

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 7 August 2018

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr 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.

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr N. ELASMAR

Acting Presidents:

Ms Dunn, Mr Gepp, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O’SULLIVAN

Leader of the Greens:

Dr S. RATNAM

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

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017;

Australian Conservatives 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

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

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

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Tuesday, 7 August 2018

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

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:06) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal people, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Messages read advising royal assent to:

31 July

Corrections Amendment (Parole) Act 2018

Electoral Legislation Amendment Act 2018

7 August

Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018

Justice Legislation Amendment (Terrorism) Act 2018.

PETITIONS

Following petitions presented to house:

Foster care

To the Legislative Council of Victoria:

We the undersigned residents of Victoria call on the Andrews government to urgently review current DHHS practices and decisions regarding those children in foster care and improve communication involving:

1. decisions regarding the removal of children from foster care and returning to parental control;
2. any payment owed by DHHS or any other agency to a foster carer;
3. a review of how medical histories of children in foster care are provided to foster carers.

By Ms BATH (Eastern Victoria) (197 signatures).

Laid on table.

Timber industry

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council and requests that the Legislative Council of Victoria ensure that the Andrews government act to save hundreds of jobs and the livelihoods of thousands of families who rely on the continuing operation of their local sawmills.

The petitioners therefore request that the Andrews government immediately restore and honour the commitment made by VicForests that extensions will be available to A. G. Brown Sawmill, Dindi Sawmill, Fenning Timbers, Kelly's Timber, Powelltown Sawmill and Ryan & McNulty, who signed timber supply agreements (TSAs) before 30 June 2017, thereby safeguarding jobs and livelihoods in the local communities of these businesses.

By Ms BATH (Eastern Victoria) (735 signatures).

Laid on table.

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By Ms LOVELL (Northern Victoria) (60 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 11***

Ms BATH (Eastern Victoria) presented *Alert Digest No. 11 of 2018, including appendices.*

Laid on table.

Ordered to be published.

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Proposed long-term lease of land titles and registry functions of Land Use Victoria

Mr DAVIS (Southern Metropolitan) presented report, including appendices and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr DAVIS (Southern Metropolitan) (12:11) — I move:

That the Council take note of the report.

In doing so, I begin by noting this was a short-term reference with significant time pressure. I want to place on record my thanks and those of the committee for the work of the staff of the committee, particularly Michael Baker, for the work that they did in bringing this inquiry forward quickly. There were hearings, including a hearing in camera with the Secretary of the Department of Treasury and Finance, and I put on record my thanks to him and his team for that briefing, which was helpful to the committee. I think it was appropriate for the committee to hear that evidence in camera, given that the commercialisation of the titles office is in fact a live process currently. In that circumstance I think the committee has struck an appropriate balance between the issues of ensuring that the government and community get a sufficient price and the best outcome and also that there is significant scrutiny.

As the committee's inquiry proceeded there was in fact significant response from government. As issues were identified the government changed some of the arrangements, and I think that that was a constructive role that the committee played. I note that the inquiry has made a series of recommendations in favour of greater transparency, noting some of the risks of commercialisation but noting some of the benefits too. We particularly want to see greater input from the Australian Competition and Consumer Commission into the process, and we also want to make sure that there is a focus on ensuring that costs are not jacked up on the community.

I made two points in the foreword in particular. One was that the release of data separate from the access that the commercialised entity might have into the broader community is an instrument of economic policy that needs to be considered and, in my view, has

not been sufficiently considered by the government. I also put on record the concerns that I and others have about the structure of this. The government seeks to delink the payments that will be made to the successful commercialisation bid group and the charges that will be made. The payments to the group will be indexed at CPI, but the charges that can be made could be made at a different rate. That opens up the possibility of the government jacking up charges on the community — a de facto tax, if you will — by trousering the wedge and holding that additional —

An honourable member — What on earth is that?

Mr DAVIS — Pocketing the additional wedge that would be collected in that way. I think that is something that will need to be watched very closely given the government's history of new taxes and charges, despite Daniel Andrews's approach before the last election where he indicated he would not increase taxes and charges on Victorians at all — on any Victorian is what he said — beyond the CPI. There is a risk with this.

I should also note that there are significant privacy concerns, and we have made commentary about that. Those privacy concerns are real, and I thank the privacy commissioner and the officials in that office that have provided significant information to the committee. I also note — and would commend — the submission of the Australian Competition and Consumer Commission that was made. I also want to put on record our thanks to Land Use Victoria for their cooperation through this process, which was, as I say, a short and sharp process in which there were a number of hearings and evidence was provided.

Another outstanding issue relates to Property Exchange Australia (PEXA), and this is the electronic conveyancing approach that has taken many years to come to fruition. The government has mandated that in coming months that will be the only way by which land titles can be transferred in the state of Victoria, and that, I note, is likely to coincide with the period in which the commercialisation is likely to proceed. I think that carries significant risks, the coincidence of those two significant events. I am far from convinced that PEXA is yet in the robust mode that it should be. I note that we received evidence from conveyancers and lawyers and others that pointed to concerns about how PEXA will operate, and the committee's report will speak for itself on that matter, but I think there is a caution for the community.

Thank you to the staff. Thank you to those who cooperated with the inquiry. I think it has been a helpful process to put a number of key issues on the agenda.

Dr RATNAM (Northern Metropolitan) (12:16) — I too would like to thank the chair, committee members and the secretariat for all their work on this inquiry, particularly given the short time frame and the complexity that this inquiry canvassed. As cited in my minority report, which was submitted as part of this report, the overwhelming number of submissions to this inquiry oppose privatisation in the form of the lease arrangements that are proposed. There were significant concerns cited about the purpose and process of the privatisation through the lease arrangements, about data security and integrity concerns of the system, about accountability, transparency and consultation and primarily about what the impact is of privatising essentially a monopoly service and whether this is in the public interest. As I outlined in my minority report, I maintain that the government did not provide compelling evidence about why this was in the long-term interests of all Victorians. I will reserve my more substantial comments for a statement on the report tomorrow.

Mr MULINO (Eastern Victoria) (12:17) — Can I echo the previous two speakers in thanking the secretariat staff on this report. This is a report that was somewhat time limited, but as I indicated in my speech on the motion, creating this report was also somewhat limited in the time at which it occurred during the transaction. As I flagged in my earlier speech, it would have been much more usefully held earlier in the transaction. But nonetheless, some public policy issues are usefully flagged in this report.

This transaction is a part of the government's overall asset recycling strategy, whereby on occasions it is useful and appropriate to lease assets or organisations in such a way as to support the government's very ambitious and necessary public infrastructure program of more than \$10 billion per year over the forward estimates. That of course requires appropriate protections to be put in place and appropriate public policy rationales. In this instance the public policy rationale includes the potential for greater innovation and efficiency gains.

I think it is worth noting that there are a number of protections in place as a part of this transaction, including price protections — the CPI cap — and I want to put on the record that I would not agree with Mr Davis's characterisation of the CPI cap. CPI caps are common in these kinds of transactions and are a very appropriate way of protecting consumer interests, and I should flag also that of course it does leave it flexible for the operator to put prices up less than that cap. I should also flag that there are appropriate privacy and data integrity safeguards which have been included

in the model and that the functions of Land Use Victoria that cannot responsibly be commercialised are retained by the state.

Again it is important to put on the public record that this transaction has a much narrower scope than similar transactions in other states, which I believe will be in the interest of the Victorian consumer. This report contains a number of recommendations in relation to transparency. I believe those recommendations are useful, and I am quite confident that the government will accept at least some, if not all, of them.

Motion agreed to.

PARLIAMENTARY BUDGET OFFICE

Operational Plan 2018–19

The Clerk, pursuant to section 23(4)(c) of the Parliamentary Budget Officer Act 2017, presented operational plan.

Laid on table.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 July 2018 giving approval to grant a lease at Point Leo Foreshore Reserve.

Minister's Order of 25 June 2018 giving approval to grant a licence at Point Leo Foreshore Reserve.

Environment Protection Act 1970 — Notices pursuant to 18D in relation to —

Revocation of Waste Management Policy (Ships' Ballast Water).

Waste Management Policy (E-Waste).

Waste Management Policy (Siting, Design and Management of Landfills).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Road Safety Road Rules Further Amendment Rules 2018.

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

Victoria Planning Provisions — Amendment VC148.

Yarra Planning Scheme — Amendments C218 and C219.

Statutory Rules under the following Acts of Parliament —

Environment Protection Act 1970 — No. 106.

Improving Cancer Outcomes Act 2014 — No. 107.

Subordinate Legislation Act 1994 — No. 105.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 80, 105 to 107 and 110.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — 1 August 2018 (*Gazette No. S356, 31 July 2018*).

Liquor and Gambling Legislation Amendment Act 2018 — sections 48 and 68 and Divisions 4, 6, 7, 9 and 10 of Part 2 and Divisions 2 and 3 of Part 3 — 18 July 2018 — Division 8 of Part 2 — 13 September 2018 (*Gazette No. S337, 17 July 2018*).

Marine and Coastal Act 2018 — 1 August 2018 (*Gazette No. S337, 17 July 2018*).

Serious Offenders Act 2018 — 3 September 2018 (*Gazette No. S356, 31 July 2018*).

PRODUCTION OF DOCUMENTS

The Clerk (12:21) — I have received the following letter dated 6 August from the Attorney-General today:

I refer to the Legislative Council's resolution of 25 July 2018 requiring the Leader of the Government to produce to the house by 12.00 p.m. on 7 August 2018 the following:

- (1) the documents required to be tabled by the resolution of the Council of 23 November 2016 that have not already been tabled.

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

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

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:25) — By leave, I move:

That precedence be given to the following general business on Wednesday, 8 August 2018:

- (1) notice of motion given this day by Mr O'Donohue in relation to ministers under police investigation;

- (2) order of the day 1, resumption of debate on the Environment Protection Amendment (Container Deposit Scheme) Bill 2018;

- (3) notice of motion given this day by Mr Davis in relation to the Liberal-National commitments to the Cranbourne, Frankston and Hurstbridge rail lines;

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

- (5) order of the day 23 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Motion agreed to.

MINISTERS STATEMENTS

Family violence

Ms MIKAKOS (Minister for Families and Children) (12:26) — I rise to update the house on how the Andrews Labor government is doing more for thousands of family violence victim survivors by providing practical supports to help them leave violent relationships. Unfortunately we all know too well the impact family violence has on victim survivors and on our communities. Family violence is a terrible scourge across our state, and already this year 39 Australian women have lost their lives as a result of family violence.

Every Victorian deserves to feel safe in their community, and the Andrews Labor government is investing in our community to end family violence. That is why as a government we are committed to implementing each of the recommendations of the family violence royal commission. The Royal Commission into Family Violence made a number of recommendations related to improving access to services for women and their children fleeing family violence. Recently I was pleased to announce the allocation of an additional \$40 million over two years for more flexible support packages to assist with expenses faced by those escaping family violence. This funding was provided in the 2018–19 Victorian budget.

These packages help victim survivors in crisis situations escape family violence and set up a safe home for themselves and their children. More than 5000 additional victim survivors of family violence are expected to access packages of up to \$10 000. These flexible support packages can be used to cover costs like rent, home alarms, CCTV, clothing, beds, books, medication and education. Flexible support packages can also help case managers work with survivors through early intervention, crisis and recovery to assist with ongoing safety, stability and rehabilitation. To

support all victim survivors the packages are being delivered across Victoria in metropolitan, regional and rural areas by 19 family violence support service providers.

Since announcing this initiative in January 2016 the Andrews Labor government has allocated more than \$64 million for more than 19 000 flexible support packages. It is part of the Andrews Labor government's record \$2.6 billion investment to boost family violence responses and improve access to help and support for victim survivors. Family violence remains our number one community safety issue, with 75 000 Victoria Police call-outs each year relating to family violence. The safety, security and wellbeing of victim survivors is our top priority, and that is why our government has invested this record funding to end family violence. We want victim survivors to regain a sense of confidence and safety after the trauma of family violence, and we will be there to support them on their recovery journey.

International students

Mr DALIDAKIS (Minister for Trade and Investment) (12:29) — I rise to update the house on our international student welfare program, with 19 new projects worth more than \$850 000 to be established across the state. This will bring the total number of projects funded by the welfare program to 65, with an investment of \$1.89 million.

It is not every day that I have the opportunity to join members of our international student community, Victoria Police and your favourite football club, President, the Melbourne City Football Club, on the soccer pitch to celebrate our government's latest investment to support Victoria's international students. For the *Hansard* record, I may have taken a bit of licence in suggesting that the President is a Melbourne City Football Club supporter. Nonetheless, Melbourne City Football Club's community foundation, City in the Community, will lead one of the programs, using the popularity of football — the world game — in a World Cup year to help students build resilience, social connections and good health.

The competitive match between international students and Victoria Police marked the program's kick-off, and while both teams displayed talent and skill, it was the international students that won the day. The initiatives embedded within the program are designed to forge stronger social connections and trust between our international student population, who choose to study in Victoria, and the community leaders they may need to conduct during their stay.

As a sector that generates nearly \$10 billion annually and supports more than 58 000 Victorian jobs across the state, international education is vital to our economy. That is why this government continues to support initiatives that deliver high-quality international student experiences, ensuring that Victoria remains one of the most sought after destinations in the world for international students. While each program will have its own flair, they will all target common challenges that international students face, including homesickness, social isolation and access to critical support services. With more than 200 000 students from over 170 countries choosing Victoria as their education destination last year, we will continue to ensure that this sector is supported, that this sector grows even further and that the students who make up this sector are the ones we provide direct support to.

The PRESIDENT — I will not pull you up for misleading the house, but I certainly agree with you that I support the great community work that Melbourne City does, as do their cross-town rivals. The minister would be aware I am a Honda man now.

Kindergarten funding

Ms MIKAKOS (Minister for Early Childhood Education) (12:31) — I rise to update the house on how the Andrews Labor government has delivered on its election commitments to Victorian families and children to build, upgrade and improve kindergarten facilities across Victoria. Four years ago I pledged that a future Andrews Labor government would deliver \$1.6 million for a brand-new early learning centre for the Ballarat community. Last week I had the pleasure of officially opening the Bonshaw Early Learning Centre in Sebastopol, together with my colleague the member for Buninyong in the Assembly, Geoff Howard; Labor candidate for Buninyong Michaela Settle; and Labor candidate for Wendouree Juliana Addison.

This is a significant project for the local community, which will benefit from this state-of-the-art facility for generations. This new learning space contains two kindergarten rooms, providing up to 66 kindergarten places; two maternal and child health consulting rooms; and a multipurpose space, which can be used for parent groups, playgroups and other community activities. Bringing all these elements together makes the new early learning centre truly a one-stop shop for developing the potential of all children.

This build is one of five kindergarten construction projects underway in the city of Ballarat, including the new Lucas Community Hub and upgrades to Iris Ramsay Kindergarten, Girrabanya Children's Centre

and Mount Pleasant Kindergarten. As a government, we have invested \$123.6 million over the past four years towards building, upgrading and improving kindergarten facilities in this state — more than triple what the former Liberal government appropriated in their entire term.

We want to ensure local families can continue to access great local kindergartens, and this includes \$10 million specifically targeting our growth areas. We have funded an additional 8250 three and four-year-old kindergarten places since coming to government. We will continue to work in partnership with local councils and other providers to meet the growing demand for kindergarten across Victoria and to give our youngest Victorians the first-rate facilities that they deserve.

MEMBERS STATEMENTS

Government performance

Mr FINN (Western Metropolitan) (12:33) — It is often said that if we stay long enough in this caper, we will see just about everything. That was never truer than last Thursday, when after some early morning calls from Victoria's finest, the entire Andrews government came to a screeching halt. Meetings were rescheduled, visits were cancelled and government cars were diverted in a way not seen since Ted and Patch wanted to go wee-wees. Perhaps the best comment came from brilliant cartoonist Mark Knight, who characterised the Deputy Premier as hiding under a floor rug as the Minister for Police attempted to push a piano in front of the door and the Premier peered conspiratorially through the venetian blinds.

Not since the days of Tommy Bent have we seen a government under such a cloud. I doubt even he, though, would have gone to ground in the way the current rabble did last week. Such was the extraordinary reaction of senior ministers, one might be tempted to think they do actually have a lot to hide. The Victorian government is in a constant state of chaos and has no idea what to do next — or indeed what is coming next, or where it might be coming from.

Victorians know that something stinks to high heaven in the state of Victoria. They can pick up the whiff as it emanates from 1 Treasury Place and wafts down through the various levels of this wretched, wretched government. Victorians deserve better, and thank the Lord the Guy government is now just 108 days away. The people of this state can finally see a better future on the horizon.

Homelessness

Ms PATTEN (Northern Metropolitan) (12:35) — On this cold day I think it is good to reflect that in inner Melbourne almost 400 people have no place to call home and are sleeping rough. That does not even paint the picture of the more than 24 800 homeless people across the state, and that figure is growing. This week is Homelessness Week, and I think it is a great opportunity to bring this issue into the spotlight, especially as we face, as I said, these chilly overnight temperatures. I want to pay respect to the hundreds of organisations that are working towards providing shelter and dignity for those in need. In particular I would like to mention Wombat Housing and Support Services, which is holding an exhibition called *Our Story* that showcases the talents of people who have experienced or are experiencing homelessness, with proceeds of the sales going back to the artists. It is just one way that we can put a human face to the increasing homelessness crisis. The raw expression pieces show that homelessness does not discriminate.

Another initiative is Melbourne's first temporary pop-up homeless shelter, which was just launched to tackle the housing affordability crisis. It is a women-only facility in a former nursing home in South Melbourne. The idea was proposed by a friend of mine, property developer Robert Pradolin. This pilot should be the first of many across Victoria. We know that stats show that the leading causes of homelessness are financial hardship, domestic violence and health-related issues. We need to stop this gap within our community.

Mornington Peninsula tourism

Mr MULINO (Eastern Victoria) (12:36) — Today was the launch of an important initiative called A Taste of Mornington Peninsula, which was launched on the steps of Parliament House. This is an initiative which the Mornington Peninsula shire is taking part in. Cr Bryan Payne and a number of councillors were there as well as Ms Tracey Cooper, chair of the Mornington Peninsula Regional Tourism Board. The Mornington Peninsula is one of the largest wine-producing regions in Australia, producing 5000 to 6000 tonnes of grapes last year alone. Beyond wine, a number of niche food manufacturers produce goods, and it is an incredible area for tourism in this state. In the year ending March 2018 the region received approximately 7.3 million total visitors, and also in the year ending March 2018 the total tourism expenditure on the peninsula was \$1.1 billion. Today Ms Tracey Cooper will also launch the Mornington Peninsula's *Found* magazine, which will be an important guide for tourists on the attractions, culture, people, events, beer, wine, food and farm gates in the region.

Hillcrest Christian College and St Clare's Primary School

Mr MULINO — I would also like to mention a couple of important infrastructure openings in my electorate which we saw last week. One was at Hillcrest Christian College last Friday. It was the opening of the Discovery Centre at a school where enrolment is increasing dramatically, in reflection of population growth in the area. The other opening was at St Clare's Primary School of a large eight-classroom facility, for which \$1.5 million came from the state government.

Electorate office staffing entitlements

Mr MORRIS (Western Victoria) (12:38) — Labor's candidate for Buninyong has failed to be honest with the community about her involvement in Labor's rorts for votes scheme. Having been repeatedly contacted by Ballarat media, Ms Settle has failed to explain herself, despite being named as a key player in the Ombudsman's report into Labor's red shirts rort. Ms Settle was seen leaving Ballarat police station last week, and yet still she has failed to be honest and up-front with the people who she wants to vote for her about her involvement in this potentially criminal rort. The good people of Buninyong deserve more than a candidate who runs and hides when serious questions about —

Ms Mikakos — On a point of order, President, the member would be aware that making these types of allegations against someone is inappropriate in a members statement, and there are other mechanisms in the house for him to do so. I do think this is contrary to what is permissible in a members statement.

Mr MORRIS — On the point of order, President, I have made no allegations that are not factual, and they are well-known. I am simply calling on Ms Settle to come clean with the Ballarat community about her involvement in the red shirts rorts.

The PRESIDENT — There are two aspects to this. The first one is that whether or not an allegation is factual does not absolve a member from actually making accusations or allegations against another member by way of substantive motion rather than some of the other mechanisms. However, Ms Settle, to my knowledge, is not a member of Parliament — I have certainly not seen her in the dining room — so from that point of view the matter that the member is pursuing does not require a substantive motion. I have been listening intently, though, to make sure that the context of what is being put by the member is a

reasonable context in terms of what he is actually alleging.

Mr MORRIS — Thank you, President. Ms Settle was seen leaving the Ballarat police station last week and yet still has failed to be honest and up-front with the people that she wants to vote for her about her involvement in this potentially criminal rort. The good people of Buninyong deserve more than a candidate who runs and hides when serious questions about their conduct require answers. It is high time that Michaela Settle fully explains her involvement in this rort, or if she continues to refuse to do so, she must resign as Labor's candidate for Buninyong.

Ujamaa Festival

Ms SPRINGLE (South Eastern Metropolitan) (12:41) — On Saturday I was privileged to be one of the many attendees at the Ujamaa African community festival at Whitten Oval in Footscray. Ujamaa means 'familyhood' in Swahili and is a fitting title for a festival hosted jointly by the founders of the #africangangs campaign and the Western Bulldogs. The Ujamaa Festival is part of the Bulldogs African Action Plan, which will also incorporate an African youth mentoring program.

The festival, and the initiative as a whole, is a breath of fresh air amid the stale and bitter discourse increasingly dominating our national conversation on multiculturalism and race. Yesterday Australia's outgoing race discrimination commissioner, Dr Tim Soutphommasane, delivered a scathing assessment of the situation we find ourselves in today. Dr Soutphommasane said when he took the job five years ago he:

... wouldn't have expected that the biggest threats to racial harmony would come from within our parliaments and from sections of our media. Yet here we are.

...

This is dangerous territory. When politicians resort to using race in advancing their agendas, they inevitably excite racial anxiety and stir up social division.

As a mother of two African-Australian children and a representative of one of Australia's most multicultural electorates, this discourse hits home for me every single day. It must stop. If our communities do not see leadership from their elected leaders, if they do not see balance in the media, what hope do we have? All of us have a responsibility to fix this, and it is high time we stepped up to the challenge of putting community and cooperation at the heart of everything we do.

Sandringham East Primary School

Mr DALIDAKIS (Minister for Trade and Investment) (12:43) — I was proud to recently turn the first sod at Sandringham East Primary School in my electorate of Southern Metropolitan Region. I am immensely proud that our government has secured \$7.8 million for this wonderful school, enabling the commencement of stage 1 of their major redevelopment.

Sandy East primary, as it is affectionately known, was, like so many schools across Victoria, neglected by the previous Liberal government so I was especially proud to deliver this funding to them. Our investment will provide students, staff and the wider Sandringham East community with a new double-storey learning building and a multipurpose hall featuring a competition-size sports stadium, music space and outdoor play area. The investment was the result of countless conversations with the school community's acting principal, Laureen Walton, who last weekend celebrated her 50-year anniversary of teaching, and their unwavering advocate, school council president Belinda Wilson.

Ensuring that our children have every opportunity at their disposal is a priority for all members of the Andrews Labor government. That is why we are getting on with building the Education State — a \$3.8 billion investment throughout the course of this term. We have funded 70 new schools this year alone — averaging one new school every five days — more than 1300 school upgrades and 10 tech schools. Investing in our children's future is the best thing we can possibly do in our time in Parliament.

Jade Melbourne

Ms BATH (Eastern Victoria) (12:44) — Local Tyers resident and Lavalla Catholic College student Jade Melbourne recently won bronze representing the Australian Sapphires in an international tournament in Minsk, Belarus. Jade is only 15 years old and is one of Australia's rising sports stars. She has represented her country but started at the Traralgon T-Birds, where she shone through in dynamic form. She was recently signed as a development player with the Melbourne Boomers in the Women's National Basketball League, and she has also played for country Victoria and Latrobe City Energy division 1. She has an impressive 16.44 points per game and 16.6 rebounds, and she is only 15. I look forward to congratulating her and seeing her star continue to rise on her journey to great, great things in the basketball arena.

South Gippsland Dance Eisteddfod

Ms BATH — Last weekend, sporting a new name, the South Gippsland Dance Eisteddfod in Leongatha hosted a wonderful —

Mr Dalidakis interjected.

The PRESIDENT — Order! Mr Dalidakis, I am having real trouble hearing Ms Bath.

Ms BATH — Thank you, President. I was having trouble hearing myself speak, actually. Last weekend, sporting a new name, the South Gippsland Dance Eisteddfod hosted dancers from right across eastern Victoria. They hip-hopped, they jazzed, they leapt —

Mr Davis — Were you doing it?

Ms BATH — I was doing it in spirit. I was there in spirit. They have wonderfully prodigious talent, and their team was tremendous. I congratulate the president, Shelley Williams; the vice-president, Megan Fox; and everyone on the committee. I also congratulate Jo Fennell, the stalwart of this town and this lovely eisteddfod. Jo has been such a passionate advocate for community-driven volunteer activities all her life.

Homelessness

Ms DUNN (Eastern Metropolitan) (12:46) — I would like to commend the activities of the Eastern Homelessness Network. I joined with them; community members; students from Norwood Secondary College, Ringwood Secondary College and Lilydale Heights College; and councillors from Maroondah, Knox and Whitehorse in attending the Homeward Bound walk in support of homelessness.

It is important to shine a light on this issue. Right now more than 116 000 Australians are homeless. They include families with children, young people, older people, single adults and people with disabilities. Some of the main causes of homelessness are poverty, unaffordable rent and family violence. Homelessness services in Eastern Metropolitan Region are currently experiencing historically high demand for support.

I particularly commend the students of Norwood Secondary College who went on a non-perishable food drive as part of the day's activities and presented that food on the day.

The sad thing is that on any given night in Australia one in 200 people are homeless, with 3280 people homeless within the eastern metropolitan area. The local service in Ringwood, Uniting Wesley, dealt with

10 000 presentations last year. It is worth noting that Eastern Metropolitan Region has the least amount of public housing available. I commend these activities. We need to shine a light on them. We need to solve this housing crisis.

Federal kindergarten funding

Ms MIKAKOS (Minister for Families and Children) (12:48) — As it turns out, yesterday, on the very first day of Early Learning Matters Week, we finally learned that for the federal Turnbull government it does not. Their anti-education agenda has once again been exposed, with the federal budget papers revealing they plan to withdraw funding for four-year-old kindergarten once and for all.

As reported in the *Australian Financial Review* yesterday, the federal budget papers show that the national partnership agreement for universal access is due to conclude on 30 June 2020. This is a \$440 million cut nationwide and trashes a longstanding arrangement between the commonwealth and the states and territories to jointly fund one year of preschool. This comes on top of more than \$20 million being cut from the national partnership agreement that provided federal funding for quality regulation of our early childhood education centres.

Every year the federal government has failed to provide ongoing certainty to the early childhood sector, to staff and to parents about four-year-old kindergarten. Despite the independent *Lifting Our Game* report concluding that short-term agreements only hamper future planning and cause uncertainty, earlier this year they extended this agreement for perhaps the last time. This funding runs out in 2019. Every Victorian child born after 2016 will be affected by the Liberal cuts. Despite outrage from the early childhood sector and strong opposition from Victorian families, Ms Crozier labelled that last one 'great news for Victorian preschool kids'. The only great news, Ms Crozier, would be if those kids had a federal government that valued their education and did not want to take it away. Matthew Guy's mentor, Jeff Kennett, cut preschool funding by 20 per cent, and Turnbull now wants to do the same. Matthew Guy and Ms Crozier just sit back and watch.

Mildura Future Ready

Mr O'SULLIVAN (Northern Victoria) (12:49) — Last week I had the privilege of attending the Mallee Machinery Field Days, which was a great event.

Honourable members interjecting.

The PRESIDENT — Order! Thank you. I do not want to hear that again. Mr O'Sullivan from the top.

Mr O'SULLIVAN — Last week I had the privilege of attending the Speed field days up in the Mallee, and on the Friday after the field days I had the pleasure of spending a day with Assembly member Peter Crisp in Mildura. Mr Crisp briefed me on the Mildura Future Ready project, for which the council is pushing quite strongly. In terms of the Mildura sports precinct I was very pleased to hear that Andrew Broad and the federal government have committed \$10 million, Peter Crisp and the Liberal-Nationals have committed \$10 million and the council have committed somewhere between \$6 million and \$8 million towards this project.

Mr Gepp and Ms Pulford have been very active in the media but have not made any commitments at all to this project. Mr Dalidakis was meant to be in Mildura on Thursday night, but he cancelled his trip because he had something better to do down here in Melbourne. I was hoping that he might have made that announcement. The Minister for Sport, John Eren, said the Mildura Future Ready project would be considered in the usual budget process, which means that the Labor government is not going to commit to any of those projects.

No candidate and no party other than the Liberal-Nationals have made any commitments towards the Mildura Future Ready project. Labor has not even got a candidate for Mildura. In fact there is only one current National Party seat where Labor has bothered to endorse a candidate just 88 days out from when people start to vote. The Labor government does not care about Mildura. I will continue to work hard, alongside Peter Crisp, to deliver real outcomes for Mildura.

Hartnett House Children's Centre

Mr ELASMAR (Northern Metropolitan) (12:51) — In response to my adjournment matter regarding capital grants for children's facilities upgrades, I took the opportunity to attend the official opening of the Hartnett House stage 2 upgrades program on Tuesday, 31 July. This early learning facility project incorporates a variety of improvements that will enhance the learning experience for those children and also provide centre staff with a suitable work environment.

In collaboration with Melbourne City Mission, the event was hosted by the Victorian School Building Authority's properties and facilities project manager, together with my parliamentary colleague Minister Mikakos. It is wonderful that the Andrews Labor

government is able to prioritise and develop existing facilities such as this one for local children, as these new improvements give kids their own exciting learning place. The centre also provides parents with a pleasant and harmonious location that brings them together with other parents in an agreeable environment. This particular capital grant has been well-spent, because I am sure the kids of Brunswick will have a lot of fun learning and playing in this improved school facility for many years to come.

Population growth

Mr DAVIS (Southern Metropolitan) (12:53) — Today Australia's population will reach 25 million. That is a very significant milestone. That is happening at about 11 o'clock tonight, and I have looked at the clock on the Australian Bureau of Statistics website. What is clear is that that population growth has been concentrated, particularly in recent years, in Victoria, which saw 143 000 more Victorians in the state last year and 147 000 the year before. The overwhelming bulk of those people, either coming here or being born here or transferring here from other states and territories — which is about 16 500 of those in that category last year — are living and concentrating their activities in metropolitan Melbourne. We need to decentralise our state. We need to make sure our state is not carrying the whole load in metropolitan Melbourne. The opportunities are there for our large regional cities and other areas of country Victoria to play a role in ensuring that new migrants and new births are welcomed and are able to play their part.

For 15 of the last 19 years, Labor has been in power and has not put in place the infrastructure that is needed to cope — the transport infrastructure, the road infrastructure, the planning infrastructure. Health, education and other services have not been put in place by successive Labor governments over 15 of the last 19 years that they have been in power. I say that if you are going to have large population growth of this type you do need to have proper planning going with it, and that has not been the case under Labor.

Indigenous traineeships

Mr MELHEM (Western Metropolitan) (12:54) — I rise to speak of another benefit my community is experiencing from the truly groundbreaking West Gate tunnel project. Last week 10 successful graduates celebrated the completion of the Aboriginal pre-employment program, a program which involves the completion of a certificate II in construction that gives Indigenous trainees the opportunity to get a head start in the industry. Through the preapprenticeship

program, the trainees will be placed across various roles in the West Gate tunnel project's five worksites in Melbourne's west. Whilst working on the project, trainees will also complete a certificate III in civil construction. This is a great program for Indigenous trainees in my electorate of Western Metropolitan Region as they get hands-on experience in a variety of fields while also securing vital qualifications. This will set them up for a great career in the construction industry and empower them to secure long-lasting, full-time employment.

This government takes supporting our Indigenous community seriously. Whether it be through commencing a formal treaty process, respecting Aboriginal cultural diversity or fostering economic opportunities, this government will always work hard for our nation's first peoples. I commend the Minister for Roads and Road Safety, Luke Donnellan, on the great work he has done providing vital upgrades to the roads in the west and utilising these projects to support Indigenous apprentices and trainees in gaining practical training and experience in the construction industry.

SIR JOHN MONASH

The PRESIDENT (12:56) — Last week the Parliament hosted the Spirit of Australia organisation in recognition of the contribution both in wartime and in peacetime of one of Victoria's greatest citizens, if not the greatest, Sir John Monash. On that occasion Mr Melhem represented the government and gave a very fine speech exploring some aspects of Sir John Monash's career, but indeed there were a number of other contributors engaged by the Spirit of Australia organisation, which annually runs this event in the Legislative Assembly chamber. It is just extraordinary to reflect on the lifetime contribution of that great Victorian.

For me personally, having been with Wendy Lovell to the Western Front — indeed representing Minister Eren on that occasion — it is just extraordinary to think and to speculate on the contribution of Sir John Monash in terms of ending that First World War far more quickly than it might otherwise have been and sparing the lives of literally thousands of men with the strategies and the innovation that he brought to warfare. Of course none of us celebrate warfare, and we would prefer that he had not had to distinguish himself in that regard, but indeed thank God that he did. His recognition by the British King at the time and the confidence placed in him particularly by the British forces — which was not necessarily shared sadly by our Australian forces at the time — ensured that the war ended I think, and I think

most experts agree, in a much shorter period and with less casualties than might otherwise have prevailed.

I for one personally, and I think Mr Melhem shares the view, having been at that ceremony last Friday, believe that in fact the promotion of Sir John Monash to the highest ranking of our military positions ought to be proceeded with to recognise a man who is, as I said, arguably Victoria's greatest Victorian.

JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018

Committee

Resumed from 27 July.

Clause 1 further discussed.

The DEPUTY PRESIDENT — The committee will continue discussing the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. I believe the minister has some responses — last time we met she took some questions.

Ms TIERNEY — During the committee stage on 27 July a number of matters were raised, and in the interests of aiding the passage of the bill I would like to place on record some information in relation to four areas. One is the forced marriage dowry abuse issue that was raised by Mrs Peulich and I think Ms Crozier. Also there were some questions in relation to actions as they relate to the awareness and prevention of forced marriage. There were also some questions in relation to the Victorian referrals of forced marriage to the Australian Federal Police (AFP). There was also a question in respect to Victorian government IT support to the Magistrates Court.

In respect to the forced marriage dowry abuse, Australia's response to forced marriage forms part of the Australian government strategy to combat serious forms of exploitation, including human trafficking, slavery and other slavery-like practices. The strategy is guided by the *National Action Plan to Combat Human Trafficking and Slavery 2015–19*. The commonwealth Department of Home Affairs is responsible for both the strategy and the national plan. In its family violence, sexual offences and child abuse strategy for 2018–23 Victoria Police has committed to continue to work closely with its interstate and federal counterparts to respond to crimes relating to human trafficking and forced marriage and to build its understanding of trends and crimes impacting on culturally and linguistically

diverse (CALD) communities, including forced marriage.

The commonwealth Criminal Code Act 1995 contains offences regarding forced marriage. The offences make it illegal to cause a person to enter a forced marriage or to be party to a forced marriage. The forced marriage offences can apply to legally recognised marriages as well as to cultural or religious ceremonies, to registered relationships and to marriages occurring in Australia as well as where a person is taken overseas to get married, and also to the conduct of any person involved in bringing about the forced marriage — for example, family members, friends, wedding planners and marriage celebrants. The forced marriage offences have a maximum penalty of seven years imprisonment or nine years imprisonment for an aggravated offence. An offence may be aggravated in several circumstances, including where the victim is under the age of 18.

If a victim of a forced marriage is under the age of 18 and is taken overseas for the purpose of a forced marriage, the offence of child trafficking may apply, which has a maximum penalty of 25 years imprisonment. The Australian government's Support for Trafficked People program is a key component of Australia's anti-human-trafficking strategy and the *National Action Plan to Combat Human Trafficking and Slavery 2015–19*. The support program provides assistance to all victims of human trafficking, slavery and slavery-like practices, including forced marriage, who meet the eligibility criteria. The support program is administered by the Department of Social Services and delivered nationally by the Australian Red Cross.

In respect to awareness and prevention, I turn to some of the measures undertaken by the Victorian government in this area in the 2016–17 and the 2017–18 years. The multicultural affairs portfolio through the Department of Premier and Cabinet (DPC) invested a total of just over \$444 000 towards the specific family violence prevention initiatives targeted at forced marriage in Victoria. In 2016–17 over \$144 000 was allocated to the Australian Red Cross Society of Victoria to deliver the Victorian forced marriage sector capacity building project. In 2016–17 \$150 000 was allocated to the Australian Muslim Women's Centre for Human Rights to deliver the Respectful Relationships program. In 2017–18 a further \$200 000 was allocated to the Australian Muslim Women's Centre for Human Rights. In addition, in 2016–17 the multicultural affairs portfolio allocated \$2.15 million over two years to the inTouch Multicultural Centre Against Family Violence as a specialist body in relation to the needs of culturally diverse communities.

DPC continues to work closely with the Victorian Multicultural Commission and the peak faith bodies through the multifaith advisory group to address a range of family violence-related issues, including those relating to forced marriage. In the 2017–18 period the multicultural affairs portfolio, through DPC, allocated a total of over \$300 000 over two years to develop evidence-based training and resources for faith leaders to help prevent family violence and violence against women. This work is being undertaken by the University of Melbourne and the Multicultural Centre for Women’s Health in collaboration with the Victorian Multicultural Commission and the Multifaith Advisory Group.

Then there were some questions in relation to the AFP and referrals. There were 42 referrals made to the AFP from 2013–14 to 2016–17 from within Victoria, including 10 in 2016–17. The Department of Justice and Regulation has sought updated statistics for 2017–18 from the AFP and we are awaiting a response.

In respect to the information technology points that were raised, in the 2017–18 budget the government provided \$89.2 million over four years for a new case management system in the Magistrates Court and the Children’s Court. This funding included the new case management system which will enable better information sharing between the courts and other agencies, especially Victoria Police, support the rollout of the online family violence intervention order applications that we talked about when we last met and provide the courts with better access to case information, including details relevant to family violence and intervention order applications. I hope that assists the committee in its further deliberations.

Ms CROZIER — Minister, on the last sitting Friday when we were debating this bill a number of comments were made in relation to the importance of this bill as it is a priority for the government. Why did you adjourn the debate at 3.15 p.m. on the last sitting day?

The DEPUTY PRESIDENT — Ms Crozier, I am sorry, but that has nothing to do with the bill. Ask a question, please.

Ms CROZIER — Deputy President, I make the point that the government and the ministers, in this place but also on social media, were out talking about this bill as a priority, and I am just wondering why the government adjourned the debate at 3.15 p.m. on the last sitting day.

Ms Shing interjected.

The DEPUTY PRESIDENT — Ms Shing! Thank you. Ms Crozier, I advise you to get straight to the question.

Ms CROZIER — I have got a number of questions that I want answered in relation to this bill, but I do have one more question that I think is pertinent to what we are discussing this afternoon. The minister herself is under criminal investigation by the fraud squad, and I want to know: does she feel it is appropriate —

The DEPUTY PRESIDENT — Ms Crozier, I advise you again that this has got nothing to do with the bill. If you have got a question regarding clause 1, please put your question.

Mr Morris — It is an important question.

The DEPUTY PRESIDENT — Order! The important questions are about the bill.

Ms CROZIER — We are talking about a piece of legislation that deals —

Ms Symes interjected.

Ms CROZIER — No, I am not, I am just talking about the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018 that you said was a priority. Mr Dalidakis, in the corner, went on social media and attacked us as it was a priority, so I wanted to know why it was so important that the debate was adjourned, but I will ask the question. I will go back to a number of issues, and I believe that the government is very sensitive about this.

Honourable members interjecting.

Ms CROZIER — You are very sensitive about the issue that you are under investigation for the rorting of this —

The DEPUTY PRESIDENT — Order! Ms Crozier, I advise you to get straight to the question, please.

Ms CROZIER — The minister in her opening statement talked about dowry-related issues, and I have got a number of questions. Before I put the question I will make just one more point. I have got great concerns that the minister is at the table answering these questions on behalf of the state, because she is under investigation. Nevertheless —

The DEPUTY PRESIDENT — Ms Crozier, that is not on. This is the third time I have advised you. Have you got a question?

Ms CROZIER — I do, and it goes to the point that you just spoke about regarding the dowry-related issues, Minister, and the AFP looking at the number of forced marriages that are occurring in this state. You highlighted this and said obviously it falls under commonwealth law and there are a number of elements that relate to the commonwealth law in relation to this. I am just wondering if you could provide to the committee: what monitoring is the department doing in relation to those forced marriages?

Ms TIERNEY — Can I have some sort of indication of what sort of monitoring you are seeking?

Ms CROZIER — Minister, you stated in the last sitting week that you did not have the figures — that the AFP held those figures.

Ms Tierney — I have just given you the figures.

Ms CROZIER — No, no. I am asking the question, Minister. If you do not understand my question, it was about monitoring of any forced marriages that you might have. Are you aware of the protocols that are in the Department of Health and Human Services then in relation to forced marriage? Are you aware of those protocols?

Ms TIERNEY — Victoria's child protection manual contains a procedure for dealing with a report of forced marriage or if forced marriage is identified as a possible area of concern during the course of child protection involvement.

Ms CROZIER — That is exactly what I mean. What monitoring is undertaken then, Minister?

The DEPUTY PRESIDENT — Any further questions? You have a further question, Ms Crozier?

Ms CROZIER — I take it that the minister has not heard me. There is no monitoring being undertaken; is that correct?

The DEPUTY PRESIDENT — I believe the minister has already responded to you. Any further questions?

Ms CROZIER — I actually think this is a very significant issue on forced marriages. I have a strong view that it constitutes abuse, so I want to know what the government is doing. I do not want the minister just to be shrugging her shoulders at these very important questions, so I will ask again: it is my understanding that the department has a protocol on forced marriage intakes and they are classified as protection intervention reports. Can you confirm then, Minister, how many

reports have been received by the department in regard to those forced marriage intakes?

Ms TIERNEY — I do not have anything further to say. These questions do not deal with —

The DEPUTY PRESIDENT — Thank you, Minister. Thank you, Ms Crozier. Are there any further questions?

Ms CROZIER — Yes. I find it extraordinary, Deputy President, that the minister refuses to answer the questions. We are talking about the family violence protection and other matters bill. I find that forced marriages are a form of coercion, and they are highlighted in this very piece of legislation. If you are not across the legislation, Minister, then perhaps you should not be at the table answering these questions. These are relevant questions to ask about a very serious matter — forced marriages — and you cannot answer them.

The DEPUTY PRESIDENT — Order! Ms Crozier, I have asked the minister if she wishes to respond. The minister said she has already responded. If you have a further question, please ask it. If not, I will call Ms Truong.

Ms CROZIER — You can call Ms Truong. I will come back to it.

Ms TRUONG — I just have one last question on clause 1 relating to body-worn cameras —

Honourable members interjecting.

Ms Tierney — I cannot hear the question.

The DEPUTY PRESIDENT — Order! Ms Truong, can you start the question again.

Ms TRUONG — I believe I started asking this question on the last sitting Friday. In relation to body-worn cameras, I am just wondering if there are any measures in this legislation or in broader legislation that prevent the misuse or improper use of body-worn cameras, not just in terms of collecting the evidence but also in terms of the powers and discretion of police officers to turn them on or off whilst in an interaction.

Ms TIERNEY — There is departmental policy on this. There is an operational procedure with respect to this. The Chief Commissioner of Police is the responsible person that guides that. Obviously also there is the pilot that is being conducted, which is underway, and that is an ongoing example of how the

standard operating procedure in respect of the operation of body-worn cameras is being tested.

Ms CROZIER — Could I just follow-up Ms Truong's question in relation to the body-worn cameras. Minister, in a media release in June of this year the government stated it was recruiting a number of family violence police — I think they did state a number but I just cannot recall the number. Can you confirm if they will all be wearing body cameras? I know it is being trialled, but will those new recruits be part of that program as well?

Ms TIERNEY — As you know, there is a trial that is being conducted, as we speak, in two geographic locations. Once that trial comes to its conclusion then there will be decisions made about how and when they are rolled out. But it is envisaged that, in the area of family violence, body-worn cameras will be used.

Mrs PEULICH — I have two or three questions, which were forwarded to me by a significant person behind this bill, and that is Dr Manjula O'Connor, who has been working on some elements of this bill for a very long time. She wanted me to ask a couple of questions, and one of those is on the explanatory statement to the draft bill which states that any coercive demand for dowry will trigger the Family Violence Protection Act 2008. The question that she would like answered is: how does the minister propose to ensure the law is implemented properly — that is, the new law can only function if people understand its nature and how to avoid running foul of the law. Obviously it means educating parents and young people in terms of recognising what the new law is about and how behaviour can be changed to make sure that they are not in breach of the law, and that education must be culturally appropriate. Dr Manjula O'Connor asks: what are the government's plans in terms of this?

Ms TIERNEY — To start with, I thought that I had covered this off quite a bit the last time the committee met, but also today I outlined some programs that are specifically underway and have been underway in the CALD community. A lot of it is about making sure that the leaders in various communities are trained and are aware of what is going on in terms of changes to the law, and that is why there have been specific programs that have been undertaken so that that capacity can be developed, but then it is a matter of community members assisting in their own communities as well in terms of the various generations, whether that be younger people or indeed older people, about what is the new law and what is acceptable behaviour and what is not.

Mrs PEULICH — Obviously some cultures are more sensitive or more influenced by community leaders and others are not, so obviously where community leaders play a significant role and people are engaged with either their mosque or their temples or whatever, this is an important part of that process, but how about those others? Perhaps there are cultures that are not prone to being influenced by community leaders or there is dispute about who is the legitimate community leader. There are a lot of African countries. If you speak to someone from the Dinka tribe, they will not recognise a community leader from the Nuer tribe, and vice versa.

What sort of review is there to make sure that the appropriate non-government organisations (NGOs) are actually being funded and that it is all culturally appropriate? But also, for those that are not subject to influence by community leaders, what is the outreach program to make sure that people out in the communities actually understand the laws and understand that a prepubescent child cannot be whisked away for a holiday and come back married? I understand that the laws are in place. The penalties are in place. Often it is very hard for families to take a decision to have someone reported to the police. These are complex issues, but if they know that something is illegal and what the consequences are, they may be less likely to actually fall foul of that law. So apart from the information you have given us, are there any other strategies that are intended to actually educate people about the reach of the law?

Ms TIERNEY — The Victorian Multicultural Commission is the main body which DPC interacts with but also in terms of the peak faith bodies. It is also of course a fact that given the amount of resources and the commitment that this government has in relation to this whole area there is an enormous amount of interaction at various working groups and committees across a huge variety of cultural groupings, and there is a lot of opportunity, to say the least, for communities to raise specific concerns that they might have if they do not think that messaging or education or other things are coming through. We have not received any complaints or issues in respect to people believing that their voices are not being heard or indeed that there are some capacity issues that are not being dealt with.

Mrs PEULICH — In the past governments have communicated important information through generic services in an appropriate way — for example, maternal and child health, the education system and other services. In addition to funding of particular NGOs, is there an intention by the government to reach out to the broader community in a targeted way through

some of these other generic services such as maternal and child health? I think our maternal and child health service uptake is about 84 per cent or thereabouts in Victoria, maybe even higher — one of the best in the world, I guess — and a very effective way of communicating information to even vulnerable communities who may be disengaged in other ways, or even GPs.

Ms TIERNEY — There is an overall generic communication discussion and strategy, because we need to ensure that people do know what the charges are and do know what the pathways are in terms of protecting themselves and others and taking whatever action they might wish to. This is not new. You cannot just bring about legal change; you need to have that supplemented with a communication strategy and a social strategy — which you well know, Mrs Peulich — that is inclusive of all CALD communities but also people who do not come from CALD communities, who might be in more vulnerable positions and not so engaged as the average person in work or education or other things. So, yes, the connection with health centres and maternal and child centres is a good way, an important way, that we can get the information out.

Additionally it is through things like the Country Women's Association of Victoria and a number of other organisations that would not normally first come to mind. They are also part of the woven fabric of accountability and responsibility and of expanding and promoting what we need to do in this area. We have had only in very recent times some dreadful situations again, and I think it is very clear that everyone understands the importance of getting this legislation through and making sure that we have got adequate —

Ms Crozier — We should have sat last Friday, then, if it was that important.

The DEPUTY PRESIDENT — Order! The minister to continue.

Ms TIERNEY — Unbelievable.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The minister to continue, without interruption.

Ms TIERNEY — Thank you. I think Mrs Peulich understands what I am saying and indeed the particularly sensitive moment that we are going through, unfortunately, yet again. But I think that we can all be proud, with the passing of this bill, that this is

another serious peg in the ground that will assist in trying to stamp out what is an indictment of our society.

Mrs PEULICH — I would thank the minister for her response but also highlight the fact that — and this is not a reflection on her — the reason why I asked the question was that I did not know, and I come from a culturally and linguistically diverse background and I am the shadow Minister for Multicultural Affairs.

Ms TIERNEY — We will fix that.

Mrs PEULICH — A lot of the time we have laws and we have things that are happening — programs, strategies — of which the community is generally unaware, and the minister herself was unaware. I am not criticising the minister for that. She had to go and get information; I thank her for doing that. The reason why I asked the question was that I did not know. Ms Crozier has asked a series of questions because she did not know. Often there are strategies and programs in place which remain covered in dust and unknown to the general community, and I think that is a real problem because harmful cultural practices are there. They are often well concealed, they are well covered, and it is something that we in Australia should not tolerate. We welcome and support cultural diversity, harness the strengths of diversity and recognise the right of people to nurture and maintain their own culture and embrace the opportunities that Australia offers, but there are certain things that we do not accept, and many of them do impact upon women and girls in particular. I for one am very interested in that and in seeing how we can improve those strategies.

The question I would like to leave the government is: if we at the highest level — and many MPs do a lot of referral services; our offices do referral services on a daily basis — do not know, how do we expect those who may be functionally illiterate to know where they can access services or information about some of these pernicious practices which we should not tolerate? I guess that is a rhetorical question. That is what needs to happen. There needs to be some visible and easy way to access information that is pertinent to these new laws and to practices that we say no to.

Ms TIERNEY — That will occur. We just need to get the laws through.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Ms BATH — Minister, looking at clause 4, the clause talks about a therapeutic treatment order, and a therapeutic treatment order is followed by a therapeutic

treatment plan. It is supposed to take six weeks for that to occur. My interest is: does the department, does the government, keep statistics around the therapeutic treatment plan and when the actual program starts with the child? So when from the plan being issued does the actual program occur for the child? Does the department keep any of those statistics?

Ms TIERNEY — Ms Bath, the actual plan is new; it is brand-new. They do not exist at the moment. And given your mathematics background, in terms of whether we will keep statistics on that, yes, the government will.

Ms BATH — Thank you, Minister. Will that be kept in terms of local government areas? What will be the format of those statistics, because it is often important to get a breakdown of country versus city and to have a look at that to identify where the services need to be and where there may be gaps in these services?

Ms TIERNEY — The plan will be developed by the Department of Health and Human Services, and the data will be kept there. I would imagine that, in terms of what they do with that data as such, it will be there in a generic sense, but beyond that there are further discussions taking place in terms of making that data useful to people.

Ms BATH — Thank you, Minister. Minister, from a rural perspective I would ask that there be some clarification and consideration given to identifying regional statistics so that that can be checked. That is, I guess, a comment and a request on that, because I think it is important to highlight the need for services out in regional Victoria.

I have another question that relates to the information on that clause. It states that within 14 days of the plan being prepared, the following people will be issued information, and it goes to the child and it goes to the child's parent. I am interested to know: if there is a court order out on a parent that excludes them from contacting the child — so, in other words, potentially the risk parent — will that parent get a copy of this therapeutic plan?

Ms TIERNEY — On the first comment in terms of capturing data that is specific to regional Victoria, that will occur. In terms of the second, I will get an answer.

A copy of the therapeutic treatment plan is required to be provided to the child to whom the therapeutic treatment order applies, the child's parent, any person who has care of the child and the provider of the therapeutic treatment program, unless the secretary considers it inappropriate to do so. Examples of where

it would be inappropriate for the secretary to provide a copy of a plan include situations where a parent of a child is a perpetrator of family violence, where it would be contrary to an information-sharing scheme or where a young person subject to a therapeutic treatment order is over the age of 18. The Department of Health and Human Services will develop practice guidance about the circumstances in which it might be inappropriate to provide a copy of a therapeutic treatment plan to a certain party. A copy of a plan might still be required to be provided to a party who applies for information under a legislative information-sharing regime.

Ms BATH — Thank you, Minister. I appreciate those comments. In relation to the person who has care of the child, quite often kinship carers, who may well be looking after that child because of the, say, dangerous parent or inappropriate parent, comment to me that if they have a caseworker attached, a lot of information comes through. But if they do not — and there are many examples where they do not have caseworkers attached — will they be considered and will they be given that information? They will often have carriage of that child even though they are not the guardian.

Ms TIERNEY — The answer is yes.

Ms BATH — Thank you, Minister. I appreciate that. The other question that varies slightly from that topic but is still on and around therapeutic treatment orders is in terms of out-of-home care. There are many children who are in out-of-home care who are not with a foster care family and who are not in kinship care; they are actually in an out-of-home care house, we shall say. Is there any limit to or protocols around having multiple children with multiple treatment plans in that one house? Are there some sort of guidelines or limitations to that?

Ms TIERNEY — The department will be developing guidelines around that. It is all very well, as you know, to have plans but there needs to be due consideration in terms of the environment which that child or other children are in. So they will be developing those guidelines.

Ms CROZIER — If I could just follow up from Ms Bath's line of questioning, Minister, we know there are close to 3000 unallocated cases on the last figures. I am just wondering. The clause talks about:

The Secretary must ensure that a therapeutic treatment plan is prepared in respect of a child within 6 weeks after a therapeutic treatment order is made in respect of the child.

What assurance can the government give the committee that that will actually be undertaken, given that there are enormous numbers — thousands — of children without allocated caseworkers and that the backlog is absolutely enormous for these workers?

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Ms TIERNEY — Without going to the issue of the assertions made in that question, the Department of Justice and Regulation with the Department of Health and Human Services have worked a lot in respect to developing this process and the time lines and the procedures and they believe that that is certainly the way forward, that it will be the way in which it will be able, with the resources that we have, to be adhered to.

Ms CROZIER — So you are confident that with the resources you have you will be able to meet those time lines and they will take priority over any other child protection cases; is that correct?

Ms TIERNEY — We are confident, given the level of discussion on this, that the time line is the appropriate time line.

Clause agreed to; clauses 5 to 8 agreed to.

Clause 9

Ms BATH — Clause 9 states that:

... a therapeutic treatment (placement) order ceases to be in force if the child attains the age of 18 years or marries, whichever happens first.

I have some concerns about the situation around marriage or ‘whichever happens first’ in relation to any coercion of marriage — any situation where a young girl, as we will put it, may be pressured into marrying. Under this clause, she would be undergoing very important and very useful treatment. I do not understand why this marriage clause is in there.

Ms TIERNEY — These provisions are consistent with existing policy under the Children, Youth and Families Act 2005 in relation to the expiration of orders that confer parental responsibility on the secretary.

Clause agreed to; clauses 10 to 13 agreed to.

Clause 14

Ms CROZIER — Minister, clause 14 relates to a declaration of truth and the definition around that. It talks about what that actually means. I am just wondering if you can explain to the committee, in cases

where the alleged perpetrator makes a declaration of truth and a victim then makes a declaration of truth, how that is presided over in terms of the interpretation of that information under this provision of the bill.

Ms TIERNEY — They are based on merit, and that is determined by the Magistrates Court.

Ms CROZIER — It is my understanding that there is a penalty if there is misinformation. I think ‘misdeclares’ is the terminology used in the bill. The courts would determine that. Would they therefore apply that civil penalty in terms of a financial penalty? Would it go towards any further charges that they might have in relation to a family violence-related matter? That is what I am trying to ask. Would it be judged by them or is it determined by them at the time if they make this false declaration?

Ms TIERNEY — It becomes a matter for the police.

Clause agreed to; clauses 15 and 16 agreed to.

Clause 17

Ms CROZIER — My question goes to the point about how an application is made. I note that the bill states:

Unless the rules of court otherwise provide, the application may be made by telephone, fax or other electronic communication.

In terms of electronic communication, it is my understanding that that can mean email, social media, text messaging, newsgroups, chat rooms, videoconferencing, instant messaging and phone, as I said, and I have already mentioned fax. Could you please clarify what constitutes electronic communication — if it is all of those means or if it is just a number of them?

Ms TIERNEY — In clause 17, new section 43(3) states:

... the application may be made by telephone, fax or other electronic communication —

and you want clarity around what that other electronic communication is.

Ms CROZIER — No, I gave some examples, and I was wondering if you would not mind clarifying what they are.

Ms TIERNEY — Electronic communication is defined in the Electronic Transactions (Victoria) Act 2000 and includes the communication of

information by telephone, fax or the internet. The amendments here are facilitative in nature. They do not prescribe the manner in which documents must be issued or transmitted. They also provide for matters other than the issue or transmission of documents, such as the electronic filing and electronic service of documents, or inhibit the court or VCAT from continuing to provide documents to people in paper form.

Ms CROZIER — Thank you, Minister. I want to just ask about this. I know that we have had vigorous debate nationally in the last week about My Health Record in terms of privacy and people opting in and out. Obviously we have had debate in this chamber on the Children Legislation Amendment (Information Sharing) Bill 2017 and also the Family Violence Protection Amendment (Information Sharing) Bill 2017. Again, this goes to those privacy issues and breaches of privacy. I suppose my question is in relation to any fraud that is undertaken in any electronic communication. What measures have been put in place to avoid that? I ask that because I note in the child information sharing bill that, unlike with the family violence information sharing bill, the privacy commissioner was not consulted on that. I am just wondering if the privacy commissioner was also consulted in relation to these particular issues.

Ms TIERNEY — I will check on the second point, but in relation to the managing of information, it is a core function of the court. Magistrates Court documents of course routinely contain personal and sensitive information relating to parties to the proceedings, and the court has established procedures regarding the collection, management and disclosure of the personal information that they hold. The Magistrates Court maintains a privacy page on its website, which sets out how it manages personal information and how the court complies with the collection, management and disclosure of information under the relevant provisions of the Magistrates' Court Act 1989, the Privacy and Data Protection Act 2014 and the Victorian information privacy principles. The Magistrates Court will need to ensure that they continue to protect the privacy of any personal information that is contained in court documents, including family violence intervention order applications, when information is transmitted electronically.

Clause agreed to; clauses 18 to 48 agreed to.

Clause 49

Ms CROZIER — Minister, my question flows on from your answer that you have just provided me, so thank you. The questions around this go to, again, the electronic communication purposes, and you have just

explained to the committee the normal procedures that the Magistrates Court has in relation to that. I am just wondering what organisations will have access to the IT platform around this. I know that we are talking about the Magistrates Court, but in terms of information sharing and those organisations that are subject to information sharing under the family violence information sharing scheme, will there be organisations that will have access to that data as well, or is it just truly confined to the Magistrates Court and their decisions?

Ms TIERNEY — It is the court that has access to the platform. In terms of interactions with applicants, that will be through the courts, the applicants and Victoria Police.

Ms CROZIER — The applicants, the court and Victoria Police — is that what you said?

Ms TIERNEY — It is largely for people seeking information from the courts. So if an applicant is seeking information from the court, then the court would provide that information. It is the same with VicPol — if they are seeking information from the court, then they will be able to receive that information.

Clause agreed to; clauses 50 to 115 agreed to.

Clause 116

Ms TRUONG — My question relates to new section 387F, 'Admissibility of recorded evidence-in-chief'. Subsection (3) speaks about if the parties consent to its use as the complainant's evidence-in-chief. I am just wondering what provisions there are if the parties do not consent to the use of the —

Ms Tierney — Cameras?

Ms TRUONG — Yes.

Business interrupted pursuant to sessional orders.

DR CARLING-JENKINS

The PRESIDENT (14:01) — I advise the house that on 3 August I received a letter in my role as President. 'Sitting as an Independent' is the subject, and it says:

It is my intention to now sit as an Independent member of the Legislative Council effective immediately.

I have sent a copy of my resignation from my party to the Clerk's office for their records.

That is signed by Dr Rachel Carling-Jenkins, who will now sit as an Independent in the house.

QUESTIONS WITHOUT NOTICE

Prisoner day release

Ms WOOLDRIDGE (Eastern Metropolitan) (14:01) — My question is to the Minister for Corrections. Minister, David Cassai was killed by a one-punch killer. This killer is now released multiple times a week to train and play football. David’s mother, Caterina Politi, has said of this, and I quote:

It threw a dagger in my heart and I’m in shock to think a killer who is not even four years into his sentence is on day release.

Minister, why is this killer regularly released to play football only four years into his sentence for a one-punch kill?

Ms TIERNEY (Minister for Corrections) (14:02) — I thank the member for her question. I understand that this is extremely difficult for the family. I expect decisions like this, like day release, to take into account the impact on victims. That is why I have asked Corrections Victoria to urgently review this decision and provide an explanation as to how this was made and of course the implications on the program more broadly. I did have the opportunity to talk to David’s mum, Caterina, this morning about her views and what has happened to her and her family over a number of years. I certainly do recognise the impact that this has had on her and her family. I have also advised that the prisoner will not be engaging in the program until further notice, and the prisoner will not be involved and will not be allowed on day release while this review takes place.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:03) — I thank the minister for her answer, but it did not actually go to why he has been released. It has gone to the subsequent actions, but that is important information as well. Minister, will you now stand here and apologise to David Cassai’s mother, Caterina Politi, for the pain that your government has caused her due to the mismanagement of this convicted killer?

Ms TIERNEY (Minister for Corrections) (14:04) — I think that the way forward is the review, and it will be taken as soon as possible. As I said, the prisoner will not be participating until further notice. The review will be looking at matters such as the process by which the decision was made and the behaviour and the risk of the prisoner leading up to the decision, and of course also the consideration of the victim’s family and the location of the victim’s family members, the engagement with

the football league and the teams involved and also the supervision of the prisoner outside.

Ms Wooldridge — On a point of order, President, the supplementary question was actually a very narrow question about whether the minister will apologise to the mother, and I ask you to bring her back to that specific question.

Ms Shing — On the point of order, President, standing orders are pretty clear that the house is not in a position to direct a minister how to answer a question, and in any event the minister had answered the substantive and supplementary questions in the answer that she gave to the first question as it was made by Ms Wooldridge.

The PRESIDENT — The minister does have further opportunity in terms of the remaining 15 seconds. I am of the view that the minister’s substantive answer did go to this matter by way of her explanation and her indication that she spoke with the mother this morning. I note that the way in which the minister conveyed that to the house suggested she had some serious feelings about that in that she was somewhat emotional about that conversation this morning, so I think the minister has gone to that apology. Whether or not it is specific in terms of standing up here now and apologising to the world, as distinct from the mother, is quite a different thing —

Ms Wooldridge interjected.

The PRESIDENT — Yes, but she has apologised to the mother.

Honourable members interjecting.

The PRESIDENT — At any rate, as Ms Shing says, I am also not in a position to direct a minister to answer, and I am cognisant of her earlier answer.

Prisoner day release

Mr O’DONOHUE (Eastern Victoria) (14:07) — My question is to the Minister for Corrections. Minister, the correctional management standards document states that:

... prisoners required to be escorted under a corrections administration permit or a rehabilitation and transition permit are escorted by staff trained as escort officers.

Why was Dylan Closter escorted by volunteers?

Ms TIERNEY (Minister for Corrections) (14:07) — I thank the member for his question. Again, I am not going to take his question at face value. He continues to

come into this house and make allegations and accusations. The review that I have ordered will go to that issue amongst other issues that I have outlined to the house.

Mr O'Donohue — On a point of order, President, the transportation of this prisoner by volunteers has been widely canvassed over the last 24 hours by multiple sources in the media. I am surprised the minister is not apprised of that fact and is refusing to answer the question. I would ask you to direct her to respond to the question.

The PRESIDENT — Minister, did you have anything to add to that?

Ms TIERNEY — No.

The PRESIDENT — I call Mr O'Donohue on a supplementary question.

Honourable members interjecting.

The PRESIDENT — Mr Dalidakis, I called Mr O'Donohue. There is very little similarity between the two names, so I actually expect to hear from him and not you.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:09) — Minister, volunteers do not have the power of arrest or to detain. Given volunteers are escorting prisoners, isn't Corrections Victoria in breach of its own correctional management standards?

Ms TIERNEY (Minister for Corrections) (14:09) — Again, I will refer matters to do with this case and have already referred it to Corrections Victoria, which will review this case and this person's participation in this program.

The PRESIDENT — Minister, I would just ask if you would consider adding to that answer in respect of the fact that the supplementary question did not actually mention the earlier question, which Ms Shing might believe is not apposite. This was more about the system. Did you actually hear the question?

Ms TIERNEY — Only parts of it.

Honourable members interjecting.

The PRESIDENT — Order! Thank you. The minister is actually helping me. Mr O'Donohue, can you put the supplementary question again, and Minister, you can determine whether or not you can provide an answer to that question.

Mr O'DONOHUE (Eastern Victoria) (14:10) — Minister, volunteers do not have the powers of arrest or to detain. Given volunteers are escorting prisoners, isn't Corrections Victoria in breach of its own correctional management standards?

Ms TIERNEY (Minister for Corrections) (14:10) — Again, President, this will be a matter for the review. But can I also indicate to the house that in relation to this particular program at Dhurringile, the program came about through a request by the then local member for Rodney, Paul Weller. The prison has been assessing and supervising a number of players and umpires to the competition since 2013, when Mr O'Donohue was the responsible minister.

Prisoner day release

Mr O'DONOHUE (Eastern Victoria) (14:11) — My question is for the Minister for Corrections. David Cassai's killer has been released from prison to train and play football this year. You have announced a review will take place, and you advised the house previously in response to Ms Wooldridge's question that that review will be done by Corrections Victoria. Minister, every time there is an issue in corrections you say you are going to undertake an internal review, but those reviews never see the light of day. You have now confirmed there will be another internal review. Minister, will this be another whitewash, or will you commit to actually releasing it to the public?

Ms TIERNEY (Minister for Corrections) (14:12) — I remind the house that Mr O'Donohue did not release too many reviews. I cannot recall any during his time. But during the course of my conversation with David's mum this morning I indicated to her that I will be talking to her about the review and fielding and canvassing her views as well.

Honourable members interjecting.

The PRESIDENT — Order! Come on! None of this is relevant. Mr Dalidakis, it does not matter who initiated a particular scheme, program or suchlike. The questions are going to the current management of those schemes or programs, and that is an appropriate question, not who historically might have introduced it by way of legislation, executive action or whatever. That is ancient history. Mr O'Donohue, your comments were unhelpful as well.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:13) — Minister, you said in response to the question from Ms Wooldridge that the review will examine this

particular terrible situation. Will the review be broad enough to consider the full day release program, or will it be limited to just this situation and the killer of David Cassai?

Ms TIERNEY (Minister for Corrections) (14:14) — In the first instance it will be dealing with this particular case, but as I said, we will also be looking at the implications of the program more broadly.

Ministerial staff

Mr MORRIS (Western Victoria) (14:14) — My question is to the Minister for Regional Development. Minister, at least one of your ministerial staff was filmed leaving the Ballarat police station on Thursday morning with the Labor candidate for Buninyong. Why did your ministerial adviser attend the Ballarat police station with a Labor candidate?

Ms PULFORD (Minister for Regional Development) (14:14) — President, I might seek your guidance on the relationship between this and my ministerial responsibilities to inform my answer.

The PRESIDENT — Was it ministerial staff or electorate staff?

Ms PULFORD — Ministerial.

The PRESIDENT — I think an explanation is in order.

Ms PULFORD — I thank Mr Morris for his question. The matters that Mr Morris is raising are the subject of a current police investigation, and I am not intending to make any public comments on that. As to a member of my staff that is in the photograph that Mr Morris refers to, he was there in a personal capacity.

Supplementary question

Mr MORRIS (Western Victoria) (14:16) — Thank you, Minister, for your response. Minister, who instructed your ministerial staff to attend the Ballarat police station with a Labor candidate?

Ms PULFORD (Minister for Regional Development) (14:16) — I refer Mr Morris to my previous answer. The member of staff that Mr Morris refers to was there in a personal capacity.

Ministerial staff

Mr MORRIS (Western Victoria) (14:16) — Minister, was your ministerial staff member on leave on Thursday when they attended the police station?

The PRESIDENT — Is the question to Ms Pulford?

Mr MORRIS — Yes, it is to Ms Pulford.

The PRESIDENT — Okay, I have established that it is to Ms Pulford.

Ms PULFORD (Minister for Regional Development) (14:16) — I thank Mr Morris for his question. No, my staff member was not on leave on Thursday.

Supplementary question

Mr MORRIS (Western Victoria) (14:17) — Thank you, Minister, for your response. Minister, can you explain to the house how your staff could be undertaking personal duties whilst also not being on leave at the time, during business hours?

Ms PULFORD (Minister for Regional Development) (14:17) — I think, as all members here who are familiar with the hours and duties of ministerial staff would be well aware, the hours worked by my staff are many and varied, and my staff members certainly all undertake their responsibilities diligently and with great support to my role as minister. And on the matter that Mr Morris refers to, I have already indicated the staff member was there in a personal capacity.

Ministerial conduct

Mr FINN (Western Metropolitan) (14:18) — My question is to the Leader of the Government representing the Premier. Six Andrews Labor government ministers have been named by the Ombudsman for participating in an organised scheme now under investigation by the Victoria Police fraud and extortion squad. Why does the Premier still stand by these ministers retaining their commission when the Premier has been quick to stand down others for lesser alleged incidents?

The PRESIDENT — Can I just hear the first part of that question again, please?

Mr FINN — Six Andrews Labor government ministers have been named by the Ombudsman for participating in an organised scheme now under investigation by the Victoria Police fraud and extortion squad. Why does the Premier still stand by these ministers retaining their commission when the Premier has been quick to stand down others for lesser alleged incidents?

The PRESIDENT — My concern with the question is that you are asking the minister in this house to vouch an opinion on what the Premier might be thinking or doing, and I am not sure that the minister is in a position to understand that necessarily. I would prefer it if the question sought the opinion of this minister in his own standing rather than —

Mr FINN — President, I am happy to drop the words ‘representing the Premier’ if that is what you require.

Mr JENNINGS (Special Minister of State) (14:20) — I thank Mr Finn for his question that he has struggled with to put in a form that makes sense to the chamber.

Mr Finn interjected.

Mr JENNINGS — Well, Mr Finn, I would encourage you to go back to the part of your question that relates to what the allegations are against me. There are no allegations that have been drawn to my attention that have been raised against me. If you can identify what they are, perhaps you can put that in your supplementary question.

Supplementary question

Mr FINN (Western Metropolitan) (14:20) — The Premier was quick to stand aside the former Minister for Small Business, Innovation and Trade, Adem Somyurek, for allegations that, as the Premier stated, might be subject — might be subject — to a police investigation. As the current matters involving the six Andrews Labor government ministers are currently subject to a police investigation, why did the Premier target one minister with the harshest penalty but let six others go who have been alleged to have done far worse?

Mr JENNINGS (Special Minister of State) (14:21) — President, you know, because of your furrowed brow, that Mr Finn has not —

Honourable members interjecting.

The PRESIDENT — Order! Mr Finn and Mr Dalidakis! Mr Dalidakis, thin ice! Minister, without assistance.

Mr JENNINGS — There are many, many questions that Mr Finn could have asked that in fact may have been difficult for me to answer, but the question he has asked, both in his substantive question and in his supplementary question, is not difficult for me to answer because not one allegation has actually

been voiced in relation to this matter relating to ministers.

Public housing

Ms PATTEN (Northern Metropolitan) (14:22) — My question is for the Treasurer, represented in this house by Minister Jennings. There are 24 800 Victorians who are homeless and over 80 000 are on public housing waiting lists. In looking at creative solutions to this, I note the success of build-to-rent schemes in overseas jurisdictions, which provide affordable, long-term and flexible rentals. In fact Australian superannuation funds right now are investing in build-to-rent developments in the United States and Europe. The reason they are not investing here is that our tax system disincentivises this type of product, stripping away the margins that would be attractive to investors and with them the greatest potential of this type of housing stock to assist in our shortages of social and affordable housing, which is why I ask: what is the minister doing to address this issue and stimulate investment of this type in Victoria?

Mr JENNINGS (Special Minister of State) (14:23) — I thank Ms Patten for her question. There are many activities that the Victorian government have actually undertaken in the last few years in the name of trying to improve social housing. We have reinvested in social housing. We have actually tried to get a whole series of social housing developments up. There has been a contest about different parties’ views about the desirability of the nimby approach in certain municipalities in relation to this, and there have been certain arguments about whether there should be a partnership between the public and the private sector. But one way or another this government has invested in, sought to invest in and sought to increase the availability of social housing stock and indeed deal with many, many matters in relation to housing affordability. Indeed we have actually fought very hard to make sure that we have supported homelessness services in an environment where it has been very difficult to get a partnership and an enduring relationship with the commonwealth in relation to homelessness.

In the question that you ask about build-to-rent you understand that part of the solution to this problem, this policy problem, lies with tax treatments that rely on the federal jurisdiction. Some of it can be undertaken by the state itself, and some initiatives —

Mr Davis — And you know land tax is a state tax.

Mr JENNINGS — Mr Davis, you are an expert on so many things. I think I actually should sit down and

allow you to interject for the next 5 minutes, because in fact the Parliament will be the beneficiary of your wisdom.

Mr Davis — We know what you're an expert on — rorts and rorting!

Mr JENNINGS — Perhaps you could put on a soundtrack. Why don't you put on a soundtrack, Mr Davis, to support your interjections and your disruptive behaviour in public settings?

The PRESIDENT — At the moment I am far more concerned about roaring than rorts. Can we be quiet, please? Minister, without assistance.

Mr JENNINGS — Thank you, President. Certainly from the state's perspective I have had conversations with the Treasurer and in fact a number of my ministerial colleagues and the Premier have had conversations with the Treasurer about what initiatives we might be able to take in enabling these housing options to be pursued. Whilst we are considering options, whether it be in a regulatory environment or whether it be in terms of what stimulus we might be able to provide through our own investments in housing developments, ultimately at the end of the day we recognise that there needs to be a national approach, particularly in relation to a range of tax treatments that, unless they are addressed at the commonwealth level, may actually work against the effect of anything that the state undertakes.

So we are prepared to look at measures that may be appropriate, as I said, in relation to regulatory approaches, in relation to planning approaches and in relation to mechanisms that may provide some financial support to the sector. Ultimately they cannot be undermined by capital gains tax or other forms of tax treatment in the commonwealth regime which may undercut them. We are happy to work with the commonwealth to find a unified scheme of state-based initiatives and commonwealth tax treatment to deliver the outcomes that you are seeking to support.

Supplementary question

Ms PATTEN (Northern Metropolitan) (14:26) — Thank you, Minister. Has the minister considered long-term leasing of government land for the purpose of build-to-rent rather than selling government land off to the private market so as to retain its strategic assets while also presenting an option that would allow for investment into affordable housing stock?

Mr JENNINGS (Special Minister of State) (14:27) — If I was answering this question on my own behalf, and when I am allowed to, I could say 'Yes'. But I am answering this question on behalf of the Treasurer, so I will actually take the Treasurer's view about whether he can confirm that this is actually something worthy of consideration.

AGL Crib Point gas terminal

Dr RATNAM (Northern Metropolitan) (14:27) — My question is to the minister representing the Minister for Ports. AGL has plans to build a monster gas ship — a huge natural gas terminal — at Crib Point in Western Port Bay to import gas to Victoria and also to build a pipeline to pump this gas into the existing network. The plant would release heated chlorinated water next to a Ramsar wetland, which would threaten endangered species, not to mention the fact that burning more gas is fundamentally detrimental to our efforts to combat climate change. We now hear troubling reports that the Port of Hastings Development Authority, a public entity, is using public money to lease land and upgrade shipping infrastructure in preparation for the development of this AGL monster gas ship.

Minister, why is public money being used to prepare infrastructure and land for AGL's project even though the proposal has not even yet been given planning approval?

Ms PULFORD (Minister for Agriculture) (14:28) — I thank Dr Ratnam for her question directed to the Minister for Ports, Luke Donnellan. I will seek a written response from the minister.

Supplementary question

Dr RATNAM (Northern Metropolitan) (14:28) — Thank you, Minister. Can the government guarantee it will not provide, sell or lease any public land to AGL for this disastrous project?

Ms PULFORD (Minister for Agriculture) (14:28) — Similarly, without having sufficient knowledge of the project to provide an answer right now for Dr Ratnam, I will seek a written response from Minister Donnellan.

Crown Casino

Dr RATNAM (Northern Metropolitan) (14:29) — My next question is to the minister representing the Minister for Consumer Affairs, Gaming and Liquor Regulation. On Friday the government released the *Sixth Review of the Casino Operator and Licence* by the Victorian Commission for Gambling and Liquor

Regulation. The report is not favourable to Crown Casino. The report finds that Crown was fined over half a billion dollars for compliance breaches and was fined and reprimanded for allowing children into the casino on multiple occasions. In 2017, 68 children were found unattended at the casino complex. Further, police advised there are an average of 13 drug dealing offences per year in the casino and that weapons had also been found in the casino precinct. The report also identified responsible gambling as a key area for improvement and rated the casino's performance as just 'satisfactory'. In light of this damaging report, along with the allegations of allowing continuous play on poker machines, why does the government continue to allow Crown Casino to hold onto its licence?

Mr DALIDAKIS (Minister for Trade and Investment) (14:29) — I thank the member for their question. I am not prepared to accept one bit of the preamble, but I will accept the question and pass it on to the minister in the other place.

Supplementary question

Dr RATNAM (Northern Metropolitan) (14:30) — Given the extraordinary harm we know gambling does to our community, in particular the harm of addictive poker machines, and given Crown's failure on implementing improved responsible gambling measures, why does the government continue to exempt Crown Casino's poker machines from the already inadequate harm minimisation regulations that operate across the rest of the state?

Mr DALIDAKIS (Minister for Trade and Investment) (14:30) — I refer back to the statement for the major question. In relation to the supplementary, I will pass that on to the minister in the other place as well.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:30) — There are 28 written responses to the following questions on notice: 11 476–7, 11 481, 11 493–4, 11 498–9, 11 503, 11 516–17, 11 521–2, 11 526, 11 538, 11 543–4, 11 548, 11 560–1, 11 565–6, 11 570, 11 582–3, 12 653, 12 661, 12 733–4.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:30) — In respect of today's questions I direct a written response to Ms Wooldridge's first question to Ms Tierney, just the

substantive question, one day; Mr O'Donohue's question to Ms Tierney, the substantive and supplementary questions, one day — that is his first question; the second question by Mr O'Donohue, just the substantive question, one day; and Mr Finn's question to Mr Jennings, the substantive and the supplementary questions, two days. I have reviewed that question; I had the courtesy of receiving that question. I do note that the minister provided a response to the effect that there were no formal allegations in respect of these matters, and I accept his response and appreciate his response to the house on this occasion. However, in reading the question I am prepared to accept that it was to be referred to the Premier. My concern, you will recall, was that this minister, the Special Minister of State, could not know the mind necessarily of the Premier — he could not be expected to know what the Premier's view specifically was. He has provided us with some information which reflects his own view, which is that there are no substantive allegations at this point, but I will allow the questions to be referred, both the substantive and the supplementary, through to the Premier, and that is two days.

Ms Patten's question to Mr Jennings, the supplementary question, two days as it involves a minister in another place; Dr Ratnam's question to Ms Pulford, the substantive and the supplementary questions — Ms Pulford has indicated she would be happy to obtain written responses to that — that is two days; Dr Ratnam's substantive and supplementary questions to Mr Dalidakis, again Mr Dalidakis has volunteered to obtain a written response in respect of those, and that is two days.

Ms Shing — On a point of order, President, just as a request for some guidance, when Mr Finn put his initial question to Mr Jennings as I recall there was a comment from you that perhaps Mr Finn might wish to direct the question directly to Minister Jennings on the basis that it sought an opinion, at which point Mr Finn indicated that he wanted to strike out the words 'representing the Premier' and ask the question of Minister Jennings in that regard. Are they now being reinserted? It is just not clear to me based on what you have just indicated.

The PRESIDENT — Sometimes I have to make decisions in a very short time frame based on what I hear, and very often it is in a situation where there is way too much interjection, which makes it difficult for me to hear and actually understand what the question is about. It is my change of position effectively, Ms Shing, and I do accept that and I apologise to the house if that has caused confusion, but my position was then decided after I had the courtesy of being able to

read the question. I obviously do not have the questions at the outset. I do seek the questions from various members if I am contemplating a reinstatement or whether or not I believe the minister has answered. As I said, in the context of today's discussion I fully accept that Mr Jennings provided an answer that would have been acceptable on his basis.

Mr Ondarchie — On a point of order, President, relating to a question I asked the Minister for Small Business in the last sitting week relating to the transportation of his Labor Party fundraising EFTPOS machine in his ministerial vehicle. You directed that he respond to me in writing. I put to you that his response is not only disrespectful to your request but in fact fails to answer the question that was put to him, and I ask for it to be reinstated.

The PRESIDENT — Mr Ondarchie did raise this matter with me before question time and provided me with a copy of the answer he has received from the minister. The minister has sought to dismiss the question, or the premise of the question, rather than to actually answer it. I am of the view that the question was legitimate, and therefore I would reinstate that for a further written response — one day.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:35) — My constituency question is for the Minister for Roads and Road Safety, and it is on behalf of the First Friends of Dandenong Creek, who are requesting that VicRoads transfer the title of the land commonly known as Winton Wetlands in Wantirna, situated between Dandenong Creek and the EastLink reserve in Wantirna, to the Melbourne Water Corporation. They seek this transfer so that Melbourne Water, supported by local community groups, including theirs, can maintain and enhance this important natural community asset not only for current and future generations of people but for the survival of local indigenous flora and fauna. It is an important site in Wantirna. It contains two regionally threatened vegetation types, including flood plain wetland complex and riparian forest. It has locally rare flora present, and the rare water bird Latham's snipe has been observed there. Given it is on the Dandenong Creek, the site is in a major corridor for daily and seasonal movements of birds and insects as well, particularly waterbirds, several species of which are threatened.

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (14:36) — My question is for the Minister for Public Transport and relates to the government's curious announcement last week about stage 2 of the Hurstbridge rail line duplication project. Unfortunately it is not a doubling of the rail line — in fact there will be some 7.8 kilometres where a single track will remain. The government has said it will duplicate 3 kilometres of track between Greensborough and Montmorency, revert to a single track short of the trestle bridge through Eltham to Diamond Creek and then duplicate the line between Diamond Creek and Wattle Glen. The duplicated line, when completed some years away, will allow trains to run every 6½ minutes to Greensborough, but Montmorency and Eltham will have to endure longer waits between these services. The government's proposal will increase pressure on the Greensborough services and add to congestion for car parking both at the station and in nearby streets. My question therefore is why the government is choosing to treat Montmorency and Eltham commuters as second rate. Having a single track into Eltham is not providing the much-needed duplication of the line.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) (14:37) — My constituency question is for the Minister for Public Transport. My constituent is a member of the tram 86 campaign group which rallied today at the last stop of the number 86 tram line. Their proposal is to extend the tram line to South Morang to address congestion and a heavy reliance on vehicular traffic in our north. The May 2016 budget included funding for a feasibility study into this proposal. My constituent asks: what was the outcome of that study, and when will the report be publicly available?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:38) — My constituency question is for the Minister for Public Transport. The minister and the current member for Shepparton continue to trumpet how much they have improved passenger rail services between Shepparton and Melbourne. Yet despite the constant boasting by the minister of the great improvements she has introduced, recent experiences of Shepparton commuters tell a different story.

On 26 July one of my constituents was planning to travel by train from Shepparton to Melbourne when a coach replaced the train. But the coach could not proceed because the coach driver was out of hours and could not drive. The constituent drove to Seymour to catch the next train from there, but the train was cancelled with the next train due to arrive in Melbourne at 9.50 a.m. My constituent was forced to drive to Melbourne to make a 9.15 a.m. appointment.

Will the minister take the time to explain to my constituent why the Shepparton rail service is so poor under her watch? And will she outline if she intends to provide any immediate improvements to the standard of passenger rail services between Shepparton and Melbourne while my constituents wait for a long-overdue upgrade?

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (14:39) — My question is for the minister representing the Minister for Health. Given the urgent and growing needs of our communities in Melbourne's west have not been adequately met for at least a decade, will the minister reveal the criteria used by the Department of Health and Human Services to choose a site for the planned Footscray Hospital rebuild, and did it factor in the community-strengthening opportunities beyond budget considerations? We Greens are concerned that this once-in-a-generation opportunity to have the Footscray Hospital co-locate with another institution of the west — Victoria University — and decent public transport, along with the huge potential for this rebuild to raise the prospects for jobs and training as a true university precinct for the west, is too good an opportunity to miss.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:40) — My constituency question is for the Minister for Public Transport, and it concerns changes to the bus timetable and the associated services in Craigieburn in my electorate of Northern Metropolitan Region. Residents are reporting that the new changes to the timetable have left the local bus network in a shambles, causing mass overcrowding due to services failing to run on time. Often these residents complying with the new bus timetable get on the bus to find it turns up late to the train station and they miss their train. They originally celebrated the fact that there could be a new timetable for that bus route, particularly bus route 529, but they are now laughing at the chaos and are frustrated by their delays. They have asked if perhaps they could go back to the old timetable, because it is a

bit more reliable. My question is: Minister, will you review the changes to the bus timetable in Craigieburn and fix the shambles the new timetable for route 529 has caused?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:41) — My constituency question is to the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio. On behalf of constituents in Geelong the question I raise is in relation to the \$50 power-saving bonus rolled out by the government on 1 July. My constituents concerns are about how to register for the bonus if you do not have a computer. It seems to be disadvantaging the elderly, the older generation or anyone else who does not have access to or knowledge of computers. My question to the minister is: how can people without a computer or access to a computer apply for the government's \$50 bonus given its complicated and complex format?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:41) — My constituency question is to the Minister for Housing, Disability and Ageing. Last night I attended a meeting in St Albans called by the administrator of the Autism Plus agency, presumably to inform local parents who desperately need that service what the future holds. If that was the purpose of the meeting, it was an unmitigated failure. Despite a lecture room full of distraught parents and staff, representatives of the administrator appointed by the minister and his department were unable to offer any guarantees or any assurances about future autism services for attendees' families. This added further to the deep distress already felt. Parents of autistic people currently using Autism Plus are suffering extreme anxiety often presenting itself as physical illness. Can the minister offer any guarantees or assurances on the future of Autism Plus that will alleviate this distress?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:42) — My constituency question is directed to the Minister for Health. The Ballan hospital is in significant financial difficulty, and this comes as no surprise to the government as the situation has been developing over a number of years. The Ballan hospital employs over 150 people and provides a home to over 50 aged-care residents. My question is: will the minister provide the financial support required to ensure that the Ballan hospital can provide the vital services it presently does to the Ballan community?

**JUSTICE LEGISLATION AMENDMENT
(FAMILY VIOLENCE PROTECTION AND
OTHER MATTERS) BILL 2018**

Committee

Resumed.

Clause 116 further discussed.

Ms TIERNEY — In response to a question from Ms Truong in relation to clause 116, new section 387F(3), this only applies if, A, a copy is not being served on an accused or a lawyer or, B, an unrepresented accused has not been given a reasonable opportunity to view the recorded statement. If these steps are not met, then both parties can consent to its use. If there is no consent, it is not admissible.

Ms Truong — Sorry, I could not hear the two conditions.

Ms TIERNEY — I will repeat it, Ms Truong. This particular section only applies if, A, a copy has not been served on the accused or the lawyer, or B, an unrepresented accused has not been given a reasonable opportunity to view the recorded statement. If these steps are not met, then both parties can consent to its use. No consent basically means it will not be admissible.

Ms TRUONG — Thank you, Minister, for your response. Just above that, new section 387F(2)(d)(i) says the complainant ‘identifies himself or herself’. I am just thinking about the people that experience family violence, particularly in the private domain, and I want to get on the record whether this should really read ‘themselves’ so that it applies to people who do not identify as male or female.

Ms TIERNEY — Obviously the parliamentary counsel drafted this. This is the way that they often do it, but I understand the political point you are making.

Ms TRUONG — Does it apply to people who do not identify as male or female?

Ms TIERNEY — Yes. There is no category of person that can escape this.

Ms TRUONG — Moving on to new section 387G(3), it says:

A recorded statement is made with informed consent if ...

and there are some conditions where we would consider it being informed consent. I would like the government to clarify whether it considered also

informing the complainant that the accused may get a transcript and may view or obtain the audio copy, and making that clear at the point at which they give consent to making the recording.

Ms TIERNEY — I am advised that people were consulted widely and that there is not a recollection that this was actually raised, but the points that were raised in those consultations have been included in this section.

Ms TRUONG — The point of my question is that we get to a situation where a trained police officer asks the complainant whether they give informed consent and there is nothing in the requirements to inform the complainant that the accused may get a transcript to view or obtain the audio copy. My concern is that in making the statement, they may return to a situation with the perpetrator and then that could be used as the basis for further conflict and violence. I just want to know why that has not been included in what the complainant is informed about before giving consent to the recording.

Ms TIERNEY — Police are developing what is called a chief commissioner’s instruction and operating guidelines to implement the trial. Police officers will be specifically trained to take statements.

Ms TRUONG — Okay. They will be specifically trained to take statements, and before they take statements they will let the complainant know that it may be used in evidence in criminal or other proceedings, that they may be required to give further evidence and that they may refuse consent. My question was: is there scope to inform the complainant that the accused may get a copy of the statement? That is the basis of my question.

Ms TIERNEY — The answer is yes.

Ms TRUONG — Further to that, has the government considered also giving the complainant an opportunity to withdraw the statement at any point, whether or not it has been entered into the proceedings?

Ms TIERNEY — At any stage in the proceedings?

Ms TRUONG — Yes, if there is any opportunity — to let the complainant know that if he or she or they are uncomfortable or for any reason want to withdraw their testimony, they can. Is that possible?

Ms TIERNEY — It will be dealt with in the same way as it is dealt with now, Ms Truong.

Ms TRUONG — Just moving on to new subsection (4) relating to the recorded statement being in another language, can you please, just for my benefit, confirm if it is to be translated into English and there is a separate written English translation, is that on the spot or how long is it after the fact?

Ms TIERNEY — As soon as practicable.

Ms TRUONG — In new section 387H, ‘Service of recorded statement’, why is it that if you have a lawyer, you cannot get a copy, and if you are not represented, then you can see it? Is there an impact on the complainant?

Ms TIERNEY — It is simply that we do not want the accused to have video footage on the basis that there is a potential for it to be misused.

Ms TRUONG — Sorry, I am not quite understanding that. In the case where you do not have a lawyer, you either get provided with a transcript of the statement or you can view a copy of it, but if you have a lawyer, then you as an accused perpetrator cannot get a copy of it. I just do not understand the difference and whether there are any impacts on the complainant if the accused perpetrator is unrepresented and gets a copy of it but if they have a lawyer, they do not personally get a copy of it.

Ms TIERNEY — The material is served on the lawyer and can be viewed. Someone who is self-representing has the audio and an opportunity to view.

Ms TRUONG — Just one more time: if the accused is represented by a lawyer, then the lawyer gets the audiovisual copy or an audio copy but cannot give it to the accused, but if the accused is unrepresented, then the accused gets an audio copy. I am just wondering, in the situation where you have a lawyer or you do not have a lawyer, why you in the second instance get direct access to it and how the considerations on the complainant are factored into that situation, because clearly in the first situation, where you have got the legal practitioner, the perpetrator is not to have a copy of the recorded statement.

Ms TIERNEY — Ms Truong, the point is that in terms of the material served on a lawyer, it is material that is then used by the lawyer to provide instruction, obviously. The difference though, I think, is what you are making a distinction with. In terms of someone who is self-representing, they do not get to keep the audio.

Ms TRUONG — Sorry to harp on this. In paragraph (b) it says:

... if the accused is not represented by a legal practitioner, the accused must be served with—

- (i) an audio copy ...

It does not say anything about them not being able to keep it. It then says:

- (ii) in the circumstances described in subsection (2), a transcript of the recorded statement.

So my understanding is that they would get to keep it. Therefore I am not understanding the difference between the risk of giving it directly to an unrepresented accused and then the lawyer, in the situation where they have a lawyer, keeping it away from the accused.

Ms TIERNEY — Okay, Ms Truong, I think we have got to the bottom of this now. There is a distinction between audio and visual in audiovisual. So all accused get an audio copy and an opportunity to view it. A lawyer gets the audiovisual copy of it, as they can essentially be trusted to keep it safely.

Clause agreed to; clause 117 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — I am of the opinion that, given the contents of this bill, it needs to be passed by an absolute majority of members of the house, so I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — In order that I can determine whether an absolute majority has been obtained, I ask those members who are in favour of the question to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

**OWNERS CORPORATIONS AMENDMENT
(SHORT-STAY ACCOMMODATION) BILL
2016**

Second reading

Debate resumed from 8 November 2016; motion of Mr DALIDAKIS (then Minister for Small Business, Innovation and Trade).

Ms BATH (Eastern Victoria) (15:11) — I am glad everyone has turned out to hear this interesting debate. I am very pleased to rise this afternoon to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. I repeat: 2016. This is a two-year delay in this bill coming to its final rest today in the house. The bill was first introduced back in 2016, as I have said. In my contribution this afternoon I would like to talk about the intent and purpose of the bill, and I would like to raise some issues as to the importance of short-stays and the changing nature of how people inhabit places, move about the state and put their heads down at night.

I would like to explain my experiences in the apartment block I reside in when I come to Melbourne for Parliament. I would also like to go to the Environment and Planning Committee's hearings and report on this bill. Mr Davis did a power of work in relation to that at the time. I would also like to talk about the need unfortunately to have a far greater presence and strength of police and also protection for people residing permanently in this vast array of establishments where they are not feeling safe anymore and give some examples as to how that is happening in our city.

Mr Davis interjected.

Ms BATH — Correct. Thank you, Mr Davis. Mr Davis has just pointed out that they are also in Mornington in my electorate, where some of these violent occurrences have been.

The main purpose of the bill is to change the Owners Corporations Act 2006 to regulate the provision of short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation. It sets out what is described as inappropriate conduct by short-stay occupants. It empowers VCAT to provide amenity compensation of up to \$2000. Of course, we know that often the damage can be far greater than \$2000. It also empowers VCAT to impose civil penalties of up to \$1100 for short-stay occupants where there are breaches of conduct. Where there is guilt of inappropriate behaviour three times in a 24-month

period, VCAT may prohibit the apartment being utilised for short-stay accommodation. Again, we have seen examples of this. It makes short-stay occupants and providers severally liable for damage to property. That is very much necessary, from my understanding and from the report as well. It also adopts the internal dispute resolution processes under the Owners Corporations Act and the conciliation powers of Consumer Affairs Victoria.

This bill was sent in December 2016 to an upper house inquiry by the Environment and Planning Committee. One of the key themes around this and the reason why it needed to be sent was lack of consultation by the Andrews Labor government. That is something that we have heard as a current theme from people in my electorate on a whole raft of issues. If I have heard it once, I have heard it 100 times. I have specifically also heard it in terms of the Country Fire Authority and the lack of consultation there, and I have made my point on that one on a number of occasions. The report came back in June last year and the government released its summation or response to that report at the end of 2017.

The bill defines short-stay accommodation as six nights and seven days, just to clarify that point. Over the years we have seen a change in the way people move about the state and in how they address their accommodation needs and expectations. Once upon a time for people coming from South Gippsland the Victoria Hotel was the go-to place for country people to stay so that they could shop and pursue a range of activities in the city. Also, from speaking with other members in this place, I note that back 20, 30, 40 or 50 years ago apartment blocks were not built to the extent they are now. People just did not live as much in the CBD. Now we understand that up to 45 000 people live in the CBD and environs. So we have seen a growth of, A, accommodation, and B, short-stay accommodation.

Short-stay accommodation is also very, very important in our rural and regional settings, particularly in my patch in Eastern Victoria Region, right from our beautiful countryside to the Mornington Peninsula and all the way around through Gippsland. It provides an enormous opportunity for people who want to experience on-farm homestays and the breadth of other wonderful experiences. It certainly has its place, and I know that from time to time all of us have certainly looked up Airbnb and checked out where we can go in this great state of ours. But there are also particular tensions around permanent residents and transient people who are coming through and staying for only short periods of time, from a night to a couple of nights. Certainly there needs to be a balance and we need to get this balance right.

If I can use an experience that I have had recently, 12 months ago I decided to move to Melbourne in the sitting weeks and actually purchase a very small box somewhere in the CBD. When I did that, I did not actually ask what the profile was within that apartment block. I have subsequently learned that of the 150 units in the apartment block, 50 are occupied by permanent residents or people who use them on an ongoing basis and 50 of them are permanently rented out. Again, this is something that people would normally do. If you invest in property, it is wise to be able to have it rented out to students or workers in the area et cetera.

What I did learn also is that one-third of that apartment block is rented out in a short-stay Airbnb arrangement. Only recently there was an owners corporation meeting around the grave concerns that a number of permanent residents had had in relation to a whole raft of issues in our apartment block. Security was one thing that they raised. They have had some grave concerns around violent episodes in our block where there has been certainly noise pollution but also the sounds of violence. It has not been on an ongoing basis but it still happens.

The residents often feel that there is uncleanliness and untidiness and a sense of unruliness in and around these apartments. They also feel quite aggrieved that there is often a lack of respect from the people who are moving through these apartments. I am not making any particular claims about that, but certainly it was deeply felt by the permanent residents in my apartment block. They also had concerns about the retrofitting of these apartments to meet the needs of short-stay residents.

Permanent residents also raised an issue that the police had to come and take people out of one of those apartments because there was a violent action. This goes to the point that we are seeing this happen more and more. We are seeing more violence in our city than ever before, and that is transferring into short-stay accommodations. Six months ago there were two examples. One occurred in Werribee. Unfortunately four girls who were staying in short-stay accommodation decided to have a party and they could not control who came to the party. It became very out of control and police were called. It was most distressing, and there was a lot of damage done to that short-stay accommodation. That accommodation belongs to someone — it is someone's asset — and they had to fund it to bring it back to its normal state. In December 2017 a multimillion-dollar beachfront home in Altona was trashed by 70 youths, with \$150 000 worth of damage.

These examples highlight the fact that there is very much a need for government and police to create a safer environment and create further regulations to ensure that these sorts of things cannot and do not happen. Only recently there was the absolutely tragic event of a beautiful girl in the prime of her life, a student, being killed in a short-stay accommodation. I want to identify the fact that these changes are needed, and I do not think the bill has gone quite far enough.

In relation to the Environment and Planning Committee's inquiry into the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016, which was undertaken almost 12 months ago, there were over 100 submissions from organisations who felt that they had not had the opportunity to have meaningful dialogue with the government prior to this bill being drafted. Indeed one of the terms of reference of the inquiry was around undertaking proper consultation with peer sector providers, individuals and corporations. Other terms of reference included the impact on individuals, families, apartment owners and owners corporations of short-stay letting, and also the adequacy of owners corporation rules in managing the impacts on amenity, noting that there was also a lack of adequate planning on the part of the building and construction sector to accommodate the impact of high-intensity short-term lets. Indeed Mr Davis in his foreword said that 'Many provisions in the bill were confusing and ambiguous' and that he felt 'the government did not address many of the key issues adequately'.

In the time I have remaining I would like to talk a bit about some of the recommendations of the inquiry and what the government has or has not done in response to those. As far as I am aware, the only amendment that is coming through on this bill is with regard to a commencement date because the bill was initially put into the Parliament back in 2016. I am not aware of any other amendments, and I stand to be corrected if they come through in the committee of the whole.

One of the recommendations talks about data collection. We need a great deal more understanding around the extent of short-stay accommodation, and therefore the first recommendation was in regard to that. It was supported by the government. Recommendation 2 was that the government address:

- (a) the issues of affected parties as outlined in this report; and
- (b) the current review into consumer property law, to the extent that it relates to short-stay accommodation in Victoria.

As I said, I am not aware of any other amendments to this bill, but I would like to be corrected on that if I am wrong.

One of the key recommendations was recommendation 5, and this came from Tourism Accommodation Australia (Victoria). I know the Australian Hotels Association has also had some grave concerns around the cost-benefit ratio of short-stays. This recommendation goes to the fact that the Victorian government should investigate:

... the costs and benefits of introducing a registration and compliance regulatory framework for commercial-residential short-stay accommodation providers where properties are listed for more than 90 days and a single owner, whether a person or an entity, has multiple listings.

I am not aware that there have been any particular improvements to the bill from that recommendation. Under the current circumstances of the government, it seems that they do not take these reports seriously and therefore have not implemented any changes to the bill.

Recommendations 6 and 7 talk about police involvement, safety in apartment complexes and establishing protocols around owner corporations to manage violence and disruption within those complexes. Very sadly and frustratingly the government's response to that was, as stated on page 9 of the government's response to the inquiry:

Whilst there is currently insufficient substantive evidence of a systemic problem that would warrant the allocation of significant police resources, anecdotal evidence presented to the inquiry indicates that some apartment residents currently feel unsafe in their buildings.

I have just outlined three examples over the past six months — and they were three that I quickly found — of grave situations where police were called and resources were required to deal with unsafe practices within these accommodations.

Dr RATNAM (Northern Metropolitan) (15:27) — I rise to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. The Greens' position on this bill was outlined by my colleagues the member for Melbourne in the other place and Ms Springle in this chamber back in 2016. In fact the member for Melbourne has campaigned on this issue since before she was elected. I do not intend to revisit all the reasons why we find this piece of legislation so weak, but I will highlight our key concerns once again.

The bill is limited in its application. It puts in place a cumbersome process which requires multiple complaints and which is unlikely to be used much. The legislation is designed to deal with the party side of

short-stay accommodation; however, the rise in short-stay accommodation in the CBD in particular has many more repercussions. Residents who have bought apartments to live in, to raise their families in and to call home now find their living circumstances much more like living in a hotel, with a lack of community feeling as people come and go, waiting for lifts as linen is transported up and down, and significant wear and tear on communal services and areas such as lifts and carpets, as well as the parties and noise disruptions.

These apartment buildings were not designed to be hotels. If they were, there would have been more fire escapes and other safety facilities. They would have been built to a completely different building code if they were intended for that purpose. Instead these residential buildings were designed to the standard and code of residential apartments, and they have been taken advantage of and sometimes turned into de facto hotels without the cost, the regulation and the tax that go along with a hotel.

When investors make more from buying apartments and renting them out as short-stay accommodation it also impacts the affordability of housing in our city. This bill is a way for the government to say they are doing something while doing very little, and the bill will not help the residents very much, hence our deep concern about it.

I note that the Greens have been campaigning for reform on this issue since 2014 and that the government has done very little. In fact even this bill, which we do not think will achieve much, has been languishing on the notice paper for almost two years. After the Greens ensured that there was an inquiry into the legislation, which brought down a number of recommendations, there has been silence from the government until the last couple of weeks. It is a very poor way to go about developing and passing legislation that has such significant repercussions for so many and will continue to do so over the coming period.

Residents that we have been talking to are also very worried that this bill might even entrench and legitimise a practice that is currently happening in an unregulated and disruptive way. That is why we have asked the government to commit, if this bill is to pass, to investigating how short-stays can be adequately regulated with genuine input from affected communities within a reasonable time frame, similar to what is stated in recommendation 5 in the inquiry report — for example, by legislating to have a maximum number of days that properties can be let for short stays, such as has been regulated in San Francisco and New York, as a way forward. We also want the

government to look at how owners corporations can be given more powers to control short stays in their apartments, which is recommendation 9 of the committee inquiry, recognising that in some buildings this will not work where the majority of apartments are owned by short-stay business owners and therefore they will have control over the owners corporations. We were open to talking with the government on a way forward, and we are very disappointed that they did not come back to us on some of our very reasonable suggestions.

Finally, I want to say that the Greens welcome the ability of home owners to rent out their homes through platforms like Airbnb, but we need to consider and manage the implications and ensure we are not just letting a situation develop that puts city living at risk and pushes up rents. There are alternatives to regulating short-stays that should be explored by the government, and we urge them to do so. We find it very difficult to support the bill in its current form and urge the government to work with us to improve it.

Mr DALLA-RIVA (Eastern Metropolitan) (15:31) — I rise to speak briefly on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. Yes, I know, it is a rare occasion that I do speak in this chamber, but I am happy to talk to the chamber in relation to this bill. I was on the committee with a number of others — Ms Bath and Mr Davis, and I think you were on it at that stage, Ms Shing.

Ms Shing — I was.

Mr DALLA-RIVA — You were. There was Samantha Dunn, Mr Eideh, Ms Hartland, Mr Melhem and the effervescent Mr Young. It was an inquiry that came from a bill introduced here in 2016. It was back then that the committee went through a process. There was a motion put forward in this chamber on 9 November 2016 outlining the inquiry's terms of reference, which are outlined in the report. The inquiry was to report back here no later than 7 March. So we went through a rigorous process. We received 108 submissions and had two days of public hearings, and the amount of time, effort and work put in by the secretary, Michael Baker, by Mr Newington and by Ms Purdey was appreciated. There were a lot of witnesses. I think, from memory, there were some 108 submissions, as I indicated. Appendix 2 of the report outlines the numerous people who raised concerns.

Out of that inquiry came what I would suggest are some reasonable understandings about how to deal with the legislation on an all-party basis. As was indicated, all

the findings and recommendations made under the chairmanship of Mr Davis seem to indicate a consistency of concern. Finding 1 is that:

There is inadequate and inconsistent data relating to the prevalence and locations of short-stay accommodation in Victoria.

Everyone knows that. You could say right now that we know how many hotels there are operating in Melbourne or in Victoria. We could not have the same conversation about short-stay accommodation. So the recommendation was about improving data, and we have heard from Ms Bath and other speakers about that.

The second and key issue that was raised was in respect of amendments to the bill. Appendix 3 contains a submission of proposed amendments to the bill as it is currently before the chamber. That in itself would indicate there are significant problems with the bill. However, the government has made the decision to now bring on the bill, and it sounds like members, including the Greens, whilst they may not be totally supportive, will be not opposing the legislation, unless I am wrong.

Ms Shing — Are you going to support it?

Mr DALLA-RIVA — Well, my understanding is we are not opposing it. That is the old straddling the fence, you know that. We all do that in the chamber.

Honourable members interjecting.

Mr DALLA-RIVA — But we are not opposing it.

Mr Dalidakis — You are retiring, Minister. Have some courage.

Mr DALLA-RIVA — I did. As I said: straddling the fence.

Mr Dalidakis — Supporting it.

Mr DALLA-RIVA — Not opposing it.

Mr Dalidakis — Supporting it.

Mr DALLA-RIVA — Not opposing it. But thank you for your input; it is noted. The realities are that —

Mr Dalidakis — I love working with professionals like you, Mr Dalla-Riva!

Mr DALLA-RIVA — Just ask me, I will tell you how good I am! For *Hansard*, that was a joke. I still remember Damian Drum making a comment in this chamber, which I think Mr Leane would remember,

which was meant to be a joke, but *Hansard* cannot interpret sarcasm and humour.

Ms Shing — Irony is not reflected in the transcript.

Mr DALLA-RIVA — That is right. Exactly, Ms Shing.

Mr Dalidakis — Mr Drum had no sense of humour, unlike you.

Mr DALLA-RIVA — Well, he has gone to a higher place.

The ACTING PRESIDENT (Mr Gepp) — Order!

Mr DALLA-RIVA — Sorry, just talking about the member for Fraser over there and reflecting on members going to other chambers.

Mr Dalidakis — Not yet.

Mr DALLA-RIVA — Not yet? So it hasn't been ticked off?

The ACTING PRESIDENT (Mr Gepp) — Order! Can we come back to the bill.

Mr DALLA-RIVA — I digress. The recommendations are outlined. In terms of amendments to the bill, I think that is what was proposed, so on our side of the chamber we look forward to the many amendments that will be proposed and perhaps discussed and debated in the committee of the whole.

An honourable member interjected.

Mr DALLA-RIVA — Don't do that to me.

Mr Dalidakis — There are only two.

Mr DALLA-RIVA — There are two amendments. I know that they relate to the commencement date —

Mr Dalidakis — And the repeal date.

Mr DALLA-RIVA — Correct, which are in themselves concerns that the Scrutiny of Acts and Regulations Committee (SARC) has raised previously in respect of when bills are delayed in the future, and I am pleased that there is some work being done on that with SARC, but I digress again.

The recommendations talk about amendments to the bill. That is fine; that makes sense. I think there are also issues that were raised by Dr Ratnam in relation to costs — the costs that are imposed by short-stay accommodation. It was rightly pointed out and given in evidence that a lot of people who move into high-rise

apartments are looking for a level of retirement — hint: me — and consider that they would expect not to be in a place where it would be a hotel-like environment. We heard evidence about the wear and tear, the use and abuse of the lifts and the carpet, which may seem trivial but for somebody who is residing in these places they are additional costs which are borne by the residents, not by the short-stay visitors at that time. I think it is important, and I am happy to put this on the record, that there has been deep thought, and I say this after hearing this, about going to a location in my retirement that does not allow or impose a significant number of short-stay accommodations.

Ms Shing — The Knight Kerr room has a lot to recommend it.

Mr DALLA-RIVA — Well, I do not know about the Knight Kerr room. But it has swayed me as I am heading to retirement and looking at accommodation as to whether I should be going to some place that has that facility or whether I should be going to a standalone facility. The evidence that I heard has had a real impact in terms of where I am going or proposing to go in the long term.

I know it is hard to believe that I am at that retirement age, Ms Shing, with the youth that I exude, but it is interesting to note that there will be a lot of people who will have the same view. There will be a lot of people who are looking at moving from their houses, empty-nesters, and looking to go somewhere and who will have the very same concerns that I have and hearing about friends or relatives who have moved into apartments and then found themselves subject to an environment that is beyond what they expected that they would be able to retire in. That is an important part.

The legislation itself goes towards some part of that. It is disappointing that it has lain on the notice paper for so long. However, it appears that there is now a position across all parties to support it or at least to not oppose it —

Honourable members interjecting.

Mr DALLA-RIVA — Anyway, we will go into the committee of the whole and there we will be able to flesh out some of the other issues as we go through the clauses and in particular just go through and understand what the government's intention may be subsequent to the enactment of this bill.

Ms Shing — You do not know what the bill does, do you?

Mr DALLA-RIVA — I do know what the bill does. I was there; you were there.

Ms Shing — I know; it was a beautiful time.

Mr DALLA-RIVA — It was. It was so long ago — as others have raised, it was eons ago — but I am pleased that we are debating this. But the simple fact is that for those in the community who have been looking for some move towards regulation and legislation, it is the right way. It is the first step. It is not deep enough in respect of some of the many concerns that were raised. But having said that, let me say this: we do not oppose the bill.

Mr DAVIS (Southern Metropolitan) (15:41) — I seek leave to speak again because this bill is obviously a bill that —

The ACTING PRESIDENT (Mr Gepp) — Is leave granted?

Mr Dalidakis — No.

The ACTING PRESIDENT (Mr Gepp) — Leave is not granted. As there are no further speakers, I will call on Minister Dalidakis to sum up.

Mr DALIDAKIS (Minister for Trade and Investment) (15:41) — Thank you, Acting President. Can I say that this bill has only eight clauses to it, of which one clause is the commencement date and the last clause, clause 8, is the repeal clause. The commencement clause of course is clause 2, clause 1 being a very general clause. I wish to at this stage ask that our house amendments be circulated, please. Those amendments are for the benefit of the house and all members here —

The ACTING PRESIDENT (Mr Gepp) — Minister, can you just pause while those amendments are circulated.

Mr DALIDAKIS — I will pause in mid-flight.

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

Mr DALIDAKIS — As I was suggesting, for the benefit of the house there will be two house amendments moved. The first one deals with the commencement date at clause 2, and the second one deals with the repeal date at clause 8. The reason that the dates have had to be varied, as was exhibited by colleagues in this place, is that this was referred off to a committee for review and of course that impacted upon

our ability to move forward with the bill at that stage. Then of course there have been other pieces of legislation that the government has attempted to move forward with that have been at times frustrated by the delays of this place.

That said, the purpose of the bill is to of course regulate the provision of short-stay accommodation arrangements. I appreciate the bipartisan support offered by Mr Dalla-Riva. In his very erudite manner he indicated that the opposition would be supportive of this bill, and I thank him for that.

Mr Davis — No, that's not what he said.

Mr DALIDAKIS — I take up the interjection. Mr Dalla-Riva, a former minister in this place and a fine man — I wish him well, by the way, in his retirement at this forthcoming election — indicated that those opposite would not be opposing the bill. Ergo if they are not opposing the bill, they are supporting the bill's passage through this lofty place — the place in which we sit or stand before you, Acting President, to take the opportunity to engage in *demos* and *kratos*, indicating that the very best of ancient Greece, that being democracy, has found its way into modern-day Australian life. As a very proud Australian of Hellenic descent I always like to reference democracy back to ancient Greece. Of course that is to also ensure that people are well versed in the work that has been and is currently being undertaken.

Nonetheless, as I said, this bill deals with the regulation of the provision of short-stay accommodation. I thank Mr Dalla-Riva for his contribution. I appreciate the concerns raised by Dr Ratnam. What we have before us is a piece of legislation that allows us to alter the existing arrangements. This does not preclude a future Parliament from believing that further changes may or may not be required. What we have before us is change to, obviously, the regulations around short-stay accommodation. This gives us an opportunity to implement these changes from a legislative perspective and then to assess whether those changes are successful. Whilst I understand that Dr Ratnam is concerned that this may not go far enough, as I indicated, future parliaments may choose to remedy it should that be the case by making further amendments to this legislation.

However, it is important that where we can we try to address key problems with unruly short-stay parties, and we believe that the piece of legislation before us allows us to do so. It is always difficult to get the balance right between too few regulatory provisions and too many regulatory barriers. So what we are trying

to do is strike the balance and get it right to ensure that we do not impinge upon property rights holders but at the same time we protect other property rights holders.

Time will tell whether we have got the balance right. Of course the government believes with the legislation before us that indeed we have got it right, but ultimately we will be judged by what occurs. Of course we hope that at the very least this prevents unruly parties from occurring in short-stay residences. We wish to be able to provide some certainty and some security to other property rights holders. By the way, Acting President Gepp, I am not sure whether I have congratulated you on your ascent to the throne as Acting President. It is nice to see you there. With that, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DAVIS — It is a long time since this bill was last debated in the chamber. At that time, nearing the end of the second-reading debate, a decision was made by the chamber to refer it for examination by a committee, the Environment and Planning Committee. I was honoured to chair that, and a number of others who are in the chamber today were members of that committee, including Ms Shing, Mr Dalla-Riva and others. The committee met, and it produced a report which was tabled in this chamber in June 2017. The government after some while responded to that report with a set of responses, and I will make a comment on those in a moment.

Mr Mulino — Didn't we deny your leave to speak?

Mr DAVIS — No, that was on the second reading, but there is no requirement to seek leave to speak on the purposes clause. I just thought it was worth a small trip to place this in the correct context. As I said, the committee tabled its report in June 2017. Some while later, towards the end of that year, the government gave its response to the recommendations. I think it is worth understanding what has occurred with those recommendations, and I might add that these were recommendations of an all-party committee that were unanimous. There was no dissenting voice and there was no minority report. These were agreed on by everyone: Labor, Liberal, Nationals and Greens, and

indeed I think the Shooters, Fishers and Farmers Party were also in agreement on these matters.

These seem to me to be pretty reasonable recommendations, but what I will seek from the minister at an early point in this discussion of the initial clause is an indication as to where the government's response is up to with each of these points.

Recommendation 1 is:

That the Victorian government investigates a mechanism to improve data collection on short-stay accommodation.

Mr Dalla-Riva referred to that, and it seems a very reasonable request that some mechanism be developed to enable us to have an understanding of where, what and how much short-stay accommodation is occurring. A lot of information at the moment is anecdotal or is collected by municipalities or other agencies but not systematised anywhere. The government said it would support that in full. It stated:

Whilst this recommendation is not directly relevant to the bill —

I would reject that; it was, I think, one of the central points —

the Victorian government is supportive of new and improved data collection methodologies to ensure better public policy outcomes. The development of a short-stay accommodation-focused mechanism has been the subject of significant internal discussion over the past 10 years —

and they still want more time.

Although a considerable amount of demand-side data exists, supply-side data is much more opaque. Much of the relevant supply-side data is held by short-stay accommodation providers, and there are limits on the government's ability to compel the sharing of such information.

You could look for a way to collect that information.

The involvement of short-stay accommodation providers will therefore clearly be critical to the development of a useful data collection mechanism. The government also recognises that adequate privacy protections would need to be developed ...

and then it goes on.

The government wants to talk about a post-implementation review to be undertaken two years following the commencement of the act or as a separate complementary process. I would have thought for the government to show some good faith and actually take some steps on this process would be a very useful first step in the building of goodwill towards the sector and the building of goodwill towards those who would indicate their concerns. It is, I think, important in this

context to put on the record that the overwhelming evidence heard by the inquiry was a series of issues that have developed with short-stay accommodation.

Nobody for a moment says that everybody involved in short-stay accommodation has these issues — they do not — but the issues are widespread. They are in parts of my electorate and in your electorate, Mr Dalidakis. In areas of Southbank, in parts of Prahran and in areas of Port Melbourne there are significant short-stay accommodation zones that are facing the full pressure that comes from some of this. People who have bought into an apartment complex in good faith then discover — on the same floor or even on several floors in their building — that somebody has either ownership or effective control of a series of these apartments and is operating what is in fact a pseudo or de facto hotel. That is fine if they bought in with clarity and understanding that that is what they were encountering, but that is mostly not the case. Mostly this has been sprung on people, and they are very concerned about what is occurring there. They feel, overwhelmingly, that they have been let down by the regulators here and by this bill.

All the evidence the committee heard is that this bill will not fix the problem. It may not make it any worse; I think that is the best you can say. It may not make it any worse; it may just leave it pretty much the way it is now. It will do no harm, but it will do no good. I think that is a summary of this bill. The point here is that there really does need to be some further work by government to actually put in place a sensible arrangement so that people buying into complexes actually have some understanding of what they will encounter. There needs then to be proper regulation.

If it is a complex that people have bought into with good, clear knowledge that they are going to be facing arrangements that will see de facto hotels operating, so be it, but if they have bought in with a different understanding, I think we have real problems. That is where we are now. The government has done nothing with this to address it.

Recommendation 2 of the inquiry's report says:

That the Victorian government amends the bill, where appropriate, to address:

- (a) the issues of affected parties as outlined in this report; and
- (b) the current review into consumer property law, to the extent that it relates to short-stay accommodation ...

This is supported in principle but again has not been acted on by the government — not at all. There is no sign that this is actually been taken seriously.

Recommendation 3 is:

That the Office of the Commissioner for Better Regulation reviews the regulatory imbalance between the short-stay and traditional accommodation sectors.

This recommendation is supported in full. The government response says:

The government notes feedback from stakeholders that a regulatory imbalance may exist between the short-stay and traditional accommodation sectors. However, the extent of this problem is not widely understood.

In order to better inform future government decision-making, the Office of the Commissioner for Better Regulation will examine potential regulatory imbalances over the next two years. Any relevant findings of this review will be taken into account as part of the post-implementation review and associated work programs to be led by CAV.

The minister may wish to enlighten the house on whether the Office of the Commissioner for Better Regulation has in fact undertaken some of that review and what regulatory imbalances have been uncovered. When you look at this closely it is clear that there are regulatory imbalances. The taxation treatment of some of these premises is uneven compared to other premises. I would have thought the Treasurer, for one, would be interested in seeing a better regulatory arrangement here that is more even as a good economic management model. Treasurers are also often interested, I note, in the additional revenue that may flow from evening things in a reasonable way. I would be interested in the minister's response as to where that Office of the Commissioner for Better Regulation review is. That would inform the committee.

Recommendation 4 is:

That, as part of its broader review of consumer property law, the Victorian government considers the appropriateness of giving owners corporations of strata complexes power to regulate short-stay accommodation in their building.

'This recommendation is under review', the government said in the late part of 2017. The government response goes on:

The Victorian government understands that some stakeholders have suggested that owners corporations should have greater powers to regulate the provision of short-stay accommodation within their buildings, including the potential to prohibit such activity outright.

Whilst such powers may appeal to some stakeholders, they also carry a number of potential risks, including:

infringing on the property rights of individual lot owners;

discriminating against lot owners that do not let to problematic guests, as well as well-behaved guests themselves;

encouraging divisiveness ...

negative impacts on the tourism sector ...

Any change to owners corporations' powers would need to mitigate against these risks in order to ensure that no stakeholder is unduly disadvantaged.

That is quite a negative response, I take it, from that recommendation under review, and points out the different view to that held by so many of the evidence providers and witnesses that were heard by the inquiry, but it does go on to say:

However, there is scope to examine whether the owners corporations powers need to be further expanded as suggested by the committee as part of the post-implementation review to be led by CAV.

But let me be clear here. They have squibbed it here. We are going to look at expanding the powers after the legislation has passed. That is too late. This pathetic piece of legislation will be passed into law, and they are then going to review it after missing the whole opportunity to actually improve it. This committee gave them a steer, it gave them cover and it gave them the opportunity to strengthen this legislation, and the government has not chosen to do that. Honestly I think the government is heavily in the sway of Airbnb in particular. I think Airbnb have had too much to say to this government. There are those pictures over in America with them swanning around, and I understand all that, but the truth of the matter is this was a very reasonable recommendation and there has to be a way to give more power to those owners corporations to regulate short-stay accommodation in their buildings. It is not unreasonable. But the government squibbed it on this.

The DEPUTY PRESIDENT — Mr Davis, may I interrupt you? I am sorry. I know you said it is an important issue, recommendation and all this, and it is under clause 1, but this is not a second-reading speech and it is not a statement on a report, so can you please get to the question?

Mr DAVIS — I am laying out a number of questions. It is entirely appropriate, if I may say, to go through these recommendations, which are from a parliamentary inquiry to the government. I am reading in full parts of the government response too, because I

think it is important to get those on the record in this purposes clause, and I want the minister's response to these. He may wish to table a more detailed response. We could report progress and discuss a detailed response to some of these — an update — given the lengthy period of time that has elapsed. It is now August, heading for a year since these responses came forward.

An honourable member interjected.

Mr DAVIS — It was, but these responses came much after Jane Garrett, to be fair, and so much water has gone under the bridge.

Recommendation 5 is:

That, as recommended by the Tourism Accommodation Association (Vic), the Victorian government investigates the costs and benefits of introducing a registration and compliance regulatory framework for commercial-residential short-stay accommodation providers where properties are listed for more than 90 days and a single owner, whether a person or an entity, has multiple listings.

This recommendation is supported in full by the government. It notes that some tourism stakeholders are in favour of a formal registration agreement. We heard evidence of that. We actually heard — and Ms Shing or Mr Dalla-Riva will correct me if I am wrong — one of the major tourism operators initially give evidence and say they did not want such regulation. When they saw the way the inquiry was moving and the evidence that was being presented, they came back and gave different evidence. They said, 'Actually we've rethought this. We would actually now like a regulatory arrangement like that'. So we had one sector of the industry calling for that regulation. This was very different from where they had started, and we gave them a lot of credit for that willingness to hear the evidence and willingness to change their position. The government says it supports this direction in full, but we have heard nothing back despite the long period of time. I would be interested for the minister to actually respond as to where the government's steps are in its acceptance of the recommendation in full.

The DEPUTY PRESIDENT — If you give a chance to the minister, he would answer this question.

Mr DAVIS — Yes, I am going one by one. I thought I would do them all as a job lot to save time.

Recommendation 6 is:

That the Victorian government and Victoria Police examine issues relating to community safety in apartment complexes where short-stay accommodation is provided.

Recommendation 7, which was a subset of this, is:

That as part of the state review into consumer property law, the Victorian government and Victoria Police consider establishing protocols with owners corporations to manage violent and/or disruptive incidents in apartment complexes.

This, let us be very clear, is right at the centre of some of the issues being faced in our community at the moment — the rising tide of violence, the threats that some people feel under and a number of the serious incidents that we have heard about in exactly these sorts of complexes.

Since these recommendations were made by the committee there have been a series of cases in Stayz and Airbnb accommodation where there has been violence, where there has been destruction and where people in the local area have faced real challenges. Police have been called, these have been the subject of our nightly news and the government said at the time, ‘These recommendations are under review’. Today they come to the chamber wanting the bill passed — a squib of a bill, a weak, pathetic, paltry bill — and yet they have had these recommendations in front of them since June 2017. We have seen a series of terrible, frightening incidents across the community, with some out your way, Mr Finn, in some areas of the western suburbs.

Mr Finn — I know. Many of them are in my electorate.

Mr DAVIS — Indeed. Here they have got an all-party committee making sensible, practical recommendations about a thoughtful way forward, not extreme ways forward — development of protocols and development of ways forward that would actually deal with these terrible incidents that we have now seen. What has the government done here today to listen to the community, to listen to the evidence that we have heard and even to listen to the broad community and media where incident after incident after incident has occurred? What have they done? Nothing. Absolutely nothing.

The DEPUTY PRESIDENT — All right, Mr Davis. I am sorry I have to interrupt you, but it has been going for a while. I have let you do a lot, but you cannot talk about every recommendation, like in a second-reading speech or a statement on reports.

Mr DAVIS — With respect, you can talk about every recommendation.

The DEPUTY PRESIDENT — Not for that long. I mean, where is your question?

Mr DAVIS — My question is a series of questions. I have laid them out for the minister. I am sure he has a good memory. He will pick up the recommendations, and if he does not respond to them, I will come back to them. My point here on those recommendations relating to public safety is that the committee made those recommendations and the government has not acted on them and nor, with respect, has Victoria Police responded satisfactorily to them. I have got two more recommendations to go.

Mr Dalidakis — I have not interrupted you.

Mr DAVIS — That is right; I agree. I could have done these at length one by one. I have tried to be economical.

Recommendation 8 is:

That the Victorian government, in its review of consumer property law, considers the difficulty for owners corporations to properly regulate safety and amenity in their apartment complexes, in particular relating to short-stay accommodation disputes.

It says it is supported in full, but there is no response from the government in this bill. The bill has not been modified in any way, and they ought to have modified the bill.

Recommendation 9 is:

That the Victorian government, in its review of consumer property law, considers allowing owners corporations to levy fees on short-stay accommodation providers to cover increased maintenance and repair costs caused by their guests and the usage of these apartments. This should include a fair and equitable cap on the percentage of fees that may be levied.

This recommendation is supported in part. The government response says:

The Victorian government recognises that some stakeholders have raised concerns that short-stay accommodation letting is having an impact on the wear and tear of common property, the costs for repair of which must be borne by owners corporations.

The truth of the matter is that if you buy into an apartment complex and there are 10 people on the floor — 10 units or apartments on the floor — and they have private owners, and they go up and down twice a day, the lift is used modestly. But if half of that floor is turned into a de facto hotel, where the linen is going up and down, there is room service going up and down, there are butlers and others going up and down, there are cleaners in and out every day or twice a day on some occasions and there are people having all sorts of incidents occurring that require a response, then the lifts are going up and down like the bobbin on a sewing

machine. They are going up and down so much that the activity of those lifts creates wear and tear.

We know that carpet is damaged routinely by this industrial use of apartment complexes. We know that when a large sporting party books out five or six of these rooms on one floor and they have a wing-ding of huge proportion — a huge party — there is damage and destruction that occurs. It is reasonable that there be some regime put in place so that people who have legitimate expectations on those floors actually have some way of recovering these costs. At the moment the thing is wholly unsatisfactory.

Again, the committee looked at this closely. We heard evidence and we made thoughtful, practical recommendations, and the government said here that they supported it in part. It went on to recognise that there are issues. The government, acknowledging the potential impacts, is proposing reform of the Owners Corporations Act 2006 to enable owners corporations to separately levy lot owners for a range of matters. I know there is a bill in the lower house, which I am yet to get to and understand in full, so I put that as a caveat here. If there are matters in that which actually relate to these points, I will be interested to hear from the minister. If that is the case, I will be very happy to hear that. I freely admit I have not yet come to grips with the other bill that is in the lower house.

Insurance excesses relating to single lots, unrecoverable damage to common property, maintenance costs arising from particular uses of lots — all of these are sensible responses by the government, and I am ticking those in a sense, but there is no response. The government wrote this — this was last year; it is now nearly a year later — and we have had no actual action by the government. So, please, I would like the minister to come forward. I know that is a long list of points, but they actually relate directly to the committee's recommendations and the government's response to those exact recommendations.

Mr DALIDAKIS — Can I say it is my great pleasure to stand before you in a committee stage and welcome you to your role, Deputy President. I have not had the opportunity to do that since your promotion. It is a happy day for me to do that as you are a dear friend of mine.

Can I say from the outset to Mr Davis — I did say it across the dispatch box, which may or may not have made it into *Hansard*; we will see, but I reiterate it — that I did not interrupt Mr Davis. I understood the importance of his request for information in relation to the committee's report. I acknowledged the committee's

report was a bipartisan report or a tripartisan report. I do not wish to —

Mr Davis — Or quadripartisan.

Mr DALIDAKIS — If you include the Independent crossbench, but it is certainly tripartisan, with the major political parties in this Parliament.

Can I acknowledge that you may have been able to make those points in a more concise manner, but nonetheless you have requested an indication from the government about where we are at with the recommendations that the report and the committee had made. Let me quickly try to go through those to give you a level of response. Whether you have comfort in what I say or not, obviously I am not in a position to indicate at this stage.

In relation to recommendation 1, the government supported that recommendation in full. Can I let you know that the work is indeed underway, Mr Davis. The work is indeed underway by the Department of Economic Development, Jobs, Transport and Resources, who are working on the methodology of data collection. That has not yet come to a conclusion, but that work is currently ongoing.

In relation to recommendation 2, we supported it in principle. Of course that post-implementation review deals with recommendation 8 as well as recommendation 4. That post-implementation review clearly cannot be done until it has been implemented. Recommendation 3, as you would be aware, the government has supported in full. Recommendation 3 of course deals with the Office of the Commissioner for Better Regulation, and that office has commenced the review, but it is still in its early stages.

Recommendation 4 is under review. It is to be considered as part of, again, that post-implementation review which I alluded to at recommendation 2, and of course that includes the cost-benefit analysis. Recommendation 5, as you would be aware, Mr Davis, we supported in full, and of course the scheme is to be considered as part of the post-implementation review. Recommendations 6 and 7 are under review. This issue is being addressed as part of what we believe is Victoria Police's core business, so of course that is why we have indicated it is under review at this point.

Recommendation 8 we support in full. The amendments are to be moved as part of a broader reform bill, Mr Davis, we believe, in the next term of Parliament. We appreciate through your contribution that you are of the view that the bill could go further and we understand from Dr Ratnam's contribution that

she is of the view that the bill could go further, but as we have indicated, the commencement of this legislation does not prevent a future Parliament, when that post-implementation review has occurred, from making changes to the legislation if that post-implementation review does discover or uncover changes required to be made in relation to the legislation and the way that it is working, the impacts it is having and the outcomes that we have sought. Should that be the case, then of course a future Parliament has the ability to address those issues.

For recommendation 9, those amendments, again, are to be moved as part of a broader reform bill. Similar to recommendation 8, we believe that will occur either in the next term of Parliament or in a future Parliament. Maybe it is better to say a future Parliament. I do not wish to constrain the next Parliament with this requirement, but again you have a post-implementation review, Mr Davis, in order to assess the functionality of the legislation — is it actually resulting in the changed behaviour that you are seeking? That I think deals with recommendations 1 through 9.

Can I just indicate to you, Mr Davis, that I have indicated the government's position for recommendations 1 through 7, recommendation 8 we supported in full and recommendation 9 we supported in part. I hope that deals with your requirement to know where we are at before proceeding, and I look forward to now taking questions in relation to the bill itself.

Mr DAVIS — If I could just make a comment. I first thank the minister for his commentary on that. With the greatest respect, it does not really deal with many of these issues. In a sense — I know it is not your bill, Minister — but the squib continues, the failure to proceed in a way that actually would deal with many of these issues in short-stay accommodation.

I just want it on record that we do not think the government has responded sufficiently. I understand that you are carrying the message in this case, but it has wholly failed to really engage. I accept that there are some pieces of work that are occurring behind the scenes, such as data collection. I am sure the Office of the Commissioner for Better Regulation will be beavering away, because I think the Treasurer will have seen opportunities there. But leaving all of that aside, this really does not get to the crux of the matter. It does not deal adequately with the committee's recommendations, and frankly it does not even deal with some of the commentary the government itself made at the time of its response.

I can put on record now that if we are elected, we will take action in this area. I know my shadow ministers are all aware of the feedback from the community and we understand that in fact people have a right to be safe and people have a right to lay out the living conditions of their area in a reasonable way. I accept that there is a balance to be struck, but truthfully this is not it and more will need to be done. We are very aware of that and we think that this is just a very, very weak step.

Dr RATNAM — Deputy President, can I ask a question in reference to what the minister spoke of in that response regarding the post-implementation review? Minister, are you able to provide a bit more detail about the time line for that post-implementation review and the scope of it? Because I know that goes to a number of concerns that community members are raising at the moment.

Mr DALIDAKIS — I thank Dr Ratnam for her question. The review will begin within two years of implementation. The nature or the scope of the review will be assessed closer to that time. I am advised that that will include discussions with stakeholders. There will be an opportunity for stakeholders, be they short-stay accommodation providers, community groups or representative groups like your own, Dr Ratnam, to inform the government of the day as to what the terms of that review should be.

Dr RATNAM — Thank you, Minister. Will the government commit to starting some of that consultation and discussion, particularly with people who are most immediately affected — that is, a lot of the residents in those buildings? Will you commit to beginning that dialogue and consultation with them now so that you are actually able to conduct that post-implementation review with the breadth of information that it will require?

Mr DALIDAKIS — I thank Dr Ratnam for her question. The fact of the matter is that you cannot have a post-implementation review until you have implemented. The review will occur, as I have indicated, within two years of this legislation coming into effect. The difficulty in your question is not the nature of what you are asking but the fact that this Parliament will be prorogued towards the end of October of this year as we move to a general election and you are asking me to commit both this government and potentially a future government to that stakeholder consultation when of course I am not in a position to indicate who will be in government in the 59th Parliament. I would very dearly love to be able to look into the crystal ball and commit the Andrews government to doing that, but I think we need to pay

respect to the voters and deal with the issue of stakeholder consultation at the point in time that we are looking to undertake that review.

Dr RATNAM — Thank you, Minister. I appreciate that the future cannot be forecast. That being said, a lot of time has elapsed since the bill was introduced initially and the inquiry that occurred. The concern has remained in the community, and there are a lot of community groups feeling like they have not been consulted at all. So while there is room for consultation during the post-implementation phase, and I hear that for that specifically there will be a need to have time for implementation before community groups can be consulted, there is actually a really big gap in consultation that exists now, and I am asking the government: will you undertake to talk to particularly community members, residents' groups and residents about their concerns so you are fully equipped to conduct that review when it occurs?

Mr DALIDAKIS — I thank Dr Ratnam for her question. Dr Ratnam, you would be aware that one of the amendments we will be moving is to clause 2, which is the commencement date. The commencement date for the legislation before us is not until 1 February 2019. That is very squarely and fairly in the realms of the next Parliament, so I stand by my earlier comment to you that I am not in a position to make any commitments to you about what a future government here in Victoria will do.

Dr RATNAM — Thank you, Minister. I once again urge you to please start to engage in that consultation, because it will go a long way. There are so many residents who are deeply, deeply worried; they live with this every single day. We might say, 'We've put these regulations in place and we hope for the best', but that is not good enough for them; they live with this every day. In relation to those concerns it seems that primarily what this bill seeks to do is to have essentially a complaints process after the fact. There are quite long periods of time and there is quite a high burden of proof that particularly individuals who are residents in buildings have to meet — that threshold they have to cross — before they can get any action.

There is another school of thought that says what you should be doing is preventing these kinds of incidents, particularly the most serious incidents, from occurring in the first place. You do not want people harmed et cetera, you do not want people to be driven out of their homes, for example, and you want the right regulation of a potentially really beneficial sharing economy. Can the government speak to other ways it considered of regulating the short-stay industry and

why it considered this way as the best way compared to all the other regulatory mechanisms on offer?

The DEPUTY PRESIDENT — Minister, have you circulated your amendments? You spoke about them earlier.

Mr Dalidakis — Yes, we have circulated the amendments.

The DEPUTY PRESIDENT — They have already been circulated? Thank you very much.

Mr DALIDAKIS — I thank Dr Ratnam again for her question. I indicate that there are always a myriad of different responses or abilities for policy to go in different directions to deal with this. This was the way forward that the government believed was the most appropriate. As I indicated in my summing-up speech, Dr Ratnam, government always has to try and walk that tightrope of the fine line between too little regulation and over-regulation.

From the government's perspective, we believe that this is a finely balanced approach that achieves that outcome of course. That is why there is a review, though, to identify the fact that we will need to assess whether this legislation is working in the way that we wanted, whether this legislation is achieving the results on behalf of neighbours and other owners neighbouring short-stay apartments and whether it is providing opportunities for owners of short-stay apartments to benefit from additional revenues that they may or may not have been able to receive otherwise. From the government's perspective, we have favoured this legislation as achieving that outcome, but in terms of other forms of responses, obviously we have chosen legislative reform as the best pathway at this point in time.

Dr RATNAM — Thank you, Minister. While I acknowledge that often these things are like walking a tightrope between competing interests and trying to manage all those stakeholders and different views and different outcomes that you want, it feels like this legislation is much more weighted to the corporations' interests than to the individual and community concerns that have been raised. With so many people feeling like they have not been consulted at all, I feel like it is a really big mistake. It is a really big gap, and I urge the government to try and close that gap as soon as possible because I think we will get a much better outcome. Everyone wants this to work, but the consultation would really help to that effect.

My next question is around standards for buildings, which have been canvassed a couple of times in this

debate so far. Buildings that have a sole purpose as hotels and other types of accommodation as opposed to purely residential buildings usually have a whole set of extra safety precautions and other types of regulations that manage the volume of use and the type of use. I know from being in local government and on planning committees that the type of use of an apartment building really changed the way you approached how you would manage a planning permit application and what you would ask the applicant in terms of what mitigation measures, what prevention measures they were going to put in place to ensure that disruptive behaviour was minimised.

Can you speak to why that has not been included here and what the government's plans are to redress that imbalance where you have got a particular use that essentially is unregulated in a way that when you do say up-front that that is your primary use you have to adhere to all these rules and regulations? This seems to be a gap.

Mr DALIDAKIS — I thank Dr Ratnam for her question. But I think, Dr Ratnam, you have answered your question in the final comment that you made. The fact is that you are dealing with different buildings that have got a different primary purpose. In the example you used — short-stay accommodation as distinct from a hotel — there is a very distinct difference in terms of the purpose of that property; and that is what will govern the primary objective of the property and also govern the regulations as set out for that property and for the people that inhabit it.

Dr RATNAM — Thank you, Minister. I think you yourself in your response have highlighted the gap once again — that you are getting these buildings that have been largely used in some instances essentially as hotels without the required, for example, fire safety regulations, thus putting people's lives at risk. We feel like it is the government's responsibility, particularly when they are moving to say that they are going to regulate it and try and protect people, to actually address all those issues. I think that is actually what we are talking about here: that people are able to slip through those gaps because they are not up-front about those uses.

These are the kinds of issues that we have to grapple with in a number of industries going forward. I think we can get the balance right, but going to what has been canvassed before in the debate, there has been ample opportunity, particularly with an inquiry of such depth that canvassed all the issues and got submissions in. We know what the issues are and how they can be improved. It is really unfortunate that it feels like the

government has not done very much in the last couple of years, has brought this on at the last minute and is attempting to get it through in an attempt to say, 'We are doing something', but it could leave us with more problems than we had before. I think that is something to really be cautious about.

My next question is about VCAT being in essence the primary arbiter in these sorts of issues. I know in planning issues, for example, precedent is often used by VCAT to determine their subsequent decisions. Can you speak to the consideration that has been given to VCAT arbitrating these matters, what it will use to determine this new kind of complaints process that it is going to have to administer and whether you feel like it is going to be strong enough and equipped enough to be able to deal with this new set of issues that is potentially going to be before it?

Mr DALIDAKIS — In effect we are dealing with a question around clause 5. I am happy to deal with the question now or at clause 5; it still needs to be dealt with. Clause 5 sets out effectively how VCAT will make determinations in relation to matters that come before it. Clause 5 sets out those standards that the VCAT presiding members will use to determine in favour of either a complainant or a respondent.

Mr O'DONOHUE — Thank you, Minister, for your responses to Mr Davis and Dr Ratnam, which have been helpful in understanding where we are here given there has been such a lengthy process in having this bill before us. As Mr Davis said, the opposition have some serious concerns about this bill not going far enough and not doing enough. I want to quote from a story in the *Age* of 24 July this year headed 'Airbnb rules could be changed, says Premier'. The story was written by Clay Lucas, and it says:

Premier Daniel Andrews says he is open to tightening short-stay rental laws in the wake of the death of a 19-year-old woman in a tower dominated by Airbnb lettings.

A homicide investigation is underway into the death of Laa Chol in A'Beckett Street's Eq Tower on Saturday.

It was an absolute tragedy, the loss of that young life, of someone with so much potential and everything ahead of her. The Premier is quoted as having said:

... consumer affairs minister Marlene Kairouz was 'already doing some work on this'.

The article goes on to quote Docklands resident Marshall Delves, and says:

Airbnb had been very pleased with Labor's laws, which he said would have made 'zero difference'.

'It was a Mickey Mouse bill put up in order to say they had kept their [election] promise', said Mr Delves, the director of apartment resident lobby group We Live Here, and also the building manager at the Watergate apartments.

He said Airbnb ... lettings were a terrible issue.

'We've had people check in just so they can go through the mailboxes and leave. We've had the police through that many times I can't tell you'.

I also want to refer to a party at a short-term rental at Footscray which took place in May of this year. A story by Daniella Miletic and Melissa Cunningham says:

The owner of a rental house in Melbourne's west watched on helplessly as her home was trashed, with windows smashed and holes knocked through walls, during an out-of-control party involving more than 100 revellers.

The party-goers hurled furniture, including a television, onto the street in the early hours of Sunday morning.

The story goes on to describe how police were called but were unable to take action because of the lack of clarity around their powers and the laws. They are but two examples. There have been numerous others, and I will not take up the committee's time by going through the other examples that are well-known, but there has obviously been some very serious behaviour that has had an enormous effect on many people and their homes and their lives, and obviously that tragedy I referred to. Will this bill stop those types of out-of-control Airbnb parties that have been the subject of so much concern? Will they be stopped?

Mr DALIDAKIS — I do not wish to be flippant with my response to Mr O'Donohue's question. It is a question that is asked in good faith, but effectively he is asking me 'How high is the sky?' or 'How long is a piece of string?'. The fact of the matter is that the reason we have rules and regulations in place is to provide a framework for our community to operate in. The reason that we have courts is for when members of our community go outside those rules and frameworks that we as a legislature put in place. Can any law stop somebody from breaking in? The answer to that is no, sadly. Laws by their very nature are required to have people brought to account for their behaviour, which is antisocial in the view of both the police and then also the Director of Public Prosecutions, where charges are brought against them. So I am not in a position to give a clear response to Mr O'Donohue.

What we are attempting to do with the legislation before us is to be able to provide some recourse to people that are affected by short-stay accommodation that descends into effectively unruly parties, of course, as one example, and provide some degree of solace by providing that financial recourse that can be provided,

as I was discussing with Dr Ratnam, through clause 5 and VCAT at the same time. So very clearly from a government perspective, as I have already indicated in a number of responses — none of which were to you, Mr O'Donohue — it is a difficult tightrope that we walk between a light touch in regulation or heavy-handed regulation. That is why there is a two-year review that is built in to provide a degree of comfort to stakeholders, as Dr Ratnam mentioned earlier in one of her questions to me, so that we can assess after a period of time: does the legislation before us actually achieve the outcomes which we want, which are to ensure that property owners are not affected or unfairly impacted by the short-stay industry and that they can have confidence when they look to buy an apartment? Because while we know that short-stay can be beyond apartments — it can actually deal with properties on their own — the issue that we are dealing with with body corporates of course relates to properties that are within the realms of large apartment buildings, for want of a better term.

We think that we have got that right. We have a review process to assess whether we are correct and accurate. If we are, then that review process for a future government to undertake will so determine that the legislation has reached the outcomes that we all want. If at that point in time the review process indicates that the legislation has not worked as effectively as we wanted, then of course the future government and the review will be able to make recommendations as to how this legislation could work better at a future point in time, but we do not know. We would have to look into a crystal ball to see what will happen two years down the track, and of course it would be churlish of me to do that, but at the same time I do wish to indicate to the Parliament that that is why the review process has been built in.

We hope to see changes in behaviour, Mr O'Donohue. We hope that this legislation will enable people to seek that financial recourse, which will make owners of short-stay apartments think more carefully about how they take advantage of the short-stay sector and industry and how they look to make revenue or generate revenue for themselves in a responsible manner. That is what we are hoping to do with this legislation.

Mr O'DONOHUE — Thank you for that expansive answer, Minister. I accept the government's position that it is legislating the two-year review into this legislation, but I note that with the commencement date into next year, that takes us to 2021, as this bill was introduced in 2016 on the back of a 2014 election commitment, so those time lines have really slipped

enormously at a time when this issue has gotten worse and worse. So, Minister, when the Premier said, and I quote:

We certainly would be open to having a look at whether there's anything we can do from a regulatory point of view —

was he talking about the two-year review or was he talking about the passage of this legislation or was he talking about something else?

Mr DALIDAKIS — I would have to take that question on notice to seek the advice of the Premier as to what his intention was, but what I can say is, yes, this bill was brought into this place — Parliament, that is — some time ago and it was delayed because it was referred off to a committee, and as Mr O'Donohue would be aware, his colleague Mr Davis in his earlier contribution talked of the committee that he chaired in fact in relation to this piece of legislation and that came through with its recommendations in the middle of last year, which then required the government to go away and assess those recommendations, review those recommendations and then respond to those recommendations. So I am not sure that the delay as characterised by Mr O'Donohue is completely fair or accurate.

There has been a delay but there have been reasons for it, and of course we are looking to pass the bill in this place to enact those changes. As I have indicated to the house, there are two house amendments that deal with dates as a result of the delay in bringing the bill before us. Those amendments do not deal with the substance of the legislation before us but indeed at clause 2 and clause 8 they deal with the commencement date and of course deal with the repeal date accordingly.

Mr O'DONOHUE — Thank you for that answer, Minister, and I note you have taken that question on notice. I appreciate the committee enabling questions on the recommendations to be posed through clause 1. I think it is the most efficient use of the committee's time, and I still have three or four questions that flow from the committee recommendations, noting Mr Davis's question to you, Minister, and your response.

Mr Dalidakis — Did you want to ask them together or individually?

Mr O'DONOHUE — Maybe individually if that is okay.

Mr Dalidakis — Yes.

Mr O'DONOHUE — The first is flowing from recommendation 4. I note that in the government's response it says that the recommendation is 'under review', which you confirmed in your response today, but I am interested that two-thirds of the way down page 7 of the government's response it says:

The review of the Owners Corporations Act 2006 as part of the broader consumer property law review has now concluded. As noted earlier, the government has been carefully considering stakeholder feedback to develop a package of reforms to the act, with a view to introducing a bill in early 2018. It is important to note that issues in relation to short-stay accommodation were explicitly ruled 'out of scope' at the time the consumer property law review commenced, given the Independent Panel on Short-stay Accommodation in CBD Apartments had only recently delivered its final report to the government.

Minister, am I right in understanding that elements of that bill referred to that was to be introduced in early 2018 are in the bill that was introduced in the other place in the last sitting week, or is that bill yet to come before the Parliament?

Mr DALIDAKIS — As I am advised, Mr O'Donohue, the bills are yet to be introduced into the Parliament. In an earlier response to Mr Davis that I provided I said that there would be legislation with broader reforms under recommendation 8 and recommendation 9; that is legislation that obviously a future parliament will look to introduce.

Mr O'DONOHUE — Thank you, Minister. Do you wish to provide any explanation as to why the bill foreshadowed has not been forthcoming in the time frame anticipated by the government?

Mr DALIDAKIS — So my understanding is that those pieces of legislation that we have referred to — that I have referred to on a number of occasions — are part of a broader legislative reform, and so there are a number of elements to it that government will deal with and look at. I again indicate that we are a relatively short period of time away from a general election, as I indicated to Dr Ratnam earlier. That legislation has, at this point in time, been left for a future parliament to deal with, and of course the main issue to be considered is that the post-implementation review itself will begin two years forth once the legislation is passed and once the beginning of the legislation occurs on 1 February 2019, should the house pass the amendment at clause 2.

Mr O'DONOHUE — Thank you for that answer, Minister. I want to take you to recommendation 6:

That the Victorian government and Victoria Police examine issues relating to community safety in apartment complexes where short-stay accommodation is provided —

and recommendation 7 —

That as part of the state review into consumer property law, the Victorian government and Victoria Police consider establishing protocols with owners corporations to manage violent and/or disruptive incidents in apartment complexes.

I think, if my recollection is correct, Minister, and if I could paraphrase, you said basically it is business as usual — core business for police — to respond to incidents as they arise, and the government's response to the recommendations recommends calling 000 if in need of assistance. Clearly from that article I cited on the Footscray incident — where a house was trashed, as it was reported, and police were called — there was not clarity about police powers to enter a premises where a place had been lawfully let and people had been invited. Police were unable to take action, and it was only when the house was, as it was reported, virtually completely trashed, with TVs and other equipment having been thrown out the windows et cetera, that police had the capacity to respond. There have been reports of members of force command commenting on the lack of clarity around police powers.

I think it is unfortunate and disappointing that the government still has these two recommendations under review. I put it to you, Minister, that of course police do a great job and they will respond to 000 calls, but does the government accept that there is a lack of clarity about the ability of police to respond to an Airbnb or similar short-term lease arrangement where there is a house party that is out of control but the people who are there have been invited?

Mr DALIDAKIS — I thank the member for his question. Can I say that I did indicate to Mr O'Donohue earlier that dealing with public order issues such as out-of-control parties is part of Victoria Police's core business and police indeed have a broad range of statutory and common-law powers.

An honourable member interjected.

Mr DALIDAKIS — Are you right? This is being conducted in good faith, this whole committee stage. Are you wanting to have it descend into something else?

Mr O'Donohue, let me return to the point that I was getting to in response to your question. There are a range of offences that Victoria Police can rely on to arrest anybody that is engaged in antisocial behaviour or participating in offences such as affray, violent disorder, wilful damage, assault or other causes of injury offences, criminal damage of course and indeed hindering police.

Now, for the purposes of breaking up a party, it is not necessary that a person actually be guilty of the offence as outlined, only that police reasonably believe that an arrest is necessary to stop offending conduct or to preserve the public order and/or safety. Again, that is why I indicated to you earlier that we believe that that is part of the core business of Victoria Police and we believe that they have offences which they can have people charged with. Of course, as you have indicated and I concur with you, Victoria Police have a very difficult role to keep law and order within the community where people are offending in a violent way, as indicated by comments made by both you and other members of this place during the second-reading debate.

Again, it is also important to reflect that beyond the offences that I have outlined already there are also move-on powers, of course, that can be directed to people to leave a public place or a part thereof should Victoria Police officers have reasonable suspicion that a person is or persons are breaching or likely to breach the peace, that a person is or persons are endangering or likely to endanger the safety of other persons and of course if the behaviour of the person or persons is likely to cause injury to a person or damage to property or otherwise is a risk to public safety.

Mr O'DONOHUE — Thank you, Minister, for that answer. I have got just two more questions that flow from this section. Again quoting the government response, in the middle of page 9 it says:

Victoria Police will not be involved in issues related to residential amenity, as such disputes are not within its remit.

I listened carefully to your answer, and I agree that Victoria Police have at their disposal a range of statutory and common-law powers in existence, but I suppose I would just make the point again that from that Footscray example and other examples there would appear to be a gap in Victoria Police's legal power to respond to incidents. Whilst it may not be Victoria Police's role to respond to issues related to residential amenity, the question I pose to the government is: when does an issue of amenity become more than that and a disturbance that does or should require police response and attention, and does this bill do anything to address that gap that others have identified?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. The question is indeed a fair question to pose. However, I am not sure that I am in a position to again answer on behalf of Victoria Police. As I have indicated, the government's view is that there are a multiple number of offences that Victoria Police could draw upon in order to look to intervene in a party that

has moved out of control or progressed in that way. It does not really matter whether the offence has occurred in public or indeed in private. If the police are of the view that an offence has occurred, then of course they are able to act. Whether they choose to do so is an issue for the police officers that are present. They would probably have to deal with a range of issues that they would have to determine, such as how many people are at the premises and the safety of themselves. There are a whole range of factors that of course they would have to consider, and I am not sure that I am in a position to second-guess what a Victoria Police service man or woman does in that situation.

Mr O'DONOHUE — Thank you, Minister. I appreciate your answer and I appreciate that you are not in a position in a way to speak, and nor should you, on behalf of Victoria Police, and I would not seek that you do so or second-guess operational decisions that would be made. I suppose I will just again make the point that from the commentary of others and from the reporting I have cited there would appear to potentially be a gap in the legislative powers of police to respond, and from my reading of it this bill does not do anything to address that.

Minister, also on page 9 of the government's response it says:

Whilst there is currently insufficient substantive evidence of a systemic problem that would warrant the allocation of significant police resources, anecdotal evidence presented to the inquiry indicates that some apartment residents currently feel unsafe in their buildings.

I can attest to that from feedback I have received via email, telephone calls et cetera and from moving about the community. Does that reflect the government's current view, that there is insufficient substantive evidence of a systemic problem when it comes to these issues?

Mr DALIDAKIS — I thank Mr O'Donohue for his question. As I am advised, Mr O'Donohue, whilst there may be anecdotal data, there is no empirical data on which the government could move forward. So, yes, our position is that there is insufficient data at this point to deal with the issue that you have raised.

Mr O'DONOHUE — My concluding point I wish to make in the committee stage of the bill is that the opposition is disappointed at the government's response to the parliamentary inquiry. As others have noted, it enjoyed the support of the chamber, which gives the government cross-party support for reforms that implement those recommendations. My reading of the recommendations and what has come out of this

committee stage is that there has been very little change as a result of the committee report, and indeed the only change to this legislation, despite the effluxion of so much time, is a change to the commencement date and the date of its repeal, which are obviously necessary given the amount of time that has passed. The Liberal-Nationals are committed to reviewing this in government and strengthening this legislation because we do not believe it goes far enough.

Dr RATNAM — I wanted to go back to an earlier question I asked about different models that could have been canvassed. One specific example is the Sydney example, which has a maximum of 180 days per year for short-stay accommodation and where exclusive short-stays can be banned from a building if 75 per cent of the owners corporation agree. I wanted to ask if the government has considered that type of model and, if it has not, why not. Has it thought about applying the same type of model to Victoria, given that it has been tried in Sydney?

Mr DALIDAKIS — I think I indicated to Dr Ratnam earlier that the government in pushing forward a legislative framework always looks to consider what other jurisdictions have done, what it considers best practice and what it can do in relation to light regulation, heavy regulation and required regulation. I also note, given my portfolio interest in innovation, that I am obviously aware of the short-stay sector in Australia and also the different approaches in the jurisdictions of New York and Los Angeles, and of course I am aware of how San Francisco looks to deal with the issue of short-stay, being the home of Airbnb itself. I visited Airbnb on an earlier trip to North America.

What we have tried to do here is indicate that we can get the right touch between light and heavy regulation. The New South Wales option that you refer to has a specific number of days. It is our determination that to do that would potentially impact upon somebody's ability to utilise their property rights, but at the same time we hope that the legislation that we have presented before the Parliament provides sufficient safeguards for residents and other property right holders around an apartment that is being used for short stay, but also that there is a requirement that the short-stay owners are cognisant of their responsibilities to their neighbours. Whether they live there for a short period of time or whether they use it in a short-stay rental, they need to be cognisant of their responsibilities.

We hope that, as I indicated to you, in clause 5 of this bill there are sufficient means for people should they need to go to VCAT to exercise that right to address

issues as they fall due. Again, I can only indicate that a post-implementation review hopefully will deal with that.

If I may, I will address the comments that Mr O'Donohue made prior to completing his questioning on clause 1. I indicate, as I did to Mr Davis, that the government has taken the joint committee report seriously. If I quickly go through those nine recommendations again, recommendation 1 has been supported by the government in full. The work is being undertaken, and is indeed underway at this point in time, by the Department of Economic Development, Jobs, Transport and Resources, which is the department for my ministries and also for those of Minister Kairouz. That work on a data collection methodology has commenced.

Recommendation 2 was supported in principle, and it deals with the post-implementation review. Recommendation 3 is already underway of course, but as I indicated to Mr Davis — and as I do to Mr O'Donohue — it is still at an early stage. Recommendation 4 is under review and will be considered as part of the post-implementation review, as indeed will be recommendation 5, which the government has indicated it supports in full.

As I indicated to Mr O'Donohue directly, in relation to the ordinary course of business for Victoria Police we believe that recommendations 6 and 7 are able to be met accordingly, although we have said that we will have that under review. Recommendation 8 we supported in full, and again I indicated to Mr O'Donohue himself that we expect that to be part of a broader reform bill that is yet to be introduced to the Parliament in the Assembly or the Council. It will be part of the 59th Parliament's work. Recommendation 9 we have supported in part. We said that we believe that amendments to be moved are also required as part of a broader reform bill, again to be moved in the next term of Parliament.

So I do wish to assure Mr O'Donohue and members of the committee in this place that we did take that report seriously. We have acted upon a number of the recommendations, as I have indicated. A number of others will be required in the next term of Parliament and yet others when the review process is underway, within two years of the enactment of this legislation.

Clause agreed to.

Clause 2

Mr DALIDAKIS — I move:

1. Clause 2, page 2, line 2, omit "1 July 2017" and insert "1 February 2019".

Amendment agreed to; amended clause agreed to; clauses 3 to 7 agreed to.

Clause 8

Mr DALIDAKIS — I move:

2. Clause 8, line 2, omit "1 July 2018" and insert "1 February 2020".

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018

Second reading

Debate resumed from 26 July; motion of Ms MIKAKOS (Minister for Families and Children).

Mr ONDARCHIE (Northern Metropolitan) (17:06) — I rise this afternoon, in one of the last remaining sitting weeks of this parliamentary term, to deal with the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. This is a government who arrived in this place in December 2014 talking about support for local jobs, and here we are with three or four sitting weeks to go before the end of this parliamentary term and they are bringing a bill into the Parliament to deal with that now. One could say they have been a little asleep at the wheel, but then others would say there are already practices in place that deal with what this policy is supposed to achieve.

The purpose of this bill is simply to change the title of the Victorian Industry Participation Policy Act 2003 to the Local Jobs First Act 2003. It is also to legislate current government policies around local content and required apprentice and training places on government projects. The bill also seeks to appoint a Local Jobs

First commissioner for the promotion and advocacy of the government's procurement policies and to add an enforcement regime to the government's current procurement policies. I remind you, Acting President, and I remind the house, that this arises at well past three-quarter time in the game of this government. We are pretty well in time-on in football parlance and the government are just introducing the bill to us now.

The main provisions of this amendment bill allow the minister to declare a project to be a standard or strategic project outside of the bill's definitions and parameters. It also allows the minister to determine local content requirements and other matters relating to a government project. It requires a local industry development plan for those tendering for government work, allows for the appointment of the Local Jobs First commissioner and outlines the functions of that role and sets up a compliance and enforcement regime. We, through the shadow minister for industry, Ryan Smith, and others, have consulted very widely on this bill — perhaps a little further than the government have consulted. We have consulted with the Australian Industry Group; the Victorian Chamber of Commerce and Industry — people used to call them VECCI; they are not that anymore — the South East Melbourne Manufacturers Alliance and major manufacturers like, for example, BlueScope Steel.

Industry groups have mixed views about this bill. They have been, in a sense, supportive of the principles of the legislation because these principles seemingly support Victorian businesses, but the provisions of the bill simply replicate things that are already in place through a number of procurement documents such as ministerial directions, instructions issued by departmental secretaries, the construction supply register and various tender document templates. The bill formalises the current practices, but in doing so it simply adds more red tape and just another level of compliance for business. One could be excused for saying that this is just a bit of a sham to look to be seen to be doing something when we are in the twilight of this government's tenure.

We will examine a bit more these points in the committee stage of the bill, but, as I said, the bill legislates current practices that are already in place and were in place under previous governments to a large degree. It introduces a new compliance regime, more added tape —

Mr Melhem interjected.

Mr ONDARCHIE — As Mr Melhem scoffs about this, these things were already there, so this is a bit of

an opaque flag being hoisted up the government flagpole right now to look to be seen to be doing something when we are well into time-on in this match. The bill puts in place a Local Jobs First commissioner and seeks to ensure that the government procurement processes are robust. I find it curious that at this late stage they are starting to do this. The fact is that the money being used for the services and infrastructure being provided by the government is taxpayers money. It is not the government's money; it is the taxpayers money. Indeed the process with which we can procure services, equipment and assets should be robust. That comes as no surprise as they have been robust in the past, so we need to make sure there are appropriate balances and appropriate checks to make sure the taxpayer is getting good value for money and getting a good return on their investment.

Having said that, I suspect one of the reasons this bill has arrived in the Parliament at this late stage is to simply cover up the mismanagement of projects that has occurred under this government's watch. One of the things that we should be doing is measuring, as part of the measurement regime, the cost blowout of projects — what they said it was going to cost and what the taxpayer is actually being hit up for. The projects that are being undertaken in Victoria have blown out by billions of dollars — not millions but billions of dollars. People that I talk to regularly seem incredulous of the fact that the government does not understand it is their money. By way of example we can look at some of the projects that have been undertaken by Daniel Andrews.

Let us take the promised West Gate tunnel project that they have pushed through the Parliament — some would say bored their way through. They promised that it would cost \$500 million to build the West Gate tunnel project. The actual cost they are talking about now is \$6.7 billion — a blowout of \$6.2 billion on the project. How could you get that wrong? How could you be that far wrong — \$500 million to \$6.7 billion?

The Metro Tunnel project that they talk about often — and I think they were kicking around some dirt at the Metro Tunnel project this morning — they promised would cost \$9 billion, and now it is purportedly going to cost at least \$11.07 billion, which is a cost blow-out of \$2.07 billion already.

The level crossing removal project — which was started under the Napthine government — they promised would cost \$5 billion for level crossing removals. The Auditor-General has reported that the real cost is going to be closer to \$8.3 billion. Let me say that again: they said it would cost \$5 billion and the Auditor-General now suggests it is going to be

\$8.3 billion. That is a cost blow-out already on this project of 3.3 billion.

The north-east link project — their much-lauded north-east link project with which they are going to solve the world's problems without adding the east-west link project to it — they said would cost around \$5 billion. Around \$5 billion for their purported north-east link project — that I would say to you nothing has started on — and now the cost looks to be something like \$16.5 billion for this project. So initially \$5 billion and now \$16.5 billion — an \$11.5 billion blow-out on your project. How could you possibly do that? Some of us who have built houses before could not be doubly or triply wrong on the cost of the house. These people said \$5 billion for this project; now it is \$16.5 billion for the project.

With the east-west link — the much-aggravated east-west link project that this government said would not cost a cent to cancel and was not worth the paper it was written on — if you just ask people trying to get home through Carlton, Clifton Hill and Flemington and right through to Alexandra Parade and Hoddle Street, they would argue this was a much-needed project. We think so too, and in fact the Matthew Guy coalition government when elected in November will build the east-west link. The government said it would cost nothing to cancel it. They said it would cost nothing. Now, this was a project supported by the Eddington report and by the federal opposition leader Bill Shorten when he was a member of the union, and even our own Cesar Melhem supported the project when it was going to be built. They said it would cost nothing to cancel the project. It has cost \$1.4 billion to cancel this project.

We talk about the Victorian Industry Participation Policy, and here are some cost blow-outs on projects that could have gone to better use for Victorians. The Victorian Heart Hospital that they said would cost \$150 million actually cost \$543 million — a cost blow-out of \$393 million. The Frankston line stabling project down in Seaford is a project that the government said would cost \$187.4 million to build; the actual cost is \$236.7 million — a blow-out of nearly \$50 million on that project. Look at the Hoddle Street upgrade, where they have laid a bit more tarmac and put a few more white lines in, but the traffic is still as bad as it has ever been. They promised \$60 million for that project; the actual cost of the project was \$108.6 million. Let me say that again: they said it would cost \$60 million to build this and the actual cost was \$108.6 million — a cost blow-out of nearly \$50 million again.

The expansion of the Casey Hospital in Melbourne's south-east, a project that they said would cost \$106.3 million to build, has blown out by over \$33 million, because the actual cost is something like \$139.8 million. This is project after project under this government that have blown out. We can look at the Ballarat line upgrade, one that my colleagues Mr Ramsay and Mr Morris talk about, and the upgrade to train services around Ballarat. They promised \$516.7 million to build that project. The actual project cost \$549.5 million — blown out by nearly \$33 million.

Here is the Victorian Industry Participation Policy that is before us today that talks about local content and local jobs. Already as I am going through the list of projects this government has undertaken we are seeing significant cost blow-outs, and that hurts Victorians.

The Yan Yean Road upgrade has finally got a start after we talked about it in 2011. We were then bagged about that project by the local member for Yan Yean, saying 'The government is going to take your house', and they have started digging on Yan Yean Road.

Ms Pulford — On a point of order, Acting President, I am not making this point of order lightly but Mr Ondarchie is 10 or 12 minutes into his contribution and he has not mentioned the bill yet. I would encourage you to get him onto the subject at hand.

The ACTING PRESIDENT (Mr Ramsay) — Thank you, Ms Pulford. I have difficulty ruling on that point of order because I do not have the bill in front of me, but I am sure Mr Ondarchie will get to the bill.

Ms Pulford — It is not about a list of major projects.

The ACTING PRESIDENT (Mr Ramsay) — I am sure he has made reference to the bill in his contribution. Continue, Mr Ondarchie.

Mr ONDARCHIE — Thank you very much, Acting President. I would remind the minister should she have been listening that I actually started going through the elements of the bill and then related that to the cost blow-outs on these projects, which clearly the government is embarrassed about as a result of the Victorian Industry Participation Policy — this Local Jobs First policy — and how it affects that. Now, I started with that and I am going through that. I have only been going a few minutes, so if the minister wants to sit back and clip her seatbelt on, we have got a lot more to go.

So, the Yan Yean Road project that they have just started turning dirt on now in year four of the government was criticised by the member for Yan Yean when it was first talked about. She said that we were going to take people's houses, and now she cannot be seen anywhere. When local residents want to talk about how much land they are losing in front of their houses no-one can find the member for Yan Yean. The projected promised cost on that was \$95 million and the real cost looks like it is going to be something like \$126 million — a cost blow-out of \$31 million on that project already.

Ms Pulford interjected.

Mr ONDARCHIE — Diamond Creek Road to Kurrak Road. The Frankston station upgrade: they promised \$50 million and it looks like it is going to cost something like 61.8 million — a blow-out of \$11.8 million. V/Line fleet maintenance — this is about local inputs, about local jobs.

Ms Pulford interjected.

Mr ONDARCHIE — I take by way of the interjection that the government are clearly embarrassed by these numbers, and so they should be, because this is nearly \$25 billion in cost blowouts. The government rightly should be embarrassed. Here we have juxtaposed in front of us a new bit of legislation that talks about supporting local jobs and supporting local industry, yet those opposite cannot even get the numbers right when they are trying to do projects. One wonders whether this, in its late hour in this parliamentary term, is designed just to suggest to people they are trying to do something.

The V/Line fleet maintenance project promised \$12.5 million to maintain the V/Line fleet. It has blown out by \$10.5 million to \$23 million. The Huntingdale station car park, which they promised \$4.8 million for, has blown out by \$6.7 million to \$11.5 million. That is around \$25 billion worth of projects that have blown out. Here we are today, and before us we have a bit of legislation — the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill — which is supposed to support local industry and support local jobs, and just in the handful of projects that I have talked about today they have blown \$25 billion of taxpayers money, and very embarrassed they are by that too.

What could that \$25 billion have bought? We are talking about supporting local jobs and supporting local industry. What could that \$25 billion have done in terms of supporting both local jobs and local industry?

It could have built 25 Royal Children's Hospitals. It could have provided 125 000 new ambulances. It could have built 926 secondary schools. The \$25 billion blowout could have purchased 2083 primary schools. It could have built four east-west links. It could have bought 125 women's and children's hospitals. This \$25 billion blowout by this government on the projects I have outlined today could have bought 1563 police stations. It could have bought 42 suburban rail line extensions. It could have provided 2500 new cardiac cath labs, 1714 trams or 1389 X'trapolis metropolitan trains. I know Mr Finn is particularly interested in this: it could have built 1136 special development schools. These project costs are outrageous, given a government who purport to be supporting local industry and local jobs. What could it have done with that?

As far as procurement goes we have had a longstanding practice through the Victorian Government Purchasing Board of setting policies and saying which agencies policies apply to. That is around the procurement framework. When we come to construction procurement in Victoria there are also a number of documents. There are the *Ministerial Directions for Public Construction Procurement in Victoria*. There are directions that are issued by the secretary titled *Instructions for Public Construction Procurement in Victoria*, and they have a number of details within them that set out how tenders should go to market, what the approvals regime should be and what are the necessary requirements to approve those bids.

The ministerial directions talk about mandatory requirements that are set out for those who choose to submit a tender for government projects. We also have a construction supply register, which in a sense sets out which tenderers are suitable for certain government projects. There is also a standard template for tender documentation, which in itself is very detailed and very comprehensive. There is a lot of policy right now through the Victorian Industry Participation Policy industry development plan that also talks about apprentices and that also talks about trainees on these sort of projects as well. There is a lot of documentation right now around the procurement of supplies and services for the government sector.

Any process needs to be robust — we accept that — but the process of robustness is determined by the oversight of the government. This government talks about this bill being about transparency and about it providing some certainty. They say by putting that in the legislation it actually gives those policies much more weight. I would suggest to the house that that is already being covered in the documentation I have referred to today and the templates that exist. So it may

be reasonable to say that whilst we support the principles of the Victorian Industry Participation Policy and we support local jobs in local areas, I just have a sense that this is about being seen to be doing something rather than actually doing something. Otherwise why would you do it in time-on in the life of this government? They have had three and three-quarter years to do something about this, but their time, I suspect, has been taken up so heavily by the mismanagement of the cost blowouts of the projects that I have talked about today that they have taken their attention.

There are a number of things I am going to ask about in committee. When the Premier talked about this when he did his media conference out on the grass, he talked about how important this policy is and said it will be a new requirement for government agencies to buy local uniforms, to have locally made personal protective equipment, to have locally made high-visibility vests, to have locally made hard hats and to have locally made safety goggles. There is absolutely nothing in this bill that determines that that is going to happen. So how can you say that on one hand and yet deliver a bill to this place that does not mandate that that is going to happen?

It also talks about mandating things like steel requirements in tenders. I would just remind the house of the *Herald Sun* article of June of this year that raised safety concerns over the Melbourne Metro project after imported metal beams failed safety tests. This is a project that is underway, and this steel was bought internationally. It said in the article, and I quote:

Welders in Melbourne and Geelong have been working around the clock to fix the infrastructure beams after they failed to pass quality tests last month.

The metal props were destined for major underground works at the northern end of the CBD at Franklin and A'Beckett Street to stop access shafts — which are up to 30 metres underground — from collapsing on workers during construction.

The beams were brought in from Singapore but project engineers quickly raised concerns, prompting them to be sent for rewelding.

The Melbourne Metro authority confirmed the issue but said safety was a top priority on the project.

However the metal workers union is now questioning why all steel for the project is not sourced locally given the well-known issues plaguing the industry overseas.

Here we are with a government that is talking about wanting to do this. The government purport to be supporting local industry and local jobs, and yet they have imported what seems to be suboptimal steel from

overseas. How is it you can say one thing on one hand and then do something on the other hand? That is the form of this government. They talk about mandating steel content, and yet they are importing steel from overseas that has been by all expert opinions clearly unsafe.

In terms of the policy work they have put forward around training and apprenticeships, I would draw to the attention of this house the significant failings of the government's approach to trainees and apprenticeships in this state. They made a very big deal about TAFE leading into the last election, and yet we have seen significant falls in student enrolment and funding as well as a lack of funding for staff in TAFE facilities. That is it in a nutshell, I think. They talked about things. They talked about this and that and about trying to re-establish TAFE, but the numbers of students are falling, funding to TAFE is falling and they have not got enough staff in some TAFE facilities.

This is the same government that under the stewardship of the current minister, Minister Tierney, saw the naming of a TAFE building to acknowledge former member of Parliament Steve Herbert, the man famous for transporting his dogs in his ministerial limousine from the Melbourne metropolitan area to country Victoria, and they have named a building after him. What will be next — the John Lenders Securities Commission? What will be next here?

Enrolments at Victorian TAFEs have plummeted by up to 27 per cent. The budget responses in 2016 demonstrated to us that Labor had trained over 65 000 fewer students, subsidised over 800 000 fewer enrolments and reduced government-subsidised training by 27 million hours. Places for young people had declined, with a 4.8 per cent drop in the participation rate for 15 to 24-year-olds. Later in July 2016 we also found that Victoria had experienced a dramatic decline in vocational education and training (VET), with VET student enrolments down 13.2 per cent. This is a government that talked about TAFE, TAFE, TAFE. They said, 'We're going to reinvent TAFE. We're going to look after the TAFE people'. And here is a clear demonstration that they do not walk the talk. They say they are going to do some things and they do not do them. What are they going to name next — the Jenny Mikakos Pizza Parlour? What is going to be next? This is a government that simply do not walk the talk, and we are starting to see that.

I outlined earlier in my contribution around the Victorian Industry Participation Policy and the Local Jobs First bill that there has been \$25 billion in cost blowouts. How can they possibly sort out what needs to

be done in Victoria when they have blown out that much money?

I want to now take my discussion to the part of this bill that relates to the Local Jobs First commissioner. I want to look at the functions in clause 18, and this may well allude to the minister the things I am going to talk about in the committee stage of the bill. It says the commissioner has these functions:

- (a) to promote the Local Jobs First policy across agencies and local industry ...

So that is the role of the commissioner — to promote the Local Jobs First policy across the agencies and across local industry. It goes on:

- (b) to collaborate with agencies and external service providers to assist businesses in targeting companies and workers in specific sectors and regions;
- (c) to work with agencies to improve Victorian industry access to current and future government procurement opportunities;
- (d) to advocate for the private sector ...

and I could go on. So the commissioner has a number of roles: to promote the policy across industries and agencies; to collaborate with agencies and external service providers to help businesses get involved; to work with agencies and Victorian industries to access current and future projects; and to advocate for the private sector. That is the minister's job. It is the job of the minister to do that. Once again they are abrogating their responsibility by appointing another bureaucrat, or in this case, a commissioner, to take care of the minister's job. What does a minister do — swan around in a limousine, having luncheons or in fact maybe not even turning up to the things they were due to turn up at?

This is a government that is happy just to delegate out its responsibilities to somebody else. I think there is a bit of strategy behind this. I think the reason they do this is that when it turns bad, and often it does with this government, they point the finger at somebody else and blame them. They say, 'It wasn't us'. The Premier said today about the issues associated with Corrections Victoria that it was not the politicians but Corrections Victoria that mucked it up. They are quick to shift blame to somebody else. They are quick to shift blame to others and say, 'It wasn't our fault; it was somebody else's'. When will they take responsibility in this government? When is somebody going to take responsibility for the \$25 billion in project blowouts that this government have had under their care?

We have consulted widely with lots of people. The Victorian Chamber of Commerce and Industry have talked about what they would like to see in this bill, and I will talk about that a bit later. The Australian Industry Group have talked about what they want to see. Industry have come to us and talked about it. This is about local jobs and about ensuring local jobs are in local areas for people in regional Victoria. I travel around regional Victoria, and I was up in Shepparton with Ms Lovell, and our Liberal candidate, Cheryl Hammer, talked about local jobs. She said, 'I hear the tradies saying that they just see tradies' vans coming up the highway all the way from Melbourne to do local work, and they want to work locally'. Ms Lovell makes the point regularly, as does Cheryl Hammer in Shepparton, that there are a group of people coming up the Goulburn Valley Highway towing their trailers from Melbourne, doing local work that could be done by local trades. Where does it say that in this bill? Where does it talk about supporting regional Victoria?

If you want to talk about jobs, let us talk about what is happening in places like the Latrobe Valley. Let us talk about places like the Latrobe Valley, where the government put in a new tax on coal that drove a company to withdraw their business from Victoria, taking 20 per cent of the baseload energy out of Victoria, and people lost their jobs. If you look at Shepparton, where unemployment is always a challenge, where is the support for people in Shepparton? When a bill calls itself the Local Jobs First policy, it should be talking about creating new jobs. When you take things like the government hub in Gippsland, I just wonder — and they still have not been able to answer this question — how many of those local jobs will just be jobs shifted from somewhere else and how many will be brand-new jobs.

When you go to Shepparton — and there are lots of calls about increasing the government workforce in Shepparton — they are just talking about shifting jobs from one part to another, not creating new jobs. Look at youth unemployment in Shepparton. As I walked down the mall with Ms Lovell we saw the challenges to retail, the challenges affected by costs on businesses because of red tape. There is less attention being paid to younger people in regional Victoria than this government should be paying, but I can tell you something: under a Matthew Guy government we will see a focus on all of Victoria, not just Melbourne.

This bill brings a whole lot more red tape to industry and businesses that are already drowning in red tape. It is pretty clear from this bill that the government does not have any faith in their minister to manage this process, because they have to appoint a commissioner

to take care of it for the minister. I think this is the third industry minister this government have seen. I suspect it is just about time for a change again. Given the investigations that are currently underway here in Victoria, there may be a change of ministry anyway soon in this state.

I have a lot more to ask in the committee stage, but there are things that are clear. They talk about steel, and they get Singaporean steel. They talk about supporting local industry, and they add more red tape. They talk about creating local jobs and creating local opportunities for businesses, and they blow out costs by \$25 billion. It is totally unacceptable. I know there are lots of people who want to talk about this. In the committee stage I want to talk about what they mean by supporting local businesses and whether the commissioner's job will be to support business or simply add another level of compliance. With the support of the various industry groups that we have talked to, I will go through that in the committee stage of this bill.

The ACTING PRESIDENT (Mr Ramsay) — Mr Leane, with a very big file.

Mr LEANE (Eastern Metropolitan) (17:37) — Acting President, be assured it is all for show. I am really pleased to be able to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. Can I start by congratulating the minister responsible for this bill, Ben Carroll. I have spent a lot of time with Minister Carroll since he was given this responsibility as minister and I have got to say his enthusiasm has been fantastic. His ability to get around the government's policy and where the government had been heading in this area has been fantastic. He has built on the good work that he inherited from Wade Noonan in the Assembly in this area.

I want to centre my comments around the emphasis on major projects and the guarantees about local jobs and generating apprenticeships and traineeships in the major projects area, particularly because it is an area that I have been really privileged to work in. The Andrews government's infrastructure program is historic as far as its size goes. There is a huge demand, and there will be a huge demand, for a number of people to work on the program in the blue-collar jobs from the labourers up to the highly skilled tradespeople, up to the supervision onsite and other supportive occupations onsite. But there is also a huge amount of white-collar support on any big project. I have visited offices that are supporting some of the major projects in Melbourne — whether that be the Melbourne Metro

tunnel, whether that be some of the level crossing removals, whether that be the West Gate tunnel project — and they have facilities for literally hundreds of people to have desks and to be able to work supporting these particular projects. The opportunity that presents this government and this state is employment for local Victorians. Basically this is one of the real tenets of this bill.

I am thinking of taking up Mr Ondarchie's suggestion that the government should have been doing something about this during the last three and a half years. The good news I have for Mr Ondarchie is that the government has been doing a lot of the work in this area. He would be very pleased that the government has been working with really good organisations that support some of the, for lack of a better description, underemployed cohorts of Victorians. Great organisations like the Brotherhood of St Laurence, McAuley Community Services for Women, organisers like Veterans in Construction and a number of Indigenous-owned building companies and Indigenous-owned labour hire companies have assisted this government in achieving an outcome which, I have got to say, we are very proud of.

The opportunities created for trainees and apprentices with the 10 per cent guarantee have also opened up an opportunity to ensure that all Victorians are getting a go. As I said, when you think about some of the cohorts that this government has supported, in a lot of cases they find it harder to get employment than other Victorians. We take a lot of pride in the fact that on the Caulfield to Dandenong level crossing removal project there were well over 100 Indigenous workers. We take a lot of pride in the fact that with a number of the level crossing removal projects some returned veterans have started careers in the construction industry via the program and the policy that the government has adopted.

I had a conversation with one of the veterans who has been heavily involved in coordinating this program and giving veterans opportunities in our construction program. I was so happy to hear about the opportunity provided to a veteran who while he was in service for us in Iraq lost both of his legs below his knees and one of his arms when he unfortunately came into contact with an explosive device. This gentleman is as we speak this week — and I think it is great that this bill is here this week — starting work with one of the major contractors that deal with the Victorian government and tender for a lot of the major projects in this state and have done with previous governments of all flavours. I think we are at a point where we have got the major contractors and the subcontractors really embracing the

policy that this particular bill encompasses. As I said, it is something that this government should be really proud of.

The work that this government has done with survivors of domestic violence in promoting the government agencies, the government infrastructure program and other programs working with groups like McAuley women's services that have the expertise in placing survivors of domestic violence is something that we are really proud of. We want to enshrine these practices by delivering this particular piece of legislation.

The opposition asks why this piece of legislation is needed. I think this legislation is needed in case at some future date there is a coalition government that actually does not believe that these opportunities should be created for Victorians, that does not believe that all the steel should be Australian steel, that does not believe that there should be a point of mandating local jobs but believes that there should be international competition because that may be a cheaper way of going about things.

Well, I have got to say that none of that would make sense, because the social impact of making sure local Victorians are employed — some of them in cohorts of underemployed groups, as I said — is enormous. Employment changes people's lives, so when you look at the infrastructure program, where the major tenders have encouraged social enterprises to get an opportunity to win some of the subcontract work, and when you look at some of the successful companies, non-government organisations and not-for-profits that have won work for people that they employ in the program, I think it is another thing that this government should be very proud of.

When you look at Knoxbrooke disability services, they have won a number of tenders for their nursery out in Evelyn that employs well over 100 people with intellectual disability and not only trains them in horticulture certificates but also gainfully employs them and pays them the correct award rates. Their winning a contract in our infrastructure program has meant that they have been able to put on dozens of extra workers with intellectual disabilities. When you look at Outlook, which is another not-for-profit that does a lot of work in waste management, it has won a number of tenders from our major projects in our infrastructure program. Outlook not only employs people with intellectual disabilities, it also employs some people from refugee groups, employs some long-term unemployed and employs some transitioning workers from industries that have downsized, and because of the work it has

won, it has been able to employ dozens extra of these types of Victorians in its company.

I think that today is a very important day when we enshrine this in legislation so all future Victorian governments continue to take this policy forward. The opposition can play down the jobs commissioner, but the jobs commissioner will play a very important role in this. As much as there is good intention by the government departments and there is good intention by major contractors that are building major infrastructure for Victoria, unless it is constantly monitored and unless it is constantly advanced, this is something that can slip away. This government has no intention of seeing the work that this government has implemented over the last three and a half years slip away any time in the future.

I would hope that everyone in this chamber would agree that when the government is generating major projects and when the government is procuring volumes of items needed for government departments, there should be a simple view that if there is a Victorian that can supply that particular thing being procured, if there is a Victorian that can be employed in a role on those particular projects, then we should make it as easy as possible for that to happen. So I think the title of the bill encompasses exactly what we are trying to achieve. We are trying to achieve Victorians getting a go first. We accept that some skills may have to come from different jurisdictions in some cases, but we also want to see people being trained up to fill those roles in the future as well.

Getting back to talking about the major infrastructure program that Victoria has embarked on, this program has a 10-year life span from when we talk now. If having 10 per cent of the workforce made up of apprentices and trainees on all those projects for 10 years is implemented, we will be in a position where we can train at least three generations of the next tradespeople to supply their skills and keep this state in the healthy state we want to see it proceed in.

I will finish where I started. I want to commend the Minister for Industry and Employment, Minister Carroll, for all the work he has done with this. I want to commend my government for all the work we have put into this bill — not only this bill itself but also the work that was done to bring this bill about. I look forward to the bill passing, and I think when we all leave here one day we will all look at how it has progressed into something this whole chamber should be proud of.

Ms LOVELL (Northern Victoria) (17:51) — I rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I will not speak for very long on this bill tonight. The purpose of this bill is to change the title of the Victorian Industry Participation Policy Act 2003 to the Local Jobs First Act 2003, to legislate current government policies around local content and required apprentice and training places on government projects, to appoint a Local Jobs First commissioner for the promotion and advocacy of the government's procurement policies and to add an enforcement regime to the government's procurement policies.

In Shepparton we have had a number of projects that were funded and planned by the Napthine government but have been largely built and completed during this term of government. I would have to say that there has been some disappointment locally about local firms being able to get access to participate in those projects. Two of those projects have been the courthouse, a five-storey building in the centre of Shepparton, and the youth foyer. In fact the only reason there have been cranes in the skies in Shepparton over the past four years is that the projects were funded by the Napthine government. However, I do have to say that I have had a number of local businesses and contractors come to me expressing their disappointment that they were not able to be part of those projects.

One of those was for the procurement of blinds for the courthouse. Dollar Curtains and Blinds in Shepparton actually put in an expression of interest to be considered when it was time to tender for the blinds. They then made further inquiries about that down the track only to be told that that project did not have to go out to tender and it had gone to a Melbourne firm. They came to see me because they raised a number of issues. Not only did that take away the ability for a local contractor to tender for it and cost jobs in Shepparton, but also those blinds which are electronic blinds that rise and descend electronically will need considerable servicing. Of course every time they need to be serviced the courthouse will have to get a service technician from Melbourne, which will incur additional ongoing costs, whereas a local firm was quite capable of tendering for that contract and actually providing that ongoing service, which would have provided ongoing local jobs in our region and also kept that investment in a local company.

Builders have also approached me and expressed their concern that they are locked out of many of the contracts because of the tendering process and the preferred contractors lists in government. These jobs go then to firms that are from out of town, and yes, they

may employ some local companies to be part of their building process, but not all jobs are provided locally and many of their builders are put up in town for quite considerable lengths of time while they oversee and build those projects. We would like to see local companies have better access and better opportunities for jobs and particularly for government procurement in country Victoria. I certainly hope that this bill will lead to more local participation.

I know there were some companies that were able to provide some services at the courthouse and also at the foyer, but many of them were locked out of that process, and I think that government can do a lot better. In fact when we first announced the youth foyer in Shepparton we did insist on local job content. I am pleased that this bill will set up a process for local job content, but I would like to see it opened up even more for many of our local builders and contractors to be able to participate in the building of these projects but also for our local businesses that may be able to contribute to the fit-out, as Dollar Curtains and Blinds would have done for the blinds at the courthouse. With those few words, I will be supporting this bill.

Mr MELHEM (Western Metropolitan) (17:56) — I will also be brief. I also rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018, and I will start off by congratulating the Andrews Labor government and Minister Carroll for bringing this bill to the house.

I just want to make a couple of comments in response to Mr Ondarchie's comments earlier about bringing this bill in during the last quarter of this Parliament. The fact is that we have actually been implementing the bill; we have been doing these things since we got elected in November 2014. We have not only been talking about it; we have actually been implementing policies which are in this bill. The only thing the bill is doing is enshrining in law what we have been doing since we got into office in November 2014; now it is all becoming law. Companies like Bombardier will be able to build trams and trains in Melbourne, and companies like OneSteel will be able to supply products for local projects. This bill will now make it mandatory for any future governments to take into account local content and local jobs for trainees and apprentices. I commend the bill to the house.

Ms DUNN (Eastern Metropolitan) (17:57) — I rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. The bill amends the Victorian Industry Participation Policy Act 2003 to provide for the development and implementation of a Local Jobs First policy, the

establishment of a Local Jobs First commissioner and compliance with the enforcement of the Local Jobs First policy.

The Greens are of course supportive of high local content in construction projects in this state in terms of construction inputs, labour hours and professional inputs. However, we have one major concern with this bill: there appear to be no safeguards in the Victorian Industry Participation Policy to ensure the sustainability of inputs, specifically from the timber industry.

Now, let me make it clear: Victoria has an excellent timber products industry based on the plantation sector. The structural timber from some of our softwood plantations in Victoria is of the same grade as that from mountain ash logged from our precious, irreplaceable native forests. Furthermore, Victoria has some incredible entrepreneurs doing some amazing things with plantation timber — making high-grade products to displace wood from native forests from the market.

One example is the company 3RT, which has made a product called 3Wood that the company claims looks, feels and performs like 150-year-old tropical hardwood but is made from sustainably grown plantation trees. It does this by compressing cheap pulpwood, softwood or offcuts into blocks using litmus cellulose manufacturing technology. The product surpasses native forest hardwoods for strength and versatility and is competitive with them on price. This is one example of the possibilities of engineered wood.

There are exceptional architectural masterpieces being constructed out of engineered wood such as cross-laminated timber, or CLT. The benefit that CLT offers the construction industry is quite exciting. CLT panels are much lighter than concrete. They are more easily shaped or cut and are easier to erect. And of course there are many small workshops doing exceptional work with recycled and reclaimed timber to make furniture and appearance-grade finishings. This must be the least impactful source of timber possible.

We should be supporting these innovations in our state. We should be supporting new entrants to the timber industry, new entrants that bring us Forest Stewardship Council-certified, high-quality engineered wood that does not deplete our precious native forests, particularly the wet mountain forests of which there are precious few left. In fact there are so few left that they are listed as critically endangered. This bill is blind to those innovations. It has no stipulations around the sustainability of natural resources. Instead this bill poses the risk of pushing the procurement of native

forest timbers and undercutting the plantation sector and these innovative manufacturers.

The Victorian Industry Participation Policy must be read in conjunction with state government policy that wilfully maintains that the discredited Australian forestry standard is equivalent in sustainability to the internationally approved Forest Stewardship Council (FSC) certification. It is a ridiculous policy that forces public servants and contractors involved in the procurement process to ignore the sustainability of the timber they are procuring for a project. This draconian policy was established in 2011 by the Baillieu government but has been maintained by the Napthine government and the current government.

The results of this policy are there for all of us to see each and every day we are in this place because the walls of our new parliamentary offices are lined with *Eucalyptus regnans* — the tallest flowering plant in the world and the second tallest tree in the world. In the timber industry it is known as Victorian ash or mountain ash. The blonde panels on our office doors, the window frames and the panelling on the walls of the hallways of the new building were all sourced from Victorian ash. Our offices are literally lined with the habitat of 79 forest-dependent species, including those endangered species the Leadbeater's possum — our state faunal emblem — and the greater glider. The new academic street at the Royal Melbourne Institute of Technology is lined with mountain ash. The new building at Marist College in Bendigo is propped up with mountain ash beams. These may be some of the last buildings to ever be graced by mountain ash as supplies of it are dwindling. This is a depleted resource that has been hammered by overlogging and by fire, and the government has been completely irresponsible by not piloting the timber industry to a 100 per cent sustainable plantation supply.

We currently have a scenario where the state government-owned logging company, VicForests, has cut supply to a group of six family-owned mills in regional Victoria. So we have small to medium enterprises, exactly the types of companies that this bill should be creating opportunities for, deliberately having their supply cut by VicForests. Why has VicForests cut their supply, aside from the fact that the resource is in terminal decline? VicForests is now cutting sweetheart deals with another state-owned enterprise, the Heyfield mill. I like to call it the Premier's mill. The group of six mills in regional Victoria have raised their voices to complain that the Heyfield mill is sucking up the remaining supply of mountain ash sawlogs in Victoria. They cannot compete against a state-owned enterprise that is getting a permanently depressed price for

sawlogs and they are struggling to compete on price for the finished product.

We now have a timber products industry in Victoria that is dominated by one player. It dominates at both ends of the market — both in supply of the raw material and on the finished product. That player is state owned. It was nationalised at the behest of the Premier and the Special Minister of State. Its day-to-day operations report to the Minister for Industry and Employment, the same minister that has conveniently pushed this bill on this Parliament. This bill raises yet again the issue of anti-competitive behaviour by the Andrews Labor government in the timber industry. There are no protections for either the family-owned mills in regional Victoria or the small new market entrants creating wonderful engineered wood products from plantations against the anti-competitive behaviour of the Premier's mill.

The Greens have serious concerns about the local content provisions of this bill because of their impact on native forests. To that end we will be introducing to the house through the committee of the whole a set of amendments to address our concerns. We will, through the committee stage, address the principal deficiencies of the bill, but the fact that it does not prioritise sustainable timber over unsustainable timber that has failed to get FSC certification is a significant shortfall in this legislation.

Ms PULFORD (Minister for Agriculture) (18:06) — I would just like to thank all members for their contributions to the debate on this important legislation. As members have observed during the course of the debate, parts of this bill codify in legislation existing policy. That has been an absolutely essential part of our focus as we have been developing and executing a very significant infrastructure pipeline to grow the state's economy and to meet our future infrastructure needs. Parts of this bill also are quite minor and technical in nature.

Components of the bill relate to the enforcement mechanisms, and I know that previous speakers have indicated their interest in those aspects of the bill. What we absolutely envisage, though, is a very modern and engaged type of regulator in the role of the commissioner and that they will very much work with departments across government and agencies in assisting them to fulfil our ambitions around local content and local jobs. So I thank members for their contribution to this debate.

I note Ms Dunn's comments and observations and her foreshadowing of a potential amendment. I say this

with all due respect: I understand the Greens' longstanding views on the issues that Ms Dunn talked about. The advice that I received only about an hour and a half ago was that there were no amendments and that there were no questions to be asked in a committee stage. This has all changed very much at the last moment. I understand that while Ms Dunn has foreshadowed a desire to discuss these issues and to bring forward an amendment, as I stand on my feet at 10 past 6 at the conclusion of the second-reading debate the government has yet to see the amendment. I understand the opposition has not seen the amendment either, so on that basis it is not possible for us to support this amendment.

This is important legislation. We do not want to delay its passage, and I look forward to taking members questions in the committee stage. I understand there are a couple of brief questions people are interested in exploring. I certainly commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr ONDARCHIE — Deputy President, I think this is my very first opportunity to congratulate you on your ascension to the role of Deputy President. There could not have been a finer pick. I see Mr Melhem disagreeing, but nonetheless. With the minister's permission, I can do this clause by clause or I can do it all under clause 1 and exhaust all my questions. I got a thumbs up. Let us do it that way.

Ms Pulford — Whatever you think will be most efficient.

Mr ONDARCHIE — Minister, one of the concerns we have had is the role of the commissioner. Colloquially in industry it is being called the 'jobs cop', whose role is going to be to track major projects, to ensure local content and to avoid practices of the past. Part of the concern is that this will be retrospective and not prospective. Could you outline what is going to happen as this becomes law?

Ms PULFORD — Yes, I can, certainly. I thank Mr Ondarchie for his question, and I can certainly confirm that this will only operate prospectively.

Mr ONDARCHIE — In the definition there is a use of the word ‘goods’. It is a very vast definition that cannot possibly focus on things like locally manufactured content. Goods could consist of imported components, which could be locally assembled, which adds very little skill or adds very little value. Why is the word ‘manufacturing’ not used in this bill?

Ms PULFORD — I thank Mr Ondarchie for his question. We are very committed to the future of our manufacturing sector. We see great opportunity for manufacturing in both the application of these policies and the effect that this new legislation will give them, and I would not want any absence of the word ‘manufacturing’ to in any way be interpreted as any diminution of our commitment to seeing this apply throughout manufacturing. The language that has been used in the bill is simply to ensure simplicity, so typically it has used the word ‘industry’, but certainly when we think of industry — particularly when we think of industry in the context of local content and procurement policies — manufacturing is always very much at the forefront of our minds.

Mr ONDARCHIE — It is the view of the coalition that procurement policies should have a number of objectives. They should ensure value for money for the Victorian taxpayer; they should increase competitiveness and capability of local industry, including regional-based industry as well; and they should encourage the upskilling of Victorians through trades and apprenticeships. I think the bill will go some of the way to meeting those objectives, but I want to talk about the role of the commissioner, because it seems to be much more of a punitive role than one that would embrace business and facilitate opportunities to engage with local business. Minister, could you just outline a bit further what the vision is for the commissioner?

Ms PULFORD — Certainly. From time to time in this place we do not agree on things. Sometimes we find ourselves not agreeing on things, but I thought your description just then of some of the objectives of a strong procurement policy and some of the words that came out of your mouth, Mr Ondarchie, were words that I have most readily agreed to of all the things I have ever heard you say.

An honourable member — Can we mark this moment?

Ms PULFORD — Absolutely. Someone take a photo. Value for money, building skills, building capacity and doing that both for our metropolitan but also for our regional businesses and workplaces — I

think that so many people in the Victorian community can agree with those objectives, the shared objectives, that we have here.

Apart from that preamble, which I did find myself nodding along furiously to, Mr Ondarchie’s question was really more about the government’s intent in terms of the way the commissioner will operate. As I indicated in my brief remarks at the end of the second-reading debate, it is the government’s view that the role of the commissioner will not be punitive. Yes, I have also heard the role described as the ‘jobs cop’, and that is a little Hollywood. The way that we envisage the commissioner’s role being undertaken is very much around encouragement and building capability and really in the manner of being a positive regulator and a modern regulator assisting everyone to be operating at the standard that the policy and that the legislation require and agree on. So it is not envisaged that departments would be punished, and as Mr Ondarchie would say from his consideration of the bill, as would other members, the failure to comply and the process by which that works will really be a public remonstrance and a notice process rather than, say, anything more heavy-handed like a penalty.

So we take this very seriously, but the organisations that are subject to the commissioner’s oversight of their participation and support in the policy are organisations that are also subject to government policies. It is a very important signal to send to all of those departments and all of those agencies that are making purchasing decisions on behalf of Victorians through the decisions of the government of the day that really this is about encouraging and supporting compliance, and as Mr Ondarchie indicated, not only building that capability in industry, where we know that there is a great desire to be building that capability for businesses small, medium and large, but also building that capability, understanding and appreciation of the importance of local content for the wellbeing of the entire Victorian economy and making sure that is really well understood by all departments and agencies.

Mr ONDARCHIE — This is a remarkable day. We seem to be nodding at each other a bit today. Minister, one of the challenges, I think, for businesses as a result of the implementation of this bill will be to add another regulatory burden on them. We know that compliance costs businesses and red tape costs businesses; it takes away from the effective operation of a business when it has to spend more time on non-productive work such as compliance. What does the government intend to do to deal with the advancing regulatory burden that will occur as result of this bill?

Ms PULFORD — Thank you, and I do welcome the opportunity to answer this question. This legislation will in fact reduce the regulatory burden. It will bring into the one sphere of operation the Major Projects Skills Guarantee and the Victorian Industry Participation Policy, and so where businesses seeking to involve themselves in both had two separate regimes and two separate lots of paperwork to be dealing with, they will no longer be required to deal with that. So it has very much been in our thinking in the drafting of this legislation that we would go about this in a way that would make things simpler for businesses rather than more complicated.

Mr ONDARCHIE — One of the more positive outcomes of this bill could be that it provides more opportunity for Victorian businesses to grow and create jobs if we get this right, but what I am interested in hearing is: if it does drive opportunity for particularly small businesses to find new opportunities rather than challenges — and they need to grow — could you outline, parallel to this, what the government's plan is to support those businesses to grow? It would seem to me that it may set some unrealistic requirements in terms of growing opportunities for small businesses that do not have the capacity to grow naturally through this because they just have not had to do it, so I would just like to hear what the government's plan is to help those businesses to grow.

Ms PULFORD — Thanks, Mr Ondarchie. I just want to reflect on Mr Melhem's contribution, where he indicated that, in many respects, this is enshrining in legislation the policy direction that the government has been taking for some time, and we certainly would not want small businesses to be feeling in any way that this is creating an additional burden for them. The objective of this is very much about creating further opportunities, and so I think you said in your own contribution, Mr Ondarchie, that the role of the skills commissioner will be to sort of get out and about and talk to people about where the opportunities may lie for them.

I am reminded of a project that I have got responsibility for in Ballarat, just by way of example: the GovHub building, which will be around a \$100 million project to house new and existing public servants. And so what we have been doing in recent times as part of the tender process —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order, members! Thank you.

Ms PULFORD — yes, thanks — is making sure that businesses of all sizes in the local community can be aware of the opportunities that might exist for them to participate in a project that will be at a scale larger than most construction projects in the community that I live in.

I just provide that by way of one example, but a really important part of the work of the skills commissioner is going to be making sure that the information that is provided to businesses about the opportunities for them is tailored to scale. Some of our very, very large construction companies that operate in Victoria are very familiar with procurement rules and arrangements and would keep a very close eye on the government tenders list daily, but in the smaller businesses this would be less the case, and I think there is an opportunity for us to continue to improve in that respect.

In relation to Mr Ondarchie's question more broadly about what we are doing for the business community, I will be brief but essentially the infrastructure program and pipeline that the government has is an essential part of our approach to growing the economy and making it stronger. If Mr Dalidakis were in the room, he would probably be interjecting about payroll tax relief and the bringing forward of payroll tax thresholds that are lower and applied earlier than had been originally envisaged. There are many things that the government is doing to ensure that the economic settings are right to create an environment that is conducive to investment and business confidence, and we will continue to do them.

On some of these things, Mr Ondarchie, I am sure you and I would agree furiously and on others perhaps we might have a bit of a point of difference, but I do not think it is a good use of the committee's time for me to give you the long version of everything we are doing for the Victorian economy, and I do not know that my voice would hold out even if I tried.

Mr ONDARCHIE — I do respect that the minister is unwell, so I do not choose to elongate this any longer than we need to. I just want to pick up the minister's point about major organisations being able to deal with the Major Projects Skills Guarantee and the development of a local industry development plan. Whilst those tier 1 contractors will have the capacity to do that, small businesses simply do not have the capacity. I often hear from small businesses that they are confused about the regulatory reporting requirements and they also find it resource intensive to collect the information that is required, and so I am just wondering what specifically the government will do to

help small businesses participate in these Victorian projects.

Ms PULFORD — The government has invested in a program called icnanalytics, which is an online tool, and it is free for small businesses to use. It is particularly targeted at meeting their needs and responding to the kind of question that you have asked, Mr Ondarchie. That is available for anybody seeking to participate in or explore the opportunity to participate in projects valued at over \$20 million. The Office of Industry Participation and Jobs also has a role in ensuring that information is available to small businesses around the opportunities that exist for them. Certainly I can speak on behalf of my own agency, Regional Development Victoria. I know that the people in our regional business offices right across the state are certainly well versed in the gateways to access this kind of work and are in very regular communication with the local business community as well.

Very importantly also I would suggest that networks like local chambers of commerce and organisations like the Victorian Chamber of Commerce and Industry and the Australian Industry Group through their membership also do not have to but would probably be keen to provide a role in making sure that their members are available for the opportunities that might appeal to them as they move forward with their business plans and their business ambitions.

Ms DUNN — Deputy President, I think this is the first time I have had an opportunity to say congratulations on your appointment, so congratulations to you.

Earlier, in my second-reading speech, I referred to amendments that I would be presenting to the committee of the whole. I wonder if this is an opportune time to table and circulate those amendments. I will of course talk to them later. I also apologise to members of the committee for the lateness of presenting those.

I have a question on clause 1. In terms of clause 7, that is intended to amend the principal act to allow for local content provisions, is that intended to cover the sourcing of structural timber or appearance-grade timber veneers, fixtures and fittings?

Ms PULFORD — Clause 7 does not specify materials in the way that I think Ms Dunn is seeking to suggest. Ms Dunn's views on the native timber industry are of course well known and understood by members in this place. The amendments which I have just seen — and I have had about a minute to look at

them — seek to make a distinction between products that are made in whole or in part from native timber and other products, say steel or stone or literally countless other materials that might be sourced.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms PULFORD — I understand Ms Dunn's desire to make consideration of this legislation a proxy debate around the use of native timber, but clause 7 does not in either a positive or negative way — it does not in any particular way — get into the details of particular materials or a preference for particular materials. As Ms Dunn knows well, there is in place a regulatory environment that governs harvesting of native timber, but I am not sure that consideration of this legislation is really the place to have an extensive debate on that subject.

Ms DUNN — Thank you, Minister. Really my question is one of confirming whether local content that is described in the bill would be describing materials or stipulating sourcing of structural timber or appearance-grade timber veneers, fixtures or fittings. So does local content actually cover that suite of products as part of something that would be entertained in this bill?

Ms PULFORD — Yes, it would do. Again, I would refer you to earlier comments that I have made and that other speakers have made during the course of the debate. The legislation does not have any direct effect on current procurement policy. What it does is take that policy that currently sits outside this kind of legislative framework and put it into a legislative framework. It creates some new minimum benchmarks, but really, again, as Mr Melhem indicated in his contribution, the arrangements that are in place today — as we stand here with this legislation having not yet been resolved and passed by the Parliament — will not change in the material sense in that respect with the passage of this legislation.

Ms DUNN — Thank you, Minister. In relation to the sourcing of such timber products, will there be any requirement that the products be certified by the Forest Stewardship Council (FSC)?

Ms PULFORD — As I indicated, there is nothing in the passage of this legislation that would change those current purchasing arrangements or those current purchasing preferences. As I have indicated in answers to questions from Ms Dunn on the question of

consumer preference for different certification standards, including the one that Ms Dunn has referred to, this legislation does not specifically go to that question.

Ms DUNN — Thank you, Minister. The bill it would seem allows for the stipulation of sourcing of such timber products. In that they will not necessarily be FSC-certified products, I am wondering how the government will manage the competitive disadvantage faced by small family-owned timber mills that are trying to supply these products in competition with the Heyfield mill, in which the state government of Victoria has a majority stake?

Ms PULFORD — Could I suggest to you, Deputy President, that this is well beyond the scope of the bill. Ms Dunn's amendments seek to remove the native forest timber industry from purchasing policy in Victoria, and to suggest that a lack of competitive neutrality in the current composition of the timber industry in Victoria relates to even Ms Dunn's amendment let alone to the bill I think is a massive stretch.

Mr ONDARCHIE — Minister, just before the break we were talking about local industry and their support. To be honest, I am not going to move an amendment but I would like to have seen the bill called the Local Jobs and Industry First Bill, to support local industry as well.

Ms Pulford interjected.

Mr ONDARCHIE — I am not going to move an amendment — I am not going to do that. But what I am worried about is that small businesses, particularly regionally based businesses, are going to rely on somebody large to help them bring all this together. You talked a little bit about what you are doing to support small businesses, but as this rolls out do you see that either small businesses as a collective or perhaps through their industry association will have the capacity to engage with the minister about what could be declared as a strategic or standard project?

Ms PULFORD — The small businesses that would have input into existing policy through their representative organisations or through direct advocacy will continue to have those avenues available to them, and the legislation does not change that. What the legislation does is create a single point of entry — an individual and a small office with responsibility for ensuring promotion of opportunities. I think that it will certainly become simpler for smaller businesses to find

their way to these opportunities than perhaps has been the case historically.

I am here at the moment in my capacity representing Minister Carroll. But in my capacity as Minister for Regional Development I know we have been particularly mindful of the work that can be done, that is being done and that has been done in our regional Victorian communities to better promote the opportunities for them to be involved in the significant infrastructure projects that are happening in their communities. I know that there have been sessions conducted in the Latrobe Valley, for example, where the government has quite a significant pipeline of infrastructure works underway. Through the provision of that information small businesses will have a greater opportunity to know what exists there for them.

It is kind of a 'How long is a piece of string?' sort of question. For anybody operating a business, there will be a variety of appetites to be involved in these big projects, but we certainly take every possible opportunity we can to make sure that local content is as local as possible. Mr Ondarchie would well understand that our international trade obligations require local content to be defined in a particular way, but when we are talking to businesses in their own much more local community about the much more local projects, there is a job to be done there in terms of making sure that they know that these projects are going on, when the tendering is occurring and how they might be able to work with others, including larger businesses that perhaps are operating at that scale. I have certainly spoken to what you would describe as medium-sized businesses in my own neck of the woods in Ballarat that have perhaps observed that some of the projects that are underway are a bit beyond their capacity, but they are really excited about the opportunity to partner with larger organisations to be part of active and very competitive tendering for local projects.

Mr ONDARCHIE — That was a really comprehensive answer. Thanks, Minister, and we share a view about helping local businesses on the journey, and holding their hand is a very important part of supporting local businesses — not just sending them to the wolves. As I indicated earlier, I am worried that there may be some unrealistic requirements on businesses as a result of this legislation. For example, I share the view that particularly in regional Victoria we need to grow and support businesses to meet the government's employment targets, such as demonstrating that 2.5 per cent of their workforce is comprised of Indigenous people. I share the commitment we all have in securing more opportunities and more jobs for Indigenous people. I think it is going

to be difficult for small businesses to bring this all together unless they get additional support. I wonder if imposing metrics and targets without adequate support for business and disadvantaged people is more likely to generate sustainable employment opportunities. I am worried that this may place some unrealistic expectations on businesses. It is defined very much in how this bill is going to roll out, but I wonder what flexibility government is going to have to deal with those small businesses which are flat out trying to do the doing without making sure they meet those targets, particularly in regional Victoria.

Ms PULFORD — The targets generally apply to whole of project. Again I am sorry. I am blaming the Codrals for my lack of creativity, but let me give you another example from Ballarat: the Eureka Stadium upgrade.

Mr Ondarchie — Do you need more lighting for that one?

Ms PULFORD — It has got good lighting, and the lighting was sourced locally.

Mr Ondarchie — Apparently it does not have good lighting.

Ms PULFORD — Governments are not responsible for the weather in Ballarat, I am afraid. In fact I am thankful that we are not responsible for the weather in Ballarat. Pretty much everything in that project was sourced locally by the builder that won the contract — not from the government but from the local council that was delivering that project. The one thing that could not be delivered was the seats, so lots and lots of different businesses — small and large — were able to participate. To extrapolate that example, the targets apply to whole of project rather than, say, a small business that might have an order for a couple of thousand parts — some very specific component, perhaps the screws to put the seats in the stadium, for instance, so they do not jiggle around too much when the game gets exciting.

We are confident that there will not be any unforeseen imposition on small businesses. This is very much about the opportunity to enhance their participation in local purchasing. Of course lots of our small businesses would not have taken the opportunity to be involved in local content and looking at local content policy before, but others have and do and will, and we just want more of them to be open to those opportunities.

The role of the small business commissioner and the staff in their office will really be to spread the word to ensure that all government departments and agencies

are doing the right thing and sort of sharing the opportunity around so that the economic benefit of our big pipeline of infrastructure projects — as much of that and as high a percentage of that as humanly possible — can be captured in the local economy to address the skills challenges that we have in different parts of the Victorian economy and that some of those other targets that you have referred to, including Indigenous employment and the things that we all agree are worthwhile goals of the policy, are able to be advanced and achieved.

Mr ONDARCHIE — Minister, as we seek to conclude the Codral committee here, I have got one question before we deal with the last-minute amendment that has arrived, and it is this: further in the bill it allows for the commissioner to request an agency to conduct an audit of its compliance with the Local Jobs First policy or local industry development plans. The bill also, in new section 18(h), allows for the commissioner to monitor and report on compliance with the Local Jobs First policy and local industry development plans. What is not clear in the bill is how industry can raise concerns with the commissioner by way of discussion rather than just a decision by the commissioner.

Ms PULFORD — The commissioner will operate in a really open-door kind of way. The website, the communications material and the information that the commissioner provides to businesses as part of their everyday engagement will be designed to be very encouraging for people to be able to just pick up the phone. So if there is a business that feels that, say, one of the departments or one of the agencies has not provided the opportunities that are consistent with the policy and consistent with the legislation, then we would certainly be very encouraging, and the commissioner will be very encouraging, of people just picking up the phone and having that conversation or sending an email or communicating however they want to.

Mr ONDARCHIE — Thanks, Minister. Finally, can you just outline for the house what the budget allocation is for the provision of the Local Jobs First commissioner?

Ms PULFORD — Thanks, Mr Ondarchie, for your question. I think I can answer part of that now and part of that in a few minutes. That information is in budget paper 3, but some of the presentation of it for the financial year includes the office as it currently operates and the commissioner and also which functions will be undertaken by the commissioner and which will be still

done by the office. So I am just getting that breakdown for you, and it should not take terribly long at all.

What I can indicate, though, is that that allocation in this year's budget includes an expansion of Industry Capability Network services and a particular focus in regional communities as well, so there will be additional resources for the Industry Capability Network in a range of areas. Regarding the very specific answer to your question, if you would like and if it is okay with our new Deputy President, I could take that on notice for just a few minutes. We could continue and maybe get to Ms Dunn's amendment, and then I can come back to you with the answer, or we can just wait.

Mr ONDARCHIE — I am absolutely cool with that, and on that basis I have no further questions on clause 1.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7

The DEPUTY PRESIDENT — I invite Ms Dunn to move her amendment 1, which is a test for her amendments 2 and 3 to the same clause.

Ms DUNN — I move:

1. Clause 7, page 4, line 13, after "industry", insert "other than goods that are, or are made in whole or part from, native forest timber".

The amendments of course go on to define what native forest timber is. Specifically this amendment is about ensuring that our native forests are in fact excluded from any local content that might be part of a project or the scope of a project that is contemplated in this bill. I do apologise to members of the house for the lateness of this amendment. I realise that it is far less than optimal for all of us. I do apologise, because I know that that is not within the conventions of the house, and we do not like to break the conventions of the house. However, this is an issue that is incredibly important to the Greens. Our native forests are far too precious to be logged for any reason, whether that is for veneers, whether that is for fixtures or fittings, or whether that is even to make copy paper, so this amendment seeks to exclude them from any procurement activities that might be contemplated as part of local content under this bill.

Ms PULFORD — As I indicated earlier, the government will not be supporting this amendment for a few different reasons, not insignificantly the very short notice but also because it is not the intention of clause 7 to be making a distinction between some

materials and others. Finally, I just make the point that the opportunities that exist for businesses in Victoria from a strengthened industry participation policy we want to be available to all businesses.

Mr ONDARCHIE — Consistent with Liberal-National coalition process in this house, we will not be supporting an amendment that we got at the 11th hour. We have had no time to consider this and, irrespective of what is in here, we will not be considering it today, so we will oppose it on that basis.

Committee divided on amendment:

Ayes, 5

Dunn, Ms
Pennicuik, Ms
Ratnam, Dr (*Teller*)

Springle, Ms (*Teller*)
Truong, Ms

Noes, 34

Atkinson, Mr
Bath, Ms
Bourman, Mr
Carling-Jenkins, Dr
Crozier, Ms
Dalidakis, Mr (*Teller*)
Dalla-Riva, Mr
Davis, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Fitzherbert, Ms
Gepp, Mr
Jennings, Mr
Leane, Mr (*Teller*)
Lovell, Ms
Melhem, Mr

Mikakos, Ms
Morris, Mr
Mulino, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Pulford, Ms
Purcell, Mr
Ramsay, Mr
Rich-Phillips, Mr
Shing, Ms
Somyurek, Mr
Symes, Ms
Tierney, Ms
Wooldridge, Ms
Young, Mr

Amendment negatived.

Clause agreed to.

Ms PULFORD — If I could just take the opportunity to come back to Mr Ondarchie on that last question. We were just getting the breakdown from the budget papers. The budget allocated \$5.8 million over two years to the Office of Industry Participation and Jobs, and to the Local Jobs First commissioner and personnel for the office, \$1.5 million over two years. The Office of Industry Participation and Jobs will support the commission.

Mr Ondarchie interjected.

Ms PULFORD — It is \$1.5 million.

Mr Ondarchie — I could not hear you. I am assuming it is in *Hansard*.

Ms PULFORD — It is in *Hansard*, and I will pass you the piece of paper.

Clauses 8 to 19 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Bendigo rail line

Ms LOVELL (Northern Victoria) (19:00) — My adjournment matter is for the Minister for Public Transport, and the action I seek from the minister is that she acknowledge the chronic problem of trains on the Bendigo line arriving late to their destinations and provide a commitment to improve the punctuality of services as a priority for the benefit of passenger rail commuters travelling between Bendigo and Melbourne.

The Minister for Public Transport continues to talk up the passenger rail service between Bendigo and Melbourne. Unfortunately many commuters who travel on the service do not agree with the minister's assessment. I receive regular complaints from constituents regarding frequent delays on trains running between Bendigo and Southern Cross station. One of my constituents travelled on the train between Kangaroo Flat and Melbourne 170 times during an almost five-month period. The constituent kept a diary of each journey, providing a damning snapshot of the reality of services on the Bendigo line. Of the 170 journeys, only 28 services ran to schedule or arrived at their destination early. Eighty-three per cent of the journeys recorded disruptions and arrived after the scheduled arrival time. My constituent arrived at her destination more than 1 hour late on two occasions, meaning that she was eligible for compensation. The constituent reports that in many instances she and fellow passengers were not given an explanation as to why the trains were delayed. The constituent described the performance of the rail service she experienced as 'inconsistent' — a very charitable description, given the data presented.

Train delays on the Bendigo line are an embarrassment for the minister and are affecting her own constituents in Bendigo East. The action I seek from the minister is

that she acknowledge the chronic problem of trains on the Bendigo line arriving late to their destinations and provide a commitment to improve the punctuality of services as a priority for the benefit of passenger rail commuters travelling between Bendigo and Melbourne.

Jobs Victoria Employment Network

Mr LEANE (Eastern Metropolitan) (19:03) — My adjournment matter is directed to Jacinta Allan as the Minister for Public Transport. I spoke about this on one of the bills we debated today. I had a really good conversation with a veteran who has done a lot of good work in making sure returned servicemen and servicewomen who have left the service are getting an opportunity to work in our infrastructure program. In our discussion he told me that a returned serviceman who unfortunately lost both of his legs below the knees and one of his arms over in Iraq due to an explosive device has recently started with one of the major contractors that are working on the Victorian government infrastructure program.

The action I seek from the minister — this is obviously from a great policy that she has been very proactive in establishing — is that she ensure that all major projects, particularly those that come under her responsibility, utilise the 2017 Jobs Victoria Employment Network list, which includes cohorts of unemployed Victorians that it did not include in 2016. These include transitioning workers, veterans, long-term unemployed people and single parents. I think this is really good. This has been a successful program. I congratulate the minister on her initiation of this and ask her to ensure that all future contracts include these cohorts.

National Centre for Farmer Health

Mr RAMSAY (Western Victoria) (19:04) — My adjournment matter tonight is for the Minister for Agriculture, the Honourable Jaala Pulford, and the action I seek is for the minister to indicate what programs have been developed by the National Centre for Farmer Health to deal with the social problems associated with farmer suicides and how these programs will be or are being performance tested.

Unfortunately this subject is critical to our modern dialogue on rural Victoria, and never more so than now as north-west Victoria begins to feel the effects of the emerging drought. Despite the somewhat grizzly weather over the last day or so, Victoria is experiencing warmer and drier weather conditions. Given the drier soil, what rain does fall is being soaked up by the parched land, leaving very little to trickle into the rivers and storage systems. Southern Australia experienced

one of its driest autumns since 1900. Western Australian farmers and those in northern New South Wales are struggling with the drought that has well and truly arrived in those locations. Hay is in short supply, and prices are rising. With no feed in the paddocks, farmers are forced to buy in what they can or are forced to sell their stock early at low prices. It is all about survival.

Reflecting on this growing unease, the federal government announced financial support programs for farmers on the weekend. Those receiving the farm household allowance are eligible for two lump sum supplementary payments, worth up to \$28 000. Also the net asset eligibility threshold increased from \$2.6 million to \$5 million, which will help 8000 more farmers access the help they need. But what is the state government doing to help? That is the premise of the action I am seeking from the minister. It is our turn; it is our state.

This is a state government which has traditionally focused very much on the inner-city vote, and it is now time to look at our regional farmers, who leading up to the spring and summer months may well face similar types of hardships to those our northern-border farmers are currently facing. No-one is talking about a break in the weather anytime soon. It is so urgent that we must act now and make sure we do everything we can to be prepared. Our farmers must know that we care and that we will act to support them in any way possible. Farmers produce over \$13 billion of agricultural product, making them the biggest producer in Australia. They do not call it the food bowl for no reason, but it is slowly turning into a dust bowl. It is a stress to those involved. Farmer suicide rates have been increasing. The mental health of our country backbone must be our focus alongside every other support measure we can think of.

So the question and action I am seeking from the minister is: what is she doing to ensure farmers' health and wellbeing is being considered during this time of drought and what programs are being undertaken by the state-funded National Centre for Farmer Health to support farmers during this period?

The ACTING PRESIDENT (Mr Melhem) — Mr Ramsay, I ask you to paraphrase the action because it is somewhat coming across as a question. If you are able to paraphrase that, it would be good.

Mr RAMSAY — I am happy to. In fact the action was in my first four lines, Acting President, and I do appreciate that you may well have missed the action within that. My adjournment today is for the Minister

for Agriculture, Jaala Pulford, and the action I seek is for the minister to indicate what programs are being developed by the National Centre for Farmer Health to deal with the social problems associated with farmer suicide and how these programs will be or are being performance tested. That is the action I started off with.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Mr Ramsay. That is great.

Eastern Victoria Region sporting club funding

Ms SHING (Eastern Victoria) (19:08) — I rise this evening to seek a level of assistance from the Minister for Sport, Minister Eren, in the other place, and it relates to a number of clubs that I have been working closely with to understand their needs and to understand the extent to which they want to be competition and league ready and to encourage more people to participate across a number of codes not just in the course of everyday training and competition and home-and-away games but also in the context of major events which are coming up on the regional sporting calendar.

In this regard there are a couple of projects within the Baw Baw shire which require funding to provide lighting of 100 lux across three soccer pitches. They are at two reserves in Drouin and Trafalgar, and the lighting would enable the clubs to participate in upcoming events. I will put my actions in an aggregate at the end to avoid any confusion about compliance with the rules. East Gippsland Shire Council is also the home of a sporting facility which requires 150-lux floodlighting for a senior pitch at the East Gippsland United Football Club. Again this is a facility which has some way to go to become competition and play ready, particularly after the sun sets. The third item on which I have been working with the club and local council relates to the Korumburra Recreation Reserve and to work that is being done to provide female-friendly change rooms in the facilities there and to upgrade umpire amenities as well.

These projects are all really important to the local communities where they are situated — in Korumburra, in East Bairnsdale and in Drouin and Trafalgar respectively. I seek that the minister provide funding — and this may be under a number of allocations or envelopes — for these three particular projects to enable lighting to be installed at two reserves in Drouin and Trafalgar, to enable lighting to be installed at the East Gippsland United Football Club in East Bairnsdale and to enable change rooms and female-friendly facilities to be upgraded at the Korumburra Recreation Reserve.

Autism spectrum disorder

Mr FINN (Western Metropolitan) (19:11) — I wish tonight to draw a matter to the attention of the Premier. I have for some months been working with a group called Friends of Autism Plus, which support an agency which provides much-needed support for families particularly in the western suburbs who have badly affected children, many of whom are adult children, with autism. Many of these adults have been through many services and have struggled to assimilate into those services and have found a home at Autism Plus. Now the parents are very, very concerned because Minister Foley has appointed an administrator, and they are very concerned about the future of Autism Plus as an agency that they can rely upon. Many of them are suffering from extreme anxiety as a result of this situation. I was at a meeting last night at Victoria University at St Albans where both the administrator and the department were represented. Neither could give any guarantees or any assurances on the future for these people's loved ones.

What I am particularly concerned about is that last night it became clear to me that there are, it would seem, 72 Victorians currently being housed in Victorian prisons simply due to having autism. There are 72 people in prison in Victoria because they have autism and there is nowhere else for them to go. This is a scandal of enormous proportions if true. This is something that should be addressed as a matter of urgency. It causes me enormous distress to hear that that sort of thing is going on. If this is true, we are really scraping the barrel. Can we even call ourselves a civilised society?

So I am asking the Premier, given that those in the autism community have very little faith in Minister Foley, particularly after this massive stuff-up with Autism Plus, to institute a full independent investigation not just into Autism Plus and the services they provide but also into this allegation that there are 72 people in prison purely because they have autism.

Country Fire Authority Western Victoria Region brigades

Mr MORRIS (Western Victoria) (19:15) — My adjournment matter is for the attention of the Minister for Emergency Services, and it relates to Country Fire Authority (CFA) brigades across Western Victoria Region. Unfortunately so far this year we have seen in the order of 10 CFA brigades across western Victoria broken into. These thefts are occurring at an alarming rate and these criminals are stealing things like GPS units, chainsaws, laptops and other goods and things

that are used by CFA brigades across western Victoria. A variety of CFA brigades have been attacked in this way. The brigades at Snake Valley, Napoleons-Enfield and Berringa, amongst others, have had very important equipment stolen from them.

Not only is it an absolute disgrace that these burglaries are occurring but it also places community safety at risk. A number of these thefts have only come to be known a number of days after they occurred due to volunteers attending their stations. However, had there have been an emergency during this time, obviously this important equipment that the CFA volunteers use would not have been available to them. This is a wholly unsatisfactory situation that these CFA fire brigades find themselves in, so the action that I seek is that the minister provide additional funding to western Victoria CFA stations to address the rampant break-ins that are occurring.

Responses

Ms TIERNEY (Minister for Training and Skills) (19:16) — There were six adjournment matters this evening. The last was from Mr Morris to Minister Merlino in relation to Country Fire Authority brigades being broken into and seeking additional funding to deal with that matter. There was a matter from Mr Finn to the Premier in relation to Friends of Autism Plus and seeking an investigation into 72 Victorians allegedly being in prison purely because they have autism. The fourth matter was raised by Ms Shing to the Minister for Sport. She was seeking support for funding for three soccer pitches in the Baw Baw shire, floodlighting in the East Gippsland shire for the East Gippsland United Football Club and also an upgrade of facilities at Korumburra. There was also a matter from Mr Leane to the Minister for Public Transport seeking assurances or action from the minister to ensure that all future contracts that are awarded in her portfolios in terms of major projects include employment for veterans and in particular injured veterans for employment. The first matter was raised by Ms Lovell to the Minister for Public Transport seeking action from the minister in terms of punctuality improvements on the Melbourne–Bendigo rail line.

There was also a matter from Mr Ramsay to Minister Pulford in relation to what the state government might be doing to help in relation to capacity and resilience issues for farmers in Victoria and indeed whether there could be some assistance in relation to the severe drought that is being experienced in other parts of the country. I do applaud Mr Ramsay's ongoing commitment to the health and welfare of

farmers in this state, but I cannot forget the fact that it was the previous government that cut all state government funding to the National Centre for Farmer Health. Even after huge campaigns that centre nearly had its doors closed. It had to let a number of staff go. When we took government again we restored that funding. I do understand the sentiments, but you cannot say one thing and do another.

I have 13 written responses to adjournment debate matters raised by Mr Leane on 20 September 2017, Ms Shing on 20 September 2017, Ms Lovell on 20 February 2018, Mr Leane on 6 March, Ms Wooldridge on 8 March this year, Ms Lovell on 27 March, Ms Lovell on 9 May, Ms Symes on 10 May, Mr Ondarchie on 5 June, Ms Shing on 8 June, Mr Davis on 19 June, Ms Lovell on 19 June and Ms Lovell again on 20 June.

The ACTING PRESIDENT (Mr Melhem) — On that note, the house stands adjourned. See you tomorrow.

House adjourned 7.20 p.m.

