying parklands and sporting facilities across the north-east; it is the fact you are bringing more noise, air pollution and traffic congestion to the front doors of these residents; and it is the fact you are building a toll road that will flood the Eastern Freeway with hundreds of thousands of extra vehicles a day.

The action I seek is that the minister actually engage in person with local people along the proposed north-east link corridor, instead of just texting out media lines from his lounge room.

Waste management

Dr CARLING-JENKINS (Western Metropolitan) (20:37) — I rise tonight to direct my adjournment matter to the Minister for Energy, Environment and Climate Change, and I would like to speak about dealing with waste in Victoria. This should be seen as a shared responsibility, but residents in Melbourne's west really are receiving more than their fair share. This government needs to look at shutting down landfills, especially the Cleanaway facility out in Derrimut, because it is inappropriately placed in the middle of the west's growth corridor. The action I seek from the government is to focus on establishing waste-to-energy plants, which deal with waste in a much more environmentally friendly manner than we are currently doing.

This has come to my attention because on 13 June I attended a site tour and briefing by Cleanaway at Melbourne Regional Landfill in response to concerns raised by my constituents regarding offensive tip odours in their communities. They advised me that their children had been dry-retching on soccer fields, and family barbecues are being ruined due to these invasive odours.

On the site tour it quickly became apparent to me that odours will continue to be a problem even with Cleanaway's impressive gas well extraction systems. The immense size of this tip was quite unbelievable, its proximity to the surrounding suburbs was surprising and its operating times makes it challenging, if not absolutely impossible, to contain these odours.

Residents in Derrimut live only 2 kilometres away from this open landfill. In addition, the Melbourne Regional Landfill current works approval application requests that this tip move in as close as 1.1 kilometres to Caroline Springs, and even closer to the new surrounding estates. This is clearly unacceptable for residents who have to live with these tip odours. Current residents are being asked to report odours to the Environment Protection Authority Victoria and to Cleanaway's community hotlines. Constituents have said to me that this is an onerous task, especially when there is absolutely no perceived benefit.

I also noticed on my site tour that they employ spotters whose job it is to spot dangerous waste, such as asbestos, being dumped. Some of the dump trucks are tarped or completely sealed, and to spot asbestos or any other form of noxious items is extremely difficult if not impossible. Again I just want to point out tonight that dealing with waste in Victoria should be a shared responsibility, and the west is sick of being, literally, a dumping ground. I call on the government to establish waste-to-energy plants, which deal with waste in a much more environmentally friendly manner.

Ballarat bus interchange

Mr MORRIS (Western Victoria) (20:40) — I rise to direct my adjournment to the Minister for Regional Development, and it relates to the Ballarat bus interchange, for which the government recently announced their final design. For those who are unaware, the Ballarat bus interchange came as a result of a policy backflip from this government. There was

mass community outrage in Ballarat due to the fact that in the Ballarat station precinct plan that this government announced, which in effect just gifted public land to private developers, the government had left out the important bus interchange element of that plan and rather had shifted all those urban buses onto the magnificent heritage-listed Lydiard Street to the detriment, might I say, of the many residents and businesses that have been very proactive in their protests against this particular plan.

The government were forced into a massive embarrassing backflip to announce funding for the Ballarat bus interchange, but unfortunately, as has occurred on far too many occasions with this government, rather than going through a genuine consultation process a sham consultation process has occurred. What we have seen is that this sham consultation process occurred on one afternoon at the Ballarat railway station. It was a one-afternoon consultation process where the plans for the bus interchange were discussed and many in the community expressed their extreme disapproval of the plans. Unfortunately, rather than come back with a plan the community could support, the government have decided just to put up glass shields around the bus interchange.

I am not sure members of the government opposite would understand this, but it gets cold in Ballarat. It gets very cold in Ballarat. It was minus 1.5 degrees in Ballarat today, based on a screenshot my wife sent me this morning. It gets very cold in Ballarat, therefore we need an appropriate bus interchange that is going to offer the appropriate shelter to the members of the public who are going to be using this bus interchange. The action that I seek from the minister is that the minister go through a genuine consultation process to develop a plan that would see a bus interchange proposal and design the community could support and might actually protect the people of Ballarat from the weather conditions we know we experience.

Neighbourhood Watch

Ms SHING (Eastern Victoria) (20:43) — My adjournment matter this evening is for the attention of the Minister for Police in the other place, Ms Neville. It relates to work in crime prevention and the crime prevention initiatives that have been funded in the course of this year's budget. One of the challenges that we have seen is the ongoing work by neighbourhood houses and also Neighbourhood Watch organisations to engage in proactive activities to bring people into local community activities that then have a beneficial impact on the way in which people participate in community life.

Neighbourhood Watch Latrobe city is a really wonderful group that is based around a volunteer cohort that provides enormous and positive support to the community in a variety of ways. For avoidance of doubt, I am a member of Neighbourhood Watch Latrobe City, and I am proud to be able to assist this group in achieving a range of initiatives that make our community in Latrobe City more friendly, more engaging and more safe overall. This occurs often in partnership with Victoria Police, including today's 'Snag with a cop' event, which was a great success, involving lots of barbecued items and lots of conversation at the Morwell police station.

The action that I seek from the minister is that she provide funding for Neighbourhood Watch organisations beyond the envelope provided in the course of this year's budget; beyond the crime prevention initiatives that have been rolled out as part of tackling the causes of crime; and in addition to the work that has already been undertaken through a grants-based process to enable communities, for example, to install CCTV, which has occurred in Sale, to tackle graffiti, and to make urban environments and regional centre environments more welcoming and improve their ambience overall. If the minister could give positive consideration to making sure that organisations such as Neighbourhood Watch Latrobe City can access funding to continue their really great work, that would be much appreciated.

Sanitary products goods and services tax

Ms SPRINGLE (South Eastern Metropolitan) (20:45) — My adjournment matter this evening is for the Treasurer. Yesterday Greens Senator Janet Rice's bill to axe the tampon tax passed the Senate. It is ridiculous that sanitary items are still considered a 'luxury item', therefore incurring GST. The application of the GST to sanitary items is effectively a tax on women's biology. It is unfair, and it needs to go.

Last year the Australian Greens introduced an amendment that would have achieved this, and it was not supported by either major party on the grounds that state and territory support is needed before this change can be made. Since then the Australian Labor Party has made an election commitment to scrap the GST on sanitary items. The Victorian government also supports the change, but unfortunately it would seem that the message either is not being made clear in the right forums or is being ignored.

During yesterday's debate in the Senate, Senator Amanda Stoker stated:

> … there are five state governments that are controlled by Labor … and they have not provided their support for or assent to such a change. Indeed, at the most recent opportunity to raise that, at the meeting of state and territory treasurers in Melbourne, not a single state or territory raised this as an issue with the Treasurer and not one of them indicated that they as a jurisdiction had changed their point of view.

I commend Senator Rice and the Greens for their strong leadership on this issue.

Treasurer, the action I am seeking is that the Victorian government in the strongest terms makes its position on this issue crystal clear on the public record and in the relevant political forums.

St Kilda Junction Area Action Group

Ms CROZIER (Southern Metropolitan) (20:47) — My adjournment matter this evening is to Minister Foley, the Minister for Housing, Disability and Ageing, in relation to a letter that was sent to him in April from the St Kilda Junction Area Action Group (JAAG). I know that Minister Foley would be well aware of JAAG, as it is known, because of the longstanding history and the representation that it has in and around the St Kilda area. It has around 300 members, and it is a very good community group that aims to protect the amenity in and around the areas of St Kilda, east of St Kilda Road and west of St Kilda Road. The area is bounded by various other streets, like Fitzroy and Princes streets and Alma Road, and to the east by, as I mentioned, St Kilda Road, Alma Road, Chapel Street and Queens Way. The minister would be very familiar with the area that I am speaking of.

The issue follows public outcry with respect to the Regal boarding house in Little Grey Street, where a number of residents were rehoused. That was to be converted into accommodation for mature-aged disadvantaged women, which I have raised in this place in terms of when that would all occur. This issue has been raised with me by various residents and St Michael's Grammar School, which is also in this area. They are very concerned about a former motel that has been converted into 52 units at Redan Street in St Kilda. The antisocial behaviour that has increased in recent weeks has been of great concern not only to the residents but also to parents at St Michaels. In one instance a parent was attending to their child — dropping a child off or picking a child up; I am not quite sure which — but nevertheless somebody opened the door and really terrified that poor parent. At a time when we have got record carjackings, that sort of behaviour has really highlighted those issues, and many people are concerned about, as I said, the varying degrees of antisocial behaviour in and around the area.

I have spoken to a number of constituents and received a number of representations in relation to this issue. Those people, not only those associated with the St Kilda Junction Area Action Group but other residents, are very concerned about what has occurred in recent times. The action I seek is for the minister to address the concerns that have been raised in the letter, which I am happy to provide to him again, but I know he has it because it was written in April, and respond to the correspondent, Ms Kaye O'Connor, on behalf of the members of JAAG.

Early childhood language program

Mr ELASMAR (Northern Metropolitan) (20:50) — My adjournment matter this evening is for my colleague the Minister for Early Childhood Education, Ms Jenny Mikakos. Learning languages at kindergarten has been shown to improve children's brain function and English reading and writing skills. It contributes to a child's sense of identity, their connection with community and their sense of belonging. I am aware that the Andrews Labor government's recent budget provided an additional $17.9 million toward an early childhood language program that will give children across the state the opportunity to learn a language other than English for the very first time. I congratulate the minister for leading the way when it comes to language education in the early years. I am interested in finding out more about this innovative new program and how it will impact on families with preschool-age children in my electorate. The action I seek from the minister is for her to organise consultations with local parents, early childhood professionals and interested community members in Northern Metropolitan Region about this important reform.

Geelong rail services

Mr RAMSAY (Western Victoria) (20:51) — My adjournment matter tonight is for the Minister for Public Transport, Jacinta Allan, and the action I seek is for the minister to respond to the current crisis that is impacting trains and reliability of services from Geelong. Already struggling to cope on the best of days, the services from Geelong are now facing a completely avoidable problem — a lack of train drivers. In summer the minister can blame the heat for slow trains, delays or cancellations. At other times it may be debris on the tracks, sign faults, power outages or other things. But for the current problem to be due to a lack of train drivers is extraordinary, to say the least.

While the Geelong train commuters would have been well aware of this situation yesterday, others awoke to read today's *Geelong Advertiser* to learn about the latest debacle. Two train services from Geelong were cancelled yesterday, reportedly due to a shortage of train drivers. With some V/Line staff off for training, there were not enough in the system to run a basic service. With such slim pickings, staff sickness this year alone has resulted in more than 130 trains being cancelled on the Geelong line — 37 in June so far.

Mr Davis — Hopeless — absolutely hopeless.

Mr RAMSAY — Thank you, Mr Davis. This might be fine for the minister, who is chauffeured in a ministerial car and dropped off at the front door of her destination, but for the Geelong residents it means standing on a platform in freezing winter conditions waiting for the next best option to get to work. The newspaper reports the comments of Public Transport Users Association regional spokesperson Paul Westcott. Mr Westcott says cancellations and driver shortages are a massive problem for the public transport system at the moment. What V/Line says is that its 445 drivers are enough. That is clearly not the situation — that, or the system and the staffing are being very poorly managed.

If V/Line knows that it has to divert drivers to training on new lines, it needs to be able to cover that gap and be prepared for sickness as well. Winter and illness are not an altogether surprising combination for many employers. Mr Westcott makes it very clear that the public expects to catch a train when the timetable says one will be running. The expectations are not extraordinary. The Rail, Tram and Bus Union also thinks more drivers are needed. At the current rate it seems hard to see how the government will run more services in the future as it is promising to do. My question to the minister again is: what is she doing to make sure the Geelong train services are fully staffed and enough train drivers are being trained to deal with the current and future needs?

Carnegie and Murrumbeena railway stations

Mr DAVIS (Southern Metropolitan) (20:54) — Tonight I raise a matter for the minister responsible for WorkCover, and it concerns the safety of Murrumbeena station. I have a letter that was sent to me by Alison Howell. She said:

> I am writing to you as a concerned community member and user of the Murrumbeena railway station.

She went on to talk about the 'torment' of the last two years with the construction of the sky rail. She talked further about it and in fact said:

> I am writing to you as although we appreciate the train is now running the access to the station is totally unsatisfactory and surely against normal WorkSafe practices.

They have obviously not finished the station, and that is understood. The letter continues:

> When I approached and asked staff at the station today how was I supposed to get down these steps at night they advised that it would be another three months until the lift or indeed the properly constructed stairs were going to be in place for passengers to use.

She added:

> This is an absolute disgrace.
>
> The Andrews government also stipulated that the car park would reopen mid-2018 when it closed …

and obviously that is not the case. She went on to say:

> I am really concerned about the viability of these temporary stairs with literally hundreds of people a day going up and down them. When I wrote to Premier Andrews over a year ago about the removal of the pedestrian crossing steps over the railway line —

that is, the old railway line —

> (forcing everyone to cross at the road) I received a letter back from the transport minister stating herself that it was unsafe to have the general public climbing temporary steps due to WorkSafe measures. Now they are forcing us to do exactly that.

She finished by saying:

> I am begging you to please help us. This is not right.

Further to this important point I note that there has also been further correspondence from other local people. This constituent said:

> A local asked me what they can do about the temporary stair access …
>
> I said ring WorkSafe and LXRA …

the Level Crossing Removal Authority. This correspondence, sent to me today, continues:

> … and lodge complaints.
>
> WorkSafe said to her, 'Are you telling us there is only one entry and exit to the platform?'.
>
> 'Yes', she said.
>
> 'Oh no', said WorkSafe.
>
> Can you get question in to Robin Scott?

Well, that is my question to Robin Scott: can he assure me that at Carnegie and Murrumbeena, and I presume later at Hughesdale — but at those two stations in particular — this meets all the WorkSafe standards? Is it safe to have a single point of access through long, high stairs, and is public safety in any way compromised by this approach? And what action will the minister take to ensure that that safety is absolutely paramount?

The ACTING PRESIDENT (**Mr Purcell**) — That is a question, Mr Davis. Have you got an action out of that?

Mr DAVIS — I have. Will the minister take action to investigate and make sure that the stairs are safe at both of these stations?

The ACTING PRESIDENT (**Mr Purcell**) — So you call on the minister —

Mr DAVIS — Yes, I ask the minister to investigate these stations and ensure that they are safe.

The ACTING PRESIDENT (**Mr Purcell**) — Thank you, Mr Davis.

Shrives and Pound roads, Hampton Park

Mrs PEULICH (South Eastern Metropolitan) (20:57) — The matter that I wish to raise is for the attention of the Minister for Roads and Road Safety, and it relates to roadworks occurring at Shrives and Pound roads in Hampton Park. I would first of all like to acknowledge the person who prepared this adjournment debate matter, and that is young Ethan Zeccola, who is currently doing work experience in my office. I would like to give him the credit for pulling these notes together.

The concerns surrounding these roadworks were first raised with me by Susan Serey, the Liberal candidate for Narre Warren South, who uses these roads all the time. I had the misfortune of driving down one of these road just last weekend. Coincidentally a concerned resident also contacted another Casey councillor outlining his witnessing of a close shave due to a lack of safety measures which exist, making the road dangerous to traverse.

Currently with roadworks underway the road surface is covered in loose gravel. There is a lack of safety signs, lighting is very poor and the road surface is dangerously uneven, especially on the edges. The state of the road while the roadworks are underway is a concern, given the poor state of the road, poor lighting and poor signage. This can cause drivers and motorcyclists in particular to slip and crash, potentially having serious consequences, as was the experience witnessed by Steven, a local constituent. This could have had a very dangerous if not fatal consequence. The lack of lighting is an accident waiting to happen. This stretch of road, if not properly lit, is a danger to road users, especially motorcyclists.

Better management of road construction activity in the city is necessary. I can understand why perhaps this lapses — because the local Labor MPs, and now candidates, are not local and so are not using these roads and are not aware of the problems. This is clearly an issue for the Minister for Roads and Road Safety, who I am calling upon to address this issue and make sure that the roads are fixed and able to function in a practical and safe manner whilst under construction to make sure that there are no fatalities in the meantime.

Mr Dalidakis — Where?

Mrs PEULICH — Shrives Road and Pound Road in Hampton Park.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (21:00) — We have had adjournment matters this evening from Ms Lovell to the Minister for Emergency Services asking him to support funding applications for two brigades in her area; from Mr Leane to the Minister for Training and Skills asking that national disability insurance scheme introduction courses be provided in Eastern Metropolitan Region; from Ms Dunn to the Minister for Roads and Road Safety asking for the minister to engage in person with residents in relation to roads; from Dr Carling-Jenkins to the Minister for Energy, Environment and Climate Change asking for a focus on waste-to-energy plants to reduce waste in the west; from Mr Morris to the Minister for Regional Development in relation to the Ballarat bus interchange; and from Ms Shing to the Minister for Police asking for funding for Neighbourhood Watch organisations beyond Latrobe city.

There was an adjournment matter from Ms Springle to the Treasurer asking for the Victorian government to make its position on the tampon tax clear. Let me dispense with this adjournment matter now. The Victorian Premier has made it very clear that the Victorian government supports the position that the removal of the tax on women's sanitary products by the federal Parliament should go forward.

There was an adjournment matter from Ms Crozier to the Minister for Housing, Disability and Ageing regarding concerns of local residents in relation to a rooming house in St Kilda; from Mr Elasmar to the Minister for Early Childhood Education asking the minister to organise consultations with community groups to support their work in his local area; from Mr Ramsay to the Minister for Public Transport in relation to concerns about the staffing of V/Line trains; from Mr Davis to the minister responsible for WorkCover asking, on behalf of his local constituent Alison Howell, that the minister ensure that temporary stairs at the recently renovated Carnegie, Murrumbeena and Hughesdale stations are safe; and from Mrs Peulich to the Minister for Roads and Road Safety in relation to roadworks in Hampton Park.

Further to that, I have 16 written responses to adjournment debate matters.

The ACTING PRESIDENT (**Mr Purcell**) — The house stands adjourned.

House adjourned 9.02 p.m.