

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 4 September 2018

(Extract from book 13)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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(from 16 October 2017)

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

Legislative Council standing committees

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 Elasmarr, 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 Elasmarr, 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 Elasmarr 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.

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

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

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

Heads of parliamentary departments

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Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017;
AC until 3 August 2018

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 9 February 2018

⁷ Resigned 6 April 2017

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018;
RV until 14 August 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

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

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Tuesday, 4 September 2018

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

ACKNOWLEDGEMENT OF COUNTRY

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

CONDOLENCES

Hon. William Desmond McGrath

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

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

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

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

Bill stood for a lot of things and was a very passionate voice for those in the community who were less fortunate. This was a driving factor for him when he decided that he would run for the Victorian seat of Lowan, which he won in 1979. The seat was renamed Wimmera in 1992, the same year that he went from

being the shadow Minister for Agriculture to the Minister for Agriculture in a change of government. He was the agriculture minister for one term and then took on the corrections portfolio and the police and emergency services portfolio in the next. After a very lengthy and decorated career in politics Bill McGrath retired in 1999.

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

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

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

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

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

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

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

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

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

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

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

Bill began playing football and tennis when he was young, and he excelled at both — football during the winter and tennis during the summer. Bill represented Wimmera in A-grade tennis at Kooyong and went on to

win just about every championship in tennis across the Wimmera and surrounding areas. In some ways he was a better tennis player than footballer. Bill once played tennis against Martina Navratilova on the courts right here at the back of Parliament House and was a regular player down at Melbourne Park whenever he could.

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

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

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

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

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

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

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

pockets of the car to find a new and appropriate joke for him to tell that day. He would start off just about every meeting and speech with a joke to lighten the mood.

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

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

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

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

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

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

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

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

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

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

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

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

Mrs Peulich — And the bad jokes.

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

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

The PRESIDENT (12:24) — I did, as Mr Davis commented, have the great opportunity of serving in this Parliament with former Minister McGrath, a man of some humility, a man who embraced one of the

credentials that I think is really important for a member of Parliament — as I often advise those who are interested in a career in politics — and that is to be authentic, to actually be real, to know what you believe in and to not just talk the talk but walk the walk. There is no doubt that Bill McGrath was an authentic politician and a man who, as Mr Davis indicated, had compassion but also had no tickets on himself. He was the sort of person who could walk up and talk to absolutely anybody, have a genuine conversation with them and genuinely enjoy that conversation that he had with those people.

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

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

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

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

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

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

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

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

ROYAL ASSENT

Message read advising royal assent on 28 August to:

Disability Service Safeguards Act 2018

Environment Protection Amendment Act 2018

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

PETITIONS

Following petitions presented to house:

Criminal justice system

Legislative Council electronic petition:

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

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

- (1) not grant bail or early parole to offenders, no matter what their age, who are convicted of violent home invasions, carjackings, robberies and muggings;
- (2) have the Victorian judicial system consider ‘community expectations’ and the long-time pain, both physical and mental, to the victims of violent home invasions, carjackings, robberies and muggings when sentencing offenders, no matter what their age;
- (3) allow the victims of violent home invasions, carjackings, robberies and muggings to have a say in the sentencing of the offenders of these crimes;
- (4) that they and the Victorian judicial system have a ‘duty of care’ to the ‘safety and security’ of the Victorian people; therefore, both must do everything within their power to protect us; and
- (5) provide more assistance, both financially and through support services, to the victims of crime, including home invasions, carjackings, robberies and muggings.

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

Laid on table.

Motor vehicle accident insurance

Legislative Council electronic petition:

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

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

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

Laid on table.

Drug detection dogs

Legislative Council electronic petition:

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

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

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

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

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

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

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

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

Laid on table.

Sunraysia Highway, Learmonth, speed limit

Legislative Council electronic petition:

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

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

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

Laid on table.

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individual's civil liberties and right to privacy. This is significant given that up to 80 per cent of indications made by drug detection dogs lead to no drugs being found.

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

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

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

Laid on table.

CRIMES AND SENTENCING AMENDMENT (BUS DRIVERS) BILL 2018

Introduction and first reading

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

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

Motion agreed to.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

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

Laid on table.

Ordered to be published.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

External oversight of police corruption and misconduct in Victoria

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

Laid on table.

Ordered that report be published.

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

That the Council take note of the report.

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

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

In light of these concerns the committee determined to self-reference an inquiry into the external oversight of police corruption and misconduct in Victoria. The committee found that the Victorian system in which IBAC and Victoria Police share responsibilities for receiving, handling and investigating complaints is a robust one that can, with significant improvements,

meet best practice principles. Therefore the committee did not recommend the creation of a new body to exclusively handle and investigate complaints along the lines of the Police Ombudsman for Northern Ireland.

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

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

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

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

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

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

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

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

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

As noted by fellow committee member Ms Jaclyn Symes, the committee made 69 recommendations to improve the transparency, impartiality, effectiveness

and efficiency of the system. In particular the committee considers that IBAC needs to give greater priority to its functions of handling, investigating and overseeing complaints about police, and I am going to go into more detail about that in my statement on reports and papers on Wednesday afternoon.

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

Motion agreed to.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

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

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

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

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

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

National Environment Protection Council — Report, 2016–17.

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

Ballarat, Melton and Moorabool Planning Schemes — Amendment GC95.

Boroondara Planning Scheme — Amendment C291.

Corangamite Planning Scheme — Amendment C45.

Greater Shepparton Planning Scheme — Amendment C208.

Latrobe Planning Scheme — Amendment C108.

Melton Planning Scheme — Amendments C174 and C196.

Yarra Planning Scheme — Amendment C241.

Subordinate Legislation Act 1994 —

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

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

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

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

NOTICES OF MOTION

Notices of motion given.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

BUSINESS OF THE HOUSE

General business

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

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

- (1) order of the day 2, second reading of the Corrections Amendment (Adult Parole Board) Bill 2018;
- (2) order of the day made this day, second reading of the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018;
- (3) notice of motion 609 standing in the name of Ms Wooldridge in relation to the performance of the Andrews government over the past four years;
- (4) order of the day 1, second reading of the Forests (Wood Pulp Agreement) Repeal Bill 2018;

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

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

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

Motion agreed to.

MINISTERS STATEMENTS

Child protection

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

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

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

Melbourne–San Francisco direct flights

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

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

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

invest to ensure that they can succeed both here at home and abroad.

Parenting and child health

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

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Production of documents

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

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

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

Honourable members interjecting.

The PRESIDENT — The minister without assistance, thank you.

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

Honourable members interjecting.

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

Mr Davis withdrew from chamber.

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

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

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

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

Honourable members interjecting.

The PRESIDENT — Order! Thank you.

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

Honourable members interjecting.

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

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

Honourable members interjecting.

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

Mr Finn withdrew from chamber.

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

Honourable members interjecting.

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

Mr Morris withdrew from chamber.

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

Supplementary question

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

Honourable members interjecting.

The PRESIDENT — Order!

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

Honourable members interjecting.

The PRESIDENT — Thank you. Minister, without assistance.

Mr JENNINGS (Special Minister of State) (14:07) — I just want to give the chamber a reminder of standards in relation to this matter, and my undertaking to the chamber is that those standards will apply. And also as a reminder in relation to standards, President, last night Ms Symes was actually asked to provide a pair for a member of the opposition during the course of this week. Ms Symes contacted me. I gladly agreed to it. I will agree to it, and I will abide by it because in

fact it is a matter of honour. Signing the book means nothing; it is a matter of honour. At the end of this week, if I cannot look you in the eye, then I'll go he, but I will be able to look you in the eye because I will stand by what is honourable in this place — a test that you failed, you failed and you failed monumentally.

Major event ticketing

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

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

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

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

Supplementary question

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

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

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

I am not aware of that particular undertaking ...

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

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

Honourable members interjecting.

The PRESIDENT — Thank you! Minister, without assistance.

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

Timber industry

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

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

Supplementary question

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

Ms PULFORD (Minister for Agriculture) (14:13) — I thank Mr Rich-Phillips for his supplementary question, which was hanging off the back of a substantive question about something that did not happen yesterday. I will take the time available to me to indicate that there was a recent media report that went to speculation about the government's work in the timber industry, securing jobs and protecting the environment. Members in this chamber are well aware

of the difficulty and the ongoing challenge that the government deals with in this respect, in no small part because of the extraordinary shemozzle that was left to it by the former government, but I will take this opportunity to indicate that those media reports are not correct.

Timber industry

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

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

Mr O'Donohue — Just answer the question.

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

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

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

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

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

Mr O'Donohue interjected.

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

Honourable members interjecting.

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

Supplementary question

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

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

Timber industry

Ms BATH (Eastern Victoria) (14:19) — My question is to the Minister for Agriculture. Minister, have you sought advice from your department on the impact of ending the native timber industry in Victoria,

including the loss of thousands of jobs from regional towns, including Mansfield, Benalla, Yea, Powelltown, Noojee, Heyfield, Bairnsdale, Maryvale and many others?

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

Ms Bath — Have you sought advice?

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

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

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

Supplementary question

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

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

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

Timber industry

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

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

Supplementary question

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

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

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

Ms PULFORD — I stand by my previous answers and every effort that I have made in nearly 12 years in this Parliament in relation to supporting regional jobs and regional industries. Whether Mr O'Sullivan

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

Trespass legislation

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

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

Supplementary question

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

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

Gambling regulation

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

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

Supplementary question

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

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

Timber industry

Ms DUNN (Eastern Metropolitan) (14:30) — My question is for the Minister for Agriculture. Minister, can you confirm that the Andrews government has offered to buy out the remaining allocation under the agreement to supply mixed species sawlog to Auswest

and that this timber will instead be allocated to the Heyfield mill?

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

Supplementary question

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

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

QUESTIONS ON NOTICE

Answers

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

QUESTIONS WITHOUT NOTICE

Written responses

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

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

Honourable members interjecting.

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

Mr Dalidakis — It's here.

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

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

RULINGS BY THE CHAIR

Questions on notice

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

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

I note that Mr Rich-Phillips has requested further questions be reinstated. However, these are currently awaiting response, so I cannot reinstate those at this

time. In other words, they are within the time frame, as I understand it.

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

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

CONSTITUENCY QUESTIONS

Northern Victoria Region

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

Northern Metropolitan Region

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

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

Eastern Metropolitan Region

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

Western Metropolitan Region

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

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

Southern Metropolitan Region

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

Eastern Victoria Region

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

Northern Metropolitan Region

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

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

Western Victoria Region

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

Western Victoria Region

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

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

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

Western Metropolitan Region

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

MEMBERS STATEMENTS

Child protection

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

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

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

Private Robert Mactier, VC

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

Shepparton Greyhound Racing Club

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

Gumbuya World

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

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

Balnarring Civic Court Reserve

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

Ballarat police numbers

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

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

Yallourn Golf Club

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

Lifeline Gippsland

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

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

Australian Labor Party

Mr FINN (Western Metropolitan) (14:56) — We all know what Labor is like at election time. We all know they will say or do anything for a vote. There is no lie Labor will not tell if it might advance their political fortunes. We all remember Daniel Andrews telling us

that cancelling the east–west link would not cost the taxpayer a cent. How could we forget? It cost us \$1.3 thousand million. We all remember Daniel Andrews looking solemnly into the camera lens and promising no new taxes on election eve. That was a whopper. The red shirts rorts scandal is a fair indication of the lengths the ALP will go to come election time. As Victoria Police's fraud and extortion squad investigates what went on, Victorians are left to wonder just how much of its government is comprised of shysters and charlatans. We remember the bullying and intimidation used by Labor operatives at polling booths during the last election.

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

B'nai B'rith Jewish Youth Music Eisteddfod

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

Port Phillip City Council

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

Native forest logging

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

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

Kindred Spirits Foundation

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

Over the past 10 years the Kindred Spirits Foundation has sponsored and enabled community-enriching, people-centred projects and programs, such as — and there are so many of them — the Traralgon East Community Connect project, the Val YOU Reading Program, the T.H.E. Kakadu Plum enterprise and the Big Red Kidney Bus. The list goes on and on. Rhonda

dares to dream how the world should look and then she finds a way to create that world. She does so with grace, humility, determination and joy. I look forward to supporting Kindred Spirits for its next 10 years.

Victoria Police awards

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

Taxi and hire car industry

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

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

LONG SERVICE BENEFITS PORTABILITY BILL 2018

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

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

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

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

Instruction to committee

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

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

In so doing I am happy to speak briefly to this particular motion. As I indicated to the house, I made the point of explaining the two different sets of house amendments that I wanted to flag to the house during the

commencement of the committee stage in the last sitting week. I explained that in moving the first lot of technical amendments, and now in moving this motion for an instruction to the committee, that what these technical house amendments seek to do is to typically provide a mechanism for the house to enable these proposed amendments to be moved at a later point in time.

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

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

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

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

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

In football parlance, given we are about to move into football finals, the ball has bounced, the match is underway. The Long Service Leave Act 2018 is the law of Victoria, and they are saying, ‘Can we just stop the match? We want to change the rules’, and they are using this mechanism to correct an error in their own mismanagement from earlier this year — another example of policy on the run by this government. This motion is only happening as a result of the opposition’s guidance. One can see very clearly who is ready to govern and who is not in this state. This is another example of mismanagement by this government, and it

took the guidance of the state opposition to point out to them, ‘You’ve got this wrong; you’ve mucked it up’. Despite the objections last sitting week, here we have today an instructional motion to the committee that we said was necessary last week — policy on the run.

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

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

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

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

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

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

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

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

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

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

the further amendments the minister wants to make are of a broader scope, and therefore it is appropriate that this scope motion be passed by the house.

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

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

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

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

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

Motion agreed to.

Committee

Resumed from 24 August.

Clause 1 further discussed.

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

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

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

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

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

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

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

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

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

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

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

The information that an employer needs to provide to the authority on registering for the scheme or registering a new employee and when providing quarterly returns is information that the employer should already have on hand. It is intended that the system that will be established will be as user-friendly as possible. Employers will be able to submit electronic

returns. They will be able to change their details, such as a new business address, directly within the database. They will be able to do this electronically. The authority will be responsible for establishing and managing information exchange systems. Other portable schemes have established these IT systems, and it is anticipated that the authority will contract with a provider of a suitable system. Employers will be able to inspect their own records and employees will also be able to inspect their own records. It is anticipated that each user will have access to their own account via a password.

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

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

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

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

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

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

Mr Ondarchie — They do; many of them do.

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

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

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

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

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

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

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

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

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

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

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

The concern is:

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

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

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

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

Whilst an employer could have liability for the portable long service leave scheme under the EBA scheme — and that is the case for those in the community health sector, for example — even whilst paying the portable long service leave scheme how an individual employer acquits this liability will be a matter for them. Whilst the liability will accrue on their balance sheet, it is likely that an auditor would accept at least a partial offset of EBA scheme liabilities by the amounts paid to

the authority for the same employees for the same periods of service. This would act to reduce the amount of employee expense recorded by the employer and against which the employer would otherwise invest. The level of acceptable offset would be influenced by any difference between the benefit payable under the EBA and the portable long service leave schemes, and the authority will create a best practice for timely reimbursement.

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

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

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

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

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

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

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

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

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

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

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

Honourable members interjecting.

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

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

Ms Wooldridge — They do.

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

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

Honourable members interjecting.

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

Ms WOOLDRIDGE — Going back to the original question, I did ask you about the VAC, who said that because they will have to pay from day one they will now have to pay \$100 000 to \$200 000 a year more than they are currently paying, which is a cut of one to

two staff. How will you ensure that the VAC, as an example of many organisations that are going to have the same cash flow problems, do not have to cut one to two staff because you are now requiring them to provision from day one rather than what they have done traditionally?

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

Ms Wooldridge interjected.

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

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

An additional cost impost is not sustainable and we are concerned that this will undermine the financial viability of organisations like ours.

Should the bill pass, this may lead to the withdrawal of a number of community mental health services not covered by the NDIS, exacerbating the shrinking pool of community-based services available for Victorians with mental illness and disabilities.

Additional costs will also further squeeze the provision of supervision, education and training across the community mental health and disabilities sector, already under pressure from the NDIS pricing structure.

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

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

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

Ms Wooldridge — Community mental health.

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

Ms Wooldridge interjected.

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

Mr Ondarchie interjected.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms WOOLDRIDGE — Thank you, Minister. The equity I was asking about is between two types of community health centres — one run by a hospital and one standalone. Can I just go back to Friday,

24 August. You took a question on notice for me in relation to further information, and I quote:

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

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

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

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

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

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

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

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

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

Now, I understand from what the minister has already answered that it is a matter for the employer to deal with. However, from my perspective I have some, I

suppose, concern around particularly community health in that we want to see those organisations flourish. We do not have enough of them already. We actually need them to be expanded, in my view, rather than diminished. I am really only acutely aware of the community health organisations that fall under this category, although I do understand that there are potentially other industries that do also, or sections of the community services sector.

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

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

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

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

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

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

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

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

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

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

Ms SPRINGLE — I think it is really important to be clear about it, because there still is this anxiety out

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

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

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

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

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

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

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

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

in terms of financial support? Is that something that is on the table?

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

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

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

Ms Springle — Yes.

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

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

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

... we would like to draw your attention to the following issues of concern:

Is there a guarantee that the rate the organisation pays the authority does not cloak a payroll tax by another name?

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

modelling for the community sector had an expectation that it would be set at around 1.5 per cent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms MIKAKOS — Which consultancy firms?

Ms Fitzherbert — Yes.

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

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

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

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

Ms FITZHERBERT — I am just wondering when it is anticipated that the survey will be closing. My understanding is that it was set to be finished last week,

a few days ago or similar. I am just wondering when that is going to close.

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

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

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

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

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

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

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

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

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

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

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

Ms Mikakos — It has been pushed back.

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

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

Mr ONDARCHIE — Minister, before I ask a question, I do not think it is reasonable that you admonish the opposition for being fixated on those who have concerns, because that is our job in here.

Minister, we have taken responses after lots of consultation with lots and lots of organisations. I note that in the last sitting of this Parliament you said that you want to commend those community sector organisations that you have spoken to that are actually very positive about this reform because they see the benefits, not just for organisations but for the entire sector. Who are these organisations that you have spoken to that are so positive about these reforms?

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

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

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

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

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

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

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

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

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

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

Mr Ondarchie — This correspondence suggests otherwise.

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

Mr Ondarchie interjected.

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

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

Ms Mikakos — Yes.

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

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

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

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

Mr Ondarchie interjected.

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

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

Ms Mikakos — Isn't it in your amendments?

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

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Order!

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

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

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

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

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

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

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

Mr Ondarchie interjected.

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

Mr ONDARCHIE — Minister, whilst you are keen to avoid answering these questions and you want to move on to something that relieves you from having to deal with this tough question, the reality is that your responses to the additional cost impost to the not-for-profit sector in the community services area has been, 'We're giving you enough money now. You should be able to deal with that'. If that is your answer, there is a stack of correspondence I have here from various organisations, many more than you are prepared to mention today, that would not accept that. Whilst you are keen to move on from this line of questioning, you simply have not answered the question, other than to say that the government has provided enough funding for these organisations to operate. But what you are doing is adding another cost impost to them now and you are saying to them, 'You should be able to manage that within your current resources'. They are saying — and I am happy to name every one of them, if you choose — they cannot manage that in their current cost line.

So what are you going to do for them? They are saying that, A, to understand the scheme; B, to understand if their employees are part of this scheme; C, to manage the administrative costs associated with this; and D, to manage the cash flow implications of this is going to hurt them. Your response today has been, 'Well, we've just given them good funding'. Further to that, you have said, in your response to Ms Fitzherbert, that if the government considers there is further need to support authorities then it will consider that in upcoming budgets. Are you prepared to accept today that these organisations have legitimate concerns about the cost implications you are now imposing on them?

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

Mr Ondarchie interjected.

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

Mr Ondarchie interjected.

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

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

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

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

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

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

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

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

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

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

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

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

Clause agreed to.

Clause 2

Ms MIKAKOS — I move:

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

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

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

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

Ms SPRINGLE — The Greens will be supporting this amendment.

Amendment agreed to; amended clause agreed to.

Clause 3

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

Ms MIKAKOS — I move:

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

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

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

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

1. Clause 3, line 15, omit “Schedule 2” and insert “Schedule 1”.
2. Clause 3, lines 16 to 19, omit all words and expressions on these lines.
3. Clause 3, line 21, omit “Schedule 2” and insert “Schedule 1”.
4. Clause 3, lines 22 to 31, omit all words and expressions on these lines and insert—

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

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

“*covered industry* means—

- (a) the contract cleaning industry; or

- (b) the security industry;

covered industry schedule means—

- (a) for the contract cleaning industry— Schedule 1; or
- (b) for the security industry— Schedule 2;”.

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

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

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

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

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

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

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

“*service period*—

- (a) for a worker for the contract cleaning industry— see clause 8 of Schedule 1; or
- (b) for a worker for the security industry— see clause 8 of Schedule 2;”.

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

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

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

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

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

Ms Mikakos's further amendment 1 agreed to.

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

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

Ayes, 15

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

Noes, 23

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

Amendments negated.

Amended clause agreed to.

Clause 4

Mr ONDARCHIE — I move:

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

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

Committee divided on amendment:

Ayes, 15

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

Noes, 23

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

Amendment negated.

Clause agreed to.

Clause 5

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

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

Clause negated.

Clauses 6 to 21 agreed to.

Clause 22

Mr ONDARCHIE — I move:

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

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

(a) clause 15 of Schedule 1; or

(b) clause 15 of Schedule 2.”.

Ms MIKAKOS — The government will be opposing this amendment.

Committee divided on amendment:

Ayes, 15

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

Noes, 23

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

Amendment negated.**Clause agreed to; clause 23 agreed to.****Clause 24****Mr ONDARCHIE** — I move:

14. In the heading to clause 24, omit “**Application and relevant day**” and insert “**Meaning of relevant day**”.
15. Clause 24, lines 26 and 27, omit subclause (1).
16. Clause 24, line 28, omit “(2)”.
17. Clause 24, line 31, omit “Schedule 2” and insert “Schedule 1”.
18. Clause 24, line 34, omit “Schedule 3” and insert “Schedule 2”.

Ms MIKAKOS — The government will be opposing these amendments.

Committee divided on amendments:*Ayes, 15*

Atkinson, Mr	O’Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O’Sullivan, Mr (<i>Teller</i>)
Davis, Mr	Peulich, Mrs
Finn, Mr (<i>Teller</i>)	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 23

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

Amendments negated.**Clause agreed to; clauses 25 to 55 agreed to.****Clause 56****Mr ONDARCHIE** — I move:

19. Clause 56, line 30, omit “Schedule 2” and insert “Schedule 1”.
20. Clause 56, line 31, omit “Schedule 3” and insert “Schedule 2”.

Ms MIKAKOS — The government will be opposing these amendments.

Amendments negated; clause agreed to; clauses 57 to 74 agreed to.**Clause 75****Ms SPRINGLE** — I move:

1. Clause 75, line 9, omit “The” and insert “A”.
2. Clause 75, lines 10 and 11, omit “after the 3rd anniversary of the commencement of this Act” and insert—
 - “after—
 - (a) the 3rd anniversary of the commencement of this Act; and
 - (b) the 7th anniversary of the commencement of this Act”.
3. Clause 75, line 13, omit “the” and insert “each”.

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

Ms MIKAKOS — The government will be supporting these amendments.

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

Amendments agreed to; amended clause agreed to; clauses 76 to 79 agreed to.**Clause 80****Mr ONDARCHIE** — I move:

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

Ms MIKAKOS — The government will be opposing this amendment.

Amendment negated; clause agreed to; clause 81 agreed to.

New clause**Ms MIKAKOS** — I move:**NEW CLAUSE**

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

“AA Amendment of Long Service Leave Act 2018

- (1) Section 3(2) of the **Long Service Leave Act 2018** is repealed.
- (2) In section 12(1) of the **Long Service Leave Act 2018** omit “even though in a strict legal sense it could be said that the employee’s employment was interrupted”.
- (3) For section 12(7), (8) and (9) of the **Long Service Leave Act 2018** substitute—

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

- (a) during industrial action if the employee cannot be usefully employed because of the industrial action; or
- (b) because of a breakdown of machinery or equipment for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the breakdown; or
- (c) because of a stoppage of work for any cause for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the stoppage.

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

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

- (a) in subsection (10), for “(10)” substitute “(9)”;
- (b) in subsection (11)—
 - (i) for “(11)” substitute “(10)”;
 - (ii) for “(10)” substitute “(9)”.

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

- (a) in paragraph (c), for “, (8) or (9).” substitute “(a), (b) or (c);”;

(b) after paragraph (c) insert—

“(d) an interruption described in section 12(8).”.

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

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

Ms SPRINGLE — The Greens will be supporting this amendment.

New clause agreed to.**Clause 82**

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

Clause negatived.**Clause 83 agreed to.****Business interrupted pursuant to sessional orders.****Sitting extended pursuant to standing orders.****Committee resumed.****Schedule 1****Ms MIKAKOS** — I move:

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

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

- (a) an activity that is funded by the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth, unless such an activity, or class of activity, is prescribed to be community service work; or
- (b) a service provided by an entity that is a licensed children’s service under the **Children’s Services Act 1996** or an approved provider under the Education and Care Services National Law

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

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

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

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

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

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

in coming years once the authority and the scheme are up and running.

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

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

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

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

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

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

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

Mr Finn — Dodgy as.

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

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

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

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

Mr ONDARCHIE — So go and check.

Ms Mikakos — Let’s just keep going.

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

Ms MIKAKOS — I have already indicated to the committee that certainly the intention of a re-elected Andrews Labor government is to work on adding in these other parts of the community services sector workforce at appropriate times over coming years once

the authority and the scheme are up and running. Certainly we do not take that intention likely. We acknowledge the aspirations of those workforces in those very important sectors to get the same coverage as their colleagues in other parts of the community services sector. But I have indicated to the committee that we will be working with both employer and employee organisations around this matter and seeking to do so in an appropriate time frame.

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

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

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

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

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

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

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

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

1. In proposed subclause (2) omit paragraph (a) and insert—
 - “(a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or”.
2. After paragraph (a) in proposed subclause (2) insert—
 - “() a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or
 - () an employment service within the meaning of section 7 of the Disability Services Act 1986 of the Commonwealth; or”.
3. In paragraph (b) in proposed subclause (2), omit “, unless such a service, or class of service, is prescribed to be community service work”.

I do that because we do not think that Ms Mikakos's amendment goes far enough. These amendments looks to expand the scope of NDIS exclusion to include services that could be funded under the NDIS. We understand — all of us understand, particularly the participants — how complex the NDIS scheme is right now. I note Mr Finn is acknowledging that, and I note the great work he is doing in the autism sector and how challenging it is going to be trying to integrate that. They just do not need another level of complexity added to the way this is being run as well. There has to

be greater discussion between the Victorian government and Canberra about how they do this. We are looking for much more of a collaborative approach between the two governments to settle the sector, which has a level of uncertainty at the moment.

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

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

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

Committee divided on Mr Ondarchie's amendments:

Ayes, 15

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

Noes, 23

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

Amendments negated.

Ms Mikakos's amendment agreed to.

Ms MIKAKOS — I move:

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

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

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

Amendment agreed to.

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

5. Schedule 1, page 70, line 11, omit “15” and insert “14”.
6. Schedule 1, page 70, line 13, omit “clause 16 specifies”.
7. Schedule 1, page 71, lines 21 and 22, omit “worker’s service period is taken to be continuous” and insert “period of absence is taken to be a day of service for crediting service”.
8. Schedule 1, page 75, lines 3 to 33, page 76, lines 1 to 35 and page 77, lines 1 to 22, omit all words and expressions on these lines.
9. Schedule 1, page 77, line 25, before “The” insert “(1)”.
10. Schedule 1, page 77, line 26, omit “referred to in clause 14”.
11. Schedule 1, page 78, line 25, omit “assets.” and insert “assets;”.
12. Schedule 1, page 78, after line 25 insert—

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

- (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the community services sector.”.

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

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

continuous, and they relate again to technical changes to the Long Service Leave Act.

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

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

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

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

Amendments agreed to.

Mr ONDARCHIE — I move:

22. Schedule 1, omit the Schedule.

Ms MIKAKOS — The government will be opposing this amendment.

Ms SPRINGLE — The Greens will be opposing this amendment.

Amendment negated.

Mr ONDARCHIE — I move my substituted further amendment 1:

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

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

Amendment negated.

Mr ONDARCHIE — I move my substituted further amendment 2:

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

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

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

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

Committee divided on amendment:

Ayes, 15

Atkinson, Mr	O’Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr (<i>Teller</i>)	O’Sullivan, Mr
Davis, Mr (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 23

Bourman, Mr	Pennicuik, Ms
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Purcell, Mr
Dunn, Ms	Ratnam, Dr

Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Gepp, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr (<i>Teller</i>)
Patten, Ms (<i>Teller</i>)	

Amendment negated.

Mr ONDARCHIE — I move my substituted further amendment 3:

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

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

- (a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or
- (b) a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or
- (c) an employment service within the meaning of section 7 of the Disability Services Act 1986 of the Commonwealth.”.

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

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

Amendment negated.

Mr ONDARCHIE — I move my substituted further amendment 4:

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

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

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

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

Mr Ondarchie interjected.

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

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

Mr ONDARCHIE — I move my substituted further amendment 5:

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

Ms MIKAKOS — The government will be opposing this amendment.

Amendment negatived.

Mr ONDARCHIE — I move my substituted further amendment 6:

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

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

- (i) the individual’s role is to carry out community service work at the community health centre; and
- (ii) the individual does not have a long service leave entitlement under a fair work instrument or an applicable award-derived long service leave entitlement within the meaning of the Fair Work Act;”.

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

Ms MIKAKOS — The government will be opposing this amendment.

Ms SPRINGLE — The Greens will not be supporting this amendment. I have to say that this has probably been the amendment that we have had deepest consideration and contemplation of because the community health sector have been very vocal in their

representations around this. I have sympathy for it, Mr Ondarchie. However, when we went back to our basic principles, our first principles, as Greens on this bill, they are that we want to scope as many people into this bill as possible. It is an underlying principle of how we have approached this bill that we want as many people as possible to be able to access portable long service leave.

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

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

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

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

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

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

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

The government could not even answer the most basic questions in relation to how many of their workforce will actually be transitioning or have transitioned in the past to jobs in other parts of the community services

sector where this scheme will apply. The sector thinks it is a very small number, probably somewhere in the order of maybe 5 per cent. I think it is very disappointing that the Labor Party and the Greens cannot apply the same principles that they have applied to the disability sector and the early childhood sector to the community health sector, with representations very clearly saying this is going to result in job losses and this is going to result in a reduction in services that are able to be provided, which will have a damaging impact.

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

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

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

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

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

Mr Dalidakis interjected.

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

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

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

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Ondarchie, Mr
Bath, Ms	O'Sullivan, Mr
Dalla-Riva, Mr	Patten, Ms (<i>Teller</i>)
Davis, Mr	Peulich, Mrs
Finn, Mr	Purcell, Mr (<i>Teller</i>)
Fitzherbert, Ms	Ramsay, Mr

Lovell, Ms
Morris, Mr
O'Donohue, Mr

Rich-Phillips, Mr
Wooldridge, Ms

Noes, 21

Bourman, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr (*Teller*)
Elasmar, Mr
Gepp, Mr
Leane, Mr
Melhem, Mr (*Teller*)
Mikakos, Ms
Mulino, Mr

Pennicuik, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms
Young, Mr

Amendment negated.

Amended schedule agreed to.

Schedule 2

Ms MIKAKOS — I move:

14. Schedule 2, page 85, line 22, omit "22" and insert "21".
15. Schedule 2, page 85, line 24, omit "clause 23 specifies".
16. Schedule 2, page 86, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
17. Schedule 2, page 94, lines 19 to 34, page 95, lines 1 to 35, page 96, lines 1 to 35 and page 97, lines 1 to 17, omit all words and expressions on these lines.
18. Schedule 2, page 97, line 21, omit "referred to in clause 21".
19. Schedule 2, page 98, line 22, omit "assets;" and insert "assets;".
20. Schedule 2, page 98, after line 22 insert—
 - (f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
- (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the contract cleaning industry."

21. Schedule 2, page 98, line 23, omit "(2)" and insert "(3)".
22. Schedule 2, page 98, lines 30 to 36 and page 99, lines 1 to 21, omit all words and expressions on these lines.
23. Schedule 2, page 100, line 23, omit "24" and insert "22".

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

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

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

Amendments agreed to.

Mr ONDARCHIE — I move:

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

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

Ms MIKAKOS — The government will be opposing these amendments.

Committee divided on amendments:

Ayes, 15

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (<i>Teller</i>)
Davis, Mr	Peulich, Mrs (<i>Teller</i>)
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Woodridge, Ms
Morris, Mr	

Noes, 23

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

Amendments negated.

Amended schedule agreed to.

Schedule 3

Mr ONDARCHIE — I move:

25. Heading to Schedule 3, omit "3" and insert "2".
26. Schedule 3, line 1, omit "22(4)(b)(ii)" and insert "22(4)(b)".

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

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

Mr ONDARCHIE — Yes, we know.

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

Amendments negated.

Ms MIKAKOS — I move:

24. Schedule 3, page 106, line 22, omit "22" and insert "21".
25. Schedule 3, page 106, line 24, omit "clause 23 specifies".
26. Schedule 3, page 107, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
27. Schedule 3, page 115, lines 14 to 34, page 116, lines 1 to 34, page 117, lines 1 to 34 and page 118, lines 1 to 15, omit all words and expressions on these lines.
28. Schedule 3, page 118, line 19, omit "referred to in clause 21".
29. Schedule 3, page 119, line 18, omit "assets." and insert "assets;".
30. Schedule 3, page 119, after line 18 insert—
 - (f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
 - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the security industry."
31. Schedule 3, page 119, line 19, omit "(2)" and insert "(3)".
32. Schedule 3, page 119, lines 26 to 31 and page 120, lines 1 to 21, omit all words and expressions on these lines.
33. Schedule 3, page 121, line 25, omit "24" and insert "22".

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

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

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

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

Amendments agreed to; amended schedule agreed to.

Reported to house with amendments.

Report adopted.

Third reading

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

That the bill be now read a third time.

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

Bells rung.

Members having assembled in chamber:

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

Required number of members having risen:

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

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

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

Bells rung.

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

House divided on motion:

Ayes, 23

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

Noes, 15

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

Motion agreed to by absolute majority.

Read third time.

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

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Second reading

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

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

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

I will run through some of the key points of the bill, but before I do, let me just make the point that these issues around the rights of property owners and the rights of those who lease a residential property are very important, and they are very important for many reasons. Those who own property need a secure, regulated environment in which they can lease their

premises or their property and have confidence in an income stream, which they can then use to support themselves — self-funded retirees, for example — or to invest in a business. For example, many people use a property to then leverage that property based on the security of that income stream to then grow a small business and employ people in our economy. So from that perspective the certainty of that regulatory environment is very important.

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

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

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

The Residential Tenancies Amendment Bill is the culmination of a four-year, broad-based review of the Residential Tenancies Act 1997 ...

The review represented a once-in-a-generation opportunity to revisit the regulatory settings that have been in place since 1997, and to ensure they meet the needs of participants in today's modern rental housing market.

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

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

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

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

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

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

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

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

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

which has had an impact all the way through the different segments and different aspects of the housing market.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That is an important clarification.

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

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

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

The speech says:

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

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

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

So there is still more work to be done if this bill indeed passes. On the issue of the process of dealing with goods left behind by a renter, student accommodation providers have made representations to the opposition about the ability to have pets as of right, with some regulation, and the impact that may have on student accommodation, where there are many, many people living in the same premises in a situation that is very different to a house or a flat. Examples have been

provided by the student accommodation providers working group, which represents the Asia-Pacific Student Accommodation Association, UniLodge, Urbanest, Scape, Student Housing Australia, Trinity College, Journal Student Living Pty Ltd, Iglu student accommodation, the Student Housing Company, Asian Student Accommodation, Goliath Housing, Madre Nazarena Student's House and —

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

That the house do now adjourn.

Shepparton Sports Stadium

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

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

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

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

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

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

Northern Metropolitan Region small business

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

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

Destination Queenscliff

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

explanation of which aspects of Destination Queenscliff are still funded.

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

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

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

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

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

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

Sturt Street, Ballarat

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

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

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

Bulla bypass

Mr FINN (Western Metropolitan) (20:39) — I wish to raise a matter this evening on the adjournment for the Minister for Roads and Road Safety. This is a matter that I have raised in this house, and indeed the other house, for a number of years now. I am hoping — I am just going to give it one last shot before the election —

that common sense will prevail. I will not put a huge amount of money on it, but I am very hopeful that we might be able to get somewhere with this. I point out once again to the minister the need for the Bulla bypass. The Bulla bypass is something that is long overdue. We have been talking about the Bulla bypass for the best part of 40 years. Long before I even entered the other place they were talking about the Bulla bypass and here we are all these years later still talking about the Bulla bypass. We do not want to talk about it anymore. We would like to actually see some action. That would be a marvellous thing.

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

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

Electronic land transfer

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

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

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

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

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

Responses

Ms TIERNEY (Minister for Training and Skills) (20:46) — There were a number of adjournment matters tonight. The first was from Ms Lovell to the Minister for Sport seeking a state contribution to stage 1 of the redevelopment of the Shepparton Sports Stadium. The second was from Mr Elasmarr to the Minister for Small Business seeking the minister's availability in terms of meeting local constituents to expand digital footprints. The third was from

Mr Ramsay to the Minister for Regional Development seeking an explanation about the remaining funding for Destination Queenscliff. The next was from Mr Morris to the Minister for Roads and Road Safety in relation to addressing road safety issues on Sturt Street, Ballarat. Mr Finn also raised a matter for the Minister for Roads and Road Safety in relation to the construction of the Bulla bypass. The final matter was raised by Mr Davis to the Minister for Planning in terms of issues around Property Exchange Australia.

I also have written responses to adjournment debate matters raised by Ms Fitzherbert on 21 June 2017; Ms Wooldridge on 23 May 2018; Ms Patten on 20 June 2018; Ms Wooldridge on 22 June 2018; Ms Bath, Mr Davis, Mr Finn and Mr Morris on 24 July 2018; Mr Morris on 25 July 2018; Ms Fitzherbert on 26 July 2018; Ms Dunn, Mr O'Sullivan and Ms Patten on 27 July 2018; Mr Leane and Ms Lovell on 7 August 2018; Ms Fitzherbert on 8 August 2018 and Mr Ondarchie on 9 August 2018.

The ACTING PRESIDENT (Mr Purcell) — The house stands adjourned.

House adjourned 8.47 p.m.