PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 21 August 2018

(Extract from book 12)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr N. ELASMAR

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Dr S. RATNAM

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

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

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 21 AUGUST 2018

Tuesday, 21 August 2018

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

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:06) — 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:

14 August

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018

Owners Corporations Amendment (Short-stay Accommodation) Act 2018

Victorian Industry Participation Policy (Local Jobs First) Amendment Act 2018.

21 August

Emergency Management Legislation Amendment Act 2018

Racing Amendment (Integrity and Disciplinary Structures) Act 2018.

PETITIONS

Following petitions presented to house:

Unlicensed drivers

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that new legislation is required to create criminal offences for unlicensed driving causing death and unlicensed driving causing serious injury.

On 14 March 2017, Jalal Yassine-Naja lost his life at the age of 13, after being hit by an unlicensed driver.

Victorian law does not reflect the gravity of such an offence and there is currently no specific offence for causing death or serious injury when driving unlicensed. The driver was sentenced to 80 hours of community service.

An unlicensed driver who, with full knowledge of the fact that they are unlicensed, chooses to drive on the road and in doing so causes the death or serious injury of another person, should be subject to substantial criminal penalties. Jalal's family wish for this reform to be known as Jalal's Law, in his memory and honour.

Jalal's Law would serve in the interest of public safety by acting as a deterrent against wilful unlicensed driving, as well as ensuring justice for the families and victims of unlicensed drivers causing death or serious injury.

The petitioners therefore request that the Legislative Council support the implementation of Jalal's Law by supporting the Crimes Amendment (Unlicensed Drivers) Bill 2018.

By Dr CARLING-JENKINS (Western Metropolitan) (146 signatures).

Laid on table.

Yabbie fishing nets

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council:

(1) opera house nets — a type of yabbie fishing net — are currently illegal in public waterways but it is estimated that 100 000 are sold throughout Australia each year, most with very little information regarding their legalities or repercussions;

(2) opera house nets are a major threat to platypus as the animals get trapped inside while foraging for food, and then drown within 2 to 3 minutes;

(3) many opera house nets are used during the summer months when the female platypuses are most active foraging for food to nourish their babies. If a mother platypus dies, her young will certainly starve and perish;

(4) there are currently alternative yabbie nets available on the market, such as hoop nets, that pose no danger to platypus or any other native water wildlife, such as water rats or turtles.

The petitioners therefore request that the Legislative Council of Victoria call on the government to introduce legislation for the purpose of putting a ban on the sale of opera house nets throughout Victoria.

By Ms PENNICUIK (Southern Metropolitan) (433 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

South-western Victoria water quality

Legislative Council electronic and paper petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the undrinkable bore water in the south-west Victoria towns of Portland, Heywood and Port Fairy.

The petitioners therefore request that the Legislative Council call on the government to provide funding and resources to improve the taste and quality of water in these communities.

By Mr PURCELL (Western Victoria) (221 signatures).

Laid on table.

EMERGENCY MANAGEMENT VICTORIA

Metropolitan mobile radio contract extension project

Mr DALIDAKIS (Minister for Trade and Industry), by leave, presented project summary, December 2017.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Ms BATH (Eastern Victoria) presented *Alert Digest* No. 12 of 2018, including appendices.

Laid on table.

Ordered to be published.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Fuel prices in regional Victoria

The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act 2003, presented government response.

Laid on table.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 29 July 2018 giving approval to grant a lease at Point Leo Foreshore Reserve.

Minister's Order of 7 August 2018 giving approval to grant a licence in relation to Glendhu Historic Area.

Independent Review Panel — Gaming Machines Licensing Process: regulatory review, pursuant to section 10.2A.11 of the Gambling Regulation Act 2003 *(Ordered to be published)*.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to the —

Code of Practice for the Operation of Breeding and Rearing Businesses 2014.

Waste Management Policy (E-Waste).

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

Baw Baw Planning Scheme — Amendment C116.

Bayside Planning Scheme — Amendment C155.

Boroondara Planning Scheme — Amendment C271.

Glen Eira Planning Scheme — Amendment C157.

Greater Bendigo, Greater Shepparton, Mitchell, Moonee Valley and Wellington Planning Schemes — Amendment GC91.

Greater Bendigo Planning Scheme — Amendment C236.

Greater Shepparton Planning Scheme — Amendment C202.

Latrobe Planning Scheme — Amendment C103.

Melbourne Planning Scheme — Amendments C284, C326 and C334.

Melton Planning Scheme — Amendment C181.

Mitchell and Whittlesea Planning Schemes — Amendment GC106.

Monash Planning Scheme — Amendment C86.

Wangaratta Planning Scheme — Amendment C75.

Wellington Planning Scheme — Amendment C101.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 108, 109, 111 and 113.

Victorian Inspectorate — Report 2017–18, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:15) — By leave, I move:

That precedence be given to the following general business on Wednesday, 22 August 2018:

(1) order of the day 2, second reading of the Forests (Wood Pulp Agreement) Repeal Bill 2018;

(2) notice of motion given this day by Ms Fitzherbert in relation to International Pregnancy and Infant Loss Remembrance Day;

(3) notice of motion 606 standing in the name of Mr Davis in relation to the Cranbourne, Frankston and Hurstbridge rail lines;

(4) notice of motion 601 standing in the name of Mr Purcell in relation to firefighters' presumptive rights compensation legislation;

(5) notice of motion given this day by Ms Wooldridge in relation to the performance of the Andrews government over the past four years;

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

(7) order of the day 19 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Motion agreed to.

MINISTERS STATEMENTS

Maternal and child health services

Ms MIKAKOS (Minister for Early Childhood Education) (12:16) — I rise to update the house on how the Andrews Labor government is doing more to support families and children experiencing parenting challenges. Yesterday I was pleased to visit the Sunshine Maternal and Child Health Centre in Brimbank together with my Assembly colleague the member for St Albans, Natalie Suleyman, to announce that from July this year more families across Victoria will receive more support for longer through our $37.7 million expansion of the enhanced maternal and child health service.

All families experience challenges in those first few months of parenthood, and for some this may only be for a short time, but others may experience a greater level of stress as a result of issues such as having a baby born prematurely with a low birth weight or with a disability. They may be experiencing social isolation, family violence, mental illness or family breakdown. This is where the enhanced maternal and child health service comes in — to provide additional support to families who need it until their child turns one. But we know that their needs do not stop at 12 months. This is why our funding boost will allow for support until that child is three years of age, consistent with our universal maternal and child health service, benefiting an extra 25 000 families each year.

Just to give some examples, in the next year alone it is estimated that an extra 48 families will benefit from this additional funding in the Mornington Peninsula shire, and an additional 35 families will benefit in the Wodonga council area. I know the members opposite will be very interested in those numbers. In fact if seven families moved from Mornington to Wodonga, then Wodonga would have a majority. I am sure members would be very interested in those numbers as well. This is why we are making —

An honourable member — Is that a majority of 48 and 35?

Ms MIKAKOS — Yes, we have got 48 families in Mornington and 35 families in Wodonga, but I know that if just seven families moved from Mornington to Wodonga, then Wodonga would have a majority — and that might well happen by Thursday. I think we will know by Thursday whether that will happen.

What we are doing is we are investing in early childhood services to benefit Victorian families.

The PRESIDENT — Thank you, Minister. If a minister tries to use a statement in a similar way again, they will be sat down.

TAFE Victoria Indonesia trade mission

Mr DALIDAKIS (Minister for Trade and Investment) (12:19) — As the Minister for Trade and Investment I rise to inform the house of the inaugural TAFE Victoria trade mission to Indonesia, led by the Andrews Labor government. Victoria's international education sector is world renowned, with more than 200 000 students choosing to study here last year alone. Of course the international education sector contributes nearly $10 billion — $9.9 billion — to the Victorian economy and employs over 58 000 people. It is our largest services export sector and is a strong contributor to our state economy.

While our homegrown TAFEs are well placed to provide high-quality vocational training in other countries, some individual organisations do face significant challenges competing within the global marketplace. That is why the Andrews Labor

government is supporting more Victorian TAFEs to break into the $10 billion offshore vocational educational market, creating more jobs for the sector.

The inaugural trade mission will take representatives from the Holmesglen, Bendigo Kangan, Chisholm, Gordon, William Angliss, Melbourne Polytechnic, Box Hill and Wodonga TAFEs to Indonesia under the TAFE Victoria brand. Over the course of the six-day mission delegates will focus on the sectors that urgently need skilled workers: ICT, logistics, transport, hospitality, tourism and tailored teacher training. Senior TAFE representatives will also be introduced to both key government agencies and industry groups in collaboration with chambers of commerce and business councils.

This program is not just about ensuring that our education institutions are accessing emerging and exciting markets; it is about forging long-term people-to-people links. Victoria's inclusive multicultural community and diversity are among our greatest assets, and this program provides an enormous opportunity for our TAFE sector to further strengthen this in taking advantages offshore in the global TAFE market.

Residential care facilities

Ms MIKAKOS (Minister for Families and Children) (12:21) — I rise to inform the house of what the Andrews Labor government is doing to improve safety and supervision in residential care to better protect our most vulnerable children. Recently I announced $82.5 million over four years to ensure every child and young person in residential care receives the complex level of support. This includes around-the-clock staffing in every standard home, and all residential care homes now have an overnight safety plan to ensure rapid response of additional staff.

This extra funding combines with another $1.8 million boost to a total of $9.8 million in funding to deliver mandatory minimum qualification training through Victorian TAFEs to all residential care workers. As of July 2018 more than 1400 people have commenced the new training, and already 850 of them have completed it. The training focuses on addressing the individual needs of children and young people in residential care through trauma-informed care, addressing attachment issues and needs, and facilitating responsible behaviour. A consortium of five Victorian TAFEs — Melbourne Polytechnic, SuniTAFE, the Bendigo Kangan Institute, Federation Training and the Gordon — is delivering the statewide training with support from the Centre for Excellence in Child and Family Welfare. Our government is also providing further support through Minister Tierney's announcement of free TAFE for priority courses, which will enable people who wish to work in residential care to access support through this program as well.

The Andrews Labor government is committed to transforming residential care to a time-limited intensive support response that will address a child's support needs before they can be safely placed with a loving family. Our reforms to reach this goal include the new residential care model, KEYS — Keep Embracing Your Success — which provides intensive in-house mental health support for children in residential care, and the Australian-first professionalised foster care program, Treatment Foster Care Oregon. The 2018–19 budget has also funded 162 additional targeted care packages to transition more children from residential care to home-based care. We have already supported more than 612 children and young people to date to move out of residential care and move in with a loving family or to be prevented from entering residential care in the first place. Our government continues to support all those who care for vulnerable children in need of care and support.

MEMBERS STATEMENTS

Bendigo Hospital

Ms LOVELL (Northern Victoria) (12:23) — On Friday, 10 August, together with a former Victorian health minister, David Davis, I was proud to attend the opening of the magnificent new hospital that the Liberal Party funded, planned and built for the Bendigo community. The history of this project is quite interesting. For many years, despite Labor holding both Bendigo seats in the Assembly, the Labor Party refused to build a new hospital in Bendigo. In 2010, after a sustained community campaign, the then Labor government was finally dragged kicking and screaming to the project. However, rather than funding the hospital the community wanted and deserved, Labor chose to cut costs and commit to a rebuild over two sites. The community was once again outraged at Labor.

It was the Liberals who listened and committed more than $100 million in extra funding to ensure that the hospital would be built on one site and would include an integrated cancer centre. Following the election not only did the Liberal government get on with the job of delivering the bigger hospital — with the integrated cancer centre and mental health unit as well as a multistorey car park with a helipad on top — but also, through a tough tender process, David Davis delivered a 100-place child care and wellness centre, a 180-seat

conference centre, 15 short-stay apartments, a 128-room serviced hotel and the large atrium entrance with retail, cafes and multiple internal courtyards that were not part of Labor's plans.

Despite this great outcome for the Bendigo community, Jacinta Allan continued to argue that Bendigo only deserved the smaller hospital Labor were prepared to commit to, making Ms Allan the only local member I have ever known to argue that her constituents deserved less than what was being delivered.

The hospital has been operational since January 2017, and I guess Labor waited 18 months to open it to put some time between the Liberal government and the opening, hoping that people would forget it was a Liberal project.

Finn O'Sullivan

Mr PURCELL (Western Victoria) (12:24) — It is with great pleasure I rise today to congratulate Finn O'Sullivan. Finn is an 11-year-old student at St Patrick's Primary School in Koroit. In Canberra last week Finn represented Victoria in the under-12 state football team as one of only four country children, and Finn played a large part in the team becoming premiers and champions. The son of Stacey and Nick O'Sullivan, Finn is an excellent sportsman who is currently short-listed for the state's cricket side and was short-listed for the state basketball side, but he missed the first round of his primary school Aussie Hoops basketball campaign on Friday due to his football commitments.

A flurry of text messages and FaceTime calls helped his St Pat's teammates, comprising Will Dobson, Tighe Langdon, Tate Waterson, Mitch Lloyd, Logan Barby and Strawn Robinson, get over the line in the grand final by 1 point. This means that Finn can now join them in the next round of competition. Congratulations, Finn, on this amazing effort, and good luck to you and your mates from St Pat's Koroit.

Indian Independence Day

Mr EIDEH (Western Metropolitan) (12:26) — Last Wednesday I had the honour of representing the Premier and the Minister for Multicultural Affairs at the 71st anniversary of the Indian Day of Independence at an event hosted by Nadeem Ahmad, vice-consul at the Consulate General of India, Melbourne. Also in attendance were the President of the Legislative Council; the Honourable Colin Brooks, Speaker of the Legislative Assembly; Matthew Guy, Leader of the Opposition; Inga Peulich, shadow Minister for Multicultural Affairs; and Jenny Bloomfield, director of the Victoria State Office of the Department of Foreign Affairs and Trade. The Indian Day of Independence commemorates a historic occasion that symbolises Indian national unity and pride. The Victorian government is proud of our state's strong cultural ties and personal links with India. As one of the largest and fastest growing cultural groups in our state, Victoria's Indian community has made significant contributions to all spheres of Victorian life.

Victoria's India Strategy

Mr EIDEH — In January of this year the Victorian government unveiled *Victoria's India Strategy*, a 10-year plan to support economic growth in both Victoria and India while also deepening our understanding of each other's people and culture. Since 1999 the multicultural affairs portfolio has provided the Indian community with more than $5.9 million through various grant programs. I thank and congratulate the Consulate General of India for organising this wonderful event and for all of the important contributions they have made to a more diverse, more successful and more inclusive Victoria.

Eid Milan and Pakistan Day

Mr EIDEH — I recently had the honour of attending the Eid Milan dinner and Pakistan Day celebration hosted by the Australia and New Zealand Association of Physicians of Pakistani descent, Victorian branch. The Honourable Colin Brooks was also in attendance. Pakistani health professionals in Victoria and their families organised this event to mark Eid al-Adha, which is a colourful and joyful event celebrating Pakistani culture in the Australian context. I thank and congratulate the organisers of this wonderful event. Further to this, I would like to congratulate the Victorian Muslim community celebrating Eid al-Adha today and wish them peace and prosperity.

Energy prices

Mr FINN (Western Metropolitan) (12:28) — As I retired last evening, I reached for my phone to discover that it was 5 degrees. The Bureau of Meteorology told us it was 5 degrees, but it felt like 2. My thoughts immediately went to the many thousands of Victorians who could not afford to heat their homes on such a cold night. I thought of the pensioners shivering in their homes because they dare not turn on the heating. I thought of the battlers of this state — Labor calls them 'working families' when it needs their votes — huddled under blankets or going to bed early to try to keep warm. So many Victorians are suffering in the cold

purely because of the extreme Green-left policies of the Andrews government, a government that deprives Victorians of almost a quarter of their electricity supply by having forced the closure of Hazelwood. Even the Premier now admits electricity prices have jumped by 20 per cent since then.

This government has totally failed the people of this state. I cannot remember the last time a government went out of its way to deliberately hurt those it is supposed to represent. Come November, those who have frozen through this winter will remember those who made them do that. They will remember the ratbag extremist policies of the Andrews government that forced power prices beyond the reach of average Victorians. They will remember Daniel Andrews — my word they will remember Daniel Andrews — and they will throw him out.

Senator Mehreen Faruqi

Ms SPRINGLE (South Eastern Metropolitan) (12:29) — I rise today to mark a momentous occasion for Australia: the swearing in of our 100th woman senator. Dr Mehreen Faruqi is a friend and colleague, and I would like to extend my heartfelt congratulations to her. While the swearing in of our 100th woman senator is undoubtedly a milestone, we have miles to go on the journey to equality, and our pace as a society is still far too slow.

Incredibly, only 13 women senators had sat up until 1980, we had 17 in the 1980s and we have had 70 over the past two decades. On so many counts — gender, race, age and religion — our parliaments around the country are failing to represent the diversity we see in our communities. Sadly we are seeing the exact opposite.

Senators like Fraser Anning, who represents Australians through a quirk of the system on a miniscule number of votes, have gained a national platform to spout hate and bigotry. The irony was not lost on me or many others that Senator Anning's maiden speech was made in the same week that Dr Faruqi, a proud Muslim-Australian woman from an immigrant background, was sworn in to the Senate. Dr Faruqi's entrance into the Senate was welcomed by politicians of many stripes in that context.

The Victorian and Australian parliaments need to up their game on diversity. Neither this chamber nor the other place represents the diversity of backgrounds, ages, religions, viewpoints or cultures that exist in our communities, and that is a problem. This is not just a Greens agenda; it is a community agenda, it is an equality agenda and it is in all of our interests.

Employment

Mr MULINO (Eastern Victoria) (12:31) — Last week the July 2018 labour force figures were released by the Australian Bureau of Statistics (ABS). They tell a very strong story of what this government is achieving: 370 000 jobs have been created by this government from November 2014 to the present day, compared to 127 500 under the previous government. Let us look at the figures for regional full-time jobs created: 40 000 under this government and negative 8000 under that lot. Let us look at what the voters in this state in both the metro and regional areas will choose. What about youth employment? There have been 45 400 —

Honourable members interjecting.

Mr MULINO — They do not like these numbers whatsoever, President. They are very clear numbers: 45 400 jobs under this government —

Honourable members interjecting.

The PRESIDENT — Order! Thank you. Mr Mulino from the top.

Mr MULINO — Thank you, President. The July 2018 ABS numbers were released last week. They tell a very strong story of what this government is achieving throughout this state: 370 000 jobs have been created in net terms under this government, compared to 127 500 under the previous government. Regional employment tells the same story: 45 300 jobs under this government and 18 500 under the previous government — less than half. Regional full-time jobs: this is a story that those in the regions of this state will look at when they vote at the next election. There have been 40 100 full-time regional jobs created in this term of government, compared to negative 8200 under that lot opposite. In youth employment: 45 400 youth jobs have been created under this government, but just 6100 were created under those opposite.

Let us look at it in percentage terms. Unemployment was 6.7 per cent when we came to power, and it is 5 per cent now. Regional unemployment was at 6.5 per cent when we came to power, and it is 4.9 per cent now. Youth unemployment was at 14.6 per cent when we came to power, and it is 9.5 per cent now. All of this is in the face of a participation rate that has actually gone up. It was at 64.6 per cent when we came to power, and it is 65.7 per cent now.

The CommSec *State of the States* report had this state at fourth when we came to power, and it is first now. This report looks at jobs among other indicators. It is an incredibly strong story; the numbers do not tell lies.

Sports funding

Mr MORRIS (Western Victoria) (12:33) — I rise to speak about the Community Sports Infrastructure Fund, better known as Daniel Andrews's loan shark sham. While Labor fawn over the AFL, with their $300 million upgrade to Etihad Stadium, including ballrooms, which they prioritised over grassroots sport, they are forcing local councils to take out loans and debt rather than properly funding important community projects. These projects need to be applied for in just a few short weeks, and one might ask why Daniel Andrews and Labor are forcing councils into these loans that require an announcement in a couple of weeks. It is all because Labor want to announce these projects that they are not funding — that local councils are funding — with their MPs and candidates.

This project is not a community funding project; rather it is another red shirts rort. Rather than Labor properly resourcing councils to ensure that local infrastructure is properly funded, they are using this sham of a process to force more debt onto local councils to ensure that their local MPs and candidates can announce funding for projects that they are not funding. Daniel Andrews should be working with local councils; rather than forcing them into greater debt, he should be working with local councils to ensure that they can fund the important sports programs that they deserve.

Heyfield timber mill

Ms DUNN (Eastern Metropolitan) (12:35) — The Andrews government continues to cover up its bad governance in the logging sector. There is scant detail in the public domain regarding the nationalisation of the Heyfield timber mill. Mysteries remain. Why were the government's board members appointed on the same day as the supposedly independent board member? Who provided the financing to members of the management such that they could buy their stake? Is it the case that the Heyfield mill is actually more than 51 per cent owned by the government and therefore a statutory authority?

The Department of Premier and Cabinet has delayed and obfuscated my two requests under the Freedom of Information Act 1982 to access this information. They refused to even acknowledge my first request and then dragged their feet during the Office of the Victorian Information Commissioner review of the decision. My request for a copy of the review, triggered by the wood pulp agreement, has been stonewalled by the Department of Economic Development, Jobs, Transport and Resources. Despite this agreement, which requires that 350 000 cubic metres of pulp logs be extracted from public land in the Central Highlands each year and sold on the cheap to a multinational company, Victorians are not allowed to access a periodic review of resource availability.

In response to a request for independent investigations of logging code breaches, the Department of Environment, Land, Water and Planning impudently suggested that I might actually prefer the department's final and public decision on the matter in a ham-fisted attempt at obfuscation. Victorians deserve better than this shambolic cover-up of an industry in crisis.

Smoke detectors

Mr ELASMAR (Northern Metropolitan) (12:36) — Only yesterday a family house in the northern suburbs was gutted by fire because of a four-year-old child lighting paper on the family stove. Luckily no-one was hurt due to the efficiency of installed smoke detectors and the quick actions of firefighters called to quell the blaze. This incident highlights the need for effective smoke detectors in all homes across Victoria. I urge all home owners to make sure that their smoke detectors are installed and regularly maintained. Parental or adult attentiveness is also required to make sure that young children are not given the opportunity to play with fire. It is a fact that young kids are fascinated with fire and that most incidents of fire begin in kitchens that have been left unattended for whatever reason. Some people are distracted by phone calls or by visitors at their front door. Either way, vigilance is the only way to combat these sometimes senseless and unnecessarily tragic events.

Swan Hill hospital

Mr O'SULLIVAN (Northern Victoria) (12:37) — Last week I had the pleasure of attending a rally in Swan Hill in aid of a new hospital. Swan Hill desperately needs a new hospital. Some 800 people rallied last week for a new hospital. The current building up there is deplorable and not fit for purpose. The hospital in that part of the world services 35 000 people in Swan Hill and surrounding catchment areas. A new hospital is desperately needed. The current one has a serious termite infestation, and there are certain areas of the hospital that cannot be used at all.

The service up at Swan Hill hospital is great — the staff are great, the doctors are great and the nurses are great. Unfortunately the building is in a pretty bad way. Swan Hill desperately needs a new hospital. It needs new infrastructure so that it can retain people and also attract people to come and work in Swan Hill in the health sector.

It was very disappointing and noticeable that none of the Labor MPs bothered to turn up to Swan Hill for the rally. Mr Gepp certainly did not turn up and Ms Symes did not turn up either. I was very pleased to be there with my leader, Peter Walsh in the Assembly, to support the local Swan Hill community in their attempts to get a new hospital from this Labor government.

Federal member for Dickson

Mr DALIDAKIS (Minister for Trade and Investment) (12:39) — No-one can argue that I hide behind parliamentary privilege. The former Minister for Home Affairs, failed prime ministerial candidate and federal member for Dickson, Peter Dutton, has sent me a letter claiming that I defamed him, claiming that he will instruct his lawyers. He sent me a letter on 15 August, and as yet I have not received any legal letter.

Mr Davis — On a point of order, President, if the member is going to attack a member from another place, he can do that in formal ways, not through just a general speech.

Mr DALIDAKIS — Give me some time.

Honourable members interjecting.

Mr Mulino — On the point of order, President, it is purely factual. At the moment the minister is simply laying out facts around correspondence and the fact that it has not been followed up. There is nothing to date that is in any way against the standing orders.

Honourable members interjecting.

The PRESIDENT — Thank you. I actually concur with Mr Mulino's point of order that in fact the minister at this stage has not made any allegations. He has simply been talking about the fact that there was some correspondence and it has not been responded to. I also indicate that the requirement that allegations against members of Parliament ought to be made by substantive motion actually applies to members of the Victorian Parliament and does not extend to other parliaments.

Mr DALIDAKIS — As I was saying, the member for Dickson, the Honourable Peter Dutton, the former Minister for Home Affairs and failed prime ministerial candidate, by a tally of 48 to 35 with two au pairs unable to vote, has attacked me. He has claimed that I have defamed him. What did I say? I did not hide behind parliamentary privilege, but this is what I said. What I said was that the former minister claimed originally for a discriminatory white Australia immigration policy. That is the claim I made outside this place. How did I do that? Because the former minister asked for a discriminatory white Australia policy to support white South African farmers being put ahead of the queue — ahead of other people.

I also, in the same communication, claimed that the Prime Minister and the minister had been race baiting here in Victoria — a claim that I have stood by, a claim that I have repeated outside of this place and a claim that I do not retract, do not withdraw, do not resile from. Let me tell you: in this state and in this country truth is still a defence.

Energy policy

Ms BATH (Eastern Victoria) (12:42) — The Andrews government is a government that has abandoned Gippsland. Through its radical green policies it has ripped the 'M' out of the CFMEU. Tripling the coal royalties tax has seen the demise of the Hazelwood power station, and with it countless hundreds of jobs. It is in the process of atrophying the forestry industry by not releasing the timber release plan and by creating a great forest national park by stealth. And this week we see Daniel Andrews pledging a billion dollars on a scheme that neglects tenants, low-income earners and pensioners across the state.

When you break down the detail, you quickly see that it misses the mark. This scheme caters only for owner-occupied houses, while struggling renters and pensioners in flats will miss out. Australian Bureau of Statistics data tells us that the percentage of tenants across Victoria jumped from 27 per cent in 2011 to 30 per cent in 2016. There are 82 000 Victorians on the waitlist for public housing because cost-of-living pressures are pushing private renters out of affordability. The Latrobe-Gippsland unemployment rate is the highest regional rate across the whole of the state. It is also the second highest in terms of metropolitan. This scheme does not help our unemployed or our renters who are struggling to put food on the table. Daniel Andrews is more interested in bribing people with homes of up to $3 million in value than looking after ordinary Gippslanders who are struggling with skyrocketing costs of living.

V/Line services

Mr DAVIS (Southern Metropolitan) (12:43) — Today I want to draw the chamber's attention to the terrible and declining performance of V/Line. Train punctuality in regional Victoria is lagging very badly under Labor. In July 2018 the percentage of trains on time was far below that achieved by the last coalition government in 2014 on 10 of the 11 regional rail lines. No regional rail line achieved the 92 per cent punctuality target set by Labor, and 36 V/Line services were cancelled in November 2014 compared to 283 in July 2018. A regional rail service was over five times more likely — nearly six times more likely — to be cancelled in July 2018 than in November 2014.

Looking at the actual performance of individual lines, Ararat and Maryborough have fallen from 98.2 per cent punctuality to 83.1 per cent; Ballarat from 92.3 per cent to 85.9 per cent; Gippsland from 82 per cent to 74.4 per cent; Shepparton from 94.3 per cent to 84.8 per cent; and Warrnambool from 90.6 per cent to 81.8 per cent. The number of cancelled services has gone up: Ararat and Maryborough, from zero to six; Ballarat, from seven to 63; Bendigo, from six to 48; Geelong, from nine to 97; Seymour, from four to 24; and Gippsland from zero to 20. A bad performance under Daniel Andrews and a declining performance under Jacinta Allan — she should focus on this sort of matter rather than banning things.

Lunchtime Rumours Feast

Ms CROZIER (Southern Metropolitan) (12:45) — I was delighted to be able to attend this year's Lunchtime Rumours Feast in support of the formerly known Children's Protection Society. I say 'formerly' because this great organisation, which has been operating since 1896 and providing support and safeguarding children for the past 122 years, has changed its name to Kids First. How apt that an organisation that is working to improve the outcomes of children by focusing on preventative care and early intervention and giving support and assistance to children and their families is named Kids First. Identification of issues for these children and their families I think we all agree is critical to provide that early intervention. Putting kids first should be central to any decision that is made regarding a child at risk.

The Lunchtime Rumours Feast has been running for the past 13 years and is always supported by so many generous Victorians. I would like to acknowledge all of those that work at Kids First — the CEO, Aileen Ashford; the board members; and all the dedicated staff — but also acknowledge the generosity of the Marriner Group, and in particular Elaine and David Marriner, who for years have been supporting the work of the Children's Protection Society and hosting this lunch. They, along with so many other sponsors and individuals, contribute so much to ensure the work of this organisation can continue with the vital program of work that benefits so many at-risk children.

John Schurink

Mr O'DONOHUE (Eastern Victoria) (12:46) — This afternoon I would like to rise to congratulate John Schurink, who was awarded life membership of the Country Fire Authority (CFA) at the Sassafras-Ferny Creek annual brigade dinner last week. John is the current captain of the Sassafras-Ferny Creek CFA brigade, and he has been recognised with this rare honour following decades of committed service to that wonderful organisation, the CFA, not just in his local community, the fire-prone Dandenong Ranges, but also across Victoria. He has been involved in and helped to fight fires, from those on Black Saturday to the peat fires in the Western District earlier this year. He has also fought fires in Sydney on two occasions and in Adelaide.

I am advised that John is just the fifth member of his brigade to be awarded life membership of the CFA, and I congratulate him for it. I posted a photo on Facebook of John receiving his award, and unfortunately there were the usual suspects attacking him and questioning his professionalism. There is no doubt that this person, who has dedicated so much time as a volunteer in the CFA, is a true professional. I saw that on Saturday when I saw him after he had been to a job with the Monbulk CFA brigade. So I congratulate him on this outstanding achievement and this outstanding award.

RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017

Second reading

Debate resumed from 7 September 2017; motion of Mr DALIDAKIS (then Minister for Small Business, Innovation and Trade).

Mr O'DONOHUE (Eastern Victoria) (12:49) — I am pleased to speak on behalf of the opposition in relation to the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017 and advise the chamber that the opposition will not be opposing the bill. The bill has taken a long time to come to this place.

The actual bill title is the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. It has taken the government a long time to make this bill a priority for debate in this place. Whilst I do not have any advice about this, I assume the government in due course will move amendments to the commencement date, because clause 2(2) of the bill says:

> If a provision of this Act does not come into operation before 1 August 2018, it comes into operation on that day.

That day obviously has passed, so I assume the government will make an appropriate amendment.

Honourable members interjecting.

Mr O'DONOHUE — I thank the minister and the Government Whip for that confirmation. I look forward to that amendment being moved. I am pleased that government members are listening to my contribution with such interest.

Mr Dalidakis interjected.

Mr O'DONOHUE — As I said, I am pleased that government members are listening with interest to the opposition's contributions on this bill, because whilst we will not oppose this bill there are many questions that remain unanswered. I look forward to having a discussion with the minister about those unanswered questions in due course in the committee of the whole.

As the second-reading speech details, the bill will enable landlords and tenants to agree to enter into tenancy agreements for greater than five years, and they will be subject to the Residential Tenancies Act 1997. As you would know, President, the possibility of extended lease arrangements in commercial premises has long been much greater than five years, and indeed with options sometimes commercial lease arrangements can be for decades. Before the introduction of this bill the residential tenancy sector has not had that period of tenure. In the commercial space the benefit of commercial tenancy arrangements is often identified as giving a business certainty to invest in their premises and to enable them to have a period of time to secure a return on that investment. From an owner or landlord perspective, an extended tenancy period gives an owner or landlord a greater chance of securing finance and providing comfort to lenders. It also provides a secure return on investment.

Long lease periods for commercial tenancies and commercial arrangements have long been accepted. This bill seeks to extend the current lease arrangements for residential tenancies to more than five years. Some of the same arguments offered in the second-reading speech for longer term commercial tenancy arrangements are also offered in residential tenancy situations — for example, the certainty to an owner to generate a return on that investment and obviously the certainty to the resident to have security of tenure for that extended period of time.

The second-reading speech cites market research conducted by Consumer Affairs Victoria as part of the review of the act. It says that research found interest from landlords and tenants in longer term fixed tenancies and that, not surprisingly, security of tenure was a high priority for tenants. I will flag for the minister that I will be interested in the committee stage to learn more detail about what that consumer affairs research found: who did it; what was asked; what were the answers; how much did it cost; and when was that research conducted, given that the genesis of this bill is now from a long time ago. I think that would help inform the chamber's understanding of the evidence base for these changes.

The second-reading speech also notes that the Residential Tenancies Act 1997 currently does not apply to tenancy agreements of greater than five years and that agreements of longer than that period will operate pursuant to the act. The second-reading speech also states that there will be no maximum cap on the length of tenancy. Presumably there will be a 99-year cap on the length of tenancy. I seek clarification from the government about that. I assume the government is not contemplating tenancy agreements for 500 years, 600 years, 700 years or in perpetuity. But the second-reading speech does not say that. It has not been qualified in that way, so that will be an important point for the government speakers or for the minister in committee to clarify.

The second-reading speech also notes that it will be an offence for fixed-term tenancies of more than five years to not be in writing. As members of the chamber would all be familiar with and would all agree — and I remember from lecture one in contracts law — a contract reduced to writing is much better for all parties. It is better for all parties to have the terms reduced to writing and agreed, because any oral contract can always lead to a misunderstanding about the precise terms, what was intended and what was agreed. Reducing a contract to writing limits that misunderstanding or potential confusion. So on the face of it that is an idea which the opposition does not oppose.

The second-reading speech notes:

> … the bill will also enable a specific long-term tenancy agreement to be prescribed that will be able to be used as an alternative to the current prescribed agreement.

But that specific agreement, as the second-reading speech says:

> … will be developed later this year in consultation with key stakeholders.

Again, I would welcome an update from the minister as to where that consultation is at. Was that put on hold subject to the passage of the bill or, given the effluxion of time, did that consultation continue? Because obviously that standard form agreement for those contracts or those tenancy agreements of five years or more is very important.

I note a couple of other points in the second-reading speech:

> It will be a feature of any prescribed alternative fixed long-term tenancy agreement that it will be able to be extended …
>
> The bill will amend the provisions of the act relating to bonds to enable a long-term tenancy agreement that is in the new prescribed form to require an additional amount of bond to be paid every five years to maintain the real value of the bond.

There is a helpful example cited in the bill itself of, I suppose, a consequence of escalation in the rent payable and the impact of the real value of the bond over time, and there is a mechanism by which that can be addressed.

The second-reading speech notes that:

> … provisions relating to notice periods may need to be adjusted, where the long-term tenancy agreement is for a period of 10 years or more.

I would be interested to know what consultation there will be with stakeholders about that, because obviously notice provisions are important. They are important for both the tenant and the landlord or owner in making decisions about their future occupancy or lease arrangements.

I am interested in the paragraph in the second-reading speech which refers to the online matching service that will be established. The speech says:

> This service will connect landlords and tenants interested in a long-term lease through a dedicated website.

That is part of the government's housing affordability strategy. There may be valid reasons for this, but I do not know what market failures exist that require this government intervention of creating an online matching service when there are thousands of real estate agents throughout Victoria that have rent rolls and provide that service of matching tenants and owners together. So why is the government spending $1.2 million over the next four years to develop an online matching service? I am open to hearing what the government's justification for that expenditure is, but I think it does need further clarification as to why that is being undertaken and why the market cannot respond in the usual way it does with the current shorter term tenancy arrangements by and large.

Turning to the bill itself, in and of itself the bill is reasonably uncomplicated. The purpose of the bill is to amend the Residential Tenancies Act 1997 to provide for tenancy agreements for a fixed term of more than five years and to make consequential amendments. Clause 4, under 'Definitions' says:

> "***standard form tenancy agreement*** means—
>
> (a) in relation to a tenancy agreement for a fixed term not exceeding 5 years, the standard form prescribed for the purposes of section 26(1);
>
> (b) in relation to a tenancy agreement for a fixed term of more than 5 years, the standard form prescribed for the purposes of section 26(1A)(b)(ii);".

Again I highlight the point that there will be different standard form agreements for tenancy agreements of up to five years or not exceeding five years and for tenancy agreements that do exceed five years. Again I would be interested to know when that second standard tenancy agreement will be ready for the marketplace — ready for operation.

Clause 6(2) details the requirements for a fixed-term tenancy agreement of more than five years, and as I said previously, as highlighted in the second-reading speech, it must be in writing, it must be in the standard form tenancy agreement for a tenancy agreement for a fixed term of more than five years and a landlord or tenant must not prepare or authorise preparation of a tenancy agreement for a fixed term if the agreement is not in the standard form for either agreements up to five years or agreements for more than five years. Standardisation, I think, does help reduce confusion and makes it easier for the parties to understand the legal agreement that they are entering.

The concept of standard form agreements is something which the Legal and Social Issues Committee considered and heard significant evidence about when conducting the retirement villages inquiry. One of the great challenges for prospective residents of retirement villages is the voluminous and complicated nature of many of those contractual agreements. For people who do not have vast sums of money to spend on legal advice or perhaps do not wish to spend significant funds on legal advice, understanding the actual legal agreement that has been entered into can be very difficult and very challenging. That committee also

heard evidence from families of loved ones who had done just that and about their challenges in trying to extricate themselves from those agreements.

The concept of a prescribed form in this sort of instance has merit. Of course there must be flexibility to add to that agreement beyond the four terms. The bill contemplates that in clause 8, for example, where new section 27 deals with invalid terms. New section 27(1) states:

> … a term of a tenancy agreement is invalid if it purports to exclude, restrict or modify or purports to have the effect of excluding, restricting or modifying—
>
> > … the application to that tenancy agreement of all or any of the provisions of this Act; or
> >
> > … the exercise of a right conferred by this Act.

So you cannot contract your way out of the standard terms as prescribed by this legislation.

The bill in new section 27A does say, however, that:

> a tenancy agreement for a fixed term of more than 5 years may include a term agreed to by the parties to the agreement that is additional to the terms contained in the standard form tenancy agreement for that agreement.

So an additional term can be agreed over and above the standard terms, but you cannot, say, contract your way out of the standard provisions, which is dealt with in 27A(2) as well.

I mentioned the issue of the adjustment to the bond after a period of time, where the real value of that bond has diminished from that which was lodged at the commencement of the tenancy agreement. Clauses 9 and 10 deal with the issue of the bonds, including new section 34B. Clause 9 makes it clear that not more than one bond is payable in respect of continuous occupation.

Clause 10 inserts new sections 34A and 34B, which prescribe the details of the way in which a landlord may require a tenant to pay an additional amount of bond. The landlord has to give 120 days written notice in the form approved by the director to the tenant. New section 34A(2)(b) states:

> the additional payment of bond is required by the landlord after the expiry of a period of 5 years of continuous occupation …

The bill, as I referred to earlier, has a helpful example of what this means in practice, which I will just note for the benefit of the chamber. The example says:

> For the first 5 year period of a tenancy agreement, the rent payable is $400 per week —

as an example.

> The bond is 4 weeks rent, or $1600. For the next 5 year period of the tenancy agreement, occurring immediately after the first period, the rent payable is increased to $520 per week. The bond amount calculated by 4 weeks rent at the new amount of rent payable ($520 per week) is $2080 —

not the $1600.

> If a term referred to in this section is included in the tenancy agreement, the landlord would be permitted to require the tenant to pay an additional amount of bond for $480. This amount is proportionate to the increase in rent payable under the tenancy agreement.

In other words, the real value of the bond can be updated to reflect the impact of increases in the rent so that the real value of the bond at the start of the lease period is reflected at that later point.

New section 34B deals with VCAT matters — appeals to VCAT.

Part 3 of the bill makes amendments relating to compensation and compliance. Clause 13 inserts a new section:

> **"209AA Application for compensation or compliance order for breach of prescribed term in standard form tenancy agreement**

Clause 14 deals with the orders of the tribunal.

Part 4 deals with amendments relating to termination of the tenancy agreement. Clause 15 deals with the creation of a periodic tenancy. It says:

> the tenant under that agreement continues in occupation of the rented premises—
>
> (i) otherwise than as a tenant under a fixed term tenancy agreement; or
>
> (ii) in the case of a fixed term tenancy agreement for more than 5 years, otherwise than in accordance with a term in the agreement permitting the extension of the term of that tenancy at the end of the fixed term …

Clause 17 of the bill prescribes the ending of a fixed-term tenancy:

> The notice must be given —
>
> (a) in the case of a fixed term tenancy agreement for more than 5 years, not less than —
>
> > (i) the prescribed period before the end of the fixed term …
> >
> > (ii) if no period has been prescribed … 90 days before the end of the fixed term; or

(b) in the case of a fixed term tenancy agreement for 6 months or more (but not exceeding 5 years), not less than 90 days before the end of the fixed term; or

(c) in the case of a fixed term tenancy agreement for less than 6 months, not less than 60 days before the end of the fixed term.

My colleague the member for Bayswater in the other place has undertaken some consultation with stakeholders. I just want to read into *Hansard* the feedback from the Real Estate Institute of Victoria (REIV). They said:

> New long-term residential tenancy legislation does not provide adequate protections for landlords and will place their investments at risk …
>
> REIV CEO Gil King said the government has rushed the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017, failing to take into consideration the opinions of supply side stakeholders.

The statement goes on to quote Ms King:

> The legislation will cap bonds to the equivalent of four weeks rent, which is inadequate protection for a home which may be tied up for potentially a decade. In fact, four weeks bond is less than what is currently being obtained for many one-year leases in the Melbourne market.
>
> Given the median house price in Melbourne is currently $822 000, a rental property is a significant financial asset for landlords and all future legislation needs to benefit all stakeholders — not just tenants.
>
> Without adequate protections for landlords, long-term leases will remain unattractive in the private rental market, rending this legislation ineffective in improving security of tenure for tenants.
>
> This rushed legislation will also negatively impact on tenants seeking stability, with a lack of incentives and protections unlikely to encourage landlords to offer long-term lease agreements.
>
> While the majority of tenants do the right thing, landlords and property managers represent around 60 000 applications at VCAT every year — the majority of which are for rent arrears and possession.
>
> There are many cases when a tenant is more than three months in arrears before VCAT will grant the landlord a possession order. A four-week bond will leave landlords significantly out of pocket in these instances.

The REIV have raised a number of issues in their statement, in their feedback. Whilst I look forward to discussing with the minister those points that have been raised and getting the government's response to those points, particularly noting the effluxion of time since this bill was introduced, and looking at whether steps have been taken to engage with the REIV and provide answers to the issues they raise, I think the point about how the market will respond from the supply side or landlord or owner side to the potential for longer term tenancy agreements is an interesting proposition. The REIV believe that, as they say, 'Without adequate protections for landlords, long-term leases will remain unattractive in the private rental market'.

Obviously one of the objectives of this bill is to increase the supply of long-term leases in the private rental market with the passage of this legislation. This legislation creates a legal mechanism by which that can be achieved, but has enough been done to make it attractive for the market to provide that supply once that legal encumbrance is removed? If that is an objective of the bill, the government needs to respond to how that incentive will be provided, particularly given that vacancy rates, as I understand it, are very low. Therefore arguably there is not a great market appetite for longer tenure or the market conditions do not encourage it, given the current low vacancy rates and the ability to find tenants quickly in the marketplace because of the significant competition for residential tenancies.

They are important points that the REIV make, and I trust the minister and the government have been working with the REIV and other stakeholders since this bill was introduced such a long time ago — last year. I look forward to pursuing those issues in committee. As I said in my introductory remarks, given that long-term leases have been available in the commercial, retail or industrial marketplace for a long time, the concept of extending that to residential tenancies is uncontroversial, but there are questions that need to be answered as part of understanding this bill in more detail, and I look forward to having those matters fleshed out with the minister in the committee. With those remarks, I reiterate that the opposition will not be opposing this legislation.

Mr SOMYUREK (South Eastern Metropolitan) (13:19) — I rise in support of the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017, which is a historically significant piece of legislation that seeks to ensure fairness and housing security for tenants in addition to creating long-term financial security for investors.

The bill will amend the principal act to remove the existing restrictions on the application of the act to fixed-term tenancy agreements of more than five years and require tenancy agreements for a fixed term of more than five years to be in writing and be either in the form of the current prescribed general tenancy agreement or a prescribed specific long-term tenancy agreement. In addition to several other amendments, the bill puts in place measures that allow families and individuals to establish long-desired and important roots

in communities, which in turn provides connectedness, which is particularly important for social cohesion, social participation and the stable development of children. This bill will legislate for new long-term leases as well as for a new online matching service for landlords and tenants who are interested in long-term leases.

Until recently the rental market was viewed as a relatively short term and fluid one where transience was the norm. One of the reasons I am so impressed with the legislation before us today is it provides the opportunity to facilitate a new culture around the reality of the rental market by ensuring the respect deserved by all stakeholders, including tenants seeking quality, affordable and secure housing. Through the introduction of our many fairer housing reforms this government is disrupting the culture that existed previously, where society viewed the rental market merely as a short-term fix and where renters were forced to put up with many unsatisfactory and quite often unsafe and unhealthy living arrangements because it was viewed as being only for a short period of time. This legislation will assist in creating a culture of respect within the rental housing market by empowering tenants with the confidence of being aware of their increased rights on the one hand and by on the other hand benefiting the investor community through their gaining knowledge about the financial benefits that stem from mutually respectful and long-term arrangements. We are trying to get away from a conflict model to a model where both the tenants and the investors understand that they can benefit.

We have heard commentary suggesting that some investors are not keen for long-term leases, but from an economic perspective that just does not add up. The fact is that if you have, for example, a family with a long-term lease who are fully integrated and stable within their community, they are much more likely to see the home, or the property of the investor, as their own. As we know, many benefits derive from that, such as feeling proud of the house that they live in and therefore looking after it. Having short-term tenancies as an investor leads to financial insecurity, more risk from more short-term and not-so-invested tenants and ultimately more people moving more furniture in and out of the home on a regular basis and obviously the hassle and costs associated with that, including damage to the property. In fact the market research conducted as part of the Fairer Safer Housing review found that approximately 50 per cent of landlords indicated an interest in longer term tenancy agreements, with security of tenure being identified by tenants as a high priority issue.

Another reason this legislation is important is that it responds to our current housing trend and anticipates its growing future through its acknowledgement that a third of our community are in fact tenants, a significant number that will only increase going forward. Industry is acknowledging the increase in rental demand and its changing nature through its demonstration of innovation, as is evident in the plans of family-run property developer Salta Properties. Salta Properties is creating a 27-level, multifamily tower with 260 units on the waterfront in Docklands, which they will retain ownership of while leasing out apartments on a long-term basis of up to 10 years. This Australian-first development demonstrates where the rental market is heading. It responds to the market growth, to tenants' need for security and to the company's own requirement to generate stable, long-term returns. I do not think anyone can argue that stable and secure returns are things that people who invest their money are not interested in.

Salta's tower will become the most sought-after city rental accommodation because of its model, which recognises the benefits to both the company and the tenants. The model is common overseas and is known as multifamily housing in the US and build-to-rent in Britain. This model will become a preferred method for developers and tenants alike because of the mutual gains to be received by both parties. Again I reiterate that this model is a win-win for both investors and tenants. There does not necessarily have to be a loser; it is not a zero-sum game. The benefits to both tenants and investors can be achieved through this model, through cooperation and through greater knowledge both by tenants and investors and by going down the path of longer term leases rather than transient, short-term leases.

In conclusion, consultation took place with the Real Estate Institute of Victoria, Tenants Victoria, the director of housing in the Department of Health and Human Services, Development Victoria and Land Victoria, and the content of the bill was informed in part by the extensive work undertaken through our Fairer Safer Housing review. Safe, affordable and secure housing is a fundamental human right, and I am proud that we as a government are implementing a raft of measures to ensure fairness in the housing market. With that, I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (13:27) — I rise to speak on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. This is a bill that has been sitting on the notice paper for quite some time. I note that Mr Dalidakis gave his second-reading speech on this bill before I was a

member of this house, almost this time a year ago. It is unclear why it has taken so long for the government to get around to bringing this bill on for debate in this house, but we welcome it being considered nonetheless.

The Greens will be supporting the bill before us today, because this is a bill that makes a small but important repair to our broken rental market. It allows for long-term tenancy agreements by allowing landlords and tenants to enter into agreements of more than five years. All of us should have a safe, secure place that we can call our own, yet housing affordability is out of control in Victoria. House prices are at record highs and home ownership is at record lows, and rentals are also increasingly out of reach for many Victorians.

The annual Anglicare *Rental Affordability Snapshot* survey showed that in Victoria there were just 38 out of 11 536 rentals that were affordable for a person on the minimum wage. Less than 0.1 per cent were affordable for an aged pensioner. We are in the midst of a housing crisis in this state and in this country like we have never seen before. The reforms in this bill, while small, are long overdue. The current act only covers agreements of up to five years. There is no rationale for precluding tenancies from the protections of the act simply because of their length.

We are pleased that the reforms in this bill will give greater security to tenants. Victorians who rent their homes should be able to settle into their communities without worrying about where they might be living in 12 or 18 months. They should be able to enrol their kids in school and feel comfortable that they will still be in the area for the next school year. And when there are so many who are facing a future as permanent renters it is good that long-term tenants will be able to access the same protections as all renters.

When my colleague in the other place Ellen Sandell spoke on this bill last year she remarked that some change is better than none. She is right. It is good to see the government moving in the right direction, but it is still just tinkering around the edges of our housing system. Tenants Victoria has expressed doubts that the reforms will result in any substantive change to the length of leases. The vast majority of leases at the moment are offered on a fixed-term 12-month basis, and these reforms do not offer any incentives for landlords to change this practice. The government's attempt to create this incentive — a $1 million online tenant-landlord matching system — is just replicating a system that already happens on real estate websites. We feel that the money would be better directed to the underfunded tenants union or our network of community legal centres, where it would have a real impact on making things better for tenants.

We can also do more to ensure that long-term leases are fair and equitable, such as protecting tenants against rent inspections and lease-breaking fees; protecting vulnerable tenants, such as the elderly, single parents and those on low incomes, from discrimination by landlords; and making sure that tenants can make well-informed decisions before entering into long-term leases. We can no longer make incremental changes to our housing system; we need real, substantive change, because our housing system is well and truly broken.

An entire generation has been locked out of the housing market. More than 82 000 people are on the public housing waiting list. The neglect of our public housing system by successive governments has meant that private renting is the only option for so many more people. But as an option, renting today leaves much to be desired. Rents continue to go up and up. Our wages have not kept up with rent increases. From 2006 to 2016 rent prices increased at nearly twice the rate of income. The Department of Health and Human Services estimates that only 6.6 per cent of rentals in Melbourne are considered affordable. For a single person on a Newstart allowance, that figure drops to 0.4 per cent.

Houses in Victoria are too often prioritised as a landlord's investment rather than as a tenant's home. But when so many are renting, we all should all be able to live in a home, not walk on eggshells in someone else's retirement plan. That is why the Greens have been calling for action on Victoria's broken housing system for years. We need real, substantive policy change that addresses the entirety of the housing system, not just the edges.

We want to see a significant investment in our public housing system, which is why we have a plan to create 40 000 new public housing units in the next six years. We want a rental system that is fair, affordable and secure. We want minimum standards for renters and better protections against rent increases and unfair evictions. I look forward to debating the package of rental reforms sitting in the other place at the moment. We have been waiting for some progress on this front for some time, but today we are pleased to support the bill before us and we look forward to seeing more reform before this Parliament rises.

Mr MORRIS (Western Victoria) (13:32) — I rise to make my contribution on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017 and note that the purpose of this bill is to amend

the Residential Tenancies Act 1997 to provide for tenancy agreements for a fixed term of more than five years and make other consequential amendments.

I do note that the vacancy rate for residential properties across western Victoria is at an incredibly low rate. Indeed for Ballarat recently the vacancy rate was listed by some as just 0.7 per cent, meaning that less than 1 per cent of the residential housing stock was vacant at the time. We note that this is making it quite difficult for people to find rental accommodation in areas like Ballarat, and with significant population growth it is just going to get even harder for people to find places to live. This is of great concern to many in the community.

We know that this government has vastly underfunded community housing, particularly in regional Victoria. It is well-known that this government focuses very much on metropolitan Melbourne and ignores regional Victoria, effectively neglecting the needs of people in places like Ballarat, Warrnambool, Horsham, Colac and the like. Rather, this government focuses on inner-metropolitan Melbourne and focuses upon supplying a limited amount of housing stock in these areas while ignoring regional Victoria entirely. With such a low vacancy rate it is very difficult for people to find rental accommodation, particularly at short notice, which often occurs due to a variety of circumstances, including changing employment arrangements or changes in a family situation — accommodation may be required when a family, unfortunately, goes through a separation or the like.

Changes to tenancies, indeed changes to the Residential Tenancies Act 1997 — I am not making a particular comment about the arrangements within this particular bill — that make life harder and more onerous for landlords, I think some are going to forget, are going to have flow-on effects for tenants. If landlords choose due to the onerous conditions placed upon them to no longer lease a property, then that further lowers the amount of housing stock available within the community, and that is going to increase the difficulty of finding a rental property. Inevitably this will lead to greater homelessness as a result of people not being able to find accommodation.

We have heard from members opposite about this particular bill and long-term tenancy agreements, and as Mr O'Donohue said, these types of arrangements have been available in the commercial and the industrial worlds for a significant period of time. I think there are several uncontroversial elements of this bill, but the ongoing challenge of not having a greater supply of accommodation in the market is something that is of great concern.

I have been contacted by landlords recently who are very concerned about the proposed changes the government is looking to make in regard to the right to have pets in rented properties. The landlords that have contacted my office have unfortunately had tenants who have treated the properties they rent in very poor ways. These landlords have been required to make significant restitution to their properties once these tenants have left so that they could be tenanted into the future. There was significant damage done internally as well as externally to these properties, and all the while there was an agreement in place that the animals that were doing the damage at the properties should not be at the properties — that is, there was an agreement between the landlords and the tenants that pets would not be kept at the properties, but the tenants appear to not have held up their end of the bargain and had animals at the properties that caused significant destruction to the properties before the tenants were evicted for not paying rent.

In the end you have a landlord whose property is not fit for habitation and who is out of pocket for the rent that is owed and you have one less house available within the community for somebody to live in. So the government does need to be very, very careful when making changes to leasing arrangements. They need to ensure that the changes are not going to have a detrimental effect on the amount of housing stock available in the community.

We know how hard it is with the cost-of-living pressures that Victorians are suffering through under the Andrews government. We know that energy prices, whether it is electricity bills or gas bills, are going through the roof. We know that the government have chosen to slug motorists with additional VicRoads registration fees for something they are not delivering. I would have thought that after the royal commission into banking the government would have noted that you should not charge people for something that you are not doing, but unfortunately that is what this government has been doing. It has been revealed in the media that they have been taking the people of Victoria for a ride.

The main provisions of this bill are within clause 4(1), which inserts a definition of a 'standard form tenancy agreement' into the Residential Tenancies Act 1997. Clause 5 goes on to repeal section 6 of the principal act. Clause 6 excludes the application of the act to tenancy agreements for fixed terms of more than five years and goes on to amend section 26 of the principal act, which relates to the requirement that written tenancy

agreements be in the standard form. New section 26(2A) provides that it is an offence to:

> … prepare or authorise the preparation of a tenancy agreement for a fixed term of more than 5 years if the agreement is not either—
>
> (a) in the standard form …

The penalty associated with this offence is 10 penalty units.

Clause 7 inserts new section 26A into the act, which relates to a prescribed prohibited term in a tenancy agreement for a fixed term of more than five years. Clause 10 inserts new section 34A, which provides that an additional amount of bond may be required by a landlord under a tenancy agreement for a fixed term of more than five years. I know rental bonds are something that can be quite controversial. It certainly can be an inhibiting factor to people taking up a residential property if they do not have that bond money up front, but that needs to be balanced against the potential damage that could be done to a property. Indeed that bond needs to be of such significant magnitude as to be able to cover the damage that may be caused by a tenant at a particular property.

I note that some people like to think that all landlords are very wealthy people who are doing exceptionally well from themselves and who are just out there to make life hard for their tenants, but this is a very unreal view of landlords. Certainly the majority of constituents that I meet who are landlords are very hardworking people who are just trying to get ahead by investing in a property which indeed does provide additional housing for people in our community. Rather than demonising landlords, as I think this government has made a very significant habit of doing, I think we should be encouraging more people to become landlords to ensure that there is greater housing stock available, because the homelessness crisis that this government has been asleep at the wheel in addressing is one that is very real in the community.

Anybody who has recently walked around the CBD would certainly have noted the significant rise in homelessness of late compared to four years ago. The face of our CBD is very different. Those who are most in need are not receiving the support or indeed the protections from this government that are required.

I further note that clause 13 of this bill inserts new section 209AA, which provides:

> … if a party to a fixed term tenancy agreement for more than 5 years has breached a term of the tenancy agreement, the other party may apply to the Tribunal —
>
> being the Victorian Civil and Administrative Tribunal —
>
> for a compensation order or a compliance order.

Also, clause 16 inserts new section 237A, which provides that if a tenancy agreement for a fixed term of more than five years does not comply with the requirements of section 26A(1), that it be in writing and in a prescribed standard form, the tenant may give the landlord notice of intention to vacate specifying a termination date not less than 28 days after the date on which the notice is given.

The additional flexibility within a tenancy agreement that this particular bill looks to introduce is one that I think should be certainly available between a tenant and their landlord. I think it is important that we give the maximum flexibility possible to people to make their own arrangements rather than dictating to the community on how they operate. We should be providing a flexible framework to ensure that rather than being a burden on the agreements between parties the government is facilitating a greater range of needs throughout this time.

I reiterate my point that making life harder for landlords at the end of the day makes life harder for tenants. It makes fewer rental properties available on the open market, and as the statistics tell us, right now we have a severe shortage of residential properties, particularly across western Victoria. The government's role is to make it easier rather than harder to ensure that people in our community have a roof over their heads. I cannot imagine how hard it must be if you are struggling with the pressures of skyrocketing household bills at the same time as you are struggling under the weight of the increased taxes that this government continues to impose, which is in direct contradiction to that very clear statement made by the Premier just before the last election when he said that he would not increase taxes, fees and charges in the state of Victoria. We know he has broken that commitment somewhere in the order of 13 times. This government has increased the cost of living and therefore made it harder for Victorians to find a place to live.

I note that there is a second tranche of legislation with regard to renting that is going to be coming through. I believe it is being debated in the other place this sitting week. One must ask why it is that the government has decided to split these bills rather than having them as one piece of legislation. We on this side of the house know, and those opposite know but will not admit it, that it was the Northcote by-election that really brought about that second tranche of legislation. The Labor

Party were competing against their coalition partners at that time. Labor thought, 'Let's try to out-green the Greens by bringing in a piece of legislation that's going to make it exceptionally hard for landlords to lease their properties and have the protections that they need. Let us indeed try to buy some votes in the Northcote by-election', which is what they did with the Animal Justice Party. We cannot forget that attempt to buy preferences using government money. They used government funds to try to buy preference deals in the Northcote by-election, which is almost as bad as the Labor red shirt rorts that occurred in the lead-up to the 2014 election, which I note is under police investigation at this time so I certainly will not delve much further into that. It may be slightly unrelated to this bill as well, and I would not want to stray away from the bill.

We on this side of the house have a not-oppose position to this particular bill, but I reiterate that members of this place should be doing all we can to make residential accommodation more available rather than less available to our community. We note that we have a housing crisis at the moment in regional Victoria, which this government has failed to address or failed to acknowledge. Indeed they have thumbed their nose at it by only funding public housing in metropolitan Melbourne.

Mr ELASMAR (Northern Metropolitan) (13:47) — I rise to contribute to the debate on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017 presently before the house. The bill is a great bill. It is part of ongoing reforms aimed at protecting Victorian renters. It amends the Residential Tenancies Act 1997 (RTA) and provides a modern framework for tenants to live more fairly and safely.

We all know how difficult it is for people to buy their own home and that many couples are being priced out of the Australian dream of home ownership. I know that many young people today have different priorities in regard to home ownership. Their overseas trips and lavish spending on new technology is widely accepted as the norm. However, there are those who still wish to buy their own home, and until their dream is realised there is a long overdue necessity to ensure that long-term renters have sufficient protections in place. They need stability and confidence through regulated security.

The bill contains plain, comprehensive language that is not open to interpretation and that overhauls the RTA. It empowers renters and rental providers with the capacity to manage a range of issues that arise during a rental relationship. The bill also contains more than 130 reforms to ensure that the RTA meets the existing needs of residential rental market participants while remaining adaptable to future change.

There are several crucially important changes that will enhance the lives of renters, such as allowing a pet to reside on the property. Many of the reforms are common sense, like allowing renters to make prescribed minor modifications to a rental property or providing for the early release of bonds with the consent of both parties to the tenancy agreement. It will also enable automatic bond repayments, which will be available to a renter within 14 days where the parties are not in dispute over the distribution or repaid portion of the bond. The addition and inclusion of minimum standards would prescribe and include basic yet critical requirements which no reasonable person could object to.

Importantly, the bill allows for a new, tailored rooming house agreement to be developed for operators and residents wishing to enter into an agreement with a defined occupancy period. The bill also includes a number of changes that will benefit both sides of the market by targeting ineffective or antiquated processes. It will also strengthen incentives for compliance with the act.

In conclusion, the bill will modernise Victoria's current rental practices. It will protect long-term renters and give a measure of security to property owners and renters alike. I commend the bill to the house.

Mr RAMSAY (Western Victoria) (13:52) — I rise to speak to the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017 and thank those who have made a contribution to this bill. It is interesting, the Greens have made much of the importance of this bill, particularly through the by-election process in the inner leafy suburbs of the cafe latte drinking set, yet Dr Ratnam spoke for barely 4 minutes — so the excitement that she has got for this bill to enter the chamber and to be debated is underwhelming.

From what I have read of the bill and from the bill briefing I was provided with, these amendments — and there are a number of them, as Mr Morris indicated to the house — are all about providing for tenants to extend the life of leases. My background notes indicate to me that in fact there is a preference from those that seek tenancy: the most popular term is around 12 months. In my case — I have been a tenant for eight years in two properties — I looked for leases of around two years, because in this job you never quite know how secure your role is, and taking a long-term lease

sometimes is tantamount to some danger if your employment is not as secure as you would think.

I am sort of intrigued to know why then the government would be so enthusiastic to provide us with a bill that has amendments about extending leases to over and above five years when, as I understand from my notes, only 3 per cent of tenants surveyed would seek a tenancy of that tenure. I then went back to the notes and found out which stakeholders had actually been consulted in relation to the proposed amendments. To my surprise it does not appear that there is any strong indication — from the papers that I have read — that there has been a call for long-term tenancy arrangements with landlords. In fact, as I said, only 3 per cent of those surveyed indicated they would be seeking long-term leases — five years and over — and about 30 per cent of the total tenancy market actually has leases over and above 12 months.

I am curious to know then why we would be seeking amendments to this bill that, as has been indicated by other presenters, actually puts significant pressures on landlords particularly and also on the housing market generally — if landlords have to look to get a better return on their investments over and above the additional compliance costs and other additional costs that may well be related to this bill. Why would that make opportunities for housing supply any greater for those seeking tenancies? I do not quite understand the strategy there. Maybe that will all be explained in the committee stage, where we can flesh out some of the real purpose of this bill.

Over and above that, I am also curious to see the government pursuing an agenda where landlords have no say in whether pets are able to —

Honourable members interjecting.

Mr RAMSAY — That is the other bill? Can I deal with both at the same time? Well, can I say of that bill that may come to this house — I will forewarn, just in case I do not get the opportunity again, or it might lie among those 20 other pieces of legislation that will most likely not see the light of day in this chamber — that for the landlords to have to go to VCAT to seek a ruling in relation to whether tenants can have pets at their properties is totally beyond me, but as has been pointed out, I will deal with that if in fact that bill comes to the house.

The bill, as has been said, is the culmination of the government's proposed Rent Fair reforms, which had been touted in their failed by-election in November 2017. Daniel Andrews's announcement caused great concern and uncertainty in the sector at the time, as many mum and dad investors feared their property rights would be severely eroded. The initial reforms mentioned were over 14, and now we have over 130 being introduced in this bill.

The proposed amendments do go a way to securing the rights of tenants but at the same time eroding the rights of property owners. It is on that basis that we are very cautious about supporting this bill and have taken the position of not opposing it. But we want to take the opportunity to raise concerns on behalf of landlords in respect of some of the impacts that may well not be seen by the amendments that are being proposed in the bill.

As I said, while some of the provisions seem reasonable and fair, a great many of them will have a very negative effect upon a property owner and in turn will have consequential effects on the rental market and the availability of housing for rent, which I have already made mention of. In addition, the increased workload required could cause the tribunal to become very unworkable, with massive delays and a backlog of cases when it is already overworked.

The bill makes serious changes to the Residential Tenancies Act 1997 and the lives of the many Victorians that it will impact on, and obviously we have an important role today to make sure we review these amendments carefully. As I said, we do have the opportunity through the committee stage to go through each of the clauses.

Mr Morris has made mention of clause 4, which has significant changes in it. This clause makes significant changes to the Residential Tenancies Act. It changes the terminology used in the act in respect of landlords, rooming house owners, tenants and tenancy agreements. It also makes further provisions about notices to vacate and notices of intention to vacate, and it prohibits false, misleading or deceptive representations about premises and misleading or deceptive inducements to enter residential rental agreements by residential rental providers. It also amends provisions relating to modifications of premises, bonds, payments of rent et cetera.

Clause 5 has a number of changes in terminology in relation to definitions. There are a whole heap of clauses which we will have the opportunity to go through one by one where there are quite significant changes, including clauses 24 to 26 in relation to condition reports. The bill talks about rental increases being capped for 12 months instead of six months in clause 34, and on and on it goes.

In the few minutes I have left I want to mention the consultation process, which I mentioned when I first started my contribution. That is the sort of confusion I have at this stage in respect of the purposes of the bill and its amendments, because I was not getting any real feel from the stakeholder groups that in fact they were seeking the sort of amendments — not all of them, but some of the amendments — that are being proposed by the government in the bill. I understand that a number of real estate agents have been consulted as well as the Registered Accommodation Association of Victoria and the Property Council of Australia, which in the other house the shadow minister made mention of in respect of the discussions she had with them, which did not indicate a push for longer term lease and tenancy arrangements, which I see the government has made note of in relation to its consultation process. I see the Animal Justice Party has been consulted, which I find interesting.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Youth justice system

Ms CROZIER (Southern Metropolitan) (14:02) — My question is to the Minister for Families and Children. Minister, this morning Neil Mitchell has called Parkville and Malmsbury youth justice centres, and I quote, 'a jungle, a dangerous zoo', with violence, assaults, sexual assaults and behavioural issues all out of control. In contrast, in February 2014 the Victorian Ombudsman found that under the coalition, and I quote again:

> The recommendations from my investigation have all been implemented and have had a significant impact upon the operation of the youth justice precinct and the youth justice system statewide.

The Ombudsman concluded that under the coalition:

> The response of the department and the impact this has had on youth justice services for children has been both effective and commendable.

After four years under your mismanagement, how have you managed to get an award-winning youth justice system to such a shambolic state today?

Ms MIKAKOS (Minister for Families and Children) (14:03) — I thank the member for her question. I am very happy to enlighten her in the 4 minutes I have available to me about what we are doing to address the issues in our youth justice system, which Mary Wooldridge, sitting next to her, failed to do for four whole years.

I think it is interesting that the member has been true to form in that she has never in four years actually asked me a question about a report in the week that it has been tabled. It usually does take her at least a week to get around to actually having a look at a report. I note that it is now 382 days since the landmark Armytage-Ogloff report was released on 5 August 2017 and she is yet to read that 700-page report and yet to ask me a single question about it.

What we have been doing during our term of government is actually putting in place the reforms that never happened under those opposite. We have had to address longstanding infrastructure issues. We know that Mary Wooldridge sat on a master plan for Parkville, did nothing about it and allowed the infrastructure there to crumble, and we have had to go in there and do extensive fortification work at Parkville to make sure that the security is fit for purpose. And then Mary Wooldridge went and commissioned a new secure unit at Malmsbury and built a gingerbread house of a facility at Malmsbury that again we have had to go and rectify.

Ms Crozier — On a point of order, President, there is no reference to a gingerbread house in the Ombudsman's report, and I would ask you to draw the minister back to her answer in relation to this very important issue where youth justice is in complete chaos under her management.

Ms Shing — Just further to the point of order, the question which Ms Crozier read out contained an extensive preamble. It included references not only to the former government having received awards but also to Neil Mitchell and to various other pieces of correspondence and contained provocative language, which opened the door for Ms Mikakos to be pursuing entirely the line of response which she is doing and has been in a position to do since the clock started.

The PRESIDENT — Order! On the point of order, I actually did ask for the question so that I could have a look at it because I actually agree with Ms Shing that this question, the way it was posed, has left it wide open for the minister, if she is here, to make commentary on various aspects that were raised in the preamble. I am not in a position to direct her to answer.

I do note that there were some aspects of her initial response that I did find were rather irrelevant to what this question posed even in its broad ambit, but nonetheless at the moment I think the minister is being apposite to what was a very wide open question.

Ms MIKAKOS — Thank you, President. What I can say is that the member claimed she was quoting from the Ombudsman's report. Well, I referred to the 2010 Ombudsman's report that made some recommendations that Mary Wooldridge received and then sat on for four long years. We know that she shelved a master plan. She put it in the bottom drawer, so she has left herself wide open here.

We have been acting on the expertise and the recommendations of the experts, Professor Jim Ogloff and Penny Armytage. You might rely on what you hear on talkback radio, but we have received a very considered, comprehensive report — 700 pages — which you are yet to ask me a single question about. You have yet to ask me a single question about the Victorian Auditor-General's Office report from last week, and now you are referring to talkback radio commentary. What I can say to you is that we have put in place the infrastructure, the additional staffing and the additional legislative measures to make sure that we can address the issues in our youth justice system.

What I can say is if you look at the Children's Court annual report, the most recent data, we have actually seen an increase in the number of young people in custody — 54 per cent during our term of government. We are actually making sure that the most serious offenders do spend time in custody. The bail and sentencing reforms that we have put in place — that you actually opposed, Ms Crozier — are actually seeing community safety being prioritised. And of course we are putting in record investment in terms of police resources and making sure that there are more police out on that beat. We know that you are more focused on the 48-35 numbers going on in Canberra, but we are getting on with the job and taking action to turn around the justice system and rebuild the mess that you left us with.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:09) — What a woeful answer. My supplementary question to the minister is: Minister, Neil Mitchell has also detailed the figures he received that showed 385 serious incidents reported in the last financial year and another 80 yet to be investigated. These align with the large numbers of Victoria Police, Country Fire Authority and Ambulance Victoria call-outs to the centres but differ significantly from category 1 incident numbers released by your department. Minister, why is there such a difference between what is reported publicly and the evidence from the workforce and emergency service agencies in Victoria?

Honourable members interjecting.

Ms CROZIER — Because you are hiding again.

Ms MIKAKOS (Minister for Families and Children) (14:10) — In the 1 minute that I have got available to me, it is extraordinary that the member would come in here and lead with her chin and ask about incident reporting numbers when in fact the parliamentary inquiry, on which her party had a majority, actually took evidence, and the report refers to the fact that Mary Wooldridge changed the incident reporting system — actually dodged the figures, hid the figures and abolished an incident reporting category entirely. We had evidence from the union and from others at the parliamentary inquiry about how you hid the data. You hid the data, Mary Wooldridge. You hid the data. We have increased transparency. We have legislated to ensure incident reports go to the Commission for Children and Young People, and we have also put in place extra staff, giving them the tools and the training they need to deal with these issues. We have taken the steps necessary to make sure the youth justice system is much, much safer than what you had.

Youth justice system

Ms CROZIER (Southern Metropolitan) (14:11) — My question is again to the Minister for Families and Children.

Mr Dalidakis — Why do you even try?

Ms CROZIER — Because these are important matters, Mr Dalidakis. Minister, on 21 June 2018 I detailed the case where a young male offender was bound and sexually assaulted by another young offender in youth justice. How many staff were stood down pending the investigation into the young offender that was raped by another young offender?

Ms MIKAKOS (Minister for Families and Children) (14:11) — I have referred to this issue previously, and I have actually explained to the member previously that I am not going to go into the details of this specific matter because it is currently the subject of a police investigation and it is important not to prejudice this particular issue. This is a very serious matter, and of course any incident in custody is totally unacceptable. The department —

Ms Wooldridge — On a point of order, President, you have made comment before about the fact that if something is under investigation it does not mean a legitimate question not related to the police investigation cannot be asked, which this one is — it clearly is about how many staff were stood down

pending investigation. That means that that question should be answered. The minister should not hide behind the fact that there is an investigation that is unrelated to the question in terms of trying to not answer the question.

Ms Shing — On the point of order, President, the question as posed has again set out a preamble, and with the 3 minutes and 24 seconds that the minister has left she is in a position to expand upon the detail that has already begun to be provided. Again, as you have already indicated and reaffirmed to the chamber, you are not in a position to direct a minister as to how to answer a question.

Honourable members interjecting.

The PRESIDENT — Thank you.

Mr Leane interjected.

The PRESIDENT (14:13) — Fifteen minutes.

Mr Leane withdrew from chamber.

The PRESIDENT — In this context I hear both points of order and there is a degree of merit to both of them. At this point the minister has a significant amount of time left in which to complete her answer, and whilst she has indicated in her early remarks that she does not want to or is not prepared to or believes that it is not appropriate to refer to the specifics of this incident whilst it is under investigation, I note that the question simply asked if there had been staff stood down during the period of that investigation. I do not think that a response to that matter would have any bearing on police investigations, so I believe that it is a valid question. I accept that the minister does not want to go into other aspects of this incident, and I fully understand why. As I said, the minister has yet to complete her answer, so she will no doubt consider that matter as part of her response going forward.

Ms MIKAKOS — It is unfortunate when the member wishes to politicise what are very sensitive issues. The member has posed her question in a particular way, making particular links to alleged issues. Whilst these matters are under investigation, it would be premature to make a direct correlation between any matter that might be subject to any investigation and the appropriate actions that have been taken by my department. That is all that I am prepared to say at this point in relation to this matter.

Mr Davis — It's a cover-up; that's what it is.

Ms MIKAKOS — This is an incredibly sensitive matter, Mr Davis, and you might be prepared to come in here and play politics with these issues, but I have made it very clear on a number of occasions that I will never say anything in this house that will jeopardise the interests of justice being served. You might want to come in here and play politics with sensitive matters that might still be subject to investigation, but I will not do that.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:17) — My supplementary question to the minister is: Minister, can you confirm that the staff members who expressed concern about the highly sexualised behaviour of the two males have been stood down but the supervisor who participated in downplaying the extent of the offence remains?

Ms MIKAKOS (Minister for Families and Children) (14:17) — I refer the member to the answer I have just given to the substantive question.

Youth justice system

Mr RAMSAY (Western Victoria) (14:17) — My question is to the Minister for Families and Children. Minister, because of the rape in youth justice, you detailed in July that double bunking has been stopped. So I ask: what is the current vacant cell capacity at each of the Parkville and Malmsbury youth justice centres?

Ms Mikakos — Sorry, the what?

Mr RAMSAY — The vacant cell capacity at those two centres.

Ms MIKAKOS (Minister for Families and Children) (14:17) — I thank the member for his new-found interest in our youth justice system. In relation to —

Mr Ramsay — On a point of order, President, just for the minister's information, I have had a long interest in youth justice.

The PRESIDENT — That is not a point of order, and you know it.

Ms MIKAKOS — The issue that the member has referred to in the preamble to his question and then the question that he has actually posed is an assertion that he has sought to make in relation to these issues. I make the point to the member, as I have said previously, that there have in fact been longstanding arrangements in place in relation to shared accommodation in our youth

justice facilities, and they were in fact in place during the term of the previous government. I also have made it clear that as a result of recommendations in the Royal Commission into Aboriginal Deaths in Custody report that some arrangements were put in place to enable young people to share accommodation — for example, Aboriginal young people sharing accommodation for cultural reasons — so there have been longstanding practices in place in relation to room sharing. If the member is wanting to make particular assertions that somehow this is a new practice, then I think it is important that he understands that these are in fact longstanding arrangements.

In relation to capacity issues, I would say to the member that I have indicated to this house previously that it is not appropriate to go into operational matters in respect of specific numbers in our custodial facilities at any point in time. We have provided the previous parliamentary inquiry — that in fact you had a majority on — with some details around this particular issue, and in fact there are figures published in the budget papers every year as well as in the annual report. I refer the member to the publicly available figures in relation to the issues around capacity.

Supplementary question

Mr RAMSAY (Western Victoria) (14:20) — Thank you, Minister. Due to the lack of available cells in youth justice centres, can you confirm that young offenders are currently sleeping on mattresses within storage rooms and open unit spaces?

Ms MIKAKOS (Minister for Families and Children) (14:21) — I again refer the member to the answer I have just given in relation to the operational aspects of this particular issue. But what I can say is, despite the rhetoric of those opposite — they cannot quite make up their mind where they stand on these issues — you have got the Leader of the Opposition in the other house making the assertion —

The PRESIDENT — Order! Minister, you are now debating. Please let us not talk about 'them'; let us talk about an answer to —

Mr Ondarchie interjected.

The PRESIDENT (14:21) — Fifteen minutes.

Mr Ondarchie withdrew from chamber.

The PRESIDENT — Let us talk about an answer to a specific question, which I think is information that all members of this house would be interested in.

Ms MIKAKOS — Thank you, President. I referred earlier to the latest Children's Court annual report showing a 54 per cent increase in the number of detention orders made by the court since we have been in government. Despite all the rhetoric from those opposite, we are not going to make any apology for the fact that there are actually more young people incarcerated in our youth justice facilities now as a result of our tougher bail and sentencing reforms. You might want to now have fewer people in custody. You cannot quite make up your minds whether you want more or you want fewer.

The PRESIDENT — Thank you, Minister.

Parks Victoria

Ms FITZHERBERT (Southern Metropolitan) (14:22) — My question is to the Special Minister of State representing the Minister for Energy, Environment and Climate Change. In August 2016 the Premier announced that Parks Victoria would move to temporary accommodation while its new office was built within Albert Park Reserve, which he said would be completed by the end of 2017. The new building would cost the education department $5 million plus temporary accommodation costs for Parks Victoria. Today the building is half-finished, seemingly abandoned and surrounded by rubbish, and it is reported the builder has gone broke. Minister, what is the status of the building contract for the Parks Victoria building, and what additional costs are being incurred to get this very late building finished?

Mr JENNINGS (Special Minister of State) (14:23) — I thank Ms Fitzherbert for her question. I know this is a subject that she is interested in because when we dealt with a piece of public land legislation she asked me a series of questions about it. I also know that she has actually asked for further documentation on the question. Whilst it is one of her enduring issues of interest, I have not actually followed the details of the project myself but I will take the advice of my colleague.

In fact whilst the question is for the Minister for Energy, Environment and Climate Change, given that Ms Fitzherbert has indicated in her question that the building is the responsibility of the Department of Education and Training, I will have to take some advice about what the best centre of government is to provide the answer to that question, but I will rely on others.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:24) — The supplementary question is: what have been the temporary accommodation costs for Parks Victoria to date and what additional costs will be incurred now that this building is already at least nine months late and still nowhere near finished?

Mr JENNINGS (Special Minister of State) (14:24) — That certainly is within the Minister for Energy, Environment and Climate Change's responsibility if it is to deal with Parks Victoria accommodation, so I will ask her to provide the house with that answer.

Government media policy

Mr DAVIS (Southern Metropolitan) (14:25) — My question is to the Minister for Regional Development representing the Minister for Public Transport. Minister, for each calendar month in 2018, can you provide a breakdown of how many formal complaints were received by Public Transport Victoria for Sky News interviews being shown in the city loop stations?

Ms PULFORD (Minister for Regional Development) (14:25) — I thank Mr Davis for his question, and I will seek a response from the responsible minister.

Supplementary question

Mr DAVIS (Southern Metropolitan) (14:25) — Minister, who advised the Minister for Public Transport that there had been hundreds of complaints received, which formed the basis of her extraordinary ban of Sky News being shown in city loop railway stations?

Ms PULFORD (Minister for Regional Development) (14:25) — As was the case with Mr Davis's substantive question, I will seek a response from the minister to the supplementary question.

Dental health funding

Ms PATTEN (Northern Metropolitan) (14:26) — My question is for the Minister for Health represented by Minister Mikakos. The Victorian Oral Health Alliance estimates that only 16 per cent of those eligible to receive public dental care actually receive it. In my electorate, at Your Community Health in Darebin the wait for eligible adults seeking general dental care is 22.8 months, and the state wait time is 19.7 months, which is a 67 per cent increase since 2015. The result of these wait times is avoidable deaths; induced illnesses, including periodontal-related coronary disease; stroke; vascular disease; and pancreatic cancer. The avoidable downstream cost to the health system is about $7 billion a year. This is of such concern that community health dentists are taking unprecedented strike action tomorrow. My question is: how is the minister going to tackle these alarming wait times and provide treatment to 150 000 Victorians?

Ms MIKAKOS (Minister for Families and Children) (14:27) — I thank the member for her question and particularly the concern she has expressed for our mutual constituents in relation to accessing this critically important service. What I can advise the member is that the Turnbull Liberal government pulled the plug — and I call it the Turnbull Liberal government but that might not be the case for much longer — on the dental funding partnership with the states and replaced it with the new cost-cutting scheme. With Victoria's rapidly growing population, Malcolm Turnbull and the federal Liberals chose to cut 30 per cent, or $30 million, from the public dental funding.

Ms Wooldridge interjected.

Ms MIKAKOS — Ms Wooldridge might not care about these matters, because we see no advocacy from those opposite to cuts to health or early childhood education, but our government does take the fight up to the commonwealth government around these issues. This commonwealth cut means tens of thousands of people are being added to the waiting list each year. In contrast, Victorian funding has actually increased over this time. I think it is important that the member is aware that children under 12 and people facing homelessness are priority clients — they get the next available appointment and they are not placed on a waiting list, so that is particularly important. But what we have seen from the federal Liberal government's cost-cutting scheme is that we know that our fellow constituents and Victorians generally are being hit hard by this because this is a harsh cut to public dental services that has affected every part of the state, not just our constituents in Northern Metropolitan Region. It is just an example of how both Abbott and then Turnbull have gone to cut public health.

What we know is that we are doing what is required and Minister Hennessy, who is a fantastic Minister for Health in Victoria, is doing what is required to put the investment in. Our government has been rolling out a $12.1 million waiting list blitz to drive down delays for dental treatment and ensure that more people can access this treatment. But what is required is for the Turnbull government — maybe the Dutton government — to reverse this particular cut and make sure people can get access to these services. Despite the fact that we have

had cuts from those opposite, cuts from the federal Liberals, we have seen the Victorian Liberals actually flag a commission of audit. They are in fact putting the Victorian people on notice that they are going to do even more cuts. They are going to put in place even more cuts, because we know it is in their DNA. All you care about is corporations, big business. You do not care about the Victorian people.

The PRESIDENT — Minister, debating.

Honourable members interjecting.

Ms MIKAKOS — You are just going to put in place a commission of audit.

The PRESIDENT — Order! Minister, you are debating. I know you are excited about what happened in Canberra this morning, but frankly it has got nothing to do with us here. I think that it is disrespectful to refer to people by their surnames without putting some sort of title or honorific before them, because it used in a context of dismissiveness and it is not acceptable within the respect of this house. But certainly at that last point you were debating. The minister to conclude.

Ms MIKAKOS — Thank you, President. What I can assure the member is that Premier Daniel Andrews and Minister for Health Jill Hennessy are doing everything possible to take up the case to the commonwealth government — whoever might be their leader — to make sure that they reverse these callous health cuts, including the cuts to public dental.

Supplementary question

Ms PATTEN (Northern Metropolitan) (14:31) — Minister, I am afraid I do not think that really answered the question about what the Victorian government was doing. However, by way of supplementary: dental therapists provide many of the same services as dentists do, including fillings, and they cost 30 per cent less, so will the minister act to increase the number of dental therapists in the public system so as to improve the bang for buck in terms of public dental spending?

Ms MIKAKOS (Minister for Families and Children) (14:31) — Thank you, Ms Patten, for your further question. Look, I have already referred to what is in fact causing this issue in relation to the commonwealth cuts to public dental, but I will refer your supplementary question to the Minister for Health, and if she has something further to add in relation to this matter I am sure she would be more than happy to provide you with that additional information.

Drought assistance

Mr BOURMAN (Eastern Victoria) (14:32) — My question is for the Minister for Agriculture. Although there has been a little rain of late, on the whole this has been a very dry year, particularly in parts of Gippsland. The drought in New South Wales has seen what I would characterise as a substandard response from the government there and the federal government.

This government has had plenty of warning and time to formulate a plan so that we do not have to solely rely on excellent initiatives such as the Burrumbuttock Hay Runners and Parma for a Farmer, so my question is: would the government please outline what it will be doing to ensure the best possible outcome for the farmers of Victoria before this becomes a disaster?

Ms PULFORD (Minister for Agriculture) (14:33) — I thank Mr Bourman for his question on this important matter of seasonal conditions and drought that is certainly at the front of my mind and that of the government and is something very difficult that many of our communities, particularly as Mr Bourman indicated in East Gippsland, are experiencing.

Members will have seen some of the television news footage and images of quite dramatic and severe conditions in New South Wales and Queensland. While we have been working with communities in East Gippsland for many months now, this has become something that has I think really entered the consciousness of the whole Victorian community pretty dramatically in just the last few weeks. With now two failed seasons, East Gippsland is experiencing drought, and we have dry seasonal conditions in parts of northern and north-western Victoria.

The next couple of months are absolutely critical in terms of what rain falls where and the impact that that will have on crops and spring pasture growth, and it is with some concern that I note and report to the house that the Bureau of Meteorology outlook is for drier than normal conditions through this period from August to October.

Mr Bourman's question went to support for farmers, and what I can indicate is that farmers in Victoria experiencing drought are eligible for the farm household allowance and concessional loans. In other parts of the state they may be, depending on where they fall within the eligibility map that the federal government produces. Farmers have access to rural financial counselling, and this is one of the key measures of financial distress in farming communities. I can again confirm for the house that the wait to see a

rural financial counsellor is still at two weeks, which is not a system under immense pressure. There is obviously additional pressure in Gippsland, and resources have been moved to assist there.

In East Gippsland since May 14 beef and sheep workshops have been delivered, and Agriculture Victoria have also been offering producers the opportunity to engage in one-on-one planning sessions. Throughout this next period, this next critical period, as the extent of the spring rain becomes clear to everyone, we will continue looking at all sensible options and will be providing support as appropriate to communities that are affected.

So I thank Mr Bourman for his question and I thank all members of the community for their concern, particularly for our farmers in East Gippsland but also in parts of northern Victoria where dry conditions are becoming a more difficult challenge. I would also offer to all members who are interested the opportunity to be further briefed on dry conditions and what the government is doing to provide support. If people are interested and would like further information, we are very happy to provide that. When we were dealing with drought throughout parts of north-western, central and northern Victoria in 2015 we took that approach, and it is my intention again to do that.

Members will not be surprised to hear that animal welfare complaints are greater than they were this time last year, and again members will have no doubt seen the widespread media reporting around the price and availability of fodder. Thankfully there are some parts of the state that are not experiencing dry conditions, and so whilst we are not anticipating something very profound in terms of availability of fodder, there is certainly price pressure as we move into the spring, with the cost of fodder being impacted by demand from Queensland and New South Wales. So we have been providing quite a lot of support and will continue to do so.

Australian Paper Maryvale mill

Ms DUNN (Eastern Metropolitan) (14:37) — My question is for the minister representing the Minister for Planning, which I believe is Minister Dalidakis. Minister, on 26 July I asked a question without notice which pertained to the Minister for Planning's decision that an environment effects statement would not be required for the Australian Paper energy-from-waste project. The Minister for Planning's response in writing stated:

> The existing use of native forest and paper production in the Maryvale mill has been assessed and approved under the Planning and Environment Act 1987.

Could the minister please clarify what approvals have been granted under the Planning and Environment Act 1987?

Mr DALIDAKIS (Minister for Trade and Investment) (14:38) — I thank Ms Dunn for her question, and I will take that question on notice and pass it to the minister in the other place.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:38) — Thank you, Minister. My supplementary question is to the Minister for Planning. Is it not the case that no approvals have been granted under the Planning and Environment Act 1987 for the use of native forest and paper production by the Maryvale mill and that therefore the Minister for Planning's answer has misled the Parliament?

The PRESIDENT — Can you just give me the question phrase again, at the end?

Ms DUNN — My supplementary question is asserting the case that no approvals have been granted under the Planning and Environment Act for the use of native forests in paper production by Maryvale mill and therefore that the minister in his answer last time has misled the Parliament.

The PRESIDENT — Yes, but what is the question?

Ms DUNN — Did you mislead the Parliament?

The PRESIDENT — All right. Mr Dalidakis.

Mr DALIDAKIS (Minister for Trade and Investment) (14:39) — President, I thank you for the call and I thank the member for their question. Can I say, having been —

An honourable member — Everybody's got to be good at something!

The PRESIDENT — Thank you!

Mr DALIDAKIS — As I was saying, President, having been a longstanding colleague of Minister Wynne, I can with 100 per cent confidence assure the member that he will not have misled this place. He is a fine example of a minister, a fine example of a member of Parliament. I will indeed take the question on notice to allow him the opportunity to refute that. But I do not accept the proposition that Ms Dunn puts.

Melbourne Market Authority

Mr ONDARCHIE (Northern Metropolitan) (14:39) — My question this afternoon is to the Minister for Agriculture. Minister, in July Fresh State, the organisation representing wholesalers at the Melbourne Market, passed a vote of no confidence in the board and the management of the Melbourne Market Authority. Last week you announced a review of market operations. Will this review consider and report on the performance of the board and the management of the Melbourne Market Authority?

Ms PULFORD (Minister for Agriculture) (14:40) — I thank Mr Ondarchie for his question and his interest in the operations of the Melbourne Market. Fresh State, which represents a number of tenants at the market, have certainly had a number of issues that they wanted to raise and discuss with me. There was a particularly heightened period of anxiety following a rent review. When market tenants moved from West Footscray to the new market there were a few different sets of arrangements for rentals that were entered into. The first group to have expired their transition arrangements — their original set of arrangements — and to be due a rent review have come up for that review period in recent months. The market management and board undertook an evaluation, and that information was made available. There was some concern that the rate that was recommended in the valuation would be the resulting rent increase; that has not actually come to pass — not at all. Those participants at the market have now been notified that the rent increase will be 4 per cent, which is quite a lot less than the original point of concern.

I met with Fresh State last week, and we had a good discussion about a range of things. There are some issues around the possible installation of solar panels — and of course that has been the big news of the last few days, the opportunity to install solar panels in lots of places across the state — there is the rent issue and there were some questions around tenancies for some of the cafes and other businesses that operate at the market. It seemed to me that now, three years after the move — the move occurred in August 2015 — it is time to have some quite active engagement with all market stakeholders to get an accurate and up-to-date sense of how they are feeling about their new operating environment and do a stocktake of issues that are on people's minds.

Mr Ondarchie — On a point of order, President, like you, the minister is allowed an amount of time for a preamble. However, the question was very narrow. It had nothing to do with the rent or the consideration of solar panels.

Mr Dalidakis interjected.

Mr Ondarchie — I am sorry for interrupting your speech, Mr Dalidakis! It was about whether the review would consider a report on the performance of the board and management of the Melbourne Market Authority.

The PRESIDENT — On the point of order, I actually think the minister's answer has been apposite in the sense that it has addressed the review and it has talked about what that review has entailed. In fact I think the minister has provided a very fulsome answer. There is one specific that she has not addressed, which indeed was the point of the question. The minister still has 1 minute and 23 seconds, and she can advise whether the review will also consider the management arrangements and the governance arrangements of the market in addition to all of the things that she has actually provided as information to the house, I think appropriately.

Ms PULFORD — Thank you, President. I am not placing any limits on the parameters of the review. If market participants wish to express views about any of the operations of the market, then I would be interested to hear that, and that is why we are going to have quite a broad engagement and dialogue with them — in case there is room for improvement and because it was a massive move in three years. All those settling in and moving in issues should by now have been bedded down and been resolved, so now is a really good opportunity to give some further consideration to the market.

That said, though, I would not want Mr Ondarchie to infer from my answer to that question that there is any lack of confidence, on my part, in the board or the management. They have my confidence.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (14:45) — Minister, when will this review be commenced and completed, and can you give an assurance that the wholesalers will be consulted as part of that review?

Ms PULFORD (Minister for Agriculture) (14:45) — If Mr Ondarchie had heard the answer to his substantive question, he would have heard me say on about six occasions that of course the wholesalers are going to be consulted. The whole point of the review is to hear from everybody who is involved in the market.

Mr Dalidakis — Can you speak a bit more slowly for him?

Ms PULFORD — I can speak a bit more slowly if that helps. We will be developing the terms of reference for the review over the coming weeks, and we will do that in close consultation with all stakeholders.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:46) — There are 94 written responses to questions on notice: 10 183, 10 605, 11 220, 11 228, 11 489, 11 512, 11 534, 11 556, 11 578, 11 784–817, 11 831, 12 293, 12 521, 12 525, 12 564, 12 650, 12 651, 12 671, 12 677–82, 12 693–8, 12 700, 12 701, 12 703, 12 769–76, 12 785, 12 787, 12 791–5, 12 806–13, 12 815, 12 816, 12 818, 12 819, 12 821.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:46) — In respect of today's questions, on Ms Crozier's first question to Ms Mikakos, the supplementary question, I seek a written response in one day; Ms Crozier's second question to Ms Mikakos, the substantive and supplementary questions, one day; Mr Ramsay's question to Ms Mikakos, the substantive and supplementary questions, one day; Ms Fitzherbert's question to Mr Jennings, the substantive and supplementary questions, involving a minister in another place, two days; Mr Davis's question to Ms Pulford, the substantive and supplementary questions, involving a minister in another place, two days; Ms Patten's question to Ms Mikakos, which was actually for a minister in another place, certainly the supplementary, but I am also going to ask if the minister might wish to consider a response in respect of the substantive question as well, notwithstanding that Ms Mikakos provided quite a bit of information in that area, because it is a minister in the other place, two days. Ms Dunn's question to Mr Dalidakis was on behalf of a minister in another place — that is also the substantive and supplementary questions — two days.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:47) — Mr Rich-Phillips has written to me in respect of a series of questions. This is in respect of questions 11 474, 11 477, 11 480–1, 11 484, 11 488, 11 492–4, 11 496, 11 498–9, 11 502–3, 11 507, 11 511, 11 515–7, 11 519, 11 522, 11 525–6, 11 529, 11 533, 11 537–8, 11 541, 11 543–4, 11 547–8, 11 551, 11 555, 11 557, 11 559–61, 11 563, 11 566, 11 569–70, 11 573, 11 577 and 11 581–3.

In respect of all those questions I have reviewed and also sought further opinion from the clerks on the responsiveness of the answers to the questions posed. I am of the view that those questions have not been satisfactorily answered and that they ought to be reinstated. I note that in a number of the responses there has been a reliance on a suggestion that there would be a heavy demand on resources to obtain that information. In looking at those questions I am not of the view that that would be the case.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:50) — My question is for the Minister for Health. The recent release of health performance data for Victoria's emergency departments shows that despite their constant boasting the Andrews Labor government has dropped the ball when it comes to emergency health care in Shepparton. It is clear that the doctors and nurses at the emergency department of Goulburn Valley Health (GV Health) work tirelessly to provide the best care for patients, but inadequate staffing and facilities are harming their ability to meet performance targets. The latest health performance data reveals that between April and June only 56 per cent of emergency department patients at GV Health were treated on time — the second worst result in the state and way below the performance target of 80 per cent. While stage 1 of the hospital redevelopment will improve performance in the future, it will not be completed until 2020, and the minister needs to act now to improve service for patients in need of emergency care in Shepparton. What measures will the minister put in place now to improve service delivery and ensure an increase in the number of emergency care patients treated within time in the emergency department at Goulburn Valley Health?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) (14:51) — My constituency question is for the Minister for Roads and Road Safety. One of my constituents is a resident of Mill Park and is deeply concerned about traffic congestion in our northern suburbs. Whittlesea, at the top of our electorate, has experienced rapid growth. The municipality is now bigger than Geelong, with

60 babies being born each week and 150 new residents moving into the suburb of South Morang itself each month. Point blank, transport infrastructure has failed to keep up with this rapid growth. As much as sustainable public transport is desirable, the pragmatic reality is that residents of the outer north have no option but to commute by car. For many, it is a 4-kilometre car trip just to get to the supermarket. Plenty Road is bursting. For around 30 years there has been an 11-kilometre land reserve allocated to the E6 freeway, which starts at the M80 ring-road and ends at Bridge Inn Road, Mernda. This reserve has been reflected in *Melway* maps for years. My constituents ask why the minister will not move immediately to reprioritise the building of the E6 freeway as a solution to this problem.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:52) — My constituency question is for the Minister for Public Transport in the other place and concerns car parking at our local railway stations in Northern Metropolitan Region. As I have advised the house before, South Morang station fills up pretty quickly — by 6.30 every morning. I know the minister at times has told me that when the Mernda rail extension opens that will ease pressure on that particular station car park, but in particular I am talking about further down the line. The Preston train station car park has one of the highest levels of parking tickets in metropolitan Melbourne because there is just simply not enough train parking in that Preston/Reservoir area. I want to understand what the minister is going to do to create more station car parking in that inner part of Melbourne — in Preston, Reservoir et cetera — rather than just talking about the other end of the line.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) (14:53) — My constituency question is directed to the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio. Coherent energy policy is crucial to ensuring that we have a strong and sustainable economy, and I am delighted that the Andrews Labor government has led by example through its support for a sustainable energy mix with strong investment in wind and solar. I welcome the recent announcement that a second-term Andrews Labor government would install solar panels on around 650 000 Victorian homes. This would save households around $900 a year on their electricity bills and generate 12.5 per cent of our 40 per cent renewable energy target by 2025. Meanwhile the Liberals in Canberra are tearing themselves apart over emissions targets and subsidies for new coal-fired power stations. My question for the minister is: what are the benefits to my electorate of Western Metropolitan Region of a strong, sustainable energy policy, and what are the ramifications if we get it wrong?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:54) — My constituency question is directed to the Minister for Police. The western suburbs face a crime crisis. It is not just Taylors Hill that has to cope with gang violence and other street crime; the people of Point Cook are among those who are impacted by Victoria's crime crisis. I have been approached on a number of occasions by locals concerned particularly about the response times of Victoria Police from the nearest police station in Werribee. I particularly commend Christian Martinu, the Liberal candidate for the Assembly seat of Altona, for his efforts on this issue. He is doing a very good job. Minister, when can we expect a police station to be operating in Point Cook?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:55) — My constituency question is for the Minister for Roads and Road Safety, and it is in relation to the community technical discussions group meeting set up by the North East Link Authority (NELA) for a number of representatives of the community who have an interest in walking and cycling. It has become clear to the community representatives that NELA has not been providing any real information and has not really been taking any suggestions on board. Several people at the meeting challenged NELA's position, but NELA dug their heels in and told those community members that it is a road project. The community representatives questioned NELA's interpretation that it is a road project and asked what they thought their brief was for non-motorised transport, the answer being 'Not to make things worse'. Community members asked about the reference design and were told that it was too late to change it. Community members have abandoned this group, and I ask on their behalf: if they cannot change anything, why were they invited to be there and participate?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:56) — My constituency question is for the Minister for Planning, and my question is: will the minister put a stay on any demolition work at the Civic Hall in Ballarat until he, or at least representatives from Development Victoria, can meet and mediate a satisfactory outcome for the future of the Civic Hall, in particular the lower hall,

with the Save Civic Hall group? The Save Civic Hall group has been a very vocal community group for a number of years now, and they are seeking to at least have a discussion with the minister and/or representatives of Development Victoria to discuss what they see to be a very important building within the Ballarat CBD. The Civic Hall in Ballarat has had a somewhat chequered history of late, but it is incredibly important that this local group can have their say on the future of the Civic Hall rather than ignoring them, as the minister has done to this point.

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (14:57) — My constituency question is for the Minister for Education. Sunshine College was allocated $28 million for rebuilding two of its campuses, with two other campuses being permanently closed. Asbestos was found when construction started, so the government dropped key parts of the project. Apparently no contingencies are in place, and the government has refused to cover the costs of the asbestos removal outside of the $28 million. The upgrades to the west campus will now not cater for years 7 to 12 as previously promised. The college will be without a performing arts building, it will have no gymnasium and no specialist TAFE facilities, and common and recreational spaces will be reduced.

Sunshine College is the only school in the area that remains unzoned, with an enormous catchment area, and neighbouring Braybrook and St Albans secondary colleges are at capacity. Why didn't the government fund the $5.5 million asbestos removal from the 2018–19 Victorian schools asbestos program to ensure the timely and full delivery of this project as originally scoped?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:58) — My constituency question is for the Minister for Regional Development and Minister for Agriculture, and it is in respect to the closure of the Geelong saleyards. The question I want to raise with the minister on behalf of many farmers in the Geelong region and on the Bellarine is: what discussions has she had with them in relation to a potential future livestock exchange so that those farmers are able to sell their livestock, given, as I said, the Geelong saleyards closed more than a year ago? My understanding is that currently they are selling some poultry in the old saleyards but that the cultural value of the site and the fact that it is now surrounded by both residential and industrial areas — not to mention the occupational health and safety issues related to the site — make it unsuitable for an ongoing livestock exchange. It is important for those farmers to have an opportunity to be able to sell their livestock in the area rather than having to go all the way to Mortlake or Ballarat, so I am keen to know what discussions the minister has had with those farmers about a potential new site.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:59) — My matter today relates to the performance of Metro Trains Melbourne in my electorate. The performance has fallen on five of the seven lines with respect to punctuality in the Southern Metropolitan Region since November 2014. Train punctuality has fallen on the Alamein, Belgrave, Cranbourne, Pakenham and Glen Waverley lines, and the number of cancellations has also risen very significantly on all lines. Sandringham is up from 34 to 58 cancellations when comparing November 2014 to the most recent figures for July 2018. There has been a rise from 132 to 205 cancellations on the Pakenham line, 37 to 124 cancellations on the Glen Waverley line, 146 to 255 cancellations on the Frankston line, 138 to 153 cancellations on the Cranbourne line, 89 to 128 cancellations on the Belgrave line and 25 to 77 cancellations on the Alamein line. I therefore ask: what steps will the minister take to arrest the scandalous deterioration in these cancellations in Southern Metropolitan Region?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (15:00) — I raise a constituency question for the Minister for Education. Last week I was pleased to join the member for Narracan in the other place to announce that an elected coalition government would commit $150 000 to install security fencing around the perimeter of the Albert Street Primary School. This is a much-needed fence because that primary school often incurs damage and vandalism on the weekend and after hours, which makes it dangerous for the school community, parents, students and those associated with the school. This investment, this security upgrade, is important to make the school safe, which should be a priority for all schools. A member for Eastern Victoria Region, Ms Shing, said in response to media questions that the government does this sort of work in the normal course of government business, but after nearly four years the government has failed to install the fencing to make this school safe. I ask the minister: will he match the commitment of the coalition to fund up to $150 000 to install security fencing around the perimeter of the Albert Street Primary School?

RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017

Second reading

Debate resumed.

Mr RAMSAY (Western Victoria) (15:01) — I am not quite clear how long I have got to speak — oh, yes, 5 minutes; excellent. Mr Jennings, I can talk about all sorts of wonderful things like tenancy agreements, landlords, flats and my own personal experience of being a tenant for the last eight years and the process I had to go through with respect to finding the appropriate accommodation, the forms I had to fill in, the inspections I had to have with respect to making sure I was a good tenant and the bond I had to provide, that was well and above the four weeks rent that is normally required by the real estate organisations.

The bill includes a definition with respect to a standard form tenancy agreement. It repeals section 6 of the principal act, which excludes the application of the act to tenancy agreements for a fixed term of more than five years. Clause 6 amends section 26 of the principle act, which relates to the requirement that a written tenancy agreement be in a standard form. I understand that it is still not clear whether in fact there will be a standard form for five-year tenancies. Clause 7 is about the insertion of new section 26A into the principle act, which relates to a 'prescribed prohibited term in tenancy agreement for fixed term of more than 5 years'. Clause 10 inserts new section 34A, which provides for an additional amount of bond which may be required by a landlord under a tenancy agreement for a fixed term of more than five years. We will be seeking more information with respect to that clause during the committee stage.

Clause 13 inserts new section 209AA, that provides that:

> … if a party to a fixed term tenancy agreement for more than 5 years has breached a term of the tenancy agreement, the other party may apply to the Tribunal —

VCAT —

> for a compensation order or a compliance order.

I am sure VCAT will just enjoy that new workload, Mr Gepp, as we know they are under a fair bit of pressure at the moment given the workloads that those magistrates have in the performance of their duties on the whole range of matters that VCAT deal with.

Clause 16 deals with new section 237A, which provides that:

> (1) This section applies if a tenancy agreement for a fixed term of more than 5 years does not comply with section 26(1A).

The bill requires that it be in writing and in a prescribed standard form. I will be interested to see that form. The tenant may give the landlord a notice of intention to vacate and must:

> … specify a termination date that is not less than 28 days after the date on which the notice is given.".

I must say that I have some sympathy with that clause because in my case where circumstances change if you are locked into a long-term lease, obviously the requirement now is that you fulfil the obligations or pay a default penalty payment. So for those of us who are seeking different options in relation to a change in lease agreement, reducing some of the penalties that might apply to those tenants I think has some merit, but I would be interested to hear the debate in the committee stage.

For the first 10 minutes of my contribution I talked about the fact that there does not appear to be demand, whether it is from the Real Estate Institute of Victoria or in fact other organisations, to seek extension of these normal 12-month or two-year leases to over and above five years. As I said, there have only been a small number of tenants who appear to have been seeking this longer term lease. There does not seem to be an appropriate balance between the needs of the tenants and the landlords' rights in relation to a residential tenancy review. There were only 200 telephone interviews with landlords versus about 1800 with tenants. That does not seem to be a fair balance of responses to that review, particularly for landlords.

We feel landlords are unlikely to enter into long-term leases if landlords lose rights over their properties, and that is quite understandable. The standard form for tenancy agreements greater than five years is yet to be drafted, so we do not know what may be in that standard form for those tenancies over that period of time. Then there is the removal of rights for an evicted tenant under new section 209AA. We know some tenants just refuse to move, irrespective of the landlord's wishes or in fact if they have even met their obligations as a tenant. I have had many cases of constituents coming to my office complaining about the fact that they cannot get rid of a tenant. The tenant has actually trashed the joint and is sitting there, basically as a squatter —

Mr Leane — Squatters.

Mr RAMSAY — Squatters, yes, Mr Leane. I have got your attention. But we are talking about squatters who are squatting in landlords' houses, not so much the grazing fraternity to which you may well have thought I was referring. Then there are not yet any suggested prohibited prescribed terms in relation to banning pets, smoking or tenants making major structural changes to a property without the landlord's permission, which may be listed in the future as prohibited prescribed terms. I think I am about done.

Mr ONDARCHIE (Northern Metropolitan) (15:07) — I was quite enjoying Mr Ramsay's contribution and hoped there was more to come. The Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017 is the bill we debate here today in August 2018. I find it quite curious that the only element of this bill is to provide for a tenancy arrangement for a lease of over five years, yet there is no overwhelming evidence of any demand by either tenants or landlords to hold a five-year agreement.

What is interesting in all of this is that this is a bit of a 'filling space' bill. This is a government that is in the twilight of its life. There is not long to go before they are kicked out in November of this year, and they are looking to run things into this Parliament, one of which is this bill, which essentially just has the capacity to allow residential leases for a term of five years where, as I have indicated to the house, there is just no proof that there is demand for five-year leases. Most residential leases are for one year. There is a risk that the pressure long-term leases put on landlords may reduce supply or it may increase the price of renting a place, and that is one of the things that I want to go to now.

We are looking to come to government in November and to increase the supply of houses to make housing more affordable. The government's response to that is to simply increase the number of people in the rental market. I have to say that when the government think about the rental market and the things they are claiming they will do for tenants there is a bit of hypocrisy. This is a government that just this week announced they wanted to do something around solar panels for homes, which will not help renters at all. If you are a tenant, this big so-called 'announcement', which sounds much like a pink batts scheme hoisted into the public arena at the last minute, does nothing for tenants, because if you are a tenant you cannot get access to this scheme. It is similar to solar hot water — you cannot get access to it.

What tenants are looking for is a government that does something about their cost of electricity. The government's announcements today and the fact that they have added a new coal tax on places like Hazelwood have just driven up the price of electricity, so they are not helping renters at all, including with the cost of gas. The government are not doing anything about the cost of gas, particularly in this cold period of the year when renters are looking to try and heat the homes that they rent.

I draw attention to the number of people who are tenants in my electorate of Northern Metropolitan Region. On coming to Parliament I met with many who live in the Clifton Hill, Carlton and Parkville areas of Melbourne. One of their biggest complaints at the time was of course traffic. The renters and those who live in that area said, 'Can we do something about the traffic in this area? We're breathing it in every day. We can't walk around our streets, and the fumes are, quite frankly, getting inside our houses and inside our lungs. Can you do something about that?'.

Well, the then Napthine government came up with a solution. It was called the east–west link. This government told Victorians that they were going to cancel the east–west link and it would not cost them a cent. So what happened? Well, they cancelled that contract and paid about $1.4 billion not to build an essential piece of infrastructure that would not only help traffic and productivity in this state but also do something for those exact tenants who spoke to me about the traffic in their area and the fumes in their area. This government cancelled that contract.

So when they come into this place today — and I suspect also when they come to this place in the next sitting week — to talk about the support they are giving to people who are tenants, they are actually doing exactly the opposite. How can they announce a program that will encourage people to install solar panels, the efficacy of which is yet to be proven in terms of reduction of energy costs, and come to this place saying they are going to look after tenants and then not allow tenants to have access to the reduction of energy bills? That is another example, and we will pursue more of this, I have to say, when we go into the long committee stage of this bill — and I am expecting it to be quite long. If they want to run a lease term for five years, well, who knows how long we can go.

Mr Ramsay — It might take five years.

Mr ONDARCHIE — Correct, Mr Ramsay. Who knows how long we could go in the committee stage of this particular bill? There is yet to be evidence from any speakers on the government side of the demand for five-year leases.

They talk about the work they have done in formulating this bill. Clause 4 inserts into the act a definition of the standard form of tenancy agreements. Clause 5 talks about repealing section 6, which presently excludes the application of the act to tenancy agreements that are longer than five years. There are a number of things that Mr Ramsay touched on. The bill talks about providing for a landlord to require an extra amount of bond under a tenancy agreement for a fixed term beyond five years.

What the bill will essentially do is make it harder and harder for people to rent, because the market will try to protect itself through this process. We are going to see either a withdrawal of supply out of the market or an increase in the cost of rent. It is going to make it less affordable for people to be able to rent houses. When you add that to the growing energy bills in this state and the lack of support from this government in terms of energy bills for renters, this is going to do nothing to try and help those tenants, as the government claims it is going to do.

The bill provides for five-year leases should someone want one one day, but it does not fix the inherent problems that tenants are facing in this state. The government has said that it has consulted widely. Well, let us just look at the mix, and Mr Ramsay also touched on this in his contribution. They said they consulted widely. They consulted about 2000 people, of which 10 per cent were landlords and the rest tenants. They said they spoke with people widely, and this is what they have got. Talk about a skewed response.

The Real Estate Institute of Victoria (REIV) have some views on this. I have in front of me some commentary from the CEO of the REIV, Gil King. He talks about the fact that this legislation does not provide adequate protections for landlords and will place their investments at risk. He said, and I quote:

> The legislation will cap bonds to the equivalent of four weeks rent, which is inadequate protection for a home which may be tied up for potentially a decade. In fact —

he went on to say —

> four weeks bond is less than what is currently being obtained for many one-year leases in the Melbourne market.
>
> Given the median house price in Melbourne is currently $822 000, a rental property is a significant financial asset for landlords and all future legislation needs to benefit all stakeholders — not just tenants.
>
> Without adequate protections for landlords, long-term leases will remain unattractive in the private rental market, rending this legislation ineffective in improving security of tenure for tenants.
>
> This rushed legislation will also negatively impact on tenants seeking stability, with a lack of incentives and protections unlikely to encourage landlords to offer long-term lease agreements.
>
> While the majority of tenants do the right thing, landlords and property managers represent around 60 000 applications at VCAT every year — the majority of which are for rent arrears and possession.
>
> There are many cases when a tenant is more than three months in arrears before VCAT will grant the landlord a possession order. A four-week bond will leave landlords significantly out of pocket in these instances.

We surmise from that that there is a lack of balance between tenant and landlord rights. Landlords, we think, are unlikely to enter into long-term agreements, particularly if they feel that they are going to lose some rights over their own properties. So one could surmise that this bill is a bit of a stunt. It is a bit more of 'being seen to be' than actually doing something. It will be determined that this is simply here to suggest that the government are helping tenants when in fact the bill may reduce rental availability and increase the price of rents across Victoria.

The standard form for tenancy agreements for these terms greater than five years has not been drafted, and there has been no consultation on it as yet. We will ask more about that in the committee stage of the bill. It is unreasonable that a long-term agreement is in a standard format for both tenants and landlords as long-term agreements by their very nature require greater flexibility. No suggested prescribed prohibited items have yet been provided. Items such as banning pets, smoking or tenants making major structural changes to a property without landlord permission may be listed in future as prescribed prohibited items, but we do not know that yet because we have not seen it.

I have to say this is a bit consistent with a lot of bills that have gone through this place this parliamentary term — when we are in the committee stage we often get responses that say, 'We're working on it. We're drafting it. We'll get the guidelines', yet the government is determined that this house should make a decision based on a whole set of unknowns. We will explore more of that to see if we get some proper answers in the committee stage of this bill.

As the REIV has said, and I concur, any significant reduction in the rights of landlords could discourage landlords from offering their properties for rent. As I say, this would reduce supply in what is already a very restricted market, particularly in inner Melbourne. You have only got to go to Richmond on a Saturday morning — they are lined up outside the door to have a look at rental properties. You go to Northcote, you go

to Preston, you go to Brunswick in my electorate and you will see them lined up wanting to go in, so there is quite a demand for these properties. So if we add another dimension to this and discourage landlords from putting their properties on the market for rent, it is going to drive that supply down and therefore the price of rental accommodation will skyrocket.

So this is not really a way of supporting tenants as the government may claim. Already for many Victorians renting is unaffordable. Whilst this bill is being marketed as Labor looking after renters and providing greater security, in fact when you add this new dynamic — the potential for an increase in rent and lack of supply — to the increasing cost of energy in the state and more pressure being put on tenants to pay the rent, it is in fact rather a greater risk to tenant security. We talk about the challenges for people to find accommodation in this state, and the homelessness issue, but what we are actually doing is putting more pressure on these people.

The REIV have said:

> In short there is nothing that we can commend in support of this legislation. We will advise our property managers against entering into these longer leases on the basis of reduced protection and increased risk.

We have consulted widely, not just 1800 tenants and 200 landlords. We have had feedback from the REIV, from the Registered Accommodation Association of Victoria, from the Consumer Policy Research Centre, from the Housing for the Aged Action Group, from Clubs Australia and from We Live Here, and we have gone through a whole lot of things. There may be some consideration — I am yet to see the evidence — that leases of these lengths are attractive to some people, but I am just not sure it is that overwhelming.

In wrapping up, this is a bill that pretty well does nothing. The government say they are providing greater security to renters; they are not. Renters and landlords are not going to want to enter into five-year leases very often. We know that in the rental market, in particular in inner Melbourne, there needs to be increased flexibility. People come in for jobs. They come in for part-time jobs, they rent for a while and they go off and explore other things. To lock people in for five years may be unattractive to both renters and to landlords, putting more pressure on people to pay the rent in a state where the cost of living is skyrocketing and there are a whole lot of other dimensions such as crime and traffic congestion that are adding pressure to people's daily lives.

This is not the solution. This is a do-nothing bill. It is a bill that suggests they are doing something for renters, and they are not. Essentially it just includes residential leases of more than five years in the principal act, and as I have said in my contribution today, we are yet to see any substantial proof from others in the government and in their contributions — there is simply no evidence — that there is demand for five-year leases. Most residential leases now are for one year, but they can be up to five years.

Instead of presenting a bill that does nothing, this government should be truly focused on reducing crime in this state, dealing with traffic congestion and, importantly, dealing with the cost of living for Victorians — it is going up every single day. It is another smokescreen from this insipid, rorting government.

Mr O'SULLIVAN (Northern Victoria) (15:21) — I also rise this afternoon to speak on the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017. I also note that we are approaching the end of 2018 and this bill has certainly been sitting on the notice paper for some time. The Leader of the Greens made a comment that she was not even in the Parliament when the second-reading speech for this bill was made in this house, so this is another piece of legislation — and there is a whole range of pieces of legislation — that has been sitting on the notice paper for an extended period of time.

Clearly the inefficiencies of this house managed by the government have meant we have not been able to get to these matters in a timely fashion or it has taken the opportunity to place other pieces of legislation at a much higher importance level than this one. I can understand why it has done that. As Mr Ondarchie said, this is a strange piece of legislation. With some 25 bills sitting on the notice paper it is interesting that this is the one that the government has as the highest priority for this week, with just three weeks of Parliament to run before we go to an election. I would have thought there were other pieces of legislation that it might have put as a higher priority, but that does not seem to be the case.

It is even more intriguing that there is another bill in relation to rental reforms being considered, I understand, in the other chamber at the moment. Considering two separate rental bills seems a little strange to me, particularly when you look at the content of this bill. Really this bill does not seem to be undertaking reform that will make much difference to residential tenancies and rental homes for people in this state, in particular in Melbourne.

It is interesting that in the second-reading speech the minister said that this is:

> … one of the most significant changes to residential tenancy arrangements in Victoria in the last 20 years.

There obviously has not been much change for quite a while, because this bill does not seem to have any reform other than allowing home owners and renters to potentially enter into a longer term lease arrangement of up to five years.

Other speakers have indicated that at the moment for anyone who rents a home the standard is usually to enter into a 12-month lease arrangement, and I think by and large that mostly occurs. There are cases now where agencies put up properties with a six-month lease rather than a 12-month lease, so I think there is a bit of a trend of people staying in a property for less time because of a whole range of other options being available to them rather than going into longer term leases. I do understand that there are people who would like to enter into a long-term lease arrangement of maybe beyond a year — maybe two years or three years and up to five years. I would be interested to see if that is the case. Certainly I am not aware of any demand for that, but there might be instances here and there where that is the case — where someone wants to enter into a longer term arrangement.

I have been a long-term renter. I could not count how many times I have had to shift house from one rental property to another. In fact I am in the process of leaving one rental property as we speak to go into a different property. When I signed the lease I entered into a 12-month lease arrangement, and after the 12 months expired the real estate agent came to me with a proposition. Essentially the option was to go month by month with a continuation of that lease or to go into a six-month lease arrangement or even into a 12-month lease arrangement. I had the option of entering into either a short-term ongoing arrangement or going into a longer term arrangement. In the end I went for a month-by-month lease arrangement because that gave me the flexibility that suited my circumstances at the time, and as it turned out in terms of me vacating that property certainly the short-term lease arrangement and the flexibility that I had through the current system served me well.

In terms of one of the other points that Mr Ondarchie made in relation to rental housing, it is fascinating that when I was looking to find a rental house to move into, on occasion I would go to a house or an apartment opening. The agent would advertise a time to inspect a property, and there were a number of times when there would be 30, 40 or 50 people lined up to have a look at the property. On several occasions there were 20-plus people who turned up to an inspection.

I remember when I was at university — I came down to university here in Melbourne — and we were looking to move into our first rental property, shared accommodation with three others. Back in those days you would go to the real estate agent and they would give you the key. You would have to find your own way out to the property and inspect it, and then once you had finished inspecting it you would take the key back to the real estate agent. That is certainly not the case anymore. It is very similar to when you are buying a house in terms of the open for inspection.

There is a lot of competition out there for houses. I can understand the frustration that people have. I heard a story of an acquaintance of mine just recently who put in several applications for properties. This particular person has a relatively high income. They are a professional person, and they had trouble being accepted for a rental property in the northern suburbs. So I do understand the trouble in finding rental accommodation, and for people who are less lucky than others it might be very difficult at times — there is no doubt about it. Quite often they are looking for other options in terms of where they might live at the time of their choosing.

One of the things that we are starting to see out in regional Victoria more and more is people saying that they are going to make a change to their lifestyles, leave the metropolitan areas and look at the regional areas to find cheaper accommodation. That is something that is to be encouraged in my view. There is no doubt that if you have to buy a house or an apartment in Melbourne or even rent an apartment or a house in Melbourne, it is very, very expensive and it takes a big chunk of everyone's wage in terms of paying that essential cost for housing. For people on low incomes, that would be a challenge that they would find difficult. But one of the options that is available to people to consider, and I do encourage it, is going into regional areas, because housing is certainly much cheaper. I think that is something that people should also consider.

What is also of interest in Victoria, and in particular in Melbourne, is that at the moment there are some 140 000 people moving into Victoria every year. One of the problems we have in terms of that large increase annually in our population is that a large majority of those people decide they wish to stay in Melbourne. I think that is something that really needs to be looked at. Those people need to consider going into regional areas, where housing is much more affordable.

That is something that those of us on this side of the chamber are very positive about. We have a strong decentralisation policy. We have a shadow minister for decentralisation who will be charged with the responsibility of overseeing the implementation of our decentralisation policy. We will be encouraging businesses and people to consider moving out into the regions with their families and setting up a life in regional Victoria. Those of us who have the opportunity to do that absolutely love going into the regional areas. You get to the point where you do not like coming to Melbourne, because when you come down here at the moment it is just so congested. It is unbelievable the congestion that you see in just about every suburb of Melbourne nowadays. So one of the advantages of moving out into regional areas is that congestion is not something that you have to worry about at all. It is something that people should consider.

The new population coming into this state is terrific, and it has created the whole economic boom that we are seeing right now. The Treasurer, Tim Pallas, is probably the most thankful person, with the amount of stamp duty he is receiving through the sale of houses around the state and in Melbourne, particularly with the higher prices and the stamp duty that he would be receiving. He would be very thankful, I am sure, that that puts a nice lining on the bottom line of the state budget each year.

But one of the problems we have with such a large increase in the population in Melbourne and Victoria, but particularly in Melbourne, is that Melbourne has become so congested. You notice year on year the difference in terms of congestion, and clearly the infrastructure has not kept up with the increase in population. That is going to have a real impact on this great city of Melbourne. We have even seen some of the impacts of that in the past few weeks. Melbourne for seven years in a row was rated the most livable city in the world. That is a title that Melbourne no longer has. Melbourne has slipped to number two on the list.

Mr Leane interjected.

Mr O'SULLIVAN — I think Vienna is now in front of us, Mr Leane. It is disappointing that the people who made that decision recognised the problems that we are having in this great city of Melbourne in terms of congestion. I am sure there are a whole range of other aspects as to why we lost the mantle of the most livable city, but I suspect that congestion had a large influence on that.

Ms Symes — We improved. How do you explain that?

Mr O'SULLIVAN — That is interesting. Ms Symes says that we have improved. If we were number one and we are now number two, I would suggest that that means that we are no longer number one. We are now number two. If you are number one and then you go to number two, you are not as good as what you were. Vienna is now above us. It is interesting to note how members on the other side do not want to acknowledge that Melbourne is not the city it once was when it was rated the most livable city in the world for seven years in a row. That is a mantle that we have lost, and that is unfortunate for Melbourne for a whole range of reasons.

I come back to the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. One of the problems we are seeing is housing affordability not just in the renting space but also in the purchase of houses. I look at young people and wonder how on earth they are going to ever be in a position to buy a house or an apartment in an area in which they wish to live. I imagine that most people who grow up in the city probably want to live in a similar street in a similar suburb to that where they grew up, where they went to school, where their friends are and so forth. But I imagine that that is becoming more and more difficult all the time, because even just trying to save up a deposit to buy a house nowadays is very, very difficult.

We regularly read reports in the paper of young people, people in their 20s, who have given up on the prospect of ever owning their own homes, because the prospect of going to the bank and borrowing hundreds and hundreds of thousands of dollars to buy their first home is something that is a real problem. Not only that but the prospect of having to save up some $50 000, $60 000 or $70 000 as a deposit for that first home is very difficult when they are trying to establish themselves in their adult life. I suggest that those people should consider moving out of Melbourne and moving to regional Victoria. Regional Victoria has got many great places, whether it be Mildura up in the north-west or Shepparton or Wodonga. Even areas like Gippsland and western Victoria are terrific. Those regional centres would certainly be areas where younger people might look to move to with their experiences and qualifications. If more people moved to the regions, if more businesses moved out to the regions, there would be greater opportunities for a whole range of people.

Right across regional Victoria we are starting to see cultural activities changing. There are a lot more things to do on a weekend out in the country. Whether it be markets, going to the local park or going to sporting events that are on, there are many things to do out in regional Victoria. Go out and experience some of the

food and the wine. In terms of people looking for other housing options, I would certainly recommend that they consider moving to regional Victoria, because it is a great place to live.

Mrs PEULICH (South Eastern Metropolitan) (15:36) — I wish to also make a few remarks on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017, and I note the previous speaker's comments that it is a very, very brief and narrow bill. I am just reading through the statement of compatibility. On page 3 it is claimed that it is a part of the government's housing affordability strategy, that there will be an online matching service — it sounds like dating, doesn't it? — and that the service will connect landlords and tenants interested in a long-term lease through a dedicated website. That is because of course they really do not know what the demand is for this particular reform.

The bill makes an important contribution, the claim is, to the government's commitment to increase the supply of stable housing for tenants. The government has envisaged that these measures may also assist in generating new investment in the rental market by making long-term rental arrangements an attractive option for larger institutional investors. This is not about the common man; it is not about ordinary mums and dads or self-funded retirees who may be investing in a modest number of properties — maybe one, two or three properties — as a source of income for their own retirement. This government is hostile. Labor is hostile to any sort of self-funded retiree or any sort of private rental market.

In actual fact what we see is a whole salami of legislation, a slice at a time, which indeed we are supposed to swallow and not necessarily see that it has all come from the one stick. But the one stick is that this government hates anything to do with the private sector. They want to create an ever-increasing pool of public housing demand and supply, which they have never, ever been able to deliver. There are lots of common expressions I could use to express what they cannot administer, but I will not use those.

On the one hand we have got an increasing number of people sleeping it rough and people sleeping on the street because they are homeless. You just have to walk through the main streets of our city to see — and what an embarrassment it is — the many homeless people sleeping in the cold of winter on the streets of Melbourne. From time to time I have gone down the street and delivered sandwiches and so forth. These people are doing it tough, yet this government has done nothing.

What has the government done in the administration of public housing? The waiting list continues to grow. Part of the reason is the Labor Party has never ever been able to bite the bullet and ensure there are regular reviews of eligibility and indeed make sure that the tenants, the occupants of a house, match the profile of the house. So you will have people living, say, in an inner metro suburb such as Albert Park — which when we first came to Australia was where we lived prior to its gentrification — where a single person may live in a five-bedroom house, a four-bedroom house or a three-bedroom house because that is where they have historically lived. Their children may have left long ago. Yet Labor has never ever seen the merit and the need to make sure that public housing tenants match the housing stock. Every single person who is inappropriately housed is denying some family with a brood of kids the opportunity of actually having secure housing.

Labor is now going to merge the social and public housing lists. Does anyone really understand the difference? Who understands the difference between social and affordable public housing lists? No-one. Indeed we will see with the next piece of legislation that comes before this chamber how this government — Labor — is planning to make things even more difficult for your humble property owner, who may be providing for his or her own retirement, by unfairly diminishing their rights and control over their property within what are acceptable practices. So whichever way you look at it, this government has failed to provide affordable housing.

One of the major reasons, of course, why people find housing less and less affordable is that the cost of housing continues to increase, and the cost of housing increases because of a whole range of pressures where government policies impact on the cost of housing. It may be, for example, the way that large government projects gobble up all of our tradesmen. So those who actually want to build small properties or smaller estates have to pay unaffordable prices for builders and for those involved in housing construction because those workers are probably working on projects such as sky rail. The cost of construction is massively increasing. Congestion is making things much more difficult. Indeed if you consider the cost of raw materials, the antagonism this government has towards planning and securing land, which we have got in mind, and the materials that are required by the housing sector, this government has failed.

In terms of planning policies I have got a little debacle unfolding right behind my own house with the beautiful, pristine Kingswood golf course. Fortunately

our part of the world is blessed with a lot of lovely golf courses. I never play golf; I do not know how to play golf. I do not have the time to play golf —

Ms Fitzherbert — Or the patience.

Mrs PEULICH — Or the patience. Thank you very much, Ms Fitzherbert. I am usually too busy working, but I understand many people do play golf. If there are too many golf courses, there has to be some sort of policy for how we can actually protect and use that land as pristine environmental assets but at the same time unlock land which has been degraded and may be more suitable for low-level density rural living, such as is occurring in Dingley Village in the Heatherton area. The Kingswood Golf Club, inappropriately acting outside its charter and via coercive takeover tactics, has been purchased by an industry super fund, no doubt dominated by Labor representatives, for double the market value — the market value was about $60 million; it was bought for $125 million — in the expectation that there will be a nudge and a wink for rezoning. We have got a left-wing Minister for Planning. We have got a super fund dominated by Labor. We have got a real push to lock in this independent panel during the caretaker period so that no decisions are made and the government escapes scrutiny. We have got a Labor-dominated Kingston council, which is playing hooky on representing residents, and indeed we feel that we are going to be swindled.

So when it comes to planning, if you actually have a look where Labor is rubberstamping development, it is in many instances in seats where they need voter numbers — inject a few hundred here, 50 there, 150 there — in order to build up the margins for political benefit. For Labor it is all about political benefit or donations — looking after mates. It is not about looking after people who actually need appropriate housing. It is not about looking after the homeless. It is not about looking after your humble self-funded retirees, many of them migrants who have worked for 30, 40 or 50 years and never taken a dollar in social security, that you guys are trying to basically send into financial desperation. In terms of getting young people into affordable housing, well, it is a dream. In many instances what used to be the Australian dream is now becoming a pipedream because you guys just raise the costs. All your policies drive up costs. You never bring them down.

The bill applies to fixed-term tenancy agreements of any length, enables the standard long-term tenancy agreement to be prescribed for fixed terms of more than five years and makes a number of consequential amendments. I do not get it. When there are so many other pressing housing issues to pursue that are actually going to make a difference, I do not get it, except we have got to see it all as a jigsaw puzzle: this antagonism that Labor has towards the private sector or towards the self-funded retirees, whom they think are not their general constituency; getting the maximum political and financial advantage through manipulating the planning laws; and revving up the cost of construction and squeezing out the small construction companies that keep a level of competition in the housing construction market. As I said, I cannot point to a single element of Labor's housing affordability strategy that is actually functioning, and I see no reason why this bill would make any difference whatsoever. Labor has dragged its feet on affordable housing for a long, long time, and we have seen little emanating out of it.

The cost of new housing is increasing. The number of people who are homeless is increasing. Rents are becoming unaffordable. Of course there is greater pressure on public housing demand because housing in the private sector is becoming less affordable — you guys are driving it up. The only way that we can accommodate public sector tenants better and more appropriately is by making sure that the private sector is more flexible and can provide for an increase in housing demand as the population grows.

In Victoria we have got an increasing population, most of it due to migration. That will continue whilst the current policies stay in place. We have got an increasing problem with congestion. We have got a very sluggish local government sector. If they want to drive something through because their Labor masters have told them to, like they did when they built the seven-storey social housing on the back of the old Moorabbin town hall, the Kingston town hall centre, and ruined the entire civic precinct, they do. They make sure that no-one is consulted, and if they do not want something to proceed, they know how to make that happen as well. So Labor can work all the politics, but it never delivers the outcomes. I guess that will be your legacy, because one thing is for certain: Labor just cannot manage. You cannot manage your policies, you cannot manage your costs and you certainly cannot manage your housing strategy.

With those few words, I look forward to a very long committee process. I also bemoan the fact that Melbourne's livability has now declined under this government — under its watch. No matter how you cloak it, the reality is that after seven years livability has gone down under Labor, and I think that speaks volumes.

Ms FITZHERBERT (Southern Metropolitan) (15:49) — I am pleased to follow Mrs Peulich in speaking on the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017, and I must say I agree with the comments that she has made. I think this is a bill about which some very big claims have been made, but it is actually pretty minimal in its effect and pretty uninspiring. I note that the bill has sat on the notice paper for a very long time, but it has suddenly sped up with an election looming, which suggests to me — and you might call me cynical — that the real interest here is not so much about looking after tenants and their wellbeing as looking after the Labor Party and its election prospects.

I want to make a couple of comments about a couple of sections of the bill. I note that its object is:

> … to amend the Residential Tenancies Act 1997 … to remove the existing restrictions on its application to tenancy agreements for a fixed term of more than five years, and to enable the prescription in regulations of an optional alternative standard agreement or agreements containing terms and conditions suited to long-term tenancy agreements.

I would be interested to know what sorts of terms and conditions we might be talking about. It seems to me that that is fairly central to this bill, but I am not clear on what they might be. It would be useful to explore that in some detail in the committee phase.

I note that there is a new section 26A to be inserted that provides that it is an offence to include prescribed prohibited terms — it says 'term' — in a tenancy agreement for a fixed term of more than five years. Again, I would like to know what these are. It would be very useful to know what prohibited terms are anticipated. This is at the heart of what we are discussing here, and my understanding is — correct me if I am wrong — that we do not have a lot of insight into this.

I do also have a query. At risk of sounding like a pedant, it looks to me like there is a typo in clause 7, headed 'New section 26A inserted', which states, 'Offence to include prescribed prohibited term'. I suggest that might be intended to be either 'terms' or it should say 'Offence to include a prescribed prohibited term'. I will flag that now and see whether that enormously pedantic query could be addressed later on in the proceedings today.

I do note that clause 11 has amendments in relation to tenancy rights in rooming houses. There are a number of rooming houses in my electorate that have been a big issue for the local community in many ways, and I have spoken in this place before of some of the history of this. I note that clause 11 amends section 94 of the principal act, which is about the right to use tenancy agreements in rooming houses, and it amends section 94(1) to insert words to indicate that these cannot be for a fixed term exceeding five years. It then goes to prohibiting rooming house owners and residents from entering into a tenancy agreement for a fixed term of more than five years.

Given the issues that we have seen in rooming houses in the last few years, I find it surprising that this is the sort of issue that the government brings before the Parliament. We have some really prominent examples of rooming houses that can only be described as grossly unsafe and dangerous. We have had examples over the last years of rooming houses where we have seen rapes, murders and violent assaults. I can think of one where the police had call-outs up to five times a day, where they had a safety plan in operation for the police officers who had to attend up to five times a day and where there was an average call-out of ambulance services daily for one of these establishments. Yet there was not much it would appear that could be done to influence the sheer lack of safety in these premises.

Rooming houses are, I know, a place of shelter and of last resort for many people, but there is one local rooming house I can think of where the manager of the local sports field told me that she knew that often people who were in that position of having very little choice as to where they could sleep were referred to this establishment but would take one look at it and decide not to stay there and that they were actually safer sleeping on the streets. They would then come around to these sporting grounds where there was a pavilion and ask the manager if they could have permission to sleep there, because they considered that they would be safer sleeping rough in a sporting pavilion than they would be somewhere that allegedly put a secure roof over their head but where they rightly assessed they were in some danger.

I find it surprising that we instead have legislation that is about how long the terms can be for tenancy agreements in relation to rooming house tenants. There is a big piece of reform that could be done on this front and there is some distinctly unfinished business that goes to basic issues of safety. On that, I am going to conclude my brief remarks. I look forward to exploring some of the unanswered questions I have in the committee stage of this bill.

Ms LOVELL (Northern Victoria) (15:55) — I rise to speak on the Residential Tenancies Amendment (Long-Term Tenancy Agreements) Bill 2017 this afternoon. This is a bill that the government has put before the house largely to:

> … provide for tenancy agreements for a fixed term of more than 5 years and to make other consequential amendments.

I have concerns with the direction in which this government is going with tenancy legislation. There always needs to be a balance — a balance of the rights of tenants, who deserve to be protected and not be taken advantage of, but also a balance with the landlords. They are the owners of these properties, and when this government takes away the rights of people over their own property, I think that is an extremely bad situation.

What I know as a former housing minister is the demand for rental housing is high. If we put too much demand on landlords, they will withdraw from the residential tenancy market, and we will have less private rental properties available. We need private rental properties available because certainly this government is really failing us on public housing. What we have seen under this government is the waiting list for public housing blow out from 34 320, as it was in December 2014 when I left the ministry, to now 37 996 applicants. That is an increase of 3676 applicants waiting on the public housing waiting list, or 11 per cent, statewide. If we make things more difficult for landlords, we will have less properties available in the private rental market and there will be more people on this waiting list.

This waiting list is particularly concerning in my home town of Shepparton. In December 2014 there were 537 applicants on the waiting list in Shepparton, and that has now increased to 1059. That is a 97 per cent increase. That is an appalling figure for the Shepparton region. It has actually increased by 522 families — those waiting for housing on the public housing waiting list in Shepparton. Therefore if the private rental market was to reduce because of landlords withdrawing from it, that waiting list would expand even more and there would be more pressure on the public system but also more pressure on families and more people who are homeless.

The real concern in Shepparton of course, apart from the fact that the list itself has blown out by so much, is the early housing waiting list. These are the people who are at risk of homelessness or are homeless — people with a disability, people with a special housing need, people escaping domestic violence. In December 2014 there were 109 people on that list; there are now 420 applications on the early housing waiting list. That is an increase of 311 applicants, or 285 per cent. As I said, this is absolutely appalling because these are the most vulnerable of all tenants — those who are escaping domestic violence, who are disabled, who are at risk of homelessness or are homeless or who have special housing needs because of illness. So we cannot afford to see landlords withdraw from the private rental market and put more pressure on public housing.

This government has not only failed on public housing, it has also failed on homelessness. We saw recently a street count done in the Melbourne CBD. In 2014 when the street count was done when I was minister there were 142 people found sleeping rough on the streets in Melbourne. That figure we had actually driven down from what it had been under the former Labor government, but I still considered 142 people to be too many. In the first two years of the Andrews government that figure actually blew out by 74 per cent to 247 people in 2016. It became very evident that there was a huge problem with homelessness in the city of Melbourne. It became so visible on the streets, and we still see people sleeping at the top of Bourke Street here in the alcoves of empty shops.

This year they did another street count on 19 June 2018. The figure from 2016 did decrease slightly, but there were still 210 people sleeping on the streets in Melbourne in that same area. That is a 48 per cent increase on the number of people who were sleeping on the streets under the former Liberal government when I was the minister. A 48 per cent increase in people sleeping rough on the streets of Melbourne is a big, fat failure by the housing minister, Martin Foley. He needs to take a look at his portfolio, and he needs to take an interest in his portfolio. I still talk to a number of people in the housing sector, and all of them lament the fact that they have a minister who does not appear to be interested in the area of housing. They are extremely concerned about that.

On five-year tenancies, when the Liberal Party's shadow minister did the consultation on this bill there was no evidence that there was a huge demand for tenancies in excess of five years. Of course if you have a good tenant in a property that you are letting out, you would want those people to stay on for a long time. But if you have a tenant that is problematic, you want to be able to take back control of your property. It seems that landlords have very little rights as it is now, particularly when it comes to their properties and tenants who may not be paying rent or tenants who may be doing some damage.

I have had some personal experience in that area myself in the past, having been a residential landlord, and I would not go back to being a residential landlord because I did find it very difficult. I had a tenant who actually flooded out an entire ground floor of a property, destroying kitchen benches and carpets et cetera, and there was nothing, as a landlord, that I could do even though there had been wilful damage to the property that I owned. So I think that we do need to have a far better balance between the rights of landlords and the rights of tenants. In saying that, I do believe that

tenants do need protection, so that is why I am saying we need balanced protection.

Certainly some of the areas that this government is going into, with landlords not being allowed to object to pets being in their properties or to alterations being made to their properties, are not giving a balance to the landlord over their ownership of their property. I know this is not related to this bill but to another bill that is coming to the house in the future that has all of these changes in it, but we have been getting an enormous amount of emails to our offices from landlords who are extremely concerned about the direction that this government is going in. They are saying that if these amendments are brought in they will withdraw from the private rental market, and that will create a lot of pressure on the housing markets in Victoria.

The greatest thing that we could do to assist those people who do need to be housed is encourage more mum and dad investors to invest in second homes, to build more homes and to provide more private rental. But if we keep going down the path that this government is going on, we are going to have an exodus of landlords and properties from the private rental market, and that will create a huge problem in our state whereby we will have an even greater shortage of properties available to rent. That will put far greater pressure on the public housing waiting list, and we will see that blow out once again.

This government is not focused on the needs of the most needy and actually providing housing. These reforms that this government is introducing will actually drive down the availability of housing in this state. With those words I will finish my contribution.

Mr DALIDAKIS (Minister for Trade and Investment) (16:05) — I indicate to the chamber that when Mr O'Donohue got to his feet and began his contribution on behalf of the Liberal Party, I indicated to him that we would be moving only one house amendment, and that was to change the commencement date in response to a question that he raised in his contribution. I ask for that amendment to be circulated at this point.

Government amendments circulated by Mr DALIDAKIS (Minister for Trade and Investment) pursuant to standing orders.

Mr DALIDAKIS — The second-reading speech has provided a great deal of coverage as to the reasons for the government pursuing this bill and the objectives that we are attempting to achieve through this legislation. I indicate, again, that this bill provides an opportunity for landlords and for tenants to seek differences and changes to their rental agreements in conjunction with each other.

Some people have indicated some concern that this will somehow dry up rental stock in the market, but in fact all this does is provide options to landlords to reward good tenants with longer periods of occupancy. I indicate that around 20 per cent of people in the rental market have had periods of renting from landlords of well in excess of five years. This work has been done in a range of analyses, including looking at periods when bonds are returned. I do not often speak from personal experience, but there are people within my family that had rented the same property from the same landlord for in excess of 20 years. All this does is provide an opportunity to reflect a relationship between a landlord and a tenant where they can enter into a longer term agreement. I would have thought that this should not present any challenges or difficulties for members in this place. All it is doing is providing more options; it is not taking any options away and it is not requiring landlords to provide only five-year tenancy agreements or beyond. So I think that some of the concerns or fears are misplaced.

Again, having listened to Mr O'Donohue, I believe his contribution was made in good faith. I look forward to working through this in the committee stage, and I commit this bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE — Minister, I flagged this in my second-reading contribution, and I think this is of interest to Mr Ondarchie as well. I note that the second-reading speech talks about how market research conducted by Consumer Affairs Victoria (CAV) as part of the review of the Residential Tenancies Act 1997 found interest from landlords and tenants in longer fixed-term tenancies et cetera. Can you provide the committee with more detail about who did that market research, what did it cost and what were the findings of that research?

Mr DALIDAKIS — I thank the member for his question. I will come back to you in terms of the cost, Mr O'Donohue, but what I can tell you is that CAV did commission independent research and stakeholder consultation to inform themselves in the development of the bond provisions in the bill. As I am advised, that research found that providing for an additional amount of bond to be paid over time to maintain the value of that bond relative to CPI or rent increases meant that a higher initial amount of bond was not necessary. That in some respects benefits both parties. It benefits the tenant by their not having to pay an increased amount up-front but it also benefits the landlord by their not having to look after that within an account accordingly.

Key findings of the research include that as an issue relevant to the decision of tenants and landlords to enter into long-term tenancies the bond was a low priority in relation to entering into that agreement and that even if landlords were permitted to include additional bond arrangements in tenancy agreements, they might not choose to exercise that option given the likelihood that landlords would actively seek to retain reliable, longer term tenants. Indeed in my summing up, Mr O'Donohue — I am not sure if you were in the chamber — I did refer to a situation within my family circumstances where some members of my family had been engaged at one stage in a rental tenancy for over 20 years with the same landlord prior to that landlord selling the property and them having to move premises, so sometimes it becomes a relationship between the landlord and the tenant.

If there were additional bond amounts needed to maintain the real value of the bond, then stakeholders agreed that it would be important to minimise the administrative burden for tenants, landlords and government of arranging any additional payments. This was particularly important given the value of any additional amount to maintain the real value of the bond was likely to be small in amount. The work undertaken showed that short-term tenancies were 4.2 times more likely than long-term tenancies to result in a bond being fully paid to the landlord or their agent. The risk of the occurrence of damage, which I appreciate is of concern to people, in long-term tenancies of more than five years is, as you would expect, significantly lower than in tenancies of less than five years, because if you have got somebody for a longer period of time, obviously the relationship between the landlord and the tenant is usually a much more agreeable relationship and that is why it has lasted so long. That means that tenants have looked after the property, that landlords have treated them respectfully and provided a property for them that they have kept in good repair and that the relationship has been a positive one.

Finally, and I indicated this in an earlier comment, Residential Tenancies Bond Authority data showed that short-term tenancies are 4.2 times more likely again than long-term tenancies to result in a bond being fully paid to the landlord or their agent. In terms of the actual cost of that research, let me just seek some advice from the box.

In relation to the cost for the work undertaken by the independent research I am advised, Mr O'Donohue, that that cost was under $100 000.

Mr ONDARCHIE — Minister, picking up Mr O'Donohue's last question in relation to the market research conducted for Consumer Affairs Victoria of under $100 000, you noted in your second-reading speech that the review found there was interest from landlords and tenants in longer fixed-term tenancies. I am interested in the data that sits behind that, Minister. What did the research say about the demand for longer term —

Mr Finn — Did you say 'red shirts'?

Ms Shing — Yes, he did.

Mr ONDARCHIE — I don't think I said 'red shirts'. No, I didn't; I said 'research'. I am just interested in what the data says, because representative bodies such as the Real Estate Institute of Victoria (REIV) have indicated to us that there has not been a great demand for these longer term residencies. So I am interested in what the research conducted for the CAV said about the demand for these five-year-plus residencies.

Mr DALIDAKIS — I thank the member for their question. As I indicated in my initial response to Mr O'Donohue, there was initially a review undertaken of bonds held by the Residential Tenancies Bond Authority, which showed that around 20 per cent of all tenancies had been ongoing for over five years or more.

Mr ONDARCHIE — I understand that, Minister, because you said that in an earlier part of your second-reading speech. Minister, in reflecting on your own circumstance that you brought to this house, where a relative of yours had a lease for over 20 years, what was broken in that relationship? When you talk about respect in the relationship, what was broken in that relationship that would necessitate a five-year lease if that was working fine?

Mr DALIDAKIS — Can I point out to the member that there was nothing necessarily broken in the relationship. The landlord had sold the property in question, which necessitated the ending of the landlord

and tenant relationship. What we are dealing with here is a piece of legislation which I both respect and appreciate that the opposition has said they will not oppose, but what it does is provide options. It provides options to a landlord and a tenant to enter into a longer term agreement to give each other the confidence should they seek that. There is nothing that forces the landlord or the tenant to sign onto such an agreement or do it unilaterally. Of course, as in any commercial relationship — and of course a tenancy still remains a commercial relationship in that respect, B to C in that discourse — it enables them to seek a new solution or a different way.

Further, as I indicated there was a review that showed that 20 per cent of all tenancies had been ongoing for more than five years, but can I also note — in response to your very specific question about the market research — the market research that was conducted in 2016 prior to the residential tenancies bill being released did show that around 25 per cent of tenants and indeed 50 per cent of landlords expressed an interest in long-term fixed tenancy agreements if they were available.

The fact of the matter is that they had not been available, so what this legislation does is make them available. What this legislation does not do is make them a requirement — that great pillar of western democracy, that virtue of capitalism of choice, underpins this legislation. We do not take choice away; we enshrine choice. We give more choice to both the landlord and the tenant should they wish to take advantage of it.

Mr DAVIS — I thank the minister for his earlier responses and indicate, as I just make a tiny statement and then ask some questions, that obviously the opposition does not oppose this Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. In doing so, in not opposing it, we want to make a couple of points. We do support the increase in choice for some people, and there are occasions where these provisions will be appropriate for both landlord and tenant and arrangements will work to the mutual benefit of both of them, but one of the things that I am particularly interested in, as shadow Minister for Planning, is the challenge of successfully bringing to market and providing options for tenants and indeed investors in build-to-rent arrangements. I know much of the property industry is very interested in build-to-rent. There is some movement on this in New South Wales, but what I would say is there does not appear to be much here. This would assist in build-to-rent getting off the ground, but as I understand it, there is no case study that can be pointed to in Victoria of build-to-rent occurring, where a purpose-built complex has been built with long-term rental arrangements. Is that the case?

Mr DALIDAKIS — What I would simply say is let me take that on comment, Mr Davis, because this bill does not deal with build-to-rent issues. What we would like to see is the market respond to opportunities that are given. This legislation very simply provides an opportunity for a landlord to provide a five-year lease or more to a tenant that they wish to keep for a longer period of time. This allows for a tenant to be able to seek a lease agreement of five years or more where they have a positive working relationship with a landlord that they wish to hang onto and they wish it to be a part of that working relationship.

The issue of supply and demand within the rental market is a very different issue, and I know that we could probably spend hours and days talking about the laws of supply and demand and the economic imperatives before us, the macroeconomic policy reform and the microeconomic implementation, but that unfortunately and sadly is not the legislation before us.

Mr DAVIS — With respect, Minister, I want to quote for you from the minister's second-reading speech, from the actual second-reading speech here that was delivered indeed by you — by you.

Mr Dalidakis — You know that it wasn't.

Mr DAVIS — It wasn't?

Mr Dalidakis — You know that it was tabled, but I did not actually speak it.

Mr DAVIS — Certainly your name is on it — 'Philip Dalidakis, Minister for Small Business, Innovation and Trade'. I understand that you were acting for another minister in this capacity here, but nonetheless this is your document and I am going to quote. This is at the end of the second-reading speech:

> The government also envisages that these measures may also assist in generating new investment in the rental market by making long-term rental arrangements an attractive option for larger institutional investors.

That seems to me, Minister, to mean a build-to-rent option in particular, and the build-to-rent does particularly seek to attract the larger institutional investors. The developer or builder will operate there and then a set of leases will be put out over the longer haul. So with respect, Minister, my question about build-to-rent and the institutional matters around it are not far from the bill. In fact your own second-reading speech mentions it, so I ask again: can you point to a

single example in Victoria? Your government has been in power for four years. Can you point to a single example of a build-to-rent model operating in Victoria?

Mr DALIDAKIS — I thank the member for pointing out the workings of the Parliament. Of course the member has been here for some 22 years — 22 long years for those that have shared the Parliament with him. Sadly I have only had three and a half years, almost four years, of sharing it with you, Mr Davis, and what a four years it has almost been. Can I suggest that in the words that you read out yourself, the key word you read out was the word 'assist'. Can I suggest to you, politely and respectfully — as respectfully as you provided to me — that in fact what you are talking about, what you are indicating and what you are pointing to is what we in the market would call a 'signal'. Whether a market chooses to take up that signal is up to the market, but it would be a signal to the market that if they wish to invest in long-term rentals, as you described them —

Mr Davis — Well, as you described them.

Mr DALIDAKIS — Well, as you quoted me in describing them. We can just have one big group hug, Mr Davis. All I can suggest to you is having a longer form of contract available does in fact provide some peace of mind to the investor to be able to attract the customer, the investor in this case being potentially a land developer themselves or on behalf of others, or indeed a group of investors. It may be a property trust, for example. There are a multitude of different areas and issues that could permutate and relate to the areas and the issues that you have quoted me from the second-reading speech. However, again what I would respectfully respond with and suggest to you is that that is a signal to the market, nothing more and nothing less, and I think you are reading more into it if you felt that this would somehow be in and of itself an absolute guarantee to the market about long-term investing.

Mr DAVIS — A signal it may be, and I am not disagreeing with that aspect, but the point I am making here is that there is no build-to-rent in Victoria and that is a failure of this government. You do not want to answer the question, because you know the answer is there is zip, zero, zero, zero, zero. In fact the government could have done a lot more to support build-to-rent. Are there any other measures that will be taken by the government to support the relevant parallel measures to this that may assist in generating new investment in a build-to-rent model?

Mr DALIDAKIS — Far be it from me to suggest, Mr Davis, that you have scared the gallery away. That is a shame, because these are young minds that we are shaping to be the next generation of leaders in this place. May they have the opportunity to listen to you again —

Mr Davis — It was when you stood up.

Mr DALIDAKIS — May they have the opportunity to listen to you again, Mr Davis, because as I said, you have been a fine contributor to this place for 22 long years. Can I indicate to you that I do not agree with the preamble to your eventual question — the position statement that you made that the Victorian government has been negligent in the long-term build of rentals. No doubt you are a man of fine, upstanding values within the Liberal Party. You believe that capitalism shares a strong foundation — side by side — with democracy. If you do strongly believe in capitalism, Mr Davis, then you will believe and agree with the right of people to invest their capital how they see fit. They will be able to determine how they spend their capital, when they spend their capital and what they spend the capital on without fear, favour or retribution from regulatory barriers. You will appreciate, Mr Davis, that the opportunity to invest is a fundamental tenure of the financial literacy of our community.

Mr Davis — Tenet, not tenure.

Mr DALIDAKIS — It is not up to the government to dictate to people what they should invest in; it is not up to the government to tell them what they should or should not do with their investments. We just need to make sure that we provide the settings by which people can use and utilise our legislative platforms to seek common agreement. That is all this legislation does, no more and no less, and to extrapolate beyond that would be to assign and ascribe something to this legislation which does not exist.

Mr DAVIS — Just again on the rental market, 'making long-term rental arrangements an attractive option for larger institutional investors' are your own words. Clearly this measure alone will not allow build-to-rent to operate; in fact build-to-rent will require more significant inputs, planning inputs in some cases, and potential government projects that work in harness or in parallel with private sector investment of this type. I make that as a statement, noting that the minister has failed to come forward with any example of a build-to-rent option in Victoria.

If I can move to another point that is significant, and I am going to quote again from your second-reading speech:

> As part of the government's housing affordability strategy an online matching service will be established —

you know, sort of like a speed dating service or something. Would you explain how this will operate and what safety and other protections will be in place?

Mr DALIDAKIS — Can I say, Mr Davis, in some respects you are the Eric Abetz of the Victorian Parliament. You have contributed a great deal, and we believe that you have the opportunity to contribute —

Mr Davis — Oh, spare me!

Mr DALIDAKIS — You should welcome being compared to somebody of Senator Abetz's long standing in and contribution to the Australian Parliament. I apologise —

Mr Davis — Les Patterson, actually.

Mr DALIDAKIS — I withdraw if I have caused offence to Mr Davis. Have I caused you offence, Mr Davis? I will withdraw if I have.

Mr Davis — I think let's move to the matters of the bill.

Mr DALIDAKIS — I apologise. I thought that Senator Abetz was one of your friends, but I humbly withdraw and apologise.

Mr O'Donohue — Just like you used to be a friend of the timber industry, but that is —

Mr DALIDAKIS — Would you like me to take the interjection up, because —

Mr O'Donohue — Yes, I would. Go for it.

Mr Finn — On a point of order, Deputy President, listening to the minister drivelling on there, it is very difficult to understand any relationship at all to the actual bill that he is referring to. He is speaking about Mr Davis and Senator Abetz and a whole range of other things, but it would be really good, I think, if he spoke about the bill.

The DEPUTY PRESIDENT — I believe the minister was getting back to the answer.

Mr DALIDAKIS — I was, Deputy President. I thank —

Mr Davis — I thought it was a very reasonable question actually.

Mr DALIDAKIS — Well, I am getting to the answer, Mr Davis. I was just reflecting upon your long service here in the Parliament and the fact that you are a former Leader of the Government in this place, and the time may come when you can be the Leader of the Opposition once more, like Senator Abetz.

Mr O'Donohue — Thank you for introducing all these new issues into the committee.

Mr DALIDAKIS — I am just supporting Mr Davis, Mr O'Donohue.

Mr Finn — Is this a filibuster?

Mr DALIDAKIS — Well, no, it is not. Just like, Mr O'Donohue, when I have praised you in committee before. I never sought for you to respond in the way that Mr Davis has. Where good faith and warm relationships exist I am happy to reflect on those.

Can I say in response to Mr Davis' question that it is not the government's intention to undertake that kind of development of an application that matches people up. What we have indicated in support for that kind of matching —

Mr Davis — It says 'an online matching service'.

Mr O'Donohue — This is your second-reading speech.

Mr DALIDAKIS — What I was indicating is that the government, with that statement, is dealing and talking with industry about the opportunities that it affords them and provides to them to introduce those types of elements to their real estate offerings.

Again, we as a government intend to work with industry. Of course, as you would be aware, the REA Group is one of our unicorns in Victoria, headquartered in the Cremorne precinct. It is a company that has done a great deal for the real estate industry, along with other companies, such as Domain, albeit the fact that it is headquartered in Sydney. The view is that we will work with anybody across the industry to try and provide an opportunity where people who are looking for long-term rentals are matched up with people who are looking to provide long-term rentals. I do not believe that that is incompatible with the statement from which you quoted, the statement attributed to me, that I made in this place. I think that that statement fairly and squarely commits —

Mr Davis — It is not just attributed to you. You actually —

Mr DALIDAKIS — No, but I am saying that I do not believe that what I have said just now is in any way not —

Honourable members interjecting.

Mr DALIDAKIS — I am not sure that in any way the statement that I have just made is incompatible with the second-reading speech, Mr Davis. We will work with industry; we will work with any player to ensure that that occurs.

Mr DAVIS — I just have a couple of questions for Minister Patterson. It says that the service will connect landlords and tenants interested in a long-term lease through a dedicated website. The feasibility of an intermediary service to manage long-term lease arrangements will also be tested. The government has allocated $1.2 million over the next four years to support these measures, yet, Minister, when I raised a similar matter in this chamber on an adjournment about an organisation called Snug, which seeks to match tenants with landlords and to do so where their rental history becomes a part of their application, the Minister for Consumer Affairs, Gaming and Liquor Regulation made it very clear that they would not be entertaining such a service. Snug is a service that is domiciled in New South Wales but is seeking to provide options and choices in this area for landlords and tenants. The minister for consumer affairs was very clear that this would not be supported. So has the government made a decision about which site it will be using, or is it just that they have ruled out some sites and will make selections from others?

Mr DALIDAKIS — I thank Mr Davis for his further question. Can I again indicate that we on this side are not looking to support one provider over another. We are happy to work with the industry so that they can seek to take advantage of that. I am not aware of the situation Mr Davis speaks to because as people would be aware that adjournment matter was not sent to me to respond to because I am not the minister responsible. I have neither access to the response by the minister nor do I have access to the reasons that the minister gave in that contribution. All I can indicate is what I have already indicated to Mr Davis.

Mr DAVIS — I take it that the minister is not answering that question. I then ask him a subsequent question: has the government commenced any discussions with any site of this nature?

Mr DALIDAKIS — Again, I have already provided that information. I am happy to provide it again. I have indicated that sites, whether they be Domain or realestate.com.au, are looking to see whether or not they can make that as a commercial decision. That is up to them to determine; that is not up to the government to determine for them. What we have indicated is that this will help to enable the competitive players, the private sector, to work in this space, but that is ultimately an issue for the private sector themselves.

Mr DAVIS — Will the minister then explain how the $1.2 million will be acquitted.

Mr DALIDAKIS — Can I indicate to the member that that $1.2 million has been put aside for the implementation of the legislation over a period of time. The government does not believe that it will need $1.2 million to implement this legislation accordingly, but that was from the beginning of the design of the program until the end, when it will be implemented.

Mr Ondarchie interjected.

Mr DALIDAKIS — Well, to pre-empt a further question from Mr Ondarchie —

Mr Davis — It is $300 000 per year. Is that what we are looking at?

Mr DALIDAKIS — Yes, correct. There was an implementation cost that was ascribed. My understanding is that the expectation is that it will not cost that amount. I cannot give an answer to Mr Ondarchie's interjection, which was a decent question by way of interjection, as to what the actual cost is that is expected, but our expectation is that it will be less than the money that has been budgeted.

Mr DAVIS — I have no further questions. I just want to put on the record that I think the government has clearly not got these matters sorted out. It clearly needs some more work, Minister Patterson. The site is a good idea if there are appropriate protections and safety matters around it. It is also clear that the government has not got a clear plan for the $300 000 a year it intends to spend over the next four years, most of which is not, it seems — unlike what was indicated in the second-reading speech — related to a website or the feasibility of an intermediary service to manage long-term lease arrangements.

I further make the point that the government has got to do much more on build-to-rent. I think the government has wanted to say that some of this is a federal matter, and there are federal issues, of course, with

build-to-rent and regulatory and other taxation issues, but there are also state issues. I put on record that the coalition will look at ways that we can sensibly facilitate build-to-rent as an option for those who would seek that and for those institutional investors and developers who would seek to enter that market and provide an option or a choice into the market.

Mr ONDARCHIE — Minister, in response not to my interjection but to my last question about the propensity for landlords and tenants to want to enter into long-term agreements, we talked about the market research of some $100 000 conducted by Consumer Affairs Victoria. You indicated to me that that research indicated about 50 per cent of landlords were interested in a long-term agreement. Since that statement to me in the house I have had the opportunity to confer with the REIV on that statistic, and it is contrary to the market research they have — that that many landlords want to enter into a long-term agreement. Can you reference that research for us please?

Mr DALIDAKIS — I thank the member for their question. Again, I appreciate that the REIV may have undertaken their own research. As I have indicated, the government undertook our own. That market research was conducted in 2016. It informed our review of the Residential Tenancy Act 1997, and it revealed, as I indicated, that around 25 per cent of tenants and 50 per cent of landlords who were surveyed in that research expressed interest in long, fixed-term tenancy arrangements if they were to become available. From expressing an interest to taking it up, we will see what that take-up will be. But I am not sure that we need to have a debate about whose market research was validated more: was it the REIV's or was it Consumer Affairs Victoria's? Again, that is the market research that we undertook that led us to the changes that we are implementing today.

Mr ONDARCHIE — This goes to the heart of why we are doing this at all. Minister, given the REIV's independent research and yours, could you outline for the house who undertook the market research on behalf of Consumer Affairs Victoria and what the sample size was so we can understand how you arrived at the 'greater than 50 per cent'?

Mr DALIDAKIS — I inform the member that that information is publicly available to you and to the people at the REIV. EY Sweeney, I understand, undertook the research. That research is publicly available right now on the Engage Victoria website. That information is publicly available and has been for some time.

Mr ONDARCHIE — I thank the minister for directing me to a website. It is often the response I get from this minister in this house. Minister, what was the sample size for the research?

Mr DALIDAKIS — I refer you to the publicly available information.

Mr ONDARCHIE — Respectfully, Minister, that is not an answer to the house of review in this place. To simply say, 'Go away and check it on a website', is not an answer. You are the minister at the table, you are the minister responsible for the passage of this bill in this house, and this house, through the committee of the whole stage, is entitled to seek answers to questions relating to the component parts of this bill. To simply say, 'Go away and check on a website', is not an answer. It is in fact suboptimal and disrespectful to the committee stage and review of this bill. So again I ask: Minister, what was the sample size of the market research?

Mr DALIDAKIS — I thank the member for his somewhat excitable response. The fact remains that my indication that that information has been publicly available for some time was not to be disrespectful to Mr Ondarchie or indeed to this place. It was to indicate that that information has not been hidden by the government. If the REIV, who are clearly communicating with Mr Ondarchie at the moment, have a concern that their research is somehow more fundamental to this bill than the research undertaken for us, then they can access that information. It has been available, we have not hidden it and you are able to access it, and so we are not being disrespectful to Mr Ondarchie or to this place. Of course if they wish to look it up, anyone can do so.

Mr O'Donohue — On a point of order, Deputy President, the President has been very clear in his rulings about ministers giving answers to questions by referring to websites or other material. The President has been clear that ministers should, where they have the capacity to do so, provide an answer to the question regardless of whether that is on some website or available in some location.

The DEPUTY PRESIDENT — On your point of order, Mr O'Donohue, my understanding is that that is related to questions on notice, not questions during the committee stage. I will double-check that.

Mr O'Donohue — Further to the point of order, Deputy President, if it is related to questions on notice I would put it to you that this is an analogous situation,

where information has been sought from a minister, and therefore the same ruling should bind this minister.

The DEPUTY PRESIDENT — Mr O'Donohue, according to the advice I got, that was during questions on notice. Now we are in the committee stage. It is up to the minister how he answers the questions. I cannot force the minister about the answer.

Mr ONDARCHIE — Minister, thank you for referring me to a website to check the data. I have just one more question on this component until I offer the call to my colleague Mr O'Donohue. Do you know the sample size of the market research?

Mr DALIDAKIS — I thank the member for his question. As he would be aware, I am the minister representing the minister in the other place here in the Council. As you would appreciate, I take charge of legislation and bring it through. In terms of the sample size and in terms of the research itself, I have indicated some of the outcomes of that research, but I am personally not across the research —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Mr DALIDAKIS — Thank you, Deputy President. I appreciate the level of excitement from those opposite, and I look forward to continuing as we progress through this legislation.

Mr O'DONOHUE — I just want to clarify a couple of points in the second-reading speech, and I think clause 1 is an appropriate place to do so. At the bottom of page 1 the final sentence of the second-last paragraph says:

> The length of term will remain a matter to be agreed between landlord and tenant and there will be no maximum cap on the length of a tenancy.

Is there no qualification on that, Minister?

Mr DALIDAKIS — Thank you, Mr O'Donohue. That is my understanding.

Mr O'DONOHUE — So, Minister, a tenancy agreement could be reached for 75 years, for example?

Mr DALIDAKIS — That is my understanding. If a landlord and a tenant wish to reach an agreement that runs for that period of time, then they would be entitled to do so.

Mr O'DONOHUE — An agreement could be reached for in excess of 100 years?

Mr DALIDAKIS — They would probably have better genes than those in my family; I am not sure that anyone in my family has attained 100 years. For someone to do that they would have to be of an age to contractually sign an agreement, meaning at least 18 years of age, which would mean they would have to live to at least 118 years of age to be able to see that agreement through. Good luck to them. May they live healthy, live long and live prosperously. If that were the case, then of course if two parties want to enter into an agreement on that basis, there is nothing that prevents them from doing so.

Mr O'DONOHUE — Without trying to be cute, Minister, it is possible that a minor could enter into an agreement under a power of attorney provision. It is an interesting point that there is an unlimited potential tenure.

Mr ONDARCHIE — Minister, it goes again to the term of the agreement. Currently the standard agreement, or form 1, is a form that prescribes tenancies up to five years. Is the government looking to introduce a brand-new form that covers all rental agreements, or will the standard form 1 stay from zero to five years and a different form enacted after five years?

Mr DALIDAKIS — I thank the member for their question. As was indicated earlier, this is about introducing a new form that provides for agreements of five years and beyond, but it also does not preclude people from extending an existing agreement that operates between zero and five years as well. People will be able to extend that if they choose to do so rather than having to fill out a new form.

Mr ONDARCHIE — Minister, therefore what will the changes be that will be encompassed under the new form that will change the current standard form that is used for those short-term tenancy agreements?

Mr DALIDAKIS — Again, I thank the member for their question. The view is that by creating a new form we will allow two parties to enter into a relationship which pre-agrees to a period of rental greater than five years. So the original form, which can be extended, has been designed only for that period of zero to five years. That is why two different forms have been designed and why it has been designed that an existing form can be extended. If two parties, for example, do not know each other and have, hypothetically, a three-year relationship or a two-year relationship and everything is going swimmingly, then rather than having to look to establishing a new contract, if they wish to extend the existing one, they can. So it provides the flexibility. But

the secondary contract of five years or greater provides for obviously a very clear relationship built over that period of time.

Mr ONDARCHIE — Minister, thank you. So it is my understanding — so the market understands — that the standard form 1 that is being used at the moment will be ongoing and available for people wanting to rent for a period of zero to five years, given the average length of rental these days is 18 months, and there will be a separate form of five years-plus. Is that what we understand?

Mr DALIDAKIS — That is correct.

Mr O'DONOHUE — Continuing Mr Ondarchie's line of questioning, on page 2 of the second-reading speech you say, Minister:

> This new specific agreement will be developed later this year in consultation with key stakeholders. More than one alternative form of the agreement may be prescribed if necessary.

That of course was a 2017 statement, so can you update the house on where the new agreement is in the development phase and whether that consultation with the key stakeholders that was cited has occurred?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. As I am advised, that consultation is already underway in terms of the design of the form. The expectation is that that form will absolutely be ready for industry by the commencement date of this legislation.

Clause agreed to.

Clause 2

Mr DALIDAKIS — I move:

1. Clause 2, line 5, omit "1 August 2018" and insert "1 February 2019".

The amendment before the house is simply a change of the commencement date. I apologise to the house, but obviously it has taken somewhat longer for this bill to come through to the house than was originally envisaged, and the amendment updates the legislation accordingly.

Mr ONDARCHIE — Given we are in the twilight of this government's term and this has arrived late, it is no surprise that the date has to be adjusted. A question therefore, Minister: are any components of this bill in any way retrospective to the market?

Mr DALIDAKIS — To my understanding, the answer to that is no.

Mr O'DONOHUE — The opposition will not oppose this amendment.

Amendment agreed to; amended clause agreed to; clauses 3 to 5 agreed to.

Clause 6

Mr O'DONOHUE — Minister, I have a question about the penalty regime that this bill seeks to create. The current act has a penalty of 5 penalty units for using a tenancy agreement that is not in the standard form, but the new section 26(2A), specifically relating to the new agreement exceeding five years, has a penalty of 10 penalty units. Why the change in the penalty provisions, doubling the penalty provision for those agreements for five years or more?

Mr DALIDAKIS — I thank the member for his question. Can I answer by saying that the new offence provision acknowledging the increase to 10 penalty units is a measure to ensure that parties do not attempt to avoid the protections of the act or those offered by the new agreement by writing up something of their own which may be inconsistent with the law. It is seen as a preventative penalty regime, but not punitive.

Mr ONDARCHIE — Minister, has the standard form for leases that exceed five years been drafted?

Mr DALIDAKIS — As I indicated, that consultation has concluded, and the government will ensure that that agreement is provided to the industry prior to the commencement date.

Mr ONDARCHIE — Minister, in terms of the long-term agreement that has been finalised and the consultation that has been undertaken and will be discussed with the industry prior to its implementation, many of these long-term five-year-plus leases include things like farms, government buildings et cetera. Will that long-term agreement then allow for some flexibility, given the types of property we are talking about?

Mr DALIDAKIS — I am sorry to be obtuse, but if I can ask Mr Ondarchie to expand upon that question so I can have a better appreciation of what he was attempting to solicit as an actual response — again I am not trying to be cute — and so I can better understand the question.

Mr ONDARCHIE — That is fine. Minister, when it comes to residential properties like farms and government buildings, they are somewhat outside the norm of a standard rental agreement that would suffice for residential places as we know them or as tenement

places as we know them at the moment. I am just wondering if there is capacity when it comes to things like farms and changes to circumstances on government buildings to allow for some flexibility for a five-year-plus agreement?

Mr DALIDAKIS — I thank the member for the question. My understanding is that the form itself will not be significantly different from the existing short-term agreement. That is why people can continue to use their existing prescribed form, which is currently used for a term of not more than five years and which we discussed earlier in the committee stage. That also provides them with the ability to use and choose a new form that is prescribed specifically for long-term agreements. Anything between a landlord and a tenant to seek flexibility in relation to that agreement will either be in the ordinary course of business or be not inconsistent with the existing form.

Clause agreed to.

Clause 7

Ms FITZHERBERT — Minister, I have a question about whether there is a typo in this. It says 'Offence to include prescribed prohibited term'. Should that be 'a prescribed prohibited term', consistent with the following clause?

Mr DALIDAKIS — The answer to that is no, Ms Fitzherbert.

Clause agreed to.

Clause 8

Mr O'DONOHUE — Minister, again I just raise the point of the 10 penalty units for agreements of more than five years, but that does not apply for agreements under five years. I know we addressed that in a previous clause, but this issue is raised again in clause 8, with the new substituted section 27. It does not seem to make sense.

Mr DALIDAKIS — Thanks, Mr O'Donohue, for that question. My understanding, Mr O'Donohue, is that that is being changed to be consistent with the penalty for the long-term provision. That is why.

Mr ONDARCHIE — Minister, you talked about the long-term agreement being finalised and out for consultation. Has the REIV been an element of that consultation?

Mr DALIDAKIS — As I am advised, the answer to that is yes, Mr Ondarchie.

Mr ONDARCHIE — Are you able to advise when that consultation took place?

Mr DALIDAKIS — As I am advised, that consultation took place earlier this year. If you would like me to seek advice from the minister's office in relation to the specific dates, then I would have to take that on notice, and I am happy to do so if the member so wishes.

Mr ONDARCHIE — Thanks, Minister. No, I am not going to ask you to chase down the minister's office for that other than to ask: was the new draft long-term agreement a component of that consultation with the REIV, as finalised?

Mr DALIDAKIS — As I am advised, the issue of the long-term agreement was provided in that consultation. Whether it was specific as to what form it would take, again I would have to take that on notice. That is a level of specificity that I do not have at present.

Mr ONDARCHIE — Thank you, Minister, as long as it is not programmatic specificity. I am happy for you to take a moment with the advisors just to check if the REIV actually saw the draft new long-term agreement form.

Mr DALIDAKIS — As I am advised, in fact the document that has been shared with the REIV is the most current and up-to-date form of the long-term agreement. If there are any changes, the REIV will be provided access to those changes before they are finalised.

Clause agreed to.

Clause 9

Mr O'DONOHUE — Minister, just one quick question: why are agreements of more than five years excluded from this section?

Mr DALIDAKIS — I thank the member for the question. As I am advised, Mr O'Donohue, the reason is that it allows for the top-up of the bond, which is what we discussed and I indicated earlier in the committee stage, to ensure that the landlord is not losing out, obviously, by the time value of money — so that can be altered accordingly.

Clause agreed to; clause 10 agreed to.

Clause 11

Mr ONDARCHIE — Minister, why can't a rooming house enter into a leasing agreement of more than five years?

Mr DALIDAKIS — I thank the member for the question. It is not intended that long-term tenancy agreement arrangements should apply to rooming house environments, where shorter term accommodation and flexibility in entering and terminating arrangements are standard features.

Mr ONDARCHIE — Thank you, Minister. Minister, there is quite a lot of anecdotal evidence of people living in rooming houses for a significant amount of time, particularly those who have some life challenges. Why would that be excluded from this when we are trying to offer more options for tenants?

Mr DALIDAKIS — Without reflecting upon the nature of the people that sometimes need the flexibility that is provided within rooming houses, the view of the government is that it can be difficult at times for people that need to make use of rooming houses to be able to have the significant amounts of money to support a five-year bond.

Given the sometimes challenging nature of the environments that people that use rooming houses live in, the view of the government again has been that short or shorter term opportunities for them are more beneficial given the nature of occupants moving from rooming houses to other establishments as well. So it is more of a response to the nature of the people that need and reside in rooming houses — as I said, without reflecting upon the type of people that take up that opportunity as well.

Mr ONDARCHIE — Thanks, Minister. Minister, given your response and the lack of capacity for people in rooming houses to be able to enter into longer term leasing agreements, isn't that inconsistent with your own housing affordability strategy called *Homes for Victorians*?

Mr DALIDAKIS — No, we do not believe it is.

Clause agreed to; clauses 12 and 13 agreed to.

Clause 14

Mr ONDARCHIE — Minister, in this clause it uses the term 'party' rather than 'person' as is used for shorter leases. Why is that?

Mr DALIDAKIS — As I am advised, the use of the word 'party' is simply in keeping with legal advice and keeps the same definitional example as displayed in other parts of the legislation.

Clause agreed to; clauses 15 to 17 agreed to.

Clause 18

Mr ONDARCHIE — Minister, apropos of 'Notice to vacate for no specified reason', the period has been taken from 90 days to 120 days when there is no prescribed period in the agreement for any of the leases. What does the new standard form agreement say in respect of this? Is it 90 days or is it 120 days?

Mr DALIDAKIS — Deputy President, I seek your guidance because, as per the advice from the box, the period of 120 days in clause 18 has not changed and the advisers believe that the question may be more valid at clause 17. I am seeking to assist here. I am not seeking to deny the member the opportunity to ask his question at clause 17, but we have already voted on clause 17.

The DEPUTY PRESIDENT — You can answer, Minister, if you would like to answer. Are you happy with that, Mr Ondarchie? Thank you.

Mr DALIDAKIS — I thank the member for their question. At this point of course the 90 days is unchanged, but we understand that it has the potential to be changed under regulation. I am advised by the box that if it was to change from 90 days, consultation would occur with the REIV and other stakeholders accordingly. At this point there is no indication that the 90 days will be changed, but if it was to be changed, then the REIV and stakeholders would be consulted at that point.

Clause agreed to.

Clause 19

Mr DALIDAKIS — I move:

2. Clause 19, line 3, omit "1 August 2019" and insert "1 February 2020".

Mr ONDARCHIE — In summing up my position — Mr O'Donohue will make the opposition's position clear on this amendment — it is important that as we go through the development of the finalisation of this bill the government considers break-lease provisions for property owners. A tenant can terminate a lease at any point it likes. However, there is no equivalent provision in this bill for property owners. The lease agreement fails to take into consideration that the landlord's circumstances can change as much as a

tenant's circumstances can change. We encourage you, as you evolve through this and you go to the finalisation of this, to consider options for property owners to end a tenancy, say, in cases of hardship or intention to sell or if the owner intends to occupy the premises.

Mr O'DONOHUE — The opposition will not oppose the bill.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Reported adopted.

Third reading

Motion agreed to.

Read third time.

DISABILITY SERVICE SAFEGUARDS BILL 2018

Second reading

Debate resumed from 9 August; motion of Ms MIKAKOS (Minister for Families and Children).

Ms WOOLDRIDGE (Eastern Metropolitan) (17:21) — I am very pleased to rise today to speak on the Disability Service Safeguards Bill 2018. This bill is really one that derives from the establishment of the national disability insurance scheme (NDIS). It is a phenomenal scheme that is changing the lives of hundreds of thousands of Australians, many of whom are in Victoria. It is a very important scheme, and one that I am very proud to have been integrally involved with from its very early stages. I was proud back in 2010 that the Liberal-Nationals were the first major parties in the country to commit to the NDIS and commit to making it a reality for Victorians.

I think that was a very important leadership position that the Liberals and Nationals took under the leadership of the then Leader of the Opposition in the Assembly, Ted Baillieu, and we continued that when elected to government at the end of that year. This is something that was very consuming for me as Minister for Community Services, for the Premier and for the government because it was no doubt quite a challenging path to get from the point of making a commitment to the NDIS to that very special day I was very proud to be part of when then Premier Denis Napthine sat down with then Prime Minister Julia Gillard and signed the NDIS agreement between Victoria and the federal government.

It was a very challenging path working out the model and working out the funding, which is very significant as people know. We put in an NDIS implementation task force which had disability leaders and community leaders across the board who were very involved in advising us as a Victorian government about the scheme, our engagement with it and how it was put in place and ultimately in getting to that point of being able to sign Victoria up to the NDIS. The thing was we knew that it would make such a difference in the lives of so many Victorians with a disability and their families and carers — the fact that they would have genuine choice and control in relation to the supports that they received, the fact that they were moving from what was effectively a waiting list system for so many to a system where they were entitled to have that support if they fulfilled the criteria in relation to access.

I think, to be fair, the rollout of the scheme is proving to achieve that for the vast majority of people who are involved, who are participants and supported under the NDIS. I have met so many people who have told me the difference it has made to have a package and the difference it has made from, in many cases, not having any support to actually having support. The difference it has made to individuals with a disability and the difference it has made to their families and carers has been phenomenal.

There have no doubt been some teething issues in the process, and there will continue to be. There is no way that you can have a reform of this magnitude and not have some challenges, but I am very optimistic that this scheme, the NDIS, will settle into a scheme that is seen as a reform of this generation and one that just makes a phenomenal difference in the lives of people with a disability.

There will no doubt be some more challenges in the rollout. There are obviously some challenges in terms of people waiting to get access to the scheme and waiting to get assessed and see that the packages reflect their needs. That is all normal and natural, and we need to do everything we can to make sure the scheme is working and responsive and does give people genuine choice and control. We need to work out those issues as quickly as we can, but it is an expected part of the process of getting the scheme into place.

Of course we undertook an extensive process to determine where we would propose that the trial of the NDIS should take place. We were very pleased — based on a dedicated geographic area, the advocacy of

what was then the G21 and the local council, the capacity of the community sector and disability organisations within the Barwon region and of course the commitment of people within the region — to make the commitment that Barwon would be the trial location in Victoria. And didn't they have a series of challenges? But they stepped up to each and every one of them, and it proved to be a very important trial site for testing the scheme and helping to refine the scheme.

One of the things I was very proud of was that we put in place and funded a leadership program for people with disabilities to be advocates for the scheme. This was a wonderful program — run, once again, with the G21 — where a group of, from memory, about 20 people with disabilities were selected, had the training and got the experience of being advocates. They were very active, both with the National Disability Insurance Agency (NDIA) and with us through our task force and in community organisations and the community more broadly, in talking about the NDIS and what it meant for them and being the public face of the scheme, as they should well be.

I was also very proud that we initiated and secured the headquarters of the NDIA in Geelong. We know that already Geelong has the capacity for insurance-type agencies to be headquartered there. There is the expertise of the staff and the community in Geelong, and a $20 million investment from the Victorian government helped persuade the federal government that the headquarters should be located in Geelong. There are hundreds of staff now in the NDIA in Geelong, and certainly in those early days people came from all around Australia because they wanted to be in the headquarters where the scheme was to be based and to be developed for those challenging policy issues to be worked through. It brought additional jobs and people to Geelong in a way that is consistent with the expertise of that region in large insurance-type agencies.

I do note there has been some leakage in relation to other aspects of the head office going to other parts of the country, which I am not sure was entirely in the spirit of the agreement that we originally made, but I know that the NDIA headquarters are still very much centred at Geelong and the scheme is run from there. Our view was very much that the scheme should not be run by people out of the centre of Melbourne, but that they should be within the community with the people with disabilities and their families, hearing every day — not only at the NDIA but in the supermarkets and in the cafes and restaurants — that people who were living with the scheme, using the scheme and accessing the scheme were directly interacting on a very personal basis with the people who were forming, structuring and guiding the scheme. I think that has proven to be very positive in relation to how things have worked.

I have to say as the former minister that I am very proud to have been part of ensuring that Victoria signed up to the NDIS, that we had Barwon as the trial site, that we secured Geelong for the national NDIA headquarters and that we invested in and clearly acknowledged the role of individuals in relation to being the public face, the advocates, of the scheme and how it evolved and how it developed.

With that context, we have this legislation before us today. As I have said, its origins are in the establishment of the NDIS as a whole, and it sits with it, I suppose, hand in glove, from the explanations we have been provided by the minister's office in relation to the operation of the scheme. What the bill does is it provides a registration scheme for disability workers and disability students, it establishes the Victorian disability worker registration scheme, it establishes the Victorian Disability Worker Commission and provides for the appointment of the Victorian disability worker commissioner, and it establishes a mechanism to deal with complaints and notifications about disability workers and disability students. It also amends the Residential Tenancies Act 1997 to provide for the rights and duties of special disability accommodation residents and providers in relation to general tenancy arrangements under part 2 of the act, and it enables disability accommodation residents to exercise choice and control in respect of their accommodation arrangements.

I will just touch on a few of those particular elements, because there seem to be two key elements to the bill — the worker registration scheme and then the elements of the residential tenancy side of things. My understanding of this is that this will sit alongside what is happening in relation to a national commissioner in relation to the NDIS and that this commissioner will actually seek to complement what is happening at a national level and deal with a workforce that would otherwise not be captured under the national commissioner. That is important — that there is not the overlap and we do not have two people trying to do exactly the same job. This scheme will ensure in relation to their roles that the key element of the registration function to be administered by the board is legally protecting the registered disability practitioner, the registered disability support worker and the registered disability worker so that people actually have a protected title in relation to the qualifications and the registration that they have achieved.

Not everyone has to be registered — and that was a concern of the sector in relation to potentially limiting the workforce if they had to be registered — but the fact that it is a voluntary scheme enables disability workers to make a positive choice about their registration. There is some value in that through the protected titles that they are able to use, and employers will be able to understand that if their applicants are registered, many of the checks will have been undertaken. This can actually speed up and provide a level of confidence in relation to the worker who is applying for their job, and it does provide that sort of more comprehensive register — while understanding there may be some people who do not choose to do it, and that is fine as well.

The bill does establish a public register of registered disability workers, it gives the board the power to accredit disability qualifications, it does include mandatory reporting obligations for disability workers to report misconduct and it gives powers to the board to set standards and guidelines for the conduct of disability workers. This was a recommendation out of the great work that the Family and Community Development Committee undertook back in 2016, and in fact some elements of it build on the disability worker exclusion scheme, which I will touch on in a minute. It is a little bit disappointing that it took two years from the time that the committee reported to the time the government responded. The committee reported that this was urgent to get onto. This was meant to be an interim measure — the establishment of this commissioner — before the national commissioner. What we have actually seen is that because of the passage of a long period of time — and I understand there has been extensive consultation on the bill, so that has probably taken part of the significant amount of time it has taken to get to the house — the national commissioner has actually been appointed, I think it was a couple of months ago, and the Victorian commissioner is just being appointed now.

To give some context on this issue of being able to report workers for misconduct, I have to say once again it was a very significant issue that I confronted as the minister. First of all, I need to say most workers do an exceptional job. They work in sometimes very challenging conditions. The care they provide is second to none. The difference they make in people's lives to give them some independence, some mobility, some care and some quality of life is phenomenal. The vast majority of workers do that work with love, care, skill, expertise, talent and commitment in a way that I think is second to none.

The unfortunate fact, though, is a very small number do not. They can be violent, there can be sexual misconduct, they can be dishonest and there can be abuse of people in disability services. What we kept hearing about every time these issues came up was that often those individuals would leave before any investigation was completed so the employer could not complete the investigation. They would move on, or they might disappear off the radar for a little while and then pop up at another disability service provider. There was no way to track this. The investigations were always incomplete because the worker had left before their time and there was no knowledge in relation to it. There were some terrible examples of abuse of people with disabilities that were completely unacceptable and required action.

I have to say we spent a lot of time trying to work out how to take this forward. There were a range of options presented and discussed with me as minister from the time of the disability worker exclusion scheme, which we established, all the way through to the legislation. What we decided was that while a legislated option was always going to be better and more thorough and we should aim for that, given the time it would take to get to that, we wanted to put a scheme in place first of all so at least there was a safety net and a mechanism to put a stop to some of these behaviours as quickly as we could do that. So we went with a secretary-driven and department-driven process for residential disability services in the first instance to get that in place, because our view was that the residential aspect was where people with a disability were potentially the most vulnerable. We wanted to start at that point with a very clear view that we would review the scheme and expand from there.

I was very pleased on 5 August 2014 to announce that we would enhance safeguards in residential disability services and that the new disability worker exclusion scheme would take a no-tolerance approach to behaviour that jeopardised the safety and wellbeing of people with a disability. Occasionally when a worker had endangered the safety or wellbeing of clients, they had been able to move from employer to employer and continue that sort of behaviour. The scheme ensured that workers who endangered the safety and wellbeing of people with a disability would be immediately excluded from further employment in the sector. The government maintained a register of disability sector workers who had put their clients at risk of harm or abuse and who were also under investigation for potentially having done so.

We needed that hierarchy of not only that point where we had evidence of abuse and harm — and sometimes

there is evidence — but also cases where an investigation was underway, where the view was that this person probably or possibly had committed abuse, but it had not yet been proven as they had moved on so an investigation had not been able to be concluded. It was important to be able to capture people who had possibly been the perpetrators of abuse and not just those who had been proven to be so. I think it was quite a stretch to get to that point, but it was vitally important. Employers were required to check prospective employees' names against the register as part of their pre-employment assessments so that we could send a very clear message that any behaviour that posed a risk to the safety and wellbeing of people with a disability would not be tolerated, and this was both in government-managed and community sector-managed homes.

While this was announced in August, it came into effect in September, and very quickly — by the end of November — we had over 100 notifications made to the disability worker exclusion unit regarding past, current and prospective workers who might fall within the criteria. Just within those first few months over 1000 employees had been checked against the list and 12 people were placed on the list. I foreshadow to the minister at the table that when we are in committee on this bill it would be useful to get an update of the list and where that is up to given this is translated into the new bill.

It was very important that behaviour such as behaviour that involved bodily harm, violence or threats of violence; that was of a sexual nature; that involved dishonesty; or that involved neglect of a person living in a disability residential service — all of these things — warranted an employee going onto the list. People could appeal. There were appeal processes, and that was done within the department. It was very important, as I have mentioned, that this applied not only where someone had been found guilty of an offence, regardless of whether they had been imprisoned, or met those criteria, but also where a person's engagement had previously been terminated; where a person had been removed from a role for conduct which included abusing a client, sexual misconduct with a client or otherwise placing a client at risk of serious harm, including financial harm; where such conduct occurred in an area outside disability services — for example, in a school or nursing home — regardless of whether there was a criminal prosecution, so that through the issue they had lost their job; where a person had been subject to a workplace investigation because of an allegation relating to conduct falling within the criteria; or where there were reasonable grounds to consider that the engagement of a person in a disability service as a disability worker would represent an unacceptable risk to the health, safety or welfare of a person with a disability. Those were the bases on which — and there is quite a spectrum there — people could be captured: the types of behaviour and the consequences in relation to that behaviour.

It was definitely a vital reform, one that really needed to be made. It was pushing the boundaries. I remember there were a lot of nervous conversations from the then Department of Human Services in relation to going down this path with the scheme and whether we would be able to sustain it and undertake it. I am pleased that what we established then has been built on by this government. At the time we did look at strengthening the scheme. We said we would also look at other services over time, but we wanted to get it into place. I am pleased that in 2017 this government expanded the scheme to include all disability services, including those that provide disability services under the NDIS. That would include day services and the like as well. I think this bill goes further in relation to how those sorts of appeals are dealt with, with mechanisms through VCAT and so on.

That is really just a bit of context I suppose to the history of how some of these schemes were first established — with the passage of time we do lose track of some of those elements — and to where we are today in relation to the scheme. In the second-reading speech it is described as 'negative licensing', where the commission has the powers to receive complaints and investigate the conduct of unregistered workers. Where necessary, it allows the commissioner to issue prohibition orders to make sure, once again, those gaps in relation to safety are covered and captured.

The second element of the bill relates to further safeguards in relation to the Residential Tenancies Act 1997 to improve the rights of residents living in specialist disability accommodation, and I have got to say that the registration scheme — having clarified that it does not double up with the NDIS and the federal commissioner — and the changes in relation to the Residential Tenancies Act have been welcomed by the sector and by advocates as a positive step forward.

There are elements once again in relation to residential tenancies that acknowledge that in the world of the NDIS the issue about the accommodation itself versus the services provided to help people with a disability to live independent, functioning, happy lives can be provided by different people. This has traditionally all been provided by the same provider, be they government or community sector, and now those two

aspects can be split in a different way. This seeks to bring many of the elements of the Residential Tenancies Act that any tenant would enjoy to someone in specialist disability accommodation, while understanding that there are some differences and making allowances for them, and providing the capacity to make a choice in relation to them. Those changes are welcome and important as well.

I did just want to take a minute — and I do not speak on disability very much these days in relation to different portfolio areas — to also just touch on a couple of other things that we were able to do in government. We were committed to investing in people with a disability and supporting them to lead quality lives. Nothing was bigger than the NDIS, absolutely, but it was interesting just last Friday when I was down at the MCG with a mum, Liza, and her son, Sean, who loves the footy. As we were walking around the MCG at a conference she said to me, 'Do you know that downstairs they've actually got a changing suite where I can take Sean and change him when we're at the footy?'. She said he used to have to use these baby change tables. He is a 17-year-old strapping young lad and they just do not work. She said there is now a whole suite that works for Sean.

I have got to say I was very proud to announce the Changing Places initiative being brought to the MCG. We committed to seven new places where accessible bathroom facilities in places like the MCG and Melbourne Zoo were put in place, and there is also a mobile unit for events and festivals. This is something that gives people with a disability some genuine ability to be out in places that they may not have previously been able to go to because they now have the dignity of a changing facility and a bathroom that is set up to work for them and their needs. It was wonderful to be there recently, after having been there four and a half years ago to launch the scheme and announce that we were doing it, and have a mum tell me, unprompted, what a difference it made to her, her family and her son to be able to use it. I know, once again, that that scheme has been continued and expanded, and I should acknowledge Andrea Coote, a former member in this place, who was the driver of Changing Places and of investing in it and bringing it to many places across Victoria.

Another of the NDIS changes is that the disability services commissioner role will be, I understand, subsumed within the broader NDIS quality and safety standards that are being established. Laurie Harkin was disability services commissioner — he is now retired — and he did a phenomenal job in relation to certainly all of my years in opposition as shadow community services spokesperson and then as Minister for Community Services. No-one has argued more strongly for quality and safety than Laurie has for people with a disability. In fact I understand that those setting up the national framework in many instances went to Laurie to seek some guidance and advice on what he had set up in relation to the scheme, to complaints management, to education — and he is a big advocate for education — and to accessibility in relation to his role in Victoria, and I think that has been significant in forming the national set-up. I was very pleased as minister to be able to strengthen the role of the commission in relation to many aspects of that.

There are two other things I just want to touch on. Obviously carers and families are absolutely fundamental in the lives of people with disability. They do an exceptional job, often happily, willingly and in a way that makes such a difference to the lives of their family member with a disability. I was very pleased to legislate the Carers Recognition Act 2012 to enhance the acknowledgement of the role of carers and family in relation to people with a disability, and I know reporting on that continues and there are further ways to celebrate and support them in their roles.

The last thing I want to touch on, and it is relevant in the context of this bill and is one of the areas that we worked very hard to achieve, is the closure of elements of — I do not think it is quite completed at this point — Victoria's old-style disability institutions. I think it has been a very significant move over many years to close our institutions where many people with a disability were housed in accommodation that did not respect their individual dignity or capacity. There would often be a hundred or hundreds of people grouped together in the same location. We closed the Oakleigh Centre residential services and we closed Sandhurst, and in both cases we funded smaller four and five-bedroom houses with wonderful common areas and private areas. These were homes for people with a disability who moved out of Oakleigh and Sandhurst and who were able to move into that individual supported accommodation.

Obviously the legislation we are dealing with today is very much reflective of the next stage in which not only are people not in these disability institutions for their accommodation but we are now going that step further in relation to acknowledging their rights as tenants in addition to the support they receive separately as well, which is wonderful to see. We also supported the part closure of Colanda, although I think there are still some remnants there in terms of the last elements in relation to Colanda. They were the last three disability institutions in this state after many others and many

experiences so many people had in these larger institutions over the years. I was very pleased that of the last three remaining disability institutions two were completely closed and one is well on the way in relation to that.

I have to mention once again the courage of the residents and the courage of their families to go from what in many cases had been their homes for decades to different settings. It was challenging, but it was a challenge that ultimately they were up for and keen to make work for themselves and their family members. It is very positive to see the evolution of that in relation to the bill that we are dealing with today.

I have given quite a bit of history and context in relation to some of the changes that we are seeing now, but I think it is important to acknowledge that all sides of this house support people with disability being able to live as independently as they can and with dignity, choice and support. I think each government has progressively made steps along that pathway. The national disability insurance scheme was no doubt a fundamental turning point in relation to access to funding, support, accommodation and care, and it is one which is still evolving. I think we need to continue to work positively to make sure that it can achieve all that is positive and all that it can so that it is as good as it possibly can be for people with disability and their families.

The elements of the bill in relation to registration of the workforce, who by and large are absolutely exceptional in terms of the work they do and the commitment and skill they bring, is a further step forward in relation to it, while giving flexibility in relation to whether that registration happens or not. Finally, the tenancy arrangements in relation to disability accommodation are an important step forward in further recognising the rights of people with a disability.

On that basis we do not oppose the bill. We think it is a pity that it has taken longer than perhaps it should have, although the consultation has been extensive in terms of the bill coming to the house. I look forward to asking the minister some questions in committee in relation to the management of this bill, but I do commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (17:57) — I rise to speak on the Disability Service Safeguards Bill 2018. The Greens will be supporting this bill. It is a good bill that makes sure we can keep some of the existing protections we have in our disability sector in Victoria ahead of the statewide rollout of the national disability insurance scheme (NDIS).

The NDIS is a groundbreaking change in our disability sector which has the potential to make a real difference in the lives of people with disability. In rolling out the scheme across our state we have a real opportunity to make things better for both disability workers and service users. If implemented well, we will have a world-class, world-leading disability system, but if it is implemented poorly, we risk having a fractured system where people cannot access the services or support workers they need.

The bill builds on the findings and recommendations made in the 2016 parliamentary inquiry into abuse in disability services. This was such an important inquiry. It heard harrowing evidence about the neglect and abuse of people with disability across the entire sector. One of the recommendations the inquiry made was for a workforce strategy for disability services which would include screening and regulation of individual workers. This recommendation is implemented in this bill through a new registration and accreditation scheme for disability workers and students and an independent regulatory body to administer the scheme. We know that having a skilled disability workforce is vital to ensuring we can deliver a high-quality NDIS, and it is also vital to protecting the quality of the services we provide outside of the scope of the NDIS. So we are pleased to see the government investing in our workforce at a time when the sector is experiencing so much growth.

The new Victorian Disability Worker Commission will sit alongside the federal NDIS Quality and Safeguards Commission. The government has indicated that it will operate with a 'no wrong door' approach to complaints so that a person with disability will be able to make a complaint about a service they are receiving regardless of how the service is funded. I know that some members in the other house were concerned that this would result in what they called an unnecessary duplication in oversight bodies and roles. I do not believe that we can have unnecessary oversight in a sector that is growing so quickly and is so important to the wellbeing of so many Victorians.

Given the scale of the abuse and neglect that we know has occurred in the Victorian sector previously, I think it is absolutely essential that we put in place a body at the state level that has the power to receive complaints, manage workers and uphold the standards that people with a disability deserve to see in their services. It is particularly important to have a Victorian body, because we know that the NDIS will not cover every Victorian with a disability and that the national body will only be able to receive complaints from people within the NDIS, and even then only some people

within the NDIS. Every Victorian with a disability should be confident that they can access a quality, safe service and that they have someone to turn to if things go wrong.

Ensuring that rolling out the NDIS does not reduce or diminish any of the services and protections that we have in our sector in Victoria is something the Greens care deeply about. We are pleased to see this government investing in our disability sector and taking proactive steps to make sure that the Victorian sector is ready for the introduction of the NDIS, but we know that there is more that we can do. We can already see the gaps emerging in our provision of disability services. I have spoken in this house before about the difficulties the community mental health sector is facing, where the state government has withdrawn its funding but the sector cannot access the same amount in NDIS funding. We know that there are people struggling to access mental health services and workers worrying about the future of their jobs as we speak.

In his second-reading speech, the minister remarked that:

> … this government's responsibility to people with disability does not end with the commencement of the NDIS …

I would like to remind those in this house of this responsibility and stress that we have a duty to make sure that the rollout of the NDIS does not diminish or detract from Victoria's disability services sector.

The bill also amends the Residential Tenancies Act 1997 to protect the rights of residents living in specialist disability accommodation or group homes. As our disability sector moves from service-based funding to user-based funding, people with a disability will have greater ability to choose what services they can access and who from. While this represents a real opportunity for many with a disability to exercise agency and choice over their care and support, it does not apply well to our current supported accommodation system, where most people receive support services and accommodation through the same provider.

Under the NDIS people have a right to choose who they receive support services from. It is good to see that this principle is enshrined in this legislation and that people who live in supported accommodation will be able to exercise choice and will have the same rights as other tenants. We are pleased to see that the government is interested in the rights of residents of group homes, particularly at a time when the government is moving to privatise the group homes it currently operates. We will be watching the government withdrawal from the supported accommodation sector closely and we are concerned about it, because this bill shows that the government is clearly able to look after the rights of those in group homes when it wishes to do so.

Speaking on the legislation that established the federal NDIS Quality and Safeguards Commission, my federal colleague Senator Jordon Steele-John made the following comments:

> The NDIS is not a silver bullet to the challenges that we face as a community, nor is it by any means perfect. Indeed, many of its imperfections speak to the urgent need to place the views of those with a lived experience back at the centre of the scheme. However, it is a critical foundation stone upon which the disability community will continue to fight for our rights and our freedoms.

Jordon is a passionate advocate for the rights of people with a disability, and I want to echo his excellent words. The NDIS is not a silver bullet. We in Victoria have an opportunity to put those with a lived experience at the centre of our disability sector and make our sector, working both with and outside the NDIS, as good as it possibly can be.

Dr CARLING-JENKINS (Western Metropolitan) (18:03) — I rise tonight to speak on the Disability Service Safeguards Bill 2018. People with disability remain the most vulnerable group in our society, with higher rates of abuse, neglect and harm than anyone else in our community. In fact one person with a disability is assaulted or neglected almost every day in Australia, and these are only from the reports which are made. Many incidents go unremarked and unrecorded.

I am pleased to speak on this bill because this bill has as its intent a safeguarding of the rights of people with disability as the national disability insurance scheme (NDIS) is rolled out. It has been designed very clearly to complement the NDIS quality and safeguarding framework. The transition to the NDIS has left many Victorians at risk. This has been disappointing. The beginning mantra of the NDIS was to leave no-one worse off, and that is not something that in reality we have seen fulfilled for everyone with a disability.

Despite the national system being established, it remains the responsibility of the state to ensure that Victorians with disability — our citizens — are not falling through the gaps and are not being left behind. It remains the responsibility of all of us to ensure that workers are not taking advantage of the people they are supposed to be there to empower, and this bill will play a significant role in this in the future.

Significantly I note that this bill was informed by the Victorian parliamentary inquiry into abuse in disability

services, where the ongoing abuse and neglect of people with disabilities was articulated all too clearly. From a personal perspective, I can remember working in this sector for many, many years, particularly in the areas of best practice and active support. I observed many services that were exceptional but others that left much to be desired. Poor examples often were easy to find, particularly within accommodation services.

The Minister for Housing, Disability and Ageing, Minister Foley, has stated that this bill will have a tangible impact on the lives of people with disability. I think a lot of work will need to go on behind the scenes and in the regulations supporting this bill to ensure that this is truly the case. However, I want to go on the record as applauding this aspiration. I have a few questions that I will ask during the committee stage to discuss some of the finer points of this bill and to raise a few questions around the detail of the bill. However, overall I admire the intent behind this bill, and I will be supporting the bill when it comes to a vote. In doing so I stand tonight in solidarity with Victorians with a disability, who deserve the safeguards this bill will provide.

Mr GEPP (Northern Victoria) (18:06) — I rise to make a contribution on the Disability Service Safeguards Bill 2018. From the get-go, like every other speaker before me, can I also acknowledge all of those in the sector, be they workers, carers, families or people who are providing services, for the great work that they do. Of course one of the great things about places like this is that we can come together and have that collective aspiration that we will do better for the people in our community who need our support, who cannot do the heavy lifting themselves and who need this Parliament to step in and improve their lives as much as we possibly can.

Of course people with disabilities themselves have been fighting for a very, very long time to ensure that their genuine rights are observed and that they have ever-increasing control over their own lives. Dr Carling-Jenkins and also Ms Wooldridge referred to the 2016 Victorian parliamentary inquiry into abuse in disability services and some of the horrific stories that we heard through that process. Those stories alone give us the impetus to get out of bed each day to ensure that we are working hard in this place and with the sector to try and stamp that abuse out right across disability services.

It is important that people with disability are able to have a real say over their lives and that they do so free from harm, abuse and neglect. To that end I want to congratulate everybody, including the previous government, who did a lot of good work as well, and the Minister for Housing, Disability and Ageing, Minister Foley and his staff for working so closely with the sector to come up with this legislation.

I have heard a couple of speakers say, 'We're not sure if it's perfect'. Well, I do not know anything that is perfect, but what is absolutely required of us in this space is that we strive every day to improve, that we get better, that we put things in place that will improve the lives of people with disability, that we work closely with those people, that we constantly review and that, where it is required, we improve. The national disability insurance scheme (NDIS) is a great start. It will be one of those schemes that we look back on in many years to come and say, 'What a wonderful thing for this country. What a wonderful thing it is that we have done collectively as a nation through the introduction of the NDIS'.

Of course, it is a start. What it has done is provide the environment for us to actually review all aspects of the circumstances surrounding people with disability. That is what this bill does. It capitalises on that environment. It enables us to have a look at the world of people with disability, with the backdrop of the NDIS, and say, 'How can we improve it. How can we take it to another level?'.

The NDIS quality and safeguarding framework is a terrific start, but like other stakeholders, we went out and we consulted with stakeholders when that framework became known. We asked, 'Is it enough? Can we do better?'. The overwhelming feedback was that there is an opportunity for us to do more. There is an opportunity for us to ensure that we protect the fundamental rights of people with disability. That is what this bill does.

The bill has two main fundamental objectives. People have talked about it, so I will not go into all the detail that was mentioned in other contributions. It implements a registration and accreditation scheme for the Victorian disability workforce that protects the rights of people with a disability to be safe and receive high-quality services; enhances service quality by ensuring workers have the necessary skills, experience and qualifications; and enables people with disability to exercise greater choice and control in their lives.

Secondly, it updates the rights of people living in specialist disability accommodation, or SDAs as they are known, to align more closely with the rights of other tenants. That is a very important thing for us to acknowledge. It aligns their rights more closely with the rights of other tenants in the community. Just

because you have a disability does not mean you should have a reduced amount of rights. It also provides continuity of existing specialist protections; gives effect to the core tenet of the NDIS about choice and control by separating residency rights from service provision; and ensures Victorian regulatory requirements do not conflict with those under the NDIS, so that residency rights are enforceable.

Why are we introducing the registration and accreditation scheme, given those objectives? We talked about how the scheme is intended to protect the rights of people with disability to be safe and to receive a high quality of service. It is very important. Again I hark back to the 2016 inquiry and some of the stories that we heard through that process. I think everybody in this place would agree — and the workers in the disability sector would also agree — that if there is somebody in that sector who is doing the wrong thing, then we must be able to identify them, we must be able to weed them out and we must be able to move them on. We cannot have those people wandering around the sector causing harm, causing abuse and causing neglect. They are not wanted in the sector. This registration and accreditation scheme will, in part, protect people with disability.

I also want to talk about the scheme in relation to those people who are inflicting harm and abuse in the sector — and we often talk about this in the context of the lowest common denominator. When you speak to workers in the disability sector — and I have spoken to their union secretary in the last 24 hours — they are thrilled with this legislation. They are thrilled with the opportunity to have this registration and accreditation scheme introduced by this Parliament, because they know that the vast majority of people who work in the disability sector are very professional, very committed individuals who go above and beyond in caring for people with disability. We acknowledge that by putting this scheme in place we are recognising the skills, the training and the expertise of people working in the disability sector.

It is a changing sector. It does not stand still. It changes on an almost daily basis, and the needs of one individual are very different to the needs of the next individual. There is not a homogenous group, and therefore those skills and that expertise needs to be constantly updated. This registration and accreditation scheme is welcomed by the workers in the disability sector, and it should be. It should lead to us valuing those workers much more than they are valued today. That should be reflected in terms of the professional prism that we view them through, but also reflected in their wages and conditions.

Why would we introduce this scheme now? Why not wait for the NDIS quality and safeguarding framework? Again, as per the parliamentary inquiry, we note that the abuse and neglect has been widespread over a long period of time, that there is a pressing need for us to do more and that we can do more today. Public consultation on the scheme indicated that the framework, whilst applauded, is not sufficient to provide the necessary protections to prevent and respond effectively and quickly to the abuse and neglect cited by the 2016 inquiry. That is why this will be done in conjunction with the NDIS quality and safeguarding framework.

How will this registration and accreditation scheme reduce harm and abuse? It provides an effective set of regulatory tools to lift the quality of the disability workforce. That, by logical extension, suggests that the care and support that the disability sector workforce will provide people with disability will improve. That level of care and support will improve, and the better trained workforce is expected to improve the choice and control for people with a disability. We know that they will have a lot more rights that they will be able to exercise as a result of the NDIS, as they should. With that choice and control and that accountability, we are confident that there will be a lifting of the level of care for people with disability.

In terms of the disability accommodation, and again it has been talked about by Ms Wooldridge and others, under the NDIS specialist disability accommodation providers will be separate from supported independent living providers. Current regulations around rights in SDA tie a resident's rights to live in a home to receiving services from the same provider that runs the home. Of course that is not fit for an NDIS world, so the government is updating the residency rights in SDA to address that. I will not go through all of them given the reduced time I have left, except to say that the way that the residency rights are currently regulated is inconsistent with the NDIS rules, making this bill even more urgent in terms of ensuring the continued protection of SDA rights for people with disability.

It has been acknowledged I think by a number of contributors the level of consultation that has occurred over the past couple of years in this space, so I will not go over all of that ground again, except to say that as well as the public consultation, the NDIS implementation task force housing working group has continued to provide advice to the government throughout 2017 and 2018.

I note Ms Wooldridge's comments about the length of time taken. It is important that you get these things

right, and it is important that you listen to the advice from the experts and that you act on the evidence that they produce to you. We would all like everything to be done much more quickly, but the bottom line here is that we have got a piece of legislation which addresses much of the evidence that was provided to the government. Much of the expert advice has come from advocates, it has come from NDIS participants and it has come from the sector's peak bodies, SDA providers, service providers, housing experts and, as I said, the union that represents disability sector workers.

Just in the 14 months that I have been in this place there have been a few things which have been memorable and that I will carry with me for however long I have remaining in this place. But can I say that this is very close to the top of the list, because for far too long in this country if you lived with disability, that equalled inequality, and I am very, very proud that this Parliament is coming together to work together to do the heavy lifting that is required to ensure that those people in our community who do live with disability are afforded the rights and the controls over their lives that we all enjoy and that they absolutely should. I commend the bill to the house.

Mr FINN (Western Metropolitan) (18:20) — I rise this evening to support the Disability Service Safeguards Bill 2018, and in doing so I commend the previous speakers. This will not happen too often in this place, but I commend Ms Wooldridge, Dr Ratnam, Dr Carling-Jenkins and Mr Gepp for the comments they have made. Mr Gepp's comments in particular I thought were very thoughtful when he spoke about the need for equality for those with disability, because that is so very true, and I will speak about that a little bit later on.

The Disability Service Safeguards Bill 2018 establishes a scheme for regulating disability workers by providing for the registration of disability workers and students receiving training to be disability workers and also providing a scheme for the regulation of unregistered disability workers. The bill establishes the Disability Worker Registration Board of Victoria to undertake the registration function and also to deal with complaints made in respect of registered disability workers. The bill also establishes the Disability Worker Commission, which will be led by the disability worker commissioner, which makes a lot of sense. The commission will deal with complaints about unregistered disability workers as well as administering the scheme. The bill ensures that the most serious powers of issuing prohibition orders and public statements in relation to unregistered disability workers will be reserved for exercise by the commissioner only. The bill also amends the Residential Tenancies Act 1997 and the Disability Act 2006 to provide for the rights and duties of specialist disability accommodation (SDA) — and I must say that I was surprised to hear Mr Gepp mention the SDA — residents and providers consistent with the national disability insurance scheme (NDIS), and also makes consequential amendments to the Health Complaints Act 2016, the Ombudsman Act 1973 and the Public Administration Act 2004.

Members I am sure will be aware that I have a deep personal commitment to this particular issue of the human rights, the civil rights, of people with disability. As a result of that I am obviously very enthusiastic about ensuring that we have the best support, we have the best training, we have the best of everything available for those people charged with supporting people with disability. Those workers do, by and large, overwhelmingly, a brilliant job. It is often a very challenging job, particularly for those who face — well, they are not children — generally speaking almost adults who perhaps have autism or have some other issue and who do become violent. I have seen this myself unfortunately and experienced it myself unfortunately. But those workers who put themselves in danger — and let's face it, they do — to support people who would otherwise not have that support are amazing. They are deserving of our congratulations and our thanks, and I put that on the record here tonight. I sincerely hope that this legislation will bring forth the best that we have to offer in terms of workers with people with disabilities.

We are talking here about some of the most vulnerable people in our society. The minister's second-reading speech states:

> People with disability fought long and hard to win the right to have a real say over their lives. The introduction of the NDIS provides the foundation for change, but more is needed.

I agree with that. I will speak about the NDIS in a minute. I want to talk about those who do not have the opportunity to have a real say over their lives, because whilst those who are perhaps in wheelchairs and perhaps those who are physically disabled in some way do have a say over their lives, those who have a mental disability and those who may — as in the case of people that I deal with on a daily basis — have severe autism do not have a say over their lives. Their lives are very much in the hands of others, and that is why we really need legislation such as this to make sure they are properly protected. It is absolutely crucial that we do that. We cannot under any circumstances allow them to go into the community unprotected.

I know that many parents feel enormous guilt when they have to put their children, who may be 18 or 19 years of age, into assisted living, as it is now called I am informed by my daughter. It is not assisted accommodation; it is assisted living. There is a great deal of guilt that parents feel for having to place their children into supported living circumstances, and quite often they have to do it, because perhaps they are older than they used to be and they cannot cope anymore. Perhaps the child, as I said before, has become violent and something needs to be done there just to protect the families themselves. That is a very, very big issue, particularly in the autism area. Puberty and autism put together is an explosive combination, and one that I would not wish on my worst enemy. It is just dreadful. I have to say I am going through that at the moment, and it is just horrid.

It distresses me enormously when I see so often the attitudes of people toward those with disability. I see the attitudes of people who see people in wheelchairs or see people who are acting strangely, maybe because they are on the spectrum or maybe for some other reason. Some people automatically class them as second-class citizens. They regard them as something less than human. That has got to change. We have had arguments in this place over the last decade or so saying that is okay to kill a child in utero if that child has a disability. If you are prepared to kill a child because that child has a disability, that is the most foul form of discrimination known to humanity. That is something that seems to be accepted by a lot of people these days. If you have got a child with a disability in utero — kill him, kill her. That is all right. If you have got a disability, it does not matter — not quite human. Of course that has spilt over to children after they are born as well. That is something that I have seen with my own eyes, and it is indeed very, very distressing — very much so.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr FINN — Thank you, Acting President, and thank you, Minister, for the opportunity to continue my words on this.

Those on the autism spectrum, as I said earlier, need our support largely. There are some who do not, and that is great, because it is after all a spectrum. This is something that a lot of people do not understand. I am constantly amazed at the level of ignorance in the community, even in the medical profession, about autism and those on the spectrum, because you can have a situation where somebody with autism can be a rocket scientist — can be an absolute genius — or you can have somebody with autism who is sitting in the corner banging their head against a wall, non-verbal and unable to communicate. So it is a wide spectrum. It is important that we realise that this spectrum is a wide spectrum and that we take into account all the issues that everybody on the spectrum has. Particularly for those who are down the lower end of the spectrum, the end of the spectrum that needs support, we need to protect those young people — and older people too, for that matter — who need that support. I am very hopeful this legislation will do that.

The national disability insurance scheme gives us hope, but I am really hoping it is not false hope. I have spoken to a number of parents already who are less than thrilled with what they have been subjected to, I suppose, by the NDIS. My family are going through it at the moment, so I will reserve my judgement until such time as we have further meetings with them. But I really hope beyond all hope that the NDIS will make a real difference in the lives of so many Australians, so many who need it.

It is only a few years ago that people with any form of mental illness or any form of mental condition were locked up. They were put in homes in places like Caloola out in Sunbury. I know that very well because when it was closed just before I was first elected back in 1992 it caused a great deal of difficulty because a lot of the people in Caloola regarded that as home. It is all they knew. That in itself is a condemnation of our society as it was. What we need to do is to give all people the sort of opportunities, the sort of hope, that we ourselves would enjoy and expect, and we have an obligation as a Parliament and as a community to support those with disability if they need support. As I say, there are some with disability who do not need support, and if they do not, that is great — more power to them. I very much wish them well. But there are far, far more who do need support and who do need the protections that are included in this legislation. I am very hopeful that this legislation will bring some comfort to the families and to the carers of those with disability. As I said before, it is very, very difficult for a family to put a member of a family into assisted living, but hopefully this legislation will provide some comfort to them.

It is my view that society is very largely judged by how it treats the vulnerable, how it treats the sick, how it treats the weak, how it treats those who need our protection, because they have very little chance of protecting themselves. I believe that with all my heart. We must — we have an obligation to — protect those who cannot protect themselves whoever they are, wherever they are. Most certainly the overwhelming

majority of people in this category that we are talking about tonight — those with a disability — enter that sphere. I am confident this bill will pass, and I sincerely hope that it will make a real improvement to the lives of thousands of Victorians.

Mr MORRIS (Western Victoria) (18:35) — I am very pleased to follow Mr Finn, who I know has a very strong commitment to ensuring that people in the disability sector are supported to do the important work they do and indeed to achieve those outcomes.

In rising to make my contribution to the Disability Service Safeguards Bill 2018 I note that the purpose of this bill is to amend the Residential Tenancies Act 1997 and make other consequential amendments to the Health Complaints Act 2016 and the Public Administration Act 2004. There are several provisions in this bill, some of which are to provide for a registration scheme for disability workers and disability students — to establish the disability worker registration scheme — to establish the Victorian Disability Worker Commission and to provide for the appointment of the Victorian disability worker commissioner and also to establish a mechanism to deal with complaints and notifications about disability workers and disability students.

The bill goes on to amend the Residential Tenancies Act 1997 to provide for the rights and duties of specialist disability accommodation (SDA) residents and SDA providers consistent with the national disability insurance scheme (NDIS) and to provide access for SDA residents and SDA providers to general tenancy arrangements under part 2 of the act and also to enable SDA residents to exercise choice and control in respect of their accommodation arrangements. We know that it is incredibly important to ensure that people have a say over the way they live their lives. That self-determination is incredibly important and something that does need to be respected. It could be a very difficult circumstance that they might live in where they do not have a say over their lives and the way that they could live their lives, including where they might reside and live.

I note that Mr Finn made some comments about the NDIS and about the challenges that some who are involved in the NDIS are taking up. I, as I am sure many in this place have, have received queries and questions in my office about the NDIS and how it is going to be rolled out to help and support those with disabilities who need that support. I do note that there are some very obvious teething problems with the NDIS, as I imagine there is with any scheme this size as it is rolled out. As Mr Finn said, I too am very hopeful that it is going to achieve positive outcomes for families who are in very difficult circumstances. I can see that the aim of the NDIS is certainly to do that. I am certainly also very hopeful that this is just a difficult phase that the program is going through. When we look back in five or 10 years to what has been achieved by the NDIS I hope that all those who are experiencing these challenges at the moment have had those concerns addressed.

There is one particular element of the NDIS that I think is certainly very welcome, and that is the principle of no disadvantage. That principle of no disadvantage in effect seeks to ensure that when someone is provided with disability support — when someone has received that support — once they have moved to the NDIS that level of support will not be reduced. It may remain at the same level or indeed be enhanced by the NDIS. I note that this is a commitment that governments have made through the Intergovernmental Agreement for the NDIS Launch. In effect it says that if you are receiving supports before becoming a NDIS participant, then there should be no disadvantage in your transition to the NDIS. This is certainly one provision of the NDIS that gives me great hope — that indeed those who are being supported will not have their level of care or support reduced through the program.

Further to this commitment is one outlining that people who became participants in the NDIS should be able to achieve at least the same outcomes under the NDIS as they had before. The commitment does say that:

> This does not mean that you will always have the same level of funding or supports provided in the same way. However, you will have access to reasonable and necessary supports consistent with the National Disability Insurance Scheme Act 2013.
>
> Where the NDIS does not fund a support you previously received under another program, the agency will seek to identify alternative supports or refer you to other systems with a view to ensuring you are able to achieve substantially the same outcomes as a participant in the NDIS.

That is something that I certainly think we should take as a very positive commitment from all those involved in the NDIS — that indeed those who need the greatest support in our community will certainly receive it and will not be disadvantaged under the NDIS.

As Mr Finn also said, there are families with children or indeed adults with high needs who can experience significant stress throughout their care for their loved ones. I think that we should acknowledge the hard work that these families do. The love and care they show for their loved ones is one that should be well respected and indeed endorsed by governments, because without

that love, care and support people with disabilities would certainly struggle through their daily lives. However, it is important that governments do what they can to support families as they support their loved ones in difficult circumstances.

I do note that the Family and Community Development Committee's report of 2016 on its inquiry into abuse in disability services recommended individual registration of disability workers, and this has been followed through. However, one area of note is that the federal NDIS registration scheme is only for providers and not individual workers. Some disability providers expressed initial concern about the registration process if it were to be made compulsory, which may impact on the ability to attract disability sector workers when there are already shortages.

I am fortunate to know several constituents who work in the disability sector, and I certainly take my hat off to them for the important work they do in supporting our community. It can be very tough work at times, but it is also immensely rewarding to be working in that field. However, the incidence of violence in this sector is concerning, and I have had reports in my office about this. This is an area we should certainly be focusing on. I do not think it is an area that we should ever become lax about because that is where insidious behaviour both worker-on-client and client-on-worker can become more prevalent and indeed much more damaging as well.

I note that the system to be introduced here also seeks that a registered worker be able to work within a flexible arrangement, with services provided by non-registered workers as well.

This bill further goes on to change the Residential Tenancies Act and is directed at improving the rights of people living in specialist disability accommodation, and these measures have been supported by the sector broadly. What does need to occur is indeed what has been said there — that the rights of residents should always be strengthened and improved. We should be ensuring that people who are living in this specialist disability accommodation do have the capacity to have a say in how they live their lives, because I think we do need to learn the lessons of our very recent past. We know there have certainly been some institutions that, although they were well-meaning in how they were set up to attempt to provide for the community, have indeed lost their way. Rather than providing a place for people with disabilities to live, to prosper and to enjoy their lives, some of the ways people living in these types of accommodation were treated were quite horrendous in some circumstances. I note that this is something that is not unique to any one institution but rather has gone across a variety of different sectors. Although slightly unrelated, I think what we saw occur in South Australia recently was horrendous. It is an area that we recognise we cannot become complacent about to ensure that the rights of the vulnerable in our community are protected and indeed the quality of their life is improved.

I note there have been some areas of concern raised about this bill. Some of those concerns relate to the appointment of the disability worker commissioner and how the complaints and the processing of those complaints could duplicate the federal complaints process that sits under the NDIS quality and safeguards commissioner. Any duplication within this particular field is of course concerning, because if you have already done the same job once then it means that you are diverting resources away from where they could be better directed and could indeed therefore provide greater support to those who most need it within this sector.

Initially the setting up of the Victorian commissioner was to be an interim appointment until the national oversight system was put in place. However, although the national system has pressed ahead of Victoria, the federal system will only look at workers and organisations providing specifically the NDIS services. There are also a number of other entities that provide services to the sector, including other government agencies. The Victorian commissioner will have oversight over these services, whereas the federal scheme will be more NDIS focused.

It is of course important that within this field there are appropriate safety measures and indeed that complaints and the complaints-handling process are duly respected and that those complaints are not just given lip-service but followed up, because these are people's lives that are being looked at within this particular sector — and not just lives but indeed the lives of the most vulnerable in our community. I think broadly across this chamber we would recognise that it is those who cannot necessarily care for themselves that we, as a community and as a government — any government — must ensure have the most, the greatest and the highest level of care. Diligence needs to be applied to ensure that these people are not taken advantage of, not mistreated and not treated poorly in any way in their day-to-day lives, because that is a very real possibility as we press ahead in ensuring that people with disabilities can live full and open lives.

This is obviously a bill that I hope will improve the sector and ensure that those safeguards required within

the sector are better implemented and placed. However, we must always remain very diligent in this field, because if history has taught us anything it is that if we are not diligent and if we do not remain cognisant of the many issues and the power imbalance within the disability sector, these insidious-type behaviours that we have seen in the past, and indeed in the very recent past in other places in Australia, could well continue. At that point I will conclude my contribution, and I look forward to hearing the contributions from other members in the house.

Ms BATH (Eastern Victoria) (18:50) — I am really pleased this evening to be able to speak on the Disability Service Safeguards Bill 2018. I have been listening with interest to all contributors to the debate today, and it is good that there are bills that come through this house that certainly have a unifying effect on the members within this Parliament. I acknowledge the other speakers' comments in identifying the need to create a better way to deal with our wonderful people with disabilities. I would like to comment too that I was listening to the Honourable Mary Woolridge reflect in her contribution about the journey that both the state and the federal governments have taken in relation to the creation, the implementation and the rollout of the national disability insurance scheme (NDIS). I congratulate both sides of this house and indeed the federal Parliament for their bipartisan efforts.

When we come into this place and we hear constituent issues from people who come through our door and highlight issues, it is a wonderful way of creating a new understanding in our own lives and world about what other people have to face on a daily basis and the hardships that they have to deal with in caring for any family member but in this case, and in many cases that come through my door, children with disabilities.

Indeed in relation to the NDIS rollout and the way it has been rolled out, certainly Gippsland has been towards the tail end of that rollout. I was really pleased to advocate for a number of families down in the Bass Coast shire who were waiting for an individual support plan, an ISP — who were waiting and waiting for that — and were still then waiting for the NDIS. I highlighted the fact that it was really important that their progress through the NDIS be fast-tracked. When I got to know this one particular family, the level of disability that this wonderful girl has to endure and the requirements on both her mother and her father on a daily basis are something that I think would make a marathon man or woman go weak at the knees. We have these beautiful children who are growing up to be quite large people — grown-up children — and yet those wonderful families have to go through sleep deprivation and through their own physical fatigue in order to care for them. The idea has been that the NDIS has provided and can and will provide those support packages to give parents respite and to give those children some of the specialised services they need.

For this one particular family all they received from governments on either side was nappies. They did not receive anything else in terms of financial benefits. So getting the NDIS through and making it work for them was a really important outcome. I just hope and I am sure they are doing so much better on it.

The other honour it has been in being in this place is being able to work with, meet and understand our service providers. We have some fantastic service providers in Eastern Victoria Region. I will not go on and name them, but they do a tremendous job. They have had to adjust and recreate themselves in being able to provide for the services — the flexible packages — that clients now have, and of course not just the physical but the mental or a combination of both. What we know with all the service providers and people who work in the disability sector is that so often those disability workers go beyond the mile. They do again and again things that just, I am sure, enrich the families, enrich their clients — those wonderful people with disabilities — and really enrich their lives. They enable people to be more mobile and get them out into outdoor experiences — to be out in nature and to understand what it is like to be normal in a nature sense and to travel and experience things. But they also just provide very simple and basic life skills that are so very important.

I am really pleased to be part of a coalition opposition — at the moment, soon to be government — that has pledged that the Gippsland Carers Association will be able to be funded in a pilot program to support the carers who care for people and children with disabilities. This is a really important factor. So often we look at the person, the client, with disabilities, but we should also note that those carers suffer from great fatigue and they need to have support mechanisms — mentorship and also the knowledge of where and how to get support. I am really pleased that we will be able to offer that when we come to government and they will be able to do the work that they do so well.

This bill has evolved before the house, and much of the inspiration or the impetus for it has come out of the 2016 inquiry into abuse in disability services and the subsequent report. I attended the day that the inquiry committee or a branch thereof came to Morwell back in November of 2015, and I sat in and listened to a number of the local people — from Cooinda Hill or the

Gippsland Carers Association — and their stories and their frustrations. It was both an honour and also, I guess, a frustration to hear the challenges and the pain that they had experienced in dealing with some of the darker sides of workers in terms of the abuse that can happen in various places — homes and the like.

I note one particular lady who I have had the most pleasure in getting to know a little bit, called Ms Lorraine Beasley. She appeared at the Morwell hearing of the committee, and she has worked in this sector for over 20 years. I will quote her:

> I and many other carers, paid and unpaid, have seen a range of abuse and neglect. In my 20 years working in disability services, I have worked with some wonderful staff. Unfortunately not all paid carers treat people in the respectful manner they deserve. Further, in some organisations those who report abuse and neglect … are labelled troublemakers by management and offenders … This in turn reduces reporting by staff, who become scared of the consequences and impact. It impacts on the shifts they are offered and they are just treated badly. I am proudly a whistleblower and will remain that.

This is a lady who does care very deeply for the people she cares for, but she is also prepared to stand up. There are minorities, but they do exist. I am pleased that the recommendations out of this report have come through and that part of this bill adopts those recommendations.

Indeed the bill is quite large and complex. I will now address some of the aspects of the bill. The Disability Service Safeguards Bill seeks to address and amend the Residential Tenancies Act 1997 and make consequential amendments to the Health Complaints Act 2016 and the Public Administration Act 2004. The main provisions of this bill are to create worker regulation and a mechanism to deal with complaints. It does this by providing a registration scheme for disability workers and disability students; establishing the Victorian disability worker registration scheme; establishing the Victorian Disability Worker Commission and providing for the appointment of the Victorian disability worker commissioner — that is the important catch there; and establishing a mechanism to deal with complaints and notification about disability workers and disability students. I think that goes very much to the heart of what Ms Lorraine Beasley was saying in her contribution back in Morwell. There needs to be a proper complaint and notification pathway so that people who are not doing the right thing — the very minor group but who still do do the wrong thing — can have a pathway of acknowledgement and retribution and people who do blow the whistle can be justified in their outcomes.

I note that my colleague the Honourable Tim Bull and shadow minister in his contribution in the other place highlighted the fact that some sectors felt that there was a lack of consultation in relation to the Victorian Disability Worker Commission and the federal NDIS Quality and Safeguards Commission and how that interface between those two operatives will play out. He felt that perhaps there was not sufficient consultation, and particularly the federal commissioner felt that he was not actually consulted in the process of this bill and there should have been that greater consultation.

Initially the set-up of the Victorian commissioner was to be an interim until the national oversight came into place. However, the national system has in effect leapfrogged over the Victorian. The federal will only look at the workers and organisations provided with respect to NDIS services. But there are a number of other entities that provide services to the disability sector, including the likes of the Transport Accident Commission and Victorian forensic disability services. Therefore the Victorian commissioner will have oversight of all of these services, whereas the federal scheme will only look at the NDIS. But how that plays out and some of the questions that will be asked today I think should tease that out.

I will conclude my appraisal of this bill, but I note just finally that it was really good to see that our shadow minister, the Honourable Tim Bull, certainly went to great lengths in his research into this to be able to provide us in this house with some background on the bill. Again, as others have echoed, it is important that we support people to do the right thing when caring for people with disability. Disabled people are just like everybody else; they have all of those wonderful emotions. They want to contribute to life, and they want to live in a great home and be able to experience all of the normal things. They have some hurdles, however, to overcome, and I hope that this bill will help them overcome such hurdles. The Nationals consequently hold a not-oppose position on this bill.

Mr ONDARCHIE (Northern Metropolitan) (19:02) — I rise tonight to speak on the Disability Service Safeguards Bill 2018, a bill that introduces a disability worker registration scheme, that amends the Residential Tenancies Act 1997 and makes consequential amendments to the Health Complaints Act 2016 and the Public Administration Act 2004, a very important piece of legislation for Victoria. Remembering that 18 per cent of our population have a disability and nearly 36 per cent of households have in them a person with a disability, this is a very important

piece of legislation that should be taken very seriously in this house tonight.

The bill has a number of components. It provides for a registration scheme for disability workers and disability students — it establishes the Victorian disability worker registration scheme. It also establishes the Victorian Disability Worker Commission and provides for the appointment of a Victorian disability worker commissioner. It establishes a mechanism to deal with complaints and notifications about disability workers and disability students, and it amends the Residential Tenancies Act 1997 to provide for the rights and duties of specialist disability accommodation (SDA) residents and SDA providers consistent with the national disability insurance scheme (NDIS). It also provides for access by SDA residents and SDA providers to general tendency arrangements under part 2 of that act. It enables SDA residents to exercise choice and control in respect of their own personal accommodation arrangements, and isn't that important? Isn't it important that we give them choice on how they live their lives?

This is a very valuable piece of legislation that has come about as a result of the Family and Community Development Committee's 2016 inquiry into abuse in disability services, which recommended the individual registration of disability workers. This bill follows through on that recommendation. It is interesting to note at this time that the federal NDIS registration scheme is only for providers and not for individual workers within the system, which the 2016 Victorian inquiry recommended. Initially when this was out in the marketplace some disability service providers were a little worried that this registration process, if it was made compulsory, would impact on the ability to attract disability sector workers when there are already significant shortages — both in this sector and in the aged-care sector — particularly in some areas of rural and regional Victoria. These service providers have expressed a degree of satisfaction that registration will not be compulsory for all workers. The system will allow some flexibility for those who seek a registered worker to be able to do so but also has that capacity for others to have services provided by non-registered workers.

The changes to the Residential Tenancies Act are directed at improving the rights of residents living in specialist disability accommodation facilities — SDAs. These measures are pretty well largely welcomed by the sector and their advocates. I do note there is some concern around the appointment of the disability workers commissioner and the complaints process that it in fact could duplicate the federal complaints process that sits under the NDIS quality and safeguards commissioner.

Initially the thinking was that the appointment of a Victorian commissioner would be interim until the whole oversight at a national level was put into place. However, it seems the national system has now leapt ahead of the Victorian system because the federal government has appointed their oversight commissioner already and the federal system will only look at workers and organisations providing those NDIS services. There are also a range of other providers that provide services to the disability sector, including the likes of the Transport Accident Commission and the Victorian forensic disability services area. The Victorian commissioner will have oversight over all of these, whereas the federal scheme will only be focused on the NDIS component, as I understand it. There has been some discussion around why the disability services commissioner could not handle those non-NDIS complaints as well.

The quality and safeguards commissioner at the federal level has had some concerns around duplication of oversight services and a lack of consultation with their office by the Victorian government. That would not be unusual in bills that come through this house. We see it as a regular thing that the sectors say, 'The government haven't spoken to us at all', and generally the attitude of the Victorian government has been, 'Just trust us; we'll get it right'.

Mr Finn — They are not big on consultation at all.

Mr ONDARCHIE — I pick up Mr Finn's interjection that the government are not big on consultation.

Mr Finn — On anything.

Mr ONDARCHIE — Exactly. It seems to be, 'You do it our way or not at all'. They are always picking winners and losers, this government.

There has been wide consultation by the coalition. We consulted Able Australia, Action for More Independence & Dignity in Accommodation, Action on Disability within Ethnic Communities and Amaze, which was formerly known as Autism Victoria — a great organisation. Mr Finn is a big rap for them; I know that. We also consulted Anglicare Victoria, Asperger's Victoria, Assert 4 All, the Association for Children with a Disability, the Australian Federation of Disability Organisations, the Australian Services Union, the Autism Advisory and Support Service, the Autism Family Support Association, Baptcare, Carers Victoria, Children and Young People with Disability

Australia, Community Lifestyle Accommodation, the Disability Advocacy Resource Unit, Disability Advocacy Victoria, Disability Advocacy and Information Services, Disability Justice Advocacy — isn't it interesting that we did all these in alphabetical order?

We also consulted the Disability Resources Centre, Down Syndrome Victoria, EACH, Early Childhood Intervention Australia Victoria/Tasmania, the Ethnic Communities Council of Victoria, the Health and Community Services Union, Interchange, the Municipal Association of Victoria, Reinforce, Scope, the Self Advocacy Resource Unit, Solve Disability Solutions, Star Victoria, Tandem Carers, the Tipping Foundation, Vicserv — the former Psychiatric Disability Services of Victoria — the Victorian Aboriginal Community Controlled Health Organisation, the Victorian Advocacy League for Individuals with Disability, the Victorian Healthcare Association, the Victorian Mental Illness Awareness Council, Women with Disabilities Victoria, Yooralla, the Young People in Nursing Homes National Alliance and the Youth Disability Advocacy Service.

It cannot be said that the Liberal-Nationals coalition has not consulted widely. We have been out to a range of organisations, as I have outlined today, seeking their views and opinions on that. The government could take a bit of a lesson from what the coalition does in terms of consultation here. We should encourage them to speak widely to these things.

It is important that we support this. I have some relationship to this sector through my role as ambassador for Guide Dogs Victoria, where we assist blind and visually impaired Victorians to find an independent lifestyle, to find mobility and to achieve levels of self-esteem. The dogs are only one small part of our business out at Guide Dogs Victoria. We teach people to live with this disability. We give them situational experience, including use of cane technology and giving them the capacity to move around in their life and to do whatever they want in their life. Essentially this bill goes to that.

At this point I want to pay tribute to a constituent in my electorate of Northern Metropolitan Region, and that is former Whittlesea councillor and local strong disability advocate Christine Stow. Christine has two lovely daughters, Auraria and Imyjen. Imyjen was born with a rare muscular disorder, and for I think it has been nearly 17 years now Christine has raised those two girls pretty much by herself. But she has not hidden under the veil of just being a mother of a child with a disability. She has been out there in the community as a very strong advocate for support for people with disabilities — and I see Mr Finn nodding away here — to the point where she has written a book called *Not Just Imyjen's Mother*. In it she talks about the work that she has done as an advocate, as a carer, as a local councillor and for a short time as an electorate officer in my own office, and she talks about the work she has done to support the disability sector.

I salute Christine Stow today for the work that she is doing to ensure that the NDIS has good application here in Victoria and that we do recognise there are some gaps between the federal scheme and how it is going to apply in Victoria. Christine has been a very strong advocate and not only that but a great community person and a great mum, I have to say, as well. So today I take this opportunity in this house to pay tribute to Christine Stow for the work that she does in our community right across the disability sector. There would not be many people across that sector right across Victoria — not just in the Northern Metropolitan Region — who do not know Christine's work. Today I take this opportunity to acknowledge that great work.

Similarly, I take the opportunity to acknowledge the many, many carers we have in Victoria — people who do outstanding work not only for their loved ones but for others in supporting Victorians with disability. It is not just the immediate carers; it is families and it is siblings. Often I have met with families who have a family member with a disability and the whole family is engaged in the care of that person with a disability and helping them on their journey. Sometimes in families siblings get somewhat left behind because there has been a focus on a child that needs special attention, but those siblings we find in the main are just great human beings. They step up. They mature well beyond their years, and they support the family unit.

At this point, whilst I have talked about Christine Stow in Northern Metropolitan Region, I take the opportunity now to commend a friend of mine and a very strong advocate in the disability sector, and that is our own Bernie Finn. Bernie for a number of years — and I have known Bernie for a long, long time — has been a staunch, assertive advocate for people in the disability sector. There would not be many days that you would not run into Bernie Finn and he would want to send you a message about supporting people with disabilities. I am pleased that not only is he a member for Western Metropolitan Region here in this Parliament but he also takes on the stewardship of our support for the disability sector, particularly in the autism area, for the Liberal-Nationals coalition.

So, Mr Finn, today I say to you: thank you for your work, thank you for your energy and thank you for your stewardship in shaping the thinking of the Liberal-Nationals coalition about what we can do. We will be making some announcements about that sector very soon. We have made some already, but we are making more about that under your leadership, Mr Finn, so I commend your work in the policy development around that. Apart from that, he is a great dad, he is a great husband and he is a pretty strong advocate for the Richmond Football Club as well, which is one slight downside to him, but nonetheless.

I say to those who care in our community, to those who provide support in our community and to those who provide services in our community through the various agencies and as individuals: thank you. Thank you also to the leadership under the former Napthine government and to Ms Wooldridge for the commencement of respite care in Victoria. Families are under enormous pressure right now with the cost of living, the traffic congestion in our city and the growing rate of crime. There is enough pressure on families right now, and for those families who have someone in their family with a disability, every now and again they need a break. Every now and again they need a little pause to go and just have a break. I commend Ms Wooldridge for her leadership, particularly in Northern Metropolitan Region, where we were able to provide some respite facilities for those families. We do not ever have as many as we could have. We need more. We recognise there is not enough money around, particularly when you spend $1.3 billion not to build a road. There is not enough money around to do everything we want to do in Victoria. We recognise that, but when we can we should help.

The role of us in this Parliament is to help Victorians to live their optimal lives. So I do not oppose this bill. I look forward to the questions that will be challenging in the committee stage of this bill, but to those families, to those carers and to those workers in the sector, we say thank you.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Dr CARLING-JENKINS — Minister, I wonder if you could take a little bit of time to briefly describe tonight the process of how this legislation came about through the national disability insurance scheme (NDIS) task force. What I am trying to do here is get a sense of the consultation process, because I have had a number of people in the disability sector who have been surprised by this bill — not displeased. I want to make that really clear: not at all displeased — I hasten to add that — but just a little bit surprised.

There are two parts to this. One is that I understand there was an organic process leading up to the bill based on the RMIT workforce, so if you could disclose the stakeholders and participants involved specifically that would be very helpful. Related to that is the other process, which was around submissions received on the tenancy side — if you could give me a sense of who submitted written submissions to that and whether they are publicly available.

Mr JENNINGS — I thank Dr Carling-Jenkins for her question and her ongoing commitment to the issue of disability rights and opportunities for Victorians and indeed for citizens far broader than those in Victoria. In her life in the Parliament that is a recurring element of her contribution to the Parliament. I want to make that comment.

I also want to make a comment to other people who have contributed to this second-reading debate about the spirit in which the second-reading debate has been completed. It has been a respectful and engaging debate, and I thank in advance those who will participate in the committee for expressing their in-principle support or lack of opposition to this piece of legislation on the basis of a recognition of the importance of us actually having quality care and support provided to members of our community who live with disability, who have every right to participate in community life and who see the delivery of the national disability insurance scheme as a potential improvement to their quality of life and the opportunities that are afforded to them.

It is in that spirit that I actually want to now acknowledge that the participants in this community come from that vantage point, and I am very grateful that that is the case. There are two streams of consultation or consideration that have led to the two fundamental aspects of this legislative framework. One of them relates to registration and accreditation and how that relates to quality safeguards in disability services in terms of the workers and the organisations that employ those workers and what they will be subjected to. That is one key element of this piece of legislation. The other relates to consumer rights and consumer protections for disability clients who live in accommodation that is funded under the NDIS.

Now, those two fundamental elements had different consultation processes and consideration that led to the policy settings that underpin this piece of legislation. The Minister for Housing, Disability and Ageing, who also has a range of other responsibilities, my colleague Minister Foley in the Assembly, and I had the good fortune to participate in the NDIS task force that was established by the government as far back as 2015 to deal with the introduction of the NDIS and the transition in Victoria. We invited major stakeholders to participate in a broad implementation task force, but then we also had a number of working groups, including a working group that was particularly established for registration and accreditation. Those working groups were a subset of that implementation task force.

As Dr Carling-Jenkins has indicated, we relied on and were the beneficiaries of the engagement of Professor David Hayward from RMIT University, who provided the leadership for the registration and accreditation project advisory group. The organisations represented there included Women with Disabilities Australia; the Health and Community Services Union; the Australian Education Union; National Disability Services; Vicserv, now known as Mental Health Victoria; the Victorian Advocacy League for Individuals with Disability — VALiD; the Victorian Council of Social Service (VCOSS); the Youth Disability Advocacy Service; and Young People in Nursing Homes.

There were also a number of individuals who participated in their personal capacity as people with disability with lived experience. There was particular organisational expertise in relation to the public sector and public services authority and recognition of classifications and accreditation processes. I have not named individuals who participated in the advisory group but there was Pam White, who has extensive experience in human services in Victoria, and then the State Services Authority played a role. Similarly, there was additional support from RMIT in terms of social research perspectives. Early Childhood Intervention Australia was also represented in that group.

The group met on many occasions over the best part of 18 months to consider the way in which a registration and accreditation scheme could work. They provided advice to the government in relation to their recommendations earlier this year after that consideration and after the establishment of the NDIS quality and safeguards commissioner, who was appointed earlier this year. By the time those recommendations came to the Victorian government the commissioner had been appointed. I have had the good fortune of meeting Graeme Head on a number of occasions and of being on committees that have considered this work or have received reports in relation to this work. The NDIS commissioner did attend a number of departmental meetings and implementation task force meetings, which ranged from February right up until August, this month.

For full disclosure it has to be acknowledged that for the aspects of quality and safeguards that need to be implemented at a commonwealth level, the commissioner, and indeed Victoria, would actually prefer a nationally consistent scheme, a harmonised scheme, but some aspects of the regulatory environment have been a bit slower to develop in the commonwealth in terms of their national standards and the rollout. It is also important to recognise that the Victorian scheme covers not only workers who will be working within the NDIS but also those workers who will be working in other disability services or other services outside the NDIS, so there is a recognition in Victoria that we need to cover those workers as well.

So whilst in a perfect world you would have a harmonised regulatory environment — and it is our intention to have a harmonised regulatory environment — we do recognise, and in fact the federal quality and safeguards commissioner would recognise, that the scope of our auditing environment is broader in terms of some of the scope of services that will be covered, but that is subject to harmonisation and protocols that are in place to make sure that as much as possible there is a unified system in terms of those quality standards. That very long answer is the answer on the registration and accreditation scheme.

On the side that deals with residential tenancies and the update of that legislation and indeed amendments to the Disability Act 2006 that allow for people in supported independent living accommodation to be supported, there was an extensive consultation process, which included around the state over 42 consultation sessions that over 300 people attended and indeed, as you indicated in your question, an opportunity for consultation papers to be responded to by witness submissions. There were 59 written submissions that were provided by various community organisations. I will run through some of those organisations in a moment, but they include the Victorian Council of Social Service, the Tenants Union of Victoria and the Summer Foundation.

There are a number of other organisations that gave the authority for their submission to be made public and their name to be associated with it, so I can list some of those. They include Action for More Independence and Dignity in Accommodation; Carers Victoria; Jackson

Ryan Partners; National Disability Services; the Office of the Public Advocate; Prader-Willi Syndrome Association of Australia; Quality Living Options Bendigo; Scope; the Summer Foundation, as I mentioned before; Supportive Families & Friends Eastern Metropolitan Region; the Victorian Advocacy League for Individuals with Disability — VALiD; and as I have already mentioned, VCOSS and the Tenants Union of Victoria. Other important organisations provided written submissions.

There were two consultation reports that were associated with the iterative basis of the consideration of these tenancy reforms. The consultations included 51 residents who were immediately affected by this, 165 family members and carers associated with this reform and 87 representatives of provider organisations. I understand that there is an expectation in the community that you can always do more in relation to consultation. I recognise that and the government recognises that. We are not wanting to exclude anybody, but you would understand that there are probably limits to any consultation involved with a piece of legislation.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Mr JENNINGS — I had just concluded my answer so I do not need the extra hour to answer that question. With my track record I probably could use the hour, but it would not be the wisest use of the committee's time.

Dr CARLING-JENKINS — Thank you, Minister, for that very comprehensive answer and description of the consultation. I now have a question on a completely different subject related to this bill. I am asking it under clause 1 because it is something that I found throughout the clauses. It is in relation to the way 'impairment' is described. In the guiding principles that are set out in the bill, it rightly states that persons with disability have the right to be respected for their human worth and to be treated with dignity as individuals. Unfortunately, as I read the bill I did not feel as though the language and the procedures set out in the bill around the issue of impairment for a disability worker or disability student really corresponded to this principle. That may be legalese, but I am looking for some reassurance that in the regulations that will be formed this will be taken into account.

I will give just a few examples from the bill. Clause 10 deals with the membership of the board. 'Impairment' in this clause is presented in a very negative light as a disqualifying factor for a board member.

Clause 33 provides for complaints against disability students based on the student having an impairment that detrimentally affects the student's capacity to undertake supervised practice. I understand that there are areas where this is needed, but I also think there should be a recognition that people with a disability are often workers in the disability field as well.

Clause 58 is one that really stood out to me. Impairment in a disability worker as a notifiable conduct was described alongside being intoxicated on the job, engaging in sexual misconduct or significantly departing from accepted professional standards. Now, these three factors are morally blameworthy; an impairment is not. I feel it should not be not lumped in with those kinds of descriptions. It should be handled differently because obviously an impairment is different to being intoxicated on the job.

This kind of language goes through the bill, as I said. I do not want to take up much time with this. Clause 61 is an example. Clauses 74, 78 and 91 — it is covered there. In Clause 98 it is around adverse findings in relation to impairment of a disability worker. Clause 113 and clauses 159 and 160 again describe 'impairment' in a really negative light.

There is a requirement in the Equal Opportunity Act 2010 around reasonable adjustments. That is part of the point that I am getting to here: in the supervised practice or in the disability work, to enable the student or worker to engage in the supervised practice or the disability work safely it can be done safely in many instances with reasonable adjustments. So I think it is just a little bit ironic that in this bill, which in its very intent and at its very core is about supporting people with disabilities, there is this adversarial manner.

I would welcome any comments from the minister on this issue and perhaps seek an assurance that attention will be paid to this concern in developing the regulations and procedures that are needed to give full effect to this bill.

Mr JENNINGS — As a starting point, can I say that philosophically and in terms of the recourse that should be available to people under equal opportunity law you and I agree totally on the philosophy and the principles that you have outlined, so we have got no argument between us at all in relation to that. For what that is worth, I hope you find that to be some degree of assurance, but it is not enough. I will go a little bit further.

Advice has been given to me for a number of the examples. I will just pick two, if I may, in the first instance in responding to your concern. In the way that you describe clause 58 — so I will start with 58 — where you suggest that the bill is constructed in a way that may consider intoxication in a similar form to the way in which the word 'impairment' is used, again, I understand from your philosophical and principled position that you are very sensitive to the word 'impairment' as actually being a prejudgement that will discriminate against anyone. I totally appreciate and accept that point.

Clause 58, which you referred to, in the first instance relates to notifiable conduct that actually may lead to consequences for a disability worker placing at risk, in some shape or form, those people that they are working with. With 'intoxication', which is under clause 58(a), it is a matter of whether the work was actually undertaken when the worker was affected by alcohol or drugs. That is the test that applies in clause 58(a).

In clause 58(c) the word 'impairment' is couched in terms of whether the work:

> … placed, or may place, the public at risk of harm because the disability worker has an impairment that detrimentally affects, or is likely detrimentally to affect, the disability worker's capacity to practise …

The concept of impairment is linked specifically to the potential for risk to those that the person is working with. Whilst it is in the same clause, the treatment of it is somewhat different. Intoxication — alcohol and drugs — is a problem. Impairment is only a problem in 58(c) if it is in fact demonstrably placing the person who the worker is working with at risk. That is the test. There is a different treatment. I am not resiling from your concern about the word, that it may be a prejudgement limiting a worker's opportunities.

In relation to the membership of the board — which is clause 10 — I would be concerned, similarly to you, if a person were not eligible to be a member of the board under clause 10(4) if an impairment was a predetermined reason why someone should not be a member of the board. It is linked in this context in clause 10(4)(a) to professional misconduct or incompetence. I believe that the context in which incompetence could be actually meant for a board member — this is my assessment, applying the rule immediately in response to your question — would only apply to an almost complete inability to be able to communicate. You and I have had long conversations previously on different pieces of legislation about the way in which support could and should be made appropriately available to people to participate in all decision-making activities in their lives, which includes communication assistance. I cannot consider, off the top my head, any other justification for impairment being in that clause, and we are obliged to provide equal opportunity and access to participation on the board.

Ms WOOLDRIDGE — In the spirit of doing everything in clause 1 — which you do very well, Minister — and continuing with some issues in relation to notifications, I am interested in understanding how, if at all, the criteria in relation to a notifiable conduct is different under this bill than what currently exists — what those shifts are — and if there have been shifts, why those changes have been put into place.

Mr JENNINGS — I have to have a conversation about that specific question.

I am advised that this is the first occasion where these notification elements are included in a legislative framework. Currently they are part of contractual arrangements with the sector. That is the fundamental difference.

Ms WOOLDRIDGE — In terms of its capture, then?

Mr JENNINGS — Yes. Basically what happens is that we are moving from the disability worker exclusion scheme, which is a policy setting, and contractual settings that are entered into by the department with agencies to a legislative scheme, which includes these elements for the first time.

Ms WOOLDRIDGE — I am just interested in the transition then of the existing list and the people on that list. Will the existing list that is managed under this policy and contractual setting held by the department transition to the commission? How will the wealth of information and assessments that have already been undertaken transition to the commission?

Mr JENNINGS — I am encouraged not to give a 100 per cent definitive answer to this question on the basis of — as you would appreciate and as you and other members of the committee have drawn attention to — the harmonisation and the lack of duplication that is actually currently taking place with the commonwealth. This is the reason why I am not going to give a totally 100 per cent answer and actually say that anybody who is currently on the existing scheme will automatically transit into the national scheme or the national framework, because in fact that is subject to conversation.

You would assume that there would be a transition for those who have been excluded, and given the expectation that standards will be very consistent — harmonised, but consistent and not of a lower benchmark than the disability worker exclusion scheme as it currently operates — you would assume that if somebody has been excluded, they would be excluded in the future. But I cannot give a total answer until those conversations are concluded and the protocols and the discussions with the national disability insurance scheme quality and safeguards commissioner are complete in relation to how the scheme will work. That is something that is currently being considered and actively discussed between Victoria and the commonwealth agency.

Ms WOOLDRIDGE — Thank you, Minister. It helped me for clarification. Not being the shadow, I do not have some of the depth of background that you do in terms of your briefing. I had understood that this was obviously the Victorian scheme and the Victorian legislation that we are putting in place. Are you saying that a similar exclusion scheme will exist for the commission at a federal level and that we are paralleling that — we are mirroring it — across the jurisdictions? I must say that I had assumed that this was Victoria putting its own scheme into place in relation to that cohort.

Mr JENNINGS — This is actually something that we are working through, through the national framework — how much of Victoria's frame is adopted in the commonwealth frame. That is the reason why we have taken this into that area. We believe, for the reason of providing that quality assurance and the reliability of a registration scheme in Victoria that applies not only inside but outside NDIS, that we should cover the field. So we cover the field even out beyond the NDIS.

What we are hoping is that there will be maximum correlation between those workers that are covered through the Victorian scheme and the commonwealth scheme, because in fact you would hope that anybody who is excluded or has a negative licensing classification in the new scheme in Victoria would not be working in NDIS. We would certainly want to provide certainty for that. So that is our policy intention beyond what will be the legislative intention of Victoria's legislation.

Ms WOOLDRIDGE — Thank you, Minister. So this means that we will capture as many as we can — let us hope that that is all of them in the first instance — and then that will be worked through with the commonwealth in relation to where that sits, depending on the basis.

Mr JENNINGS — Yes.

Ms WOOLDRIDGE — Fantastic; thank you. So are you able to advise the house in terms of, at this point in time, where we are starting from this, how many workers are currently on that exclusion list?

Mr JENNINGS — I am not sure that I am in a position to be able to tell you that number.

Ms WOOLDRIDGE — Will you take it on notice?

Mr JENNINGS — I will take it on notice, but I believe that I might not be able to provide you with that number.

I gave it a go. We are going to take it on notice.

Mr FINN — I may be a little naive — I hope the minister will take that on board — but this is a question that is asked purely out of concern for some of the definitions in this legislation. I would have thought that every disability worker should be a registered disability worker. What roles does an unregistered disability worker play? What work does an unregistered disability worker undertake?

Mr JENNINGS — At the moment they are not registered in this form, so this legislation does provide the opportunity for that to be the case. Your question does relate to a previous answer to a Ms Wooldridge question, which was in fact that it is the intention of Victorian law to establish consistency in terms of a registration and accreditation standard that applies to all workers in disability, whether they are employed within NDIS or beyond in other services. That is what we want to cover.

What we do not cover necessarily, until we work through with the commonwealth the way in which their scheme will work, is whether their scheme will work to the same standard or a lesser standard and in fact whether there might be funding arrangements from the NDIS to a service provider that will be potentially diminishing the standards that we apply in Victoria and in fact that may apply in other states.

So the vulnerability in your question, if there is a vulnerability in a legislative framework or a funding framework, actually relates to the national administration of the NDIS, because we want to cover the field to make sure that there are no unregistered disability workers that will be funded through NDIS, but we do not control that entirely ourselves.

So I think your question, which is not terribly naive, is in fact interested in making sure that we have the

highest standards that apply across the country for disability workers. Once we establish this scheme in Victoria our ambition in a policy sense would be for the national standard and the national funding arrangements to guarantee that they meet those standards.

Mr FINN — I hear what the minister has said there, and I do not wish to give him a hard time in any way at all, but I am very, very keen to know what duties an unregistered worker under this legislation would perform, taking into account everything that the minister has said about the NDIS in his previous response to me and the state not having control over certain aspects and all of that. Can the minister outline to me what duties an unregistered worker would perform?

Mr JENNINGS — I feel that I might have covered that, but I will go and talk to my advisers.

Everything that I said in my first answer to you I stand by. Within what I have just described to you, it is important for you, me and members of the chamber to actually understand the choices in relation to a disability worker who is funded by the NDIS. It may be a worker that is selected by an individual client of NDIS. When I described it to you before I actually talked about the funding arrangement between the NDIS and the provider of the service. In this there may be no organisations providing the service; it may be a direct employment relationship between a person with a disability and their carer or their worker. That is one of the reasons there is an opportunity for the person, the client, to make a selection that may be beyond the number of people who are registered as disability workers. So in fact the list of registration is not limiting their choice. That is why there is an opportunity. That worker may do anything at the direction or under the supervision of the individual client who may determine what their level of support may be.

The NDIS client will have the ability — and in fact it would be our policy preference, I can assure you — for that worker to be registered and to be on the public register. That would be our choice. But we are not limiting the choice of the client. Even within what I have described to you, there would be a number of expectations that are still embedded within the bill of compliance with the code of conduct, which is established under the legislation in Victoria. We are wanting the code of conduct to also apply to any worker who is funded by the NDIS, which is for us to actually work through with the NDIS to achieve that outcome. They would also be subject to the same mandatory reporting requirements and other sanctions as any other worker, including penalties for inappropriate or dangerous action covered by the legislation in Victoria.

So the complete answer is that at the discretion and in the control of the individual client there may be an opportunity to have an unregistered worker to do anything that that client wants. Our policy preference is for the worker to be registered. Our policy preference is for the code of conduct that applies to Victorian registered workers to also apply as the code of conduct in the NDIS, which is yet to be established by the NDIS. We are wanting to make sure that they are subject to mandatory reporting requirements and sanctions that may be imposed upon on any registered worker.

Mr FINN — Minister, just so I can be absolutely clear in my mind and to make it clear to parents in particular of people with disabilities: an unregistered worker cannot be employed without the express consent or indeed the invitation of the disabled person or their family.

Mr Jennings — That is correct.

Mr FINN — In the purposes clause, clause 1(a)(i) provides for a registration scheme for disability workers and disability students receiving training to be disability workers. I am just wondering if the training is laid out in detail in the government's mind or elsewhere for these disability workers who will be registered.

Mr JENNINGS — The way in which training and accreditation will work is that the board will be responsible for assessing, in consultation with the skills commissioner and the sector, the skill sets, the training opportunities, the formal qualifications and indeed the training modules that a student will be required to undertake. Again you would appreciate in light of my previous answer to you that there may be a range of views expressed by clients about the skill sets that they are ultimately seeking. So there will be a range of skill sets for which different training modules and training standards will be met, but there is a recognition. Indeed the group that I talked about before that was led by David Hayward involved, for instance, conversations with the skills commissioner. There is a recognition that as much work that went into the creation of this legislation needs to go into skill development and training opportunities and for that to be completed under the auspices of the board.

Mr FINN — Thank you, Minister. As I am sure the minister would be aware, training in this area is absolutely crucial, so it is important that that be made

very, very clear to all concerned. I thank the minister for his response and his answer to that.

I refer the minister to clause 1(b)(i), (ii) and (iii), which is to amend the Residential Tenancies Act 1997:

(i) to provide for the rights and duties of SDA residents and SDA providers consistently with the National Disability Insurance Scheme and;

(ii) to provide access to SDA residents and SDA providers to general tenancy arrangements under Part 2 of that Act; and

(iii) to enable SDA residents to exercise choice and control in respect of their accommodation arrangements …

My question specifically is: what protections are there, if any, for those with mental disabilities or conditions which do not allow them, or which prevent them, from being in a position to make an informed decision of their own volition?

Mr JENNINGS — I apologise. For some reason, in terms of what you are asking me to answer, I just missed a key link in the phrasing of the question in terms of the choice of the client or the resident to make a decision to — I just missed the action about which you are wanting their rights to be explained to you.

Mr FINN — No, no, not at all. I understand there will be many people with disabilities who are in a position to make a decision, and we respect that right and we defend that right — that is a great thing — but there will also be a number of residents who will not be in a position to make a decision. They will have a mental condition. They may be severely affected by autism, for example. What protections are in this legislation to protect them and the rights that they also have under clause 1(b)(i), (ii) and (iii)?

Mr JENNINGS — Sorry, I am clearer now. I will just have a conversation. My blood sugar levels must have been low. I tell you, I did not get the question, let alone the answer, but now I do, I think. In the circumstances that you described there is an obligation in the legislation for the service to provide an information statement to the client. That information statement, in terms of any potential adverse actions that may occur from the circumstances you have described, would be shared with the carer, the resident's guardian and the administrator or family member, and it must be in a form that can be understood as best as possible by the resident themselves. They will be given advice as to whether they enter into a general tenancy agreement or an SDA additional support agreement and about the way in which there are some additional protections within the piece of legislation that is before us.

In addition I have been encouraged to talk about additional resources that were provided for in the budget to increase the advocacy of residents in circumstances that you have just described, and that will be in a form to prevent the rights of residents to be abrogated. The default settings in the specialist disability accommodation (SDA) agreement, which does provide for additional support, are designed to protect residents who may be vulnerable in the way in which you described and to ensure not only that they have the best information available to them but also that those who care for them in the formal sense, which includes guardians and administrators, would also be obliged to protect their interests.

Dr CARLING-JENKINS — I have a brief question around complaints against disability students. In the provisions of this bill that deal with such — so in relation to disability students engaging in supervised practice — there appears to be nothing specified in relation to the education provider or the supervisor of the student, who presumably would be a registered disability worker or hopefully a very skilled practitioner. Firstly, it seems to me that if the behaviour complained about is at the more serious end of the spectrum, then there must have been some failure in the supervision, which needs to be addressed, because that is inherent in the whole supervised practice. But at the other end of the spectrum, for minor problems that simply need advice and correction, I am concerned that complaints will not be made to the direct supervisor or the education provider without involving the board. By definition a student is learning. They will make mistakes, and I am not talking about gross misconduct here of course — that of course should be reported at a high level — but a mistake in practice. I guess my concern is, as I said, not every mistake should involve a report to the board, so perhaps these matters could be addressed through the regulations or the procedures that will be needed to give full effect to this bill. But I would welcome your comments and clarifications on this issue please, Minister.

Mr JENNINGS — The simple answer to your question is that the threshold that makes a differentiation between what goes to the board and what goes to the education provider and the supervisor will be set in regulations, and they will work their way through their implementation.

Dr Carling-Jenkins — That was all I was looking for.

Mr JENNINGS — Okay, if that is what you were looking for, that is good.

Dr Carling-Jenkins — No, go for it. Keep going, you can keep talking. We have got till 8.30 p.m., Minister.

Mr JENNINGS — I am happy to conclude our work by 8.30 p.m. if we can. There will be a demarcation that relates to performance or to other forms of inability to acquit the responsibilities. The inability to acquit the responsibilities will go to the board. Issues of performance will go to the education institution and the supervisor.

Dr CARLING-JENKINS — Thank you very much, Minister. That is a really good clarification to have on the record; I appreciate that. You might be very happy to hear that this is my last question. We have talked about some of these complexities around board functions and how there are a lot of regulations that need to go in behind this 300-plus-page bill. I just wanted some clarity around whether that is the reason why this bill will probably not come into effect until July 2020. That is probably more a clause 2 question, but I am being cheeky in asking another clause 1 question with the indulgence of the Deputy President. Do you anticipate that it will take almost two years or that the government will be able to accelerate this process and perhaps have this board in place in a more timely fashion? Related to that, I wondered too if this is tied to the NDIS rollout time frames or any efforts the government is making, which I know they are making, to upskill and train disability workforce participants before the board is established.

Mr JENNINGS — Yes, I think you did, because I think you do appreciate the complexities of the issue. You do understand that the board has to establish the training and the accreditation standard in a world that is actually being redefined because of the vast array of what would be formally provided by providers as distinct from the circumstances I described before — individual choice by clients.

Dr Carling-Jenkins — It is out of your control, because it is the commonwealth.

Mr JENNINGS — Yes, exactly. But we do recognise — and in fact this is a priority area that we have all recognised in the TAFE sector and in the area of the skills commissioner, who has been involved in this work — that it is a major area of skill development in Victoria. We recognise that there will be a growing workforce during the course of that period, so we are gearing up resources and training opportunities to meet that capacity.

Mr FINN — I thank Dr Carling-Jenkins for asking that question about the commencement date, because that was a question that I had. She saved me the time — it was very decent of her. Minister, this legislation establishes the Disability Worker Registration Board of Victoria and the Victorian Disability Worker Commission. What will be the criteria for choosing the membership of both those bodies?

Mr JENNINGS — There are formal elements in relation to the membership as described in the governance arrangements within the legislation. As you would expect within the appointment of any board or body that is actually established by legislation, particularly if they are Governor in Council appointments, there would be departmental advice and a process by which expressions of interest would be sought. There are the formal requirements which are laid out in the act about what functions and responsibilities you would expect to be acquitted, and there would be selection criteria commensurate with that. If there is any further expectation in relation to government appointments that satisfy equal opportunity legislation and the range of lived experience as part of consideration of those bodies, then that would be consistent with the selection criteria that the government accepts and embraces.

Mr FINN — Clause 1(a)(vi) provides for appropriate information sharing in relation to disability workers. What sort of information are we talking about? What is the appropriate information that we are referring to in that particular subparagraph?

Mr JENNINGS — A number of the answers that I have given before in the committee would be covered by that issue — for instance, the information that may be relevant to share with the NDIS Quality and Safeguards Commission, the information that may be provided to NDIS providers in terms of the registration and accreditation of a particular worker and the information that will be available to individual clients if they seek that out in relation to those workers — so whether registration and accreditation have been complied with. Then in relation to other information we have talked about, there are provisions in this act where information — evidence — may be compiled in relation to mandatory reporting, for instance. So there are a variety of ways in which relevant information would be shared as a consequence of the implementation of the bill.

Mr FINN — Minister, would that information also be supplied to parents or guardians of people with disability who are not capable of deciphering it and

making the appropriate decisions as a result of receiving that information?

Mr Jennings — Yes.

Mr FINN — Thank you very much, Minister. The legislation also provides for a mechanism by which complaints and notifications in relation to disability workers or disability students may be investigated and dealt with. I am just wondering: what process is involved in this mechanism? What does it involve, and what would be the ultimate results of that consideration? What would be the powers that would be bestowed on presumably the various bodies within this legislation to deal with those who are investigated and found to be wanting?

Mr JENNINGS — Well, it depends upon what those circumstances may be. As you would actually understand, there could be criminal sanctions in cases of totally inappropriate or dangerous actions that would be covered by criminal law, ranging through to what might be an abrogation of responsibility and care that may lead to a loss of registration and a negative finding in relation to the licensing arrangements, which would prevent someone from working in the sector. There would be a range of those.

Mr FINN — Minister, what would be the mechanism itself? What would be the actual process that is involved in the mechanism referred to in the bill?

Mr JENNINGS — There are mandatory reporting requirements that would involve other workers who witness these actions reporting them to the commission, and indeed there will be an obligation in circumstances where this is also a relevant matter for the commonwealth agency for that to be identified to them. The Victorian regulator would make appropriate referrals instantly to the commonwealth if that is the appropriate setting for this consideration. Any action and consideration of the commission would also, if there are other forms of sanctions that are appropriate, be referred to the appropriate enforcement agency.

Ms WOOLDRIDGE — Thanks, Minister. Touching on a couple of issues that have come up but hopefully referring to some slightly different information, could I just get some information in relation to the commission: what funding has been allocated to establish the commission or is it using existing funds? The same with the workforce: do you expect it will be a workforce within the Department of Health and Human Services (DHHS) that will become the commission, or will there be a new workforce? If so, how many people are to be employed?

Mr JENNINGS — It is a combination of some funds that have been identified — existing resources — and then it will be subject to further budget consideration. I will go and have a chat.

I have been encouraged to stick to the answer that I have given here.

Mr Finn — What, they do not trust you, Minister?

Mr JENNINGS — No, no they trust me implicitly. In fact they were very affirming. I went and spoke to them and they said, 'Stick to your guns'. But I will give you some additional information.

In the transition to NDIS as you well and truly understand, there is a significant transfer of money from the state of Victoria to the NDIA, and significant transfers of funding jointly entered into by the state and the commonwealth. Within those transfers of funding there is a commensurate shift in the responsibilities of DHHS in terms of the amount of work that is actually funded within the state. Within that there is sufficient headroom to be able to fund, at this point in time, the establishment of an independent commission.

You asked the question about the number of staff: that has not been predetermined. Whilst we are not expecting it to be considered to be a transfer of the DHHS function, there will be a resource that actually covers the establishment of an independent body. There may be some people who work in DHHS who have commensurate skills, but they would actually be going through a process that would lead to it, which would be determined through the commission itself.

Ms WOOLDRIDGE — It will obviously require funding. You are saying you do not expect an additional budget allocation to be required beyond what has been able to be gathered from other existing sources of funding currently?

Mr JENNINGS — I would not want to limit it into the future, but in its establishment it can be accounted for, and in terms of its ongoing funding that will be subject to ongoing budget consideration.

The DEPUTY PRESIDENT — Pursuant to standing orders, I interrupt business and report progress.

Business interrupted pursuant to standing orders.

Progress reported.

ADJOURNMENT

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

That the house do now adjourn.

Swan Hill hospital

Ms LOVELL (Northern Victoria) (20:30) — My adjournment matter is for the Minister for Health, and the action I seek from the minister is that she, as a matter of urgency, visit the Swan Hill hospital to see the deplorable state the hospital is currently in and support the health needs of the local community by providing a commitment to fund the rebuild of the Swan Hill hospital.

The Swan Hill hospital was established in 1860 and is one of regional Victoria's oldest hospitals. The Swan Hill hospital is a 143-bed integrated rural public health service that employs approximately 470 staff. The hospital currently services a catchment of over 35 000 people, and the Swan Hill area is home to the highest population of Aboriginal people in regional Victoria. Unfortunately the Swan Hill hospital has always suffered from underinvestment during the life of Victorian Labor governments. Any development that has occurred at the hospital can be best described as ad hoc, and the current condition of the hospital is described by locals as deplorable. Many areas of the hospital are not being used as they are unsafe for staff to access, and the building is no longer fit for purpose. Parts of the Swan Hill hospital are infested with white ants, creating a major occupational health and safety issue for patients, visitors and staff.

The Swan Hill community have had enough. On 25 July they launched the Swan Hill Needs a New Hospital campaign. Over 250 people attended the launch. It was such a success that a rally was organised and held last Wednesday. Hundreds of people from many different community organisations attended the rally to show their support for the rebuilding of the Swan Hill hospital. The Swan Hill community are proud of the staff at the hospital and the wonderful service that they provide, but the facility has reached the end of its working life in its present state. The minister needs to travel to Swan Hill, inspect the hospital for herself and make the health needs of the Swan Hill community a priority for the government.

The action that I seek from the minister is that she, as a matter of urgency, visit the Swan Hill hospital to see the deplorable state that the hospital is currently in and that she support the health needs of the local community by providing a commitment to fund a rebuild of the Swan Hill hospital.

Western Victoria Region mobile black spots

Mr PURCELL (Western Victoria) (20:32) — My adjournment matter tonight is for Minister Dalidakis, the Minister for Trade and Investment, and the action I seek is for the minister to visit south-western Victoria to discuss mobile black spots and towers with local residents. We have had a lot of promises in regard to mobile black spots and towers in Western Victoria Region, particularly south-western Victoria and some of the areas that are not heavily populated. These are very important areas for coverage, particularly because every year we have a number of bushfires and people need mobile coverage for safety in those, but even more so in regard to medical emergencies, the education needs of students who live in the areas and for people who want to work from home, which is more and more common in western Victoria.

The other reason I am inviting the minister to come down is we need him to consult with our community. We have had issues where in particular Telstra, and to a lesser degree Optus, have decided where they want towers to go. There was one case last year that I got involved in where Telstra wanted to put a tower on the edge of Tower Hill. The issue with that is that Tower Hill is one of the major tourist attractions there and they forgot to ask the community what they thought. When the community found out they were up in arms and we got involved — and we actually got that stopped. Telstra said, 'That's great, but what it means is you probably won't get a tower', so we need to make sure that the tower is in place, but we do not need it where it should not be.

The government have on a number of occasions said that they are going to build mobile towers in our area. Last year Minister Dalidakis said that those living in regional Victoria deserve to have mobile coverage, and he listed some areas where he said he was going to have towers in place by the end of this year. In my area this includes Winslow, Woolsthorpe and Hawkesdale. I thought I would check with the manager, Mr Haddock, 5 minutes ago, and he said mobile coverage has not changed; it is still very poor and sketchy. We heard last year that they were maybe going to do something with the Optus tower, but nothing has happened.

I would just like Mr Dalidakis to come down and explain to the community what is going on and what we are going to finish up with in regard to mobile towers and coverage for mobile services.

Victoria State Emergency Service Broadmeadows unit

Mr ONDARCHIE (Northern Metropolitan) (20:36) — My adjournment matter tonight is for the Treasurer in the other place, and it concerns the Broadmeadows unit of the Victoria State Emergency Service (SES) located in my electorate of Northern Metropolitan Region. My call for the government is to act to make sure the Broadmeadows SES gets its new facility.

Last year I asked the Treasurer when the funds would be released for the new SES local headquarters as their current location was soon to be landlocked. There was $2.8 million set aside in the budget to build this new facility. The SES facility was supposed to be on a block of land controlled by the Fawkner cemetery trust, with a land swap with the state government that would enable more of the funds to be used for building the new facility. Recently I was informed by local SES members that this plan of the government has backfired. The Fawkner cemetery trust has refused a land swap and is asking for $2 million for the land, which would leave only $800 000 for building and facilities, which in real terms could cost up to $3.2 million to build.

The SES in Broadmeadows does a fantastic job, and I want to thank them for the effort they put in for our community in the north. Particularly I would like to thank the controller of Broadmeadows SES, Connie Lapworth, for the remarkable job she is doing in leading the local SES and providing great community service to Northern Metropolitan Region. The SES needs this new facility to be able to effectively protect local residents. The old facility is hampering their efforts in the recruitment of volunteers for the organisation. It is simply not suitable and is about to be landlocked by other development. The cost of this new facility is now reaching the $5.6 million mark, and for the community to be properly protected by our SES volunteers they need another $2.8 million to move this project ahead.

The government's plans have also backfired on the community, because the land that was set aside for the SES station was 6000 square metres but 2000 of that is now required by the neighbouring Victoria Police facility at Fawkner. The whole thing has become a mess. The Treasurer needs to act for the SES and the community to get this facility. The action I seek from the Treasurer is to get the government to act and make this new SES local headquarters a reality for our SES members and for the people of Northern Metropolitan Region.

Autism Plus

Mr FINN (Western Metropolitan) (20:38) — My adjournment matter this evening is for the Minister for Housing, Disability and Ageing. The minister would be aware that we have had considerable concern expressed by the parents and carers associated with Autism Plus in Melton, who I have been dealing with now for some months. They are very, very concerned about the future of this agency. It is an agency which provides services for children — and adults as well, for that matter — who have autism and are particularly difficult to deal with. I refer to those with autism who are particularly violent.

There are a whole range of issues that Autism Plus has been very successful in handling, and the parents are absolutely terrified that Autism Plus will go out of business and that the minister has appointed an administrator with a view to dismantling Autism Plus and indeed to selling it to another provider, which will stop that provider from delivering the services that are so desperately needed and that have been so very, very successful in helping families with autism at this particular point.

Some weeks ago I spoke at a rally outside Minister Foley's electorate office. Unfortunately Minister Foley was not there. Sadly nobody was there. It was not actually open, so those parents, many of whom had come from the far west of Melbourne to see the minister, left very, very disappointed that he was not able to speak to them because of course, as I say, he was not actually there.

What I am asking the minister to do is to come with me onto the steps of Parliament tomorrow at 1.00 p.m., when there will be another rally by the same parents expressing the same concerns. They are very keen to speak to Minister Foley about this very, very important matter. I am inviting him. I will be speaking to them tomorrow at 1.00 p.m., and I am inviting the minister to join me on the steps to speak to those parents, to explain his decision-making process in appointing an administrator and to reassure those parents that they have nothing to worry about, that they need not lose sleep and that they need not have the level of anxiety that they are currently reaching.

Sturt Street, Ballarat

Mr MORRIS (Western Victoria) (20:41) — My adjournment matter is for the attention of the Minister for Roads and Road Safety, and those in this place will probably be well aware of Labor's plan to destroy Sturt Street by placing a bike path up our magnificent

heritage boulevard and closing six of the intersections to traffic by a variety of measures.

As has occurred over a significant period of time, we have once again seen a number of accidents in Sturt Street. We certainly acknowledge that there is a need to address road safety in Sturt Street; however, Labor's plan to tear up Sturt Street, to destroy our magnificent heritage boulevard, was never going to be accepted by the Ballarat community. The Ballarat community, however, does expect the government to take action to protect them and to protect Sturt Street to ensure that the number of car accidents and the like that are occurring there can be significantly reduced.

So the action that I seek of the minister is that he develop with the greatest of urgency a plan that will improve road safety on Sturt Street but will not destroy our magnificent heritage boulevard and that he put that to our community for consultation as soon as is practically possible to ensure that the residents of Ballarat and our visitors of course can be kept safe.

Gormandale and District Primary School bus service

Ms BATH (Eastern Victoria) (20:42) — My adjournment matter this evening is for the Minister for Education, the Honourable James Merlino in the other place, and it relates to a primary school within my electorate. The action I seek from the minister is for him, through the school bus program, to provide direct bus service access for all students along Merrimans Creek Road in Gormandale in accordance with the school bus policy guidelines.

Nestled in the Merrimans Creek valley, the township of Gormandale is about 3 hours from Melbourne and boasts a population of around 450 people. It is part of the Wellington shire and is a beautiful area, and it is well known for its beef and farming families and communities. With an enrolment base of 48 students, Gormandale and District Primary School provides a much-needed quality education from prep to year 6. The school's principal, Ms Christine Robinson, does an amazing job along with her dedicated staff and a supportive school council.

There are many students on that school bus system. In fact over 30 of the students who go to that school rely on the school bus. This gives us 60 per cent of the current student base that requires being bussed into that school, so it is a vital program. Currently the school bus route does not extend along the entire length of Merrimans Creek Road, with the last accessible stop located on the corner of Lays and Merrimans Creek roads. As the final stretch of the road is not serviced by the bus, the parents of six children living at this location for the last little while have had to take their children to a gazetted bus stop. Given the majority of those households along that strip are farmers and farming families, it is really inconvenient for them to do it during the milking hours at around 8.00 a.m. and then 3.30 p.m.

There is a projected enrolment increase along this strip, and that is great for the school. It is projected that the number of students is going to increase from six to 11 students, and this figure actually represents a fifth of the school's total enrolments. Drawing the minister's attention to this and to the school bus policies and procedures, they say, and I quote:

> A feeder service is used to deliver students to a major school bus service and may be provided in isolated areas where students cannot be serviced by existing routes.

Furthermore, the policy goes on to state that consideration will be given if there are at least eight students, or six in isolated areas. This is an isolated area, but the projected number of students the next year is going to be 11. The school students absolutely need to be able to get on that bus. The bus needs to go to the end of Merrimans Creek Road. I have been down there and talked to the parents. It is quite important, and I ask the minister to be able to facilitate that bus all the way through to the end of Merrimans Creek Road and collect those new students and the old to take them into their school.

Energy concessions

Ms CROZIER (Southern Metropolitan) (20:46) — My adjournment matter this evening is for the Minister for Families and Children. I am pleased she is in the house this evening, because I am sure she can dispatch this pretty readily. It relates to a concern around public housing tenants in relation to the replacement of heaters that has been going on for some months. I have raised this issue in the house for the Minister for Housing, Disability and Ageing on a number of occasions.

I received yet another email this afternoon from somebody who is very concerned about what is going on. He has a special interest in providing a cheaper source of heating, and he was responding to the issue that he had a lack of ability to get anywhere with the government. When he has been speaking to people in public housing, especially the elderly, time and time again he has come up against concerns from those people that are saying it is incredibly expensive to run their heating. We all know that. Electricity prices are skyrocketing, and it is pensioners, it is people in public

housing, it is small businesses and it is everyday Victorian families who are really feeling the crunch of skyrocketing electricity prices and the effects obviously of the closure of Hazelwood, which has had a real and direct effect on Victorian electricity prices as we speak.

Mr Finn — Up by 20 per cent.

Ms CROZIER — Up by 20 per cent is right, Mr Finn. They are the facts. But to get back to this important matter that I want to raise with the minister, in the discussion when I spoke to Mr Dance this evening he was explaining that those people in public housing have said they do pay their power bills up-front with the promise of a rebate or concession, which takes up to some months to receive, and they are feeling the hardship with those concessions. In a response to a question that I have received from the minister today about the numbers of concessions for people, the minister said in her response to me:

> An estimated 38 421 grants were provided in 2017–18 to households experiencing financial hardship, including concessions households and low-income households on retailer hardship programs, for either their electricity, gas or water bills. This may mean some households have received grants for more than one utility.

So the action I want from the minister is that she provide a response to the concerns that I have raised in relation to the length of time that it takes for those concessions to be paid to people that are finding real hardship in paying their electricity bills in the public housing space especially, because they do say it is through your office and the department of housing and it is in relation to those concessions that you state have been provided through those grants that not only were given out last year but, I am sure, are going out this year as well.

Responses

Ms MIKAKOS (Minister for Families and Children) (20:49) — This evening I have received adjournment matters from Ms Lovell, addressed to the Minister for Health; from Mr Purcell, addressed to the Minister for Trade and Investment; from Mr Ondarchie, addressed to the Treasurer, although it was a matter that may be more appropriate for the Minister for Emergency Services; and from Mr Finn, addressed to the Minister for Housing, Disability and Ageing, and I note in his adjournment that he was in fact inviting the minister to attend a rally that he indicated is on tomorrow. The member would understand that it might take some time for his adjournment request to actually reach the minister and that the minister has 30 days to respond. I think it is rather unreasonable of the member to raise this matter during the adjournment. He probably would have been better placed to have gone and knocked on the minister's door in relation to this issue. Nevertheless, that will be passed on to Minister Foley in the Assembly.

From Mr Morris there was a matter addressed to the Minister for Roads and Road Safety, and from Ms Bath there was a matter addressed to the Minister for Education. Those matters will be sent to the relevant ministers for response.

Ms Crozier addressed an adjournment matter to me in my capacity as Minister for Families and Children. She referred to an individual in public housing experiencing some issues with his electricity bill. If she is happy to forward on those details to me, then I would be very happy to look into these matters further. What I can say to the member is that the Andrews Labor government offers a wide range of concessions to make essential services such as electricity, gas, water and rates more affordable for low-income households. In fact there was a very significant amount of money in the budget for this. The government is projecting that it will spend $574.3 million on concessions in the 2018–19 financial year. An estimated 914 000 Victorian households receive the main electricity concessions and 669 000 households receive the main gas concessions.

In addition, I think it is important that the member's constituent is aware that the Andrews Labor government also provided an increase in the utility relief grant scheme in the budget this year of $21.7 million to further assist people to pay their utility bills where they are experiencing hardship. This cap had not actually been increased for about a decade, and we increased the cap from $500 to $650 to help people like pensioners, low-income families, war veterans and others to pay these bills rather than having their electricity turned off.

It was a bit difficult to follow the member's logic in her adjournment matter because what the member does not seem to understand is that people actually receive the concession discount every time they pay their utility bill. There is no delay; they actually receive the discount on their bill each time they pay their energy bill. It might be difficult for people who live in Toorak to understand the challenges that people in public housing have in paying their utility bills, but we are providing that support.

Ms Crozier — On a point of order, Acting President, I know that the minister is having a cheap shot about where I live, but the concern is a genuine one and —

The ACTING PRESIDENT (**Mr Purcell**) — Order! Is this a point of order or a debate?

Ms Crozier — I am just drawing the minister's attention to what my constituent has been told.

The ACTING PRESIDENT (**Mr Purcell**) — Thank you. Is there a point of order?

Ms Crozier — If I could just clarify what I have actually asked the minister, without her taking a few cheap shots, I ask her to just answer the question in relation to the time frames.

Ms MIKAKOS — I am explaining to the member that people receive the concession discount each time that they pay their bill. If the member wants to provide further detail in relation to this particular individual, I am happy to look into it further, but people receive the discount when they pay their energy bills.

It is not that difficult to understand, Ms Crozier. This is a concession that has been available for some time, but the Andrews Labor government is going further in assisting people on low incomes and helping them access lower energy bills. Just the other day Premier Andrews made a fantastic announcement in relation to how we are supporting low-income households to access lower energy prices by enabling people to access the new solar homes program and save about $890 a year on their power bills with half-price solar panels at no up-front cost. Whilst we had the Kennett government privatise electricity in this state and that has seen electricity bills skyrocket, we are taking steps to address rising energy prices through —

Mr Ondarchie — On a point of order, Acting President, going to relevance, the minister takes whatever opportunity she can to debate issues and not answer questions directly. She is now straying into areas of privatisation, and this is from a government that privatised the port of Melbourne. I ask you to bring her back to answering the question or ask her to sit down.

The ACTING PRESIDENT (**Mr Purcell**) — Thank you, Minister, if you could just answer the question.

Ms MIKAKOS — We have had the Leader of the Opposition in the other house talking about people having a born-to-rule mentality. We are seeing it from those opposite. I am addressing the issues —

Ms Crozier — On a point of order, Acting President, I had a genuine concern raised by a constituent with me this afternoon —

Ms Mikakos interjected.

Ms Crozier — You did not follow me.

Ms Mikakos interjected.

The ACTING PRESIDENT (**Mr Purcell**) — Do you have a point of order, Ms Crozier?

Ms Crozier — Ms Mikakos continues to debate the most frivolous matters, and I would ask you to sit her down. She is pathetic.

The ACTING PRESIDENT (**Mr Purcell**) — Ms Crozier, through the Chair. It makes it easier.

Ms Crozier — Acting President, I would ask you to bring the minister back to answering the question. If she is going to go off on a tangent talking about previous governments from 30 years ago that broke this state, maybe she should bring it on at another time.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Ms Crozier.

Ms MIKAKOS — Thank you, Acting President. I was actually in the process of concluding my remarks, but the members opposite need to understand that ministers do not have time limits when responding to adjournment matters and I can go for as long as I like.

You are raising issues around electricity, and I am explaining to you what our government is doing to assist people like your constituents in relation to these issues. Ms Crozier does not even understand the basic fundamentals of how the concession scheme in this state works. She is the shadow minister for housing, and she does not have a clue about what the issues facing people in public housing are.

We as a government are doing a range of things to address these issues. Minister Foley has made a huge investment in public housing in this state. Ms Crozier does not even have the courtesy to stay in here and listen to my response — she has walked out. I have offered to the member that if she wants to provide details about her constituent's matter, I am very happy to assist her constituent with the issues that he may be experiencing. But from the way the member expressed this matter today in relation to the concessions, I have explained to her it is pretty simple that the person who pays the bill gets the benefit of the concession at the time that they make that payment. It really defies belief that she does not understand that, but the bluebloods opposite find it a bit difficult to understand the lifestyles of people on low incomes.

Mr Ondarchie — On a point of order, Acting President, I think you have counselled the chief rorter enough to come back to the issue before us, so I ask you to ask her to either discharge the matter or give it away.

The ACTING PRESIDENT (**Mr Purcell**) — I think the minister had concluded.

Ms MIKAKOS — Yes. Just on another matter, I have received 13 written responses to adjournment debate matters.

The ACTING PRESIDENT (**Mr Purcell**) — The house stands adjourned.

House adjourned 8.59 p.m.