

PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

DAILY HANSARD

Wednesday, 22 August 2018

**SUGGESTED CORRECTIONS FOR THE FINAL EDITION MUST BE NOTIFIED TO THE EDITOR (ASSEMBLY) BY
4.30 P.M. — MONDAY, 27 AUGUST 2018**

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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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

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

Speaker

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

Acting Speakers

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,
Ms Thomson, Ms Ward and Ms Williams.

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The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

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 ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
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Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison ⁷	Northcote	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
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Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma ¹⁰	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ Resigned 2 February 2015

¹⁰ Elected 18 November 2017

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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09:30:00

Wednesday, 22 August 2018

The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 a.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER (09:33) — Order! Can I issue a very warm welcome in the gallery today to a delegation from the Indian state of Tamil Nadu, led by the Honourable Dr Chinnathambi Vijayabaskar, the Minister for Health and Family Welfare in that state.

NOTICES OF MOTION

Notice of motion given.

Removal

The SPEAKER (09:34) — I advise the house that notices of motion 5 to 8 will be removed from the notice paper unless members wishing their notice to remain advise the Acting Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petition presented to house:

Capel Caravan Park

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean draws to the attention of the house:

1. The recent sale of the Capel Caravan Park in Capel Sound, currently with a 90 per cent occupancy of permanent residents, equating to 100 families and individuals who now face an uncertain future.
2. That the government take all steps necessary to assist residents to find alternative affordable accommodation should they choose to relocate.
3. That, as part of the current review of the Residential Tenancies Act 1997, the government investigate protections for tenants against financial loss should a residential caravan park be sold.
4. A compensation regime already exists in NSW and could at a minimum be considered in Victoria in order to assist vulnerable residents to relocate.
5. That the costs for such relocation assistance may be far less than providing emergency housing and rental subsidy over the longer term to otherwise homeless residents.

By Mr DIXON (Nepean) (137 signatures).

Ordered that petition be considered next day on motion of Mr DIXON (Nepean).

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

09:35:00

Methodologies and outcomes from Victorian Ombudsman reports tabled in the Parliament

Mr ANGUS (Forest Hill) presented report, together with transcripts of evidence.

Tabled.

Ordered that report be published.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE**Career advice activities in Victorian schools**

Mr CRISP (Mildura) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be published.

DOCUMENTS

Tabled by Acting Clerk:

Surveyor-General — Report 2017–18 on the administration of the *Survey Co-ordination Act 1958*.

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

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

RULINGS BY THE CHAIR**Questions without notice**

The SPEAKER (09:37) — Yesterday the manager of opposition business took a point of order about the Minister for Veterans' answer to the Leader of the Opposition's first supplementary question regarding his responsiveness. The minister was required to respond insofar as the question related to his portfolio duties or

the government action outlined in the Ombudsman's report. In referring to previous answers in the house and the Ombudsman's investigation, I consider that the minister was responsive.

MEMBERS STATEMENTS

Maiden Gully YCW football-netball ground

Ms EDWARDS (Bendigo West) (09:38) — On Saturday night in freezing conditions, I had the honour of officially turning on the new lights at the Maiden Gully YCW football-netball ground. The ground is located at the new Marist College site. Three netball courts and the senior and junior football ovals at the college are now able to realise their full capacity through a mix of competition and training standard lights, thanks to a \$100 000 contribution from the Andrews Labor government through the Community Sports Infrastructure Fund in partnership with the City of Greater Bendigo and an enormous effort by the club to raise \$76 000. Congratulations to the club for their community spirit and volunteer fundraising efforts. The first premiership season match under the new lights was played between Maiden Gully YCW, second on the ladder, and Newbridge, who are first on the ladder, and Newbridge were resounding winners by 99 points. Of course I had to declare my conflict of interest in the game, as my son-in-law is coach of Newbridge. The new sports precinct at Maiden Gully will serve this growing community well into the future.

Bendigo Violet Street Primary School oval

Ms EDWARDS — Bendigo Violet Street Primary School is set to get a new oval thanks to \$110 000 in funding from the Andrews Labor government. A big shout-out to school captain Thomas Daniels, who publicly raised the issue of the news of the school oval being in need of an upgrade and advocated strongly for this upgrade. I was thrilled to be able to support the school with this funding and announce it at their school assembly. Many of the students are avid soccer players, and the new oval will have a soccer pitch and goals as well as landscaping and drainage works to ensure all who attend the school have access to the very best of facilities.

09:40:00 **The SPEAKER** (09:39) — I have been advised that in the gallery today we have in our presence a number of Vietnam veterans, some of whom have recently received citations for gallantry at the Battle of Coral-Balmoral. We are of course commemorating the 50th anniversary of that battle this year. I welcome those veterans to the gallery.

Life Activities Club Knox

Mr WAKELING (Ferntree Gully) (09:40) — Firstly, I would like to congratulate the Life Activities Club Knox on their 31st birthday, which I had the honour to attend last week. I pay tribute to Sandra O'Donnell, the president of that club. Members of that club do wonderful work within the City of Knox, and congratulations to all involved.

Lynn Brewster

Mr WAKELING — I had the great pleasure of presenting Lynn Brewster, an outstanding resident in Ferntree Gully, with her Victoria Day award for her outstanding service at Foothills Community Care, where she has provided dessert on a voluntary basis for 250 nights over an 11-year period. I congratulate her and all of the volunteers who provide great work for this voluntary organisation.

Mountain District Netball Association

Mr WAKELING — On the weekend I had great pleasure in attending the netball grand final at the Mountain District Netball Association. Congratulations to everyone involved, to Christine Marshall, vice-president of the association, and all the clubs for another outstanding year.

Whitehorse Showtime

Mr WAKELING — Also congratulations to the local scouts and guides from the Mount Dandenong district who participated in the Whitehorse Showtime presentation. I pay tribute to everyone involved in that organisation. Also congratulations to my local scout and guide groups that were involved, including my children, Emily and Thomas, who were participants. I know they had a wonderful time.

Vietnam veterans

Mr WAKELING — Can I finally just also pay tribute to the Vietnam veterans in the gallery. On behalf of the Liberal and National parties, we congratulate you on your service. Thank you.

Graham McBride and Jim Hyde

Mr FOLEY (Minister for Housing, Disability and Ageing) (09:41) — I rise to mourn the passing of two fine Victorians who recently passed away.

Graham McBride was a lifelong advocate for social justice. He was a young Christian worker in his day, a social reformer, an international aid worker, a leading

figure of the Port Melbourne community, the founder of the Port Melbourne Historical and Preservation Society and a lifetime member of the Australian Labor Party. His commitment to social justice and the Labor Party will be long remembered by all those whose lives he touched, as was reflected in the large turnout at his recent funeral.

I also mourn the passing of Jim Hyde, a long-time advocate in the LGBTI community, an HIV activist, a leading figure in the Victorian AIDS Council and a leader in the public health sector, including in a stint as the director of public health in the then Department of Health. He was also prominent in the media and an all-round activist for the wellbeing of the LGBTI community. His sudden stroke and recent passing have left many saddened by his passing.

Both Graham and Jim were deeply loved by family, friends and community. They will be missed by us all.

Vietnam veterans

Mr FOLEY — With you, Speaker, I join in marking by recognition the service of our Vietnam veteran community in a war that far too many of us are still unfamiliar with. On behalf of the government, I admire their service and wish them all the best.

Vietnam veterans

Ms RYAN (Euroa) (09:43) — I too want to acknowledge the Vietnam veterans who join us today. I was delighted to again attend at the Mitchell sub-branch for the Vietnam veterans service on Saturday to mark Vietnam Veterans Day. It was a particularly moving service because the branch marked the 50th anniversary of the Battle of Coral-Balmoral and the involvement of our local veterans, including John Phoenix, John Blackwell, Ian Warren and Bruce Tarran. The Unit Citation for Gallantry has of course been a long time coming to those men.

Army Tank Museum, Puckapunyal

Ms RYAN — I have written today to the Chief of the Defence Force, asking him to consider an allocation of funding to move the Army Tank Museum at Puckapunyal to the front of the base. The construction of a new museum there has been spoken about for a very long time, but frustratingly we have not had much action. I will continue to fight for this project because I think it can bring great tourism to Seymour and it ties in very nicely with the Vietnam veterans wall that we have there and also the Light Horse park.

Benalla P-12 College

Ms RYAN — Last week I met with Benalla P-12 College's new principal, Tony Clark, to discuss the school's funding predicament. While the Treasurer is out there telling us that it is the best of times, students in Benalla are stuck in decaying buildings. The school council has worked very hard on its master plan, but the school still has a huge funding shortfall on the \$11.5 million that we committed at the last election. I think that the Premier should explain to Benalla students how it is the best of times for them when the school has been starved of funding.

Battle of Coral-Balmoral veterans

09:45:00

Mr EREN (Minister for Veterans) (09:44) — The year 2018 marks the 50th anniversary of the battles of fire support bases Coral and Balmoral in the Vietnam War. Coral-Balmoral was Australia's longest series of battles in Vietnam. It lasted 26 days, and we lost 25 Australians. We lost eight Victorians: Ian, Larry, John, Robert, Bevan, Richard, Lindsay and Jeffrey. Again and again the men at these bases defended against strong attacks from rockets and mortar with tenacity and, certainly, extraordinary gallantry. It was on that basis that the commonwealth recently awarded the units which fought at Coral-Balmoral the Unit Citation for Gallantry, which is very much deserved and long overdue. I was proud to advocate to the commonwealth that these units finally receive this recognition.

I wish to notify the Parliament that we have several Coral-Balmoral veterans as well as family members and supporters of veterans here today to hear this statement. To you I reiterate my admiration for your service, and on behalf of all Victorians I thank you. I know at times you have felt that your service has been overlooked. I hope that this year, the 50th anniversary of the gallant defence of the bases, you feel that you have been recognised and appreciated. Lest we forget.

Mornington Peninsula planning

Mr MORRIS (Mornington) (09:46) — I rise this morning to condemn the Minister for Planning for his decision to strip Mornington Peninsula shire of its planning powers for Kaufland supermarkets. The Labor Party likes to claim that planning decisions are best made locally. Unfortunately their rhetoric rarely matches their actions.

There have been very few ministerial interventions in the Mornington Peninsula shire, but they have all come from the Labor Party. The most recent flawed decision imposed a high-density residential development regime

across the peninsula. But they have form in retail planning as well. In 2010 then Minister for Planning Justin Madden intervened to approve, without proper consultation, the Masters development at Mornington. That decision took an industrial site and converted it into a retail site overnight, delivering an enormous windfall profit for the landholder, and fragmenting the shopping centre. Of course Masters did not last long, perhaps in part because of the poor planning that Labor imposed.

In this case the site that is proposed for the new supermarket has been planned for decades as parkland industrial. It is intended to provide a pleasant treed entrance to the town and in a very practical way prevent the mistakes that have so often been made on arterial roads by allowing wall-to-wall retail development and making the traffic impassable. I call on the minister to live up to his rhetoric, recognise his overreach and reinstate the Mornington Peninsula shire as the responsible authority for the Kaufland proposal.

Jane Flanagan

Mr J. BULL (Sunbury) (09:47) — I would like to wish Jane, who is one of our fantastic parliamentary attendants, and who is on her way out of the chamber, a very happy birthday. Have a great day.

Sunbury railway station car parking

Mr J. BULL — Last week I had the great pleasure of joining the Minister for Public Transport to confirm more car parking for commuters in my electorate. The announcement follows \$60 million from the Victorian budget to allocate over 2000 additional car parks at metropolitan stations. The current deck at the Sunbury station will be extended by adding an additional level and making it quicker and easier to drive to the station and catch the train. We expect this will deliver over 300 new spaces, with construction to commence in 2019.

There are people who like to make a lot of noise talking about issues but never make any real move to fix them, and then there is our government. We take the problems and get on with fixing the issues at hand. I am very pleased to have been advocating strongly, alongside Sunbury residents, for these spaces. I would like to thank the minister and of course all locals who spoke to me about this issue.

Sunbury Lions Football Netball Club

Mr J. BULL — I would like to congratulate the Sunbury Lions under-18 girls football side on winning back-to-back premierships on the weekend. They

fought back to level the game at half-time, kicking against the wind, and got over the line against Keilor, which was a terrific effort by all involved.

Solar homes program

Mr J. BULL — A re-elected Andrews Labor government will help Victorians save around \$900 each year on power bills, with half-price solar panels at no up-front cost. This is a terrific policy — a real game changer. Labor is putting power back in the hands of Victorian households.

Barwon Heads Road duplication

Mr KATOS (South Barwon) (09:49) — I was pleased to join the Leader of the Opposition last Friday along with Liberal candidates for Geelong and Bellarine, Freya Fidge and Brian McKiterick, to announce that an elected Victoria Liberal government will deliver \$290 million to duplicate Barwon Heads Road. This funding will duplicate Barwon Heads Road from Settlement Road to Lower Mount Duneed Road, remove the level crossing on Barwon Heads Road at Marshall as well as signalling and fixing multiple intersections, making them safer. Standing with the Leader of the Opposition at the notoriously dangerous blackspot intersection of Marshalltown Road and Barwon Heads Road, which I like many locals, navigate daily, it was clear to me that this project is very much needed and, with the amount of growth in the region, long overdue.

This funding is in addition to the announcement we have already made to remove the traffic lights at the congested intersection of Settlement Road and Barwon Heads Road. This \$290 million commitment to duplicate Barwon Heads Road will not only fix congestion but also improve safety on this vital transit corridor. Unlike the current state Labor government, the Victorian Liberals have a plan to make our drive safer, improve our roads and reduce traffic congestion. 09:50:00

Mount Moriac Reserve

Mr KATOS — Last Thursday I was pleased to attend the Modewarre Football and Netball Club at Mount Moriac Reserve to announce that an elected Liberal government will invest \$650 000 to deliver a range of vital upgrades for the club, the reserve and the Barwon Valley Pony Club. These upgrades will consist of providing improved lighting, drainage and netball shelters for the Modewarre Football and Netball Club and also increased storage, female change facilities, new kitchen facilities and a new function space for the Barwon Valley Pony Club.

Vietnam veterans

Ms COUZENS (Geelong) (09:50) — I too would like to acknowledge the Vietnam veterans that are here in Parliament today.

Geelong rail services

Ms COUZENS — I was delighted to have the Premier in Geelong last week and to join him and the Labor candidate for South Barwon, Darren Cheeseman, for a number of exciting announcements. Only Labor will give the people of Geelong the reliable modern train service they deserve. A re-elected Labor government will deliver the \$736 million project to duplicate 11 kilometres of track between South Geelong and Waurin Ponds stations and remove the dangerous and congested level crossings at Fyans Street and Surf Coast Highway. This means Geelong drivers will no longer be stuck waiting at these boom gates for hours every week and that the notorious bottleneck that causes delays on the Geelong line will be removed once and for all. This will allow trains to run every 10 minutes during peak times between Waurin Ponds and Melbourne, delivering up to 255 extra services from Waurin Ponds, 235 services from Marshall and 45 services from South Geelong each week.

The Orange Door

Ms COUZENS — The first of Victoria's new support and safety hubs was launched in Geelong, as the Andrews Labor government works to protect women and children from violence and make it easier for families to access support. The Premier and I joined hub practitioners and community members in Geelong to launch The Orange Door, the new name for the support and safety hubs, a major part of the Labor government's reform of family violence services. The Orange Door fundamentally changes the way the government delivers services to women and children experiencing family violence.

Economy

Ms SANDELL (Melbourne) (09:52) — All Victorians deserve the essential services needed to live a good life — basic things like a roof over your head, being able to afford your energy bill, an easy way to get to work, good schools and hospitals and a clean environment. These are the things that people expect a government to prioritise, but we are often told that governments cannot afford to improve these things because we do not have the money to pay for it. But in fact it is not a lack of money that is the problem; it is having the wrong priorities. Both Labor and the

Liberals tell us we cannot afford to build more public housing without selling off public housing land to big developers and that we cannot afford to improve our public transport or schools without selling off our public assets. They tell us we cannot afford to wean ourselves off tax from pokies or move away from inefficient and distorting taxes like stamp duty. But in fact we could afford to do all these things if only our priorities were different.

We need bold ideas for raising revenue in this state so we can pay for the things that we need. The Greens have just released the first of our ideas in this area: making the banks pay a fairer share of tax, which would bring in over \$1.5 billion over four years. But instead of looking at this idea, the Labor government is happy to stick with paying our bills by riding the wave of the overinflated housing market and pokies revenue, which has a terrible impact on Victorians. Our state's addiction to these unsustainable forms of revenue is bad for all of us. It is time we had a bolder conversation about revenue.

Hepburn Family Violence Action Group

Ms THOMAS (Macedon) (09:53) — With Victoria Police responding to a family violence call-out every 7 minutes, I joined the Hepburn Family Violence Action Group earlier this month to hear about their work to address Victoria's leading community safety issue. The action group comprises local and Ballarat-based agencies, including Daylesford police, the Hepburn Shire Council, Wrisc Family Violence Support, Child and Family Services, Berry Street, Hepburn Health Services, UnitingCare, the community legal service, Springs Medical, the Department of Education and Training and the Central Highlands Integrated Family Violence Committee, and grew out of a roundtable discussion with the former Minister for the Prevention for Family Violence, the late Fiona Richardson. This discussion provided the catalyst for a powerful collaboration between agencies to provide more effective and responsive services for women and children seeking support in the small and sometimes overlooked Hepburn shire.

The action group have made great progress against their 09:55:00 plan, including establishing partnerships with local businesses and community legal services to deliver crisis and transitional housing, emergency food relief and legal services in the Hepburn shire. Congratulations and keep up your excellent work. I will support you, as only the Andrews government has committed to fund and implement every one of the royal commission's recommendations.

Grant Hocking

Ms THOMAS — Congratulations to Woodend paramedic Grant Hocking, ASM, on receiving the Stroke Foundation's President's Achievement Award for his work in stroke management over the past 10 years. As a clinical manager at Ambulance Victoria, Grant was part of a team that developed guidelines to help paramedics treat stroke patients. About one in six people will suffer a stroke in their lifetime, and Victorian hospitals treat more than 14 000 people for stroke and related conditions every year.

Mallee Almond Blossom Festival

Mr CRISP (Mildura) (09:55) — The Mallee Almond Blossom Festival in Robinvale continues to go from strength to strength in its 11th year. Festivals like this bring communities together and make them stronger. Well done to the organising committee, particularly for getting the wow factor for the year, being Sara Storer.

Mildura electorate schools mini Olympics

Mr CRISP — I attended the little schools athletics mini Olympics last week between Tempy, Woomelang and Underbool primary schools. It was a great daily friendly competition and a testament to the value of the Liberal-Nationals policy commitment to support interschool competitions.

Drought assistance

Mr CRISP — The drought continues to dominate minds in regional Victoria and everybody is trying to help where they can. This week Ouyen district farmers are delivering their last load of hay free of charge to western New South Wales farmers, while in Robinvale the football netball club had a Parma for a Farmer night. In drought, knowing that somebody cares is important. Well done to Ouyen and Robinvale.

Sunraysia Men's Shed

Mr CRISP — It was great to get to smoko at Sunraysia Men's Shed, a chance for conversation and to look at the many Father's Day projects underway

Karen Belej

Mr CRISP — Tomorrow is an important day for the Belej family. The judgement from the appeal hearing on the sentence relating to the death of their daughter, Karen, is to be delivered in the courts in Victoria. Today we, together with everybody in Mildura, feel for the Belej family as they wait for justice.

Ballarat Steiner School

Mr HOWARD (Buninyong) (09:56) — Last week I visited Ballarat Steiner School to celebrate the commencement of works on the school's new multipurpose hall, which received \$634 000 as part of the Andrews government's capital grants program for non-government schools. The school offers a terrific range of education experiences for its students, which will be further enhanced by this new performance space. The project is also supporting Ballarat jobs in the construction phase, with local firms delivering the project.

Ross Creek Avenue of Honour

Mr HOWARD — Last Saturday I was pleased to join the Ross Creek community to celebrate the rededication of their avenue of honour. The original avenue of honour was planted on 17 August 1918 to honour 20 young local men who served in World War I. Exactly 100 years later the rededication marked the restoration of the avenue. This was made possible by a grant of \$5000 from the Restoring Community War Memorials and Avenue of Honour Grant program by the Andrews Labor government to the Ross Creek History Group, which supported the great work done by their dedicated members.

Woookarung Regional Park

Mr HOWARD — Last week I was pleased to join Friends of Canadian Corridor members Bob Hartmann, Jeff Rootes and Rob Loveband to celebrate funding from the Community and Volunteer Action Grants program for a project to reconnect Woookarung Regional Park's koala and woodland bird corridor. The grant of more than \$11 000 will support the friends to remove 5 hectares of gorse and plant over 1000 trees to reconnect isolated areas of native vegetation in the park. By increasing the habitat available to koalas and native birds, it will allow animals and rare indigenous plants to thrive.

Bush User Groups United

Ms McLEISH (Eildon) (09:58) — Last sitting week I was happy to join a number of my coalition colleagues and stand on the steps of the Victorian Parliament with members of Bush User Groups United. Bush users such as miners and prospectors, hunters, fishers, dirt bike riders, four-wheel drivers, horse trail riders and dog walkers are worried about the future of their recreational activity in Victorian forests. They are concerned that the Labor government will succumb to calls to lock up the forests, calls that are coming from

the inner-city dwellers. Bush users tell me that when they out in the bush they are alone. They rarely see others. Their impact on the environment is minimal. It is not unusual for them to remove rubbish or tackle weeds. They want access for all and believe that if the bush is locked up and access restricted for fossickers, riders or the like, there will be no-one in the bush at all. The inner-city dwellers are not the bush users. Invasive pests and weeds will reign. A Labor-Greens coalition is certainly to be feared.

Launching Place Primary School aerobics program

Ms McLEISH — For 10 years now Launching Place Primary School have been running a school aerobics program. Candice Nyman has been the teacher driving this extracurricular program since its inception. She is supported by staff members Lara Mackie and Jacinta Kemp. Twenty-seven students, the highest participation rate to date, will compete in four levels of competition at the 2018 school aerobics national championships this Saturday. I wish the students all the best. The aerobics program promotes participation in physical activity through the development of rhythm, coordination, technique, fitness, confidence and showmanship. The program helps to heighten self-esteem and promotes teamwork. These are attributes that the Liberals want all students to leave school with. Well done to Launching Place Primary School.

10:00:00

Banyule-Nillumbik Tech School

Mr CARBINES (Ivanhoe) (09:59) — I was very pleased to join the Premier, the Deputy Premier, the Minister for Training and Skills and the member for Eltham at the opening of the Banyule-Nillumbik Tech School, a \$10 million project to invest in our young people. Some 14 000 students from 19 secondary schools across the Banyule and Nillumbik local government areas will benefit from that tech school. The Premier also announced the next 10 free TAFE courses for high-demand industries. It was a huge celebration and young people are very excited — that is 14 000 students across secondary schools in the Ivanhoe, Bundoora, Yan Yean and Eltham electorates that will benefit from that tech school, and all power to them.

Vietnam veterans

Mr CARBINES — I want to pay my respects to Vietnam veterans and to the commemorative service at the Heidelberg Repatriation Hospital. A shout-out to veteran volunteers and veterans themselves, including Jeff Freeman; our RSL presidents at Greensborough

and Ivanhoe, Lee Webb and John Beezley; and to the Minister for Veterans for attending an event at the repatriation hospital on Wednesday to announce further support for veterans. Lest we forget.

Ivanhoe electorate transport forum

Mr CARBINES — I want to thank those who participated in our metropolitan transport forum recently. Of course we did not see the Ivanhoe Liberal candidate as she was gagged from attending the metropolitan transport forum at the Heidelberg town hall. We had a member from another place, David Davis, attend. He was late arriving, quick to leave and did not cover any local issues.

Jodi Dack

Mr NARDELLA (Melton) (10:01) — I wish to pass on my condolences to Brendan O'Connor, Una and the family of Jodi Dack who, sadly, after a long and courageous battle against cancer, has passed away. Jodi was a lovely person, and she loved Brendan and her daughter Una unconditionally. I first met Jodi when she was Candy Broad's ministerial adviser and then locally when she was with Brendan. We went through the preselection process together when Brendan picked up the seat of Burke. She was fun, lovely and always with a smile. Jodi will be sadly missed. Vale, Jodi Dack.

Vietnam veterans

Mr NARDELLA — I want to thank the veterans of the Coral and Balmoral battle and all the Vietnam veterans who were recognised by the honourable Premier Andrews at the Shrine of Remembrance on Saturday, at an event which I attended. The speech by the Premier was very moving. It recognised the terrible losses of our servicemen and women in Vietnam, but also the fact that when they came back after doing their duty to their country, they were ostracised and not given the respect and recognition that they were entitled to. They were shunned, told to disembark from the aircraft behind the sheds out of the eye of others and could not proudly wear their uniforms in public like every soldier before them and every soldier since. The Melton Vietnam vets are terrific people who regularly get together, support each other and have fun. I want to congratulate them and all their partners for having served their country proudly, bravely and with their mates. Lest we forget.

Kambrya College

Ms GRALEY (Narre Warren South) (10:02) — I recently had the great honour of attending Kambrya

College's 13th annual presentation ball at The Grand. I have been fortunate enough to attend the college's ball every year for the past 12 years. Each year I enjoy seeing the bright young faces of students as they take to the dance floor, but this year was particularly special as it was my last.

Well done and congratulations to the 40 students who were presented to the principal and me: Marissa Moore, Nathan Mills, Bryanna Sillekens, Benjamin Joyce, Zoe Hawkings, William Hodge, Darcy Wilkinson, Brayden Mullane, Alexandra Jones, Jai Rensen, Rebecca Skoda, Ethan Alford, Stephanie Naffa, Tristan Little, Sahra Eishold, Luke Whalebone, Chloe Thom, Michael Elhassan, Ashley Waters, Jak Street, Taylor Close, Jared Smith, Hallen Todd, Ulian Cox, Kelsey Ackers, Sebastian Tatt, Meaghan Hart, Massimiliano Murr, Jemme Everett, Heath Wiley, Olivia Slater, Luke Ramsay, Courtney Sherriff, Richard Kim, Zoe Amos, William Gili, Kailey Hlavacek, Ryan Moloney, Ashlee Vidot and Thomas Irwin.

I hope you all had a great time. You looked fabulous, and you sure could dance. A special mention to Jai Rensen, who was a true gentleman and asked me for a dance. It was a joyous occasion for not only the excited debutantes but their families, friends and the entire school community.

The team at Kambrya College have consistently put on a wonderful night each year. I'd like to also thank principals Keith Perry, Michael Muscat, Ian McKenzie and Jo Wastle for their leadership of the college throughout the years, and for always making me feel so welcome.

Polwarth electorate fires

Mr RIORDAN (Polwarth) (10:04) — I wish to draw the house's attention to the plight of many of my constituents in the electorate of Polwarth who are still reeling after the devastating fires across Polwarth on St Patrick's Day. It is becoming apparent by the day that immediate government intervention is required to help steer the progress of recovery. Recent developments in law have seen the class action legal option take over at times of disaster. This development, while championed by many leading and well-known law firms is in fact causing more problems than it claims to solve.

10:05:00 I have had many reports delivered to my office stating that on the day after the fire, when burnt-out farmers and families were being kept from getting back to their homes and farms, legal representatives were in fact out in liveried cars trying to immediately sign up victims to

a class action. The rush for a legal field day has come at the expense of the financial, emotional and mental wellbeing of many of the victims.

We now know that farmers who just want to be compensated for loss and move on with their lives are being prevented by the process. The legal system as it is playing out in western Victoria is preventing individual farmers and communities from dealing directly with power companies, which Energy Safe Victoria have already found to be either responsible or partially responsible for the fires.

In the aftermath of such devastation it is in everyone's best interests for issues of liability and responsibility to be resolved immediately. Ten-year legal battles that consume millions and make millions for the lawyers involved cannot be allowed to continue while hardworking farmers and communities are left to wait and bear the ongoing cost and loss of such a disaster as this fire.

St Helena Secondary College

Ms WARD (Eltham) (10:05) — I rise to congratulate the cast and crew of St Helena Secondary College on their performance of *Chalk Circle* recently. It was a brilliant play and a mature and considered performance. I especially congratulate the 'sixers', who have had their last performance at St Helena. It has been a pleasure watching them grow and develop over the past five years.

The cast were Benoit Vari, Max Williams, Brooke Naismith, Areeya Phrompradit, Keeley James, Bernalise Anderson, Bernadette D'Agata, Tommy Murphy, Tatum Sterling, Olivia Nielissen, Elise Harrison, Paris Thomson, Nicolette Ryan, Keera Franceschini, Nathaniel Roussety, Riley Pascoe, Joel Pilkington, James Scott, Nathaniel Ryan, Jordan Clark, Mark Laurie and Nathan Gatt. The director was Amanda Egglestone.

The crew included Sam Bliss, Josh Bliss, Ellen Naismith, Cathie Murphy, Stephen Hawker, Kaidn Hawker, Tomas Gerasimidis, Zoe Pelly, Tom Creber, Jacquee Dickins, Brooke Lockwood, Gem Correzzola, Samantha Owen, Peta Cockburn, Jackie Ellis, Lynne Bartlett and Danielle Sterling. It was a magnificent play and they should all be congratulated.

Melbourne Polytechnic

Ms WARD — I also congratulate Araluen's cafe at Melbourne Polytechnic. They opened their Chancez Cafe last week, and it was a fantastic occasion with a lot of people. This amazing campus has been

completely revitalised under this government. It was closed under the previous government, but this government reopened it and has turned it into an absolute community.

I really want to give a strong shout-out to the art director, Lara Haynes, who has done amazing work with the people at Araluen, these amazing artists that she helps to just bloom. The fantastic opportunities that CEO Ross Coverdale has created at Chancez Café for people who will be able to engage in training are magnificent.

South-western Victoria rural drainage

Ms BRITNELL (South-West Coast) (10:07) — I rise to bring to the attention of the house how unacceptable levels of bureaucracy and blame-shifting are hurting the livelihoods of farmers and rendering community sporting facilities useless. Once again a drain at Lake Gilliar which forms part of the extensive rural drainage schemes across the south-west is blocked, again causing significant flooding and loss of income to prime agricultural land and the Warrnambool Motorcycle Club.

I raised this in Parliament last year and wrote to the minister. I was told the draft rural drainage strategy would be released soon and would solve the problems. It did not, and now almost 12 months on that strategy is still sitting in draft form and the drains have deteriorated even further and caused more damage. In one part a tunnel which crosses underneath a road reserve, Crown land and into private property has collapsed. Now that area is totally blocked.

When the problem was identified two local councils got together and came up with a workable solution. A government-issued permit was needed to do the works. The government would only issue the permit if the council took on the overall management of the drains maintenance. The farmers even tried but were not allowed to clear their own drains without a permit, which was refused. This issue needs to be sorted out as a matter of priority.

Flooding costs farmers thousands year in, year out. This pasture is lost, which was completely avoidable. Feet have been dragged, and the government strategy that was supposed to be the saving grace and clear up this mess once and for all still sits in draft form. I urge the Minister for Water to get moving on this and lay out clear guidelines for the management of these vital drainage systems for the benefit of farmers and community groups right across the south-west. The

government is responsible and needs to direct the actions needed to take place as soon as possible.

Revitalising Broadmeadows

Mr McGUIRE (Broadmeadows) (10:08) — As the chair of the Broadmeadows Revitalisation Board I would like to thank the Victorian government, particularly the Minister for Suburban Development and the Minister for Industry and Employment.

STATEMENTS ON REPORTS

Penalty Rates and Fair Pay Select Committee: penalty rates and fair pay

Mr J. BULL (Sunbury) (10:09) — I would like to take the opportunity this morning to discuss once again the report by the Penalty Rates and Fair Pay Select Committee on its inquiry into penalty rates and fair pay, which was tabled in this place in July 2018.

In my previous contribution I had the opportunity to thank those committee members who of course served on the committee, the staff and all those who took the time to present to the committee, both in the form of a written submission and in person. 10:10:00

The committee considered a range of factors that related to penalty rates, including the immediate impact of penalty rate changes, the impact on employees' wages and consumer spending and the impact on women and single parents, young workers and rural and regional Victorians across the state. The committee looked at the impact on employers in relation to job creation, additional hours for staff and difficulties in attracting staff and in particular the impact on those in rural and regional Victoria. We went further to consider the broader economic impacts around wage growth, employment, inequality and gender pay equity and looked at the consumption and flow-on effects of those, such as the casualisation of the workforce and the demand on welfare services.

There are in fact 11 findings and nine recommendations contained in the report. As I mentioned in my previous contribution on this report, the members for Box Hill and Ringwood tabled a minority report on this matter, and it is certainly my view that the committee functioned well through both hearings and deliberations, so it was incredibly disheartening and disappointing to note that those opposite tabled a minority report on this matter, labelling the inquiry a blatant misuse of public funds. From submissions and witnesses it was clear that a reduction in penalty rates is already having a significant and detrimental impact on

thousands of workers in affected industries. This was completely disregarded by those opposite through their minority report. Whether they be women, young people or employees in rural and regional parts of the state, what we know is that these workers, many of whom are the lowest paid in Victoria, are feeling significant cost-of-living pressures. Through the minority report process those opposite once again failed to acknowledge this, and that was incredibly disheartening and disappointing.

The committee heard evidence from a range of witnesses and learned that the gender pay gap may also encourage workers to move into insecure work, something that was certainly highly concerning to me and to other committee members. These cuts will reduce the amount of disposable income available for workers, which is something that is of great concern. These funds, or pay if you like, are used for so many different things in a person's life, whether that be extra take-home pay to pay the gas bill, to make rent payments, to pay the mortgage, to pay school fees or to pay sports fees. These are really important funds for individuals, and what the committee could see and what the committee learned is that the cuts have significant impacts, particularly for those in rural and regional Victoria. These are people that work extremely hard to provide for their families, that do their very best each and every week, and unfortunately what we see as a result of these cuts is a loss of take-home income each and every week.

It is incredibly disappointing that those opposite will place ideology above reality, and it proves that when it comes to our most vulnerable and our most hardworking, those opposite are unfortunately disinterested. If those opposite genuinely cared, they would not have tabled a minority report on this matter. They would have supported our recommendations, and it is as simple as that. If those opposite wanted to show to those Victorians who are working hard how much they care, then they would not have tabled the minority report. The Andrews Labor government will stand up for those who need it. We will not stand for profits over people.

10:15:00 **Accountability and Oversight Committee:
methodologies and outcomes from Victorian
Ombudsman reports tabled in Parliament**

Mr ANGUS (Forest Hill) (10:14) — I am pleased to rise today to speak on the seventh report of the Accountability and Oversight Committee, entitled *Inquiry into Methodologies and Outcomes from Victorian Ombudsman Reports Tabled in the Parliament*, which I was privileged to table in this place earlier this morning. The report arises from a

self-referenced inquiry of the Accountability and Oversight Committee. The terms of reference can be found at paragraph 1.4 on page 2 of the report. The committee gathered evidence by submissions and also held a public hearing with the Victorian Ombudsman in June this year.

To date the current Ombudsman has undertaken 30 investigations and own-motion inquiries resulting in reports tabled in the Parliament, with over 125 recommendations made. Areas investigated by the Ombudsman range from care of patients in mental health facilities through to the transparency of local government decision-making. As a result of those investigations and inquiries, in relation to the government's perspective — the response from the government departments and agencies to the Ombudsman's recommendations — a total of 50 per cent of recommendations made by the Ombudsman have been implemented, 38 per cent are in progress and 12 per cent have been accepted, have been partially accepted, are in progress, have no response required or have not been accepted. That was of particular interest to the committee in relation to what the government departments and agencies do in relation to the recommendations from the Ombudsman.

Pages ii, iii and iv of the report outline in detail the committee's functions, and the report itself comprises four chapters. Chapter 1 is an introduction, chapter 2 looks at Victorian Ombudsman own-motion inquiries and investigations, chapter 3 looks at how the Victorian Ombudsman identifies systemic issues and determines what is in the public interest, and chapter 4 looks at the implementation of Victorian Ombudsman recommendations.

The committee itself has made three recommendations in this report, and they can be found on page xi of the report. I want to go into detail on those for the sake of the house. The recommendations of the committee are:

Recommendation 1: That the Victorian Ombudsman continue to report biennially to the Victorian Parliament on progress by agencies in implementing the Ombudsman's recommendations.

Recommendation 2: That the Ombudsman Act 1973 be amended to require that Victorian government departments, agencies and local councils subject to recommendations by the Victorian Ombudsman, submit to the Ombudsman, an indicative time line by which recommendations are expected to be implemented:

in the short term (up to 12 months);

in the medium term (1 to 3 years); or

in the long term (over 3 years).

Recommendation 3: That the Victorian government amend the Parliamentary Committees Act 2003 to provide a function to enable the Accountability and Oversight Committee to hold hearings into the status of implementation of Ombudsman recommendations by government agencies and local councils.

Just to touch on those, in relation to the first one, the Ombudsman currently reports back to the Parliament, as I said, on a biennial basis, and we want that to continue so that there is a feedback mechanism to this house and to the Parliament in relation to the recommendations that the Ombudsman has made and what has happened to those. The second recommendation puts a bit more detail in relation to the work being done by departments so that there is an expectation by both the Ombudsman and the Parliament, and indeed the broader community, in relation to the time lines involved for the responses in relation to those recommendations that are going to be implemented, and there are three time lines — short-term, medium-term and long-term. This is rather than, as we have all read many times in many reports from various offices of the government, something being described as ‘in progress’, with the timing on that being somewhat unclear on many occasions.

Just in conclusion, as the chair of the committee, I want to thank, firstly, my fellow committee members for their contributions and, secondly, the staff, who worked hard for the committee over the term of the Parliament, but particularly in relation to the preparation of this report, which will be the last report of this committee in this Parliament. I trust that the report is of interest to members and indeed of interest to members of the broader community. I commend the report to members.

10:20:00 **Public Accounts and Estimates Committee:
financial and performance outcomes 2016–17**

Mr PEARSON (Essendon) (10:19) — I am delighted to make a contribution today on the report on the 2016–17 financial and performance outcomes. This report was tabled in May of this year and was the result of the work that the committee conducted earlier this year with a series of hearings that looked into and analysed the level of government expenditure across the 2016–17 financial year. There was a series of hearings with departmental secretaries and senior officials to go through some of that expenditure.

I draw the attention of the house to pages 90 and 91, where the report talks about direct asset investment by department. If you look at figure 6.2, there is \$1.4 billion for the Department of Health and Human Services, which is an increase of \$368 million on the previous year. Some of that of course comes to the

health portfolio. I acknowledge the great work of the Minister for Health in terms of the major investments in our hospitals and ending the war on paramedics, and you can see that with better response times. I think when you see that level of direct investment, you see those sorts of benefits.

It is also worth noting, though, that within the Department of Health and Human Services is the director of housing, and a significant proportion of funds within that increase relate to the work of public housing renewal. I want to state emphatically and unequivocally my great respect for and appreciation of the work of the Minister for Housing, Disability and Ageing. The minister has assiduously gone about his task of working to provide better quality public housing for public housing tenants in our community, and he has worked tirelessly over the course of this term to look at increasing both the quality and the quantity of public housing.

A case in point here is that in 2016–17 there will be \$48.7 million spent on the Rapid Housing Assistance statewide project, and this is to try to tackle homelessness, which we would all be keenly aware of, and specifically to procure 184 dwellings for those people who are experiencing homelessness. I have been very pleased and proud to have worked with the minister over the course of this term to provide a bit of support to try to find ways in which we can rebuild these public housing estates. Broadacre public housing estates just do not work. You concentrate disadvantage, and you put people, 95 per cent of whose principal form of income is a government transfer payment, in an isolated community, you throw away the key, and you say, ‘You’re left to your own devices’. It leads to poor social outcomes. Ghettos do not work. That is why we are making these sorts of investments to provide better quality and decent housing for public housing tenants.

But it is interesting to note that we have been consistently opposed over the course of this term. We have been opposed by the Liberal Party, who do not want to have public housing in areas like Brighton or Hawthorn. We are opposed by the Greens political party. This matter has been the subject of rescission motions in the other place. Deputy Speaker, you have heard me speak many times about my having to sit here and listen to the vacuous contributions from the member for Prahran. This bloke has got a very significant public housing estate in his community, but what did he do yesterday? He came into this place and asked a constituency question about pigeon dung and rogue pigeons in the Prahran public housing estate. Sorry, I would have thought that most public housing tenants in his community would be more concerned about having

a job, more concerned about having appropriate accommodation and more concerned about making sure they have got a decent place to live rather than worrying about feral pigeons. It is just laughable. The member for Prahran will not put up any serious proposition on how we can improve their lives. Instead at every step of the way the Greens will line up with the Liberal Party to condemn public housing tenants to live in poverty and misery. That is where they want them to stay for the term of their natural lives, and it is just appalling.

I have spent four years in this place trying to turn this around with the help of the Minister for Housing, Disability and Ageing, and we are getting there. It is taking time. It is taking longer than I had hoped or wished for, but we are turning it around. Public housing tenants deserve decency. They do not deserve the sellouts from the Greens political party, aided and abetted by the Liberal Party, who will not have public housing tenants live in their electorates.

10:25:00 **Environment, Natural Resources and Regional Development Committee: sustainability and operational challenges of Victoria's rural and regional councils**

Ms RYAN (Euroa) (10:24) — It is a pleasure to rise and speak today on the report tabled by the Environment, Natural Resources and Regional Development Committee *Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils*. I particularly wanted to reference page 83 of that report, which gives some examples of state government cost shifting for local governments around rural and regional Victoria. Also of course we know it is an issue with the federal government as well. The report specifically talks about health services as being one of the areas that local governments often find they are required to pick up when state or federal governments have not funded it.

I particularly want to point to one example in my own electorate, a service which has been picked up by Benalla council, and that is the funding of our outreach worker. We have a wonderful person, Ivan Lister, who has been mentioned a number of times in this house both by me and my predecessor, Dr Bill Sykes, as being someone who has done some of the most powerful work you could possibly imagine across my area. Ivan in one form or another has been working as a rural outreach worker for 15 years, but every couple of years we face this inevitable battle of trying to find him funding. The state was funding him, but that was dropped. He then had some funding from the primary care partnership, but that was dropped. Now Benalla

Rural City Council is funding him two days a week, but the reality is that Ivan works seven days a week.

If I go along to the cattle sales at Euroa, Ivan is there. When I go to the football on the weekend, Ivan is there. I run into him everywhere around the community, and he works in a very quiet but powerful way, where he goes directly out to people on farms and helps them deal with the repercussions of floods, of droughts, of marriage breakdowns, of fires and of depression, and he connects them into services. It is the most powerful model that I have seen, because country communities fundamentally reject somebody who they do not feel understands their challenges, and Ivan is at heart a farmer. He is someone who grew up in rural communities and has lived there his whole life, and people really respond to that.

I have written to the Minister for Mental Health seeking funding for Ivan in an ongoing capacity, because we do need to pay him for the work that he is doing. I have letters of support from the primary care partnership, from Benalla Health and from Benalla council. The whole community wants to see Ivan's role properly funded. I plead with the Minister for Mental Health, at a time when seasonal conditions across my area are becoming really, really tough, to find just a little bit of funding to ensure that Ivan's role continues and continues as a permanent role. I just cannot emphasise how important I believe the work is that he does.

A couple of years ago a friend of mine who is a filmmaker got in touch with me. She was looking at doing a documentary around men's mental health and wanted to make sure that she profiled someone in a rural setting. I put her in touch with Ivan, and they now have a wonderful friendship. Ivan is now one of five men who has featured in the new documentary that Genevieve Bailey has done which premiered in the last week or two at the Melbourne International Film Festival. He told his stories of the people he works with. I went to the premiere of that a couple of weeks ago. Ivan was there, and at the end there was a panel discussion, and the audience were asking, 'Ivan, who funds you? How are you funded?'. There was disbelief that someone that does this work is not deemed worthy for ongoing and permanent funding and that he has to continually scrape to find dollars to be able to do what he does.

There is no doubt in my mind that the work that Ivan does has saved many, many lives over the course of the millennium drought and in the years since, and it is heartbreaking when he comes to me and says, 'I knew that person was having difficulties, but I just couldn't

get there'. That has happened in recent days, so I would urge the government to find funding for Ivan.

Public Accounts and Estimates Committee: budget estimates 2017–18

Mr McGUIRE (Broadmeadows) (10:29) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates and particularly to the contribution by the Minister for Industry and Employment, who referred to how working in collaboration presents an opportunity to drive strategic results. I want to continue my contribution on how we can best achieve such strategic results, not just with the Victorian government but also in collaboration with the Australian government.

Given the upheaval in Canberra, I am seeking answers from the new Minister for Home Affairs and federal Treasurer, Scott Morrison, to determine what investments the Australian government has made and what it will continue to contribute to communities to combat crime, racism and the threat of terrorism. How much of the unspent \$1.324 billion from the automotive transformation scheme will the Australian government reinvest in Melbourne's north in collaboration with the Victorian government and the private sector as a catalyst for jobs and growth? This is vital, because the Australian government's investment in a jobs fair only delivered ex-auto workers a handful of full-time jobs in the area where they were needed most.

This result stands in stark contrast to the commitment of the Andrews Labor government over a whole range of different strategies. I want to acknowledge the ministers who have been involved in that, including the former minister, the member for Williamstown, who is in the chamber today as well. I also delivered the strategy *Creating Opportunity: Postcodes of Hope* to actually look at how we can have redevelopment zones in these areas that are the so-called postcodes of disadvantage. The strategy is not just to be hard on crime — yes, look at personal responsibility for crimes — but also to be smart on crime and how to address the well-established causes, including poverty, unemployment and disconnection. That is a critical proposition. If the Australian government wants to be involved in this issue, they actually have to be a partner, not a bystander.

I am also seeking a new deal on infrastructure, because the one item that we got out of the commonwealth government was \$29 million to build a hardened detention centre for convicted paedophiles, drug traffickers and members of outlaw bikie gangs. And where was this? This was in the Broadmeadows army

camp facility. The connection here is that of course this has a major historic significance. This is where the diggers, the Light Horsemen and the Victoria Cross winners were trained and dispatched to fight nation-defining battles at Gallipoli and on the Western Front. Then with the ebb and flow of history, in the post-industrial settlement, it became a migrant hostel, where communities from around the world first called Australia home.

I have the highest Muslim population in Victoria in my electorate, and we need to actually build a bridge to make sure that people feel part of the community. I think there would be a much better opportunity here. If we are looking at what is going to happen with new SAS facilities, this is a strategic location and this could be an important place to look at doing that or also, to put it in a historic context, to look at what we are doing for ex-servicemen or women who are suffering from post-traumatic stress. That said, we also need this area for more productive use of new industries and new jobs. It is all about how we connect people up and how we actually address what is going on in communities. 10:32:30

I really want the federal Treasurer and new Minister for Home Affairs to detail how much of the commitment the Australian government has made to actually invest in communities has been delivered. And have they done it where it is needed most, in these particular postcodes? What we have seen is coalition governments have relegated Melbourne's north to the status of managed decline. Such a phase proved disastrous in England's north under the Thatcher government. I do not want to see the same thing repeated here, so it is time for them to actually show where the money has been invested. The importance is probably best summed up by the former head of ASIO, David Irvine, who said:

... the tiny number of violent extremists does not represent the Islamic communities of Australia ... it is grossly unfair to blame Muslims, who see themselves as a committed component of Australia's multicultural society ...

And he added:

Our fight is with terrorism, not with Islam or with our Muslim community ... the strongest defence against violent extremism lies within the Australian Muslim community itself.

That is his quote. Victoria Police echo that, and we know how important these propositions are. We know that one of the best antiradicalisation strategies is a job to help connect the disconnected, and one of the most effective national security responses is community engagement. So this is my call to the Australian

government. This is what needs to be done. We cannot just be bystanders. We need to be participants.

Electoral Matters Committee: civics and electoral participation in Victorian state parliamentary elections

Mr DIXON (Nepean) (10:34) — I wish to make a few comments on the inquiry into civics and electoral participation in Victorian state parliamentary elections, which was the subject of a report by the Electoral Matters Committee. This report actually received some publicity in the *Herald Sun* recently in an article where the chair of the committee, the member for Brighton, and I were mentioned, and that because we are retiring members we should not have been working on this committee or undertaking a study tour to Canada. I think it is the way of politics. The journalist was having a go at two retiring members for actually being involved in committee work and doing the hard work. In fact we paid our own way for the study tour. Perversely if we had sat at home and done nothing and had not been involved in committee work right to the very end, there probably would have been an article about how lazy we are, so that is just politics for you. I was amused that the journalist also said, ‘What would an old person, a 62-year-old member of Parliament like Martin Dixon, know about young people and education?’. He obviously had not looked at my CV. I have been a teacher for four years, a principal for years, a shadow Minister for Education and Minister for Education, but why let the facts get in the way of a good story?

Back to the report here, and this is the last report brought out by the Electoral Matters Committee, ably led by the member for Brighton, along with help from Mark Roberts and the team and my colleagues from both sides. We worked extremely hard; in fact we still have not finished our work. We have got another meeting to go before the Parliament closes next month, and this was a very, very important report that we made.

There are a couple of recommendations that I wish to bring to the house’s attention. Recommendation 2:

The committee recommends the Victorian Electoral Commission learn more about CIVIX’s parallel election program Student Vote, with a view to integrating, over time, the practice and principles of a parallel election into Passport to Democracy.

What we saw in Canada is an incredible program called Student Vote. What happens there is that up to a third of students, young people in Canada, actually take part in the Canadian national elections. The way that is facilitated is through this not-for-profit organisation

called CIVIX, which gives schools and all the provinces information, study notes, programs and professional development so that young people actually follow the issues that are currently being debated in the federal election, for example, in Canada. So they study the issues, they debate the issues and it is even to the extent that it is very, very unusual for the candidates in a local election running in the electorate where a school might be placed to actually not go to the school and be involved in a forum. Woe betide the candidate who does not come along to it because it is so popular.

So a third of students who are young people vote in that election. Obviously because they are under 18 their vote does not count, but it is a secret ballot. It is run in various forms according to the school and according to the province that the school is in, and then the votes are tallied up after the polls close. It is often very, very interesting to see the correlation between the votes of the young people who are under 18 and what their older brothers and sisters and parents actually voted for. There is a great deal of interest there among young people in elections and the election process, so if they are not voting on something that is meaningless or made up by somebody, it is actually on issues that are currently running in that federal election and which are concerning their parents and their community.

One of the spin-offs, because the young people get so engaged, has been that they go home and talk over the kitchen table with their parents and their older siblings about these issues, and it actually re-engages and engages families far more in that process. This is a tremendous program, and the opportunities, the professional development and the materials that are provided mean that it can be integrated into the school program. We spoke to teachers, we went to schools, we spoke to teacher unions — they had nothing but high praise for this program because it can be integrated into the school curriculum, no matter what province the students come from and no matter what year level they are in. All the materials are there and it recognises the importance of this program for young people in Canada.

SALE OF LAND AMENDMENT BILL 2018

10:40:00

Statement of compatibility

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (**Charter**), I make this Statement of Compatibility with respect to the Sale of Land Amendment Bill 2018 (**the Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.

Overview

The Bill makes a number of amendments to the *Sale of Land Act 1962* (**the Act**), as well as amending the *ANZAC Day Act 1958* (**AD Act**) and the *Estate Agents Act 1980*. Relevant to this Statement of Compatibility, the Bill amends the Act to: provide for restrictions on the use of sunset clauses in certain off-the-plan contracts; prohibit the use of certain terms contracts and rent-to-buy arrangements; regulate moneys paid in respect of options to purchase land under land banking schemes; and provide for related matters. The Bill amends the AD Act to restrict the conduct of public auctions on ANZAC Day.

Human Rights Issues

Several aspects of the Bill raise human rights issues, which I address in this Statement as follows.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Prohibition on terms contracts

Terms contracts are presently regulated by the Act. A terms contract for the sale of land includes (broadly) a contract under which the purchaser is obliged to make two or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land, or under which the purchaser is entitled to possession of the land or receipt of rents and profits before the purchaser becomes entitled to a conveyance or transfer of the land. The right to property may be relevant to certain provisions of the Bill which amend the existing regulation of terms contracts under the Act.

Clause 20 of the Bill creates new offences with respect to terms contracts. New section 29EA prohibits a person from knowingly selling residential land (other than residential land that is agricultural land) under a terms contract where the sale price of the land is less than the monetary amount to be prescribed in the regulations. New section 29EB prohibits a person from knowingly arranging or brokering the sale, or knowingly inducing a person to enter the sale. The Bill creates penalties for contravention of sections 29EA and 29EB. New section 55(2), as inserted by clause 28, provides that these provisions do not apply to a contract entered before the commencement of section 20 of the Sale of Land Amendment Act 2018.

In addition, through the operation of current section 29F of the Act, a terms contract entered into in contravention of the Act entitles a purchaser to avoid the contract at any time before completion of the contract, unless certain circumstances apply.

These provisions may be relevant to property rights under section 20 of the Charter, as they restrict a person's capacity

to dispose of property under a terms contract in certain circumstances. However, in my opinion, any restrictions are in accordance with law and therefore do not limit the right. The situations in which the disposal of property is restricted are clearly formulated and confined to specific circumstances. They also serve the important purpose of protecting consumers, where terms contracts for lower-value residential property sales are typically brokered between financially stressed vendors and purchasers, and where the arrangements are typically unaffordable and can lead to significant financial detriment.

Prohibition on rent-to-buy arrangements

The Bill amends the Act to prohibit certain types of rent-to-buy arrangements and to make related amendments regarding rent-to-buy arrangements. A rent-to-buy arrangement is defined as an arrangement that involves a person entering into one or more contracts that provide for a right of, or obligation on, that person to purchase residential land and payment of rent or any other amount by that person in respect of a period of occupation of the residential land for more than 6 months before the right to purchase that land may be exercised or the purchase of the land completed. The amendments contained in the Bill do not apply to a rent-to-buy arrangement that involves a contract entered into by the Director of Housing, a registered housing association (as defined), a prescribed person or class of persons, or a rent-to-buy arrangement that complies with certain prescribed requirements.

Clause 22 of the Bill creates new sections 29WC and 29WD. New section 29WC prohibits a person from knowingly selling residential land under a rent-to-buy arrangement. New section 29WD prohibits a person from knowingly arranging or brokering the sale, or knowingly inducing a person to enter the sale. The Bill creates penalties for contravention of sections 29WC and 29WD.

In addition, new section 29WF provides that a purchaser of residential land under a rent-to-buy arrangement may avoid any contract that is part of the rent-to-buy arrangement by giving written notice to the vendor, at any time before completion of the contract. If a rent-to-buy arrangement involves two or more contracts and a purchaser avoids a contract that is part of the arrangement, all of the contracts that are part of the arrangement are void.

These provisions may be relevant to property rights under section 20 of the Charter, as they prevent a person from disposing of property under a rent-to-buy arrangement. In my opinion, the provisions do not limit the right. The situations in which the disposal of property is restricted are clearly formulated and confined to specific circumstances. New section 56(2) provides that these provisions do not apply to arrangements entered before the commencement of section 22 of the Sale of Land Amendment Act 2018. Further, the provisions serve the important purpose of protecting consumers. Rent-to-buy arrangements are typically brokered between vulnerable parties, and purchasers under these contracts are often unable to afford the high ongoing rental and options payments, with the result that they are forced to move out of the property or are evicted, and forfeit their payments towards the property.

New section 29WG provides that a purchaser who avoids any contract can recover any money paid under that arrangement (other than a sum which represents fair market rent for any

period for which the purchaser occupied the land). This is relevant to the right to property, as it can require property (money paid to the vendor) to be forfeited in certain circumstances. However, I do not consider that these amendments limit the right to property. The situations in which money paid is to be returned to the purchaser are clearly formulated and confined to specific circumstances. As noted, new section 56(2) provides that these provisions do not apply to an arrangement entered before the commencement of section 22 of the Sale of Land Amendment Act 2018.

Terms contract — removal of restriction on avoidance of contract

Section 29F(1) currently provides that where a terms contract is entered into in contravention of the Act, the purchaser may avoid the contract at any time before completion of the contract. Section 29F(2) currently restricts this termination right by providing that the contract cannot be avoided if a court is satisfied that certain conditions are established.

Clause 21 creates new section 29F(2A) which limits the application of the restriction on termination in section 29F(2), so that section 29F(2) does not restrict a purchaser from avoiding a terms contract, where the contract was for the sale of residential land (other than residential land that is agricultural land) under the prescribed threshold.

This may be relevant to property rights under section 20 of the Charter, as it restricts a person's capacity to dispose of property under a terms contract, as a purchaser is able to avoid the contract in certain circumstances, without exception. However, in my opinion, the amendments do not limit the right. The situations in which the disposal of property is restricted are clearly formulated and confined to specific circumstances. The purpose of the provision is to prevent a person from circumventing the proposed prohibition on entering a terms contract for the sale of residential land (other than agricultural land) under the prescribed amount, which serve the important purpose of protecting consumers. New section 55(2) provides that new section 29F(2A) will not apply to a contract entered into before the commencement of section 21 of the Sale of Land Amendment Act 2018.

Applications to terminate terms contracts and rent-to-buy arrangements

Clause 28 also inserts new sections 55(3) and 56(3) into the Act, which allow a purchaser under a residential terms contract or a rent-to-buy arrangement entered before the commencement of sections 20 and 22 of the Sale of Land Amendment Act 2018 (and which would have been a contract to which section 29EA to section 29EC apply, or an arrangement to which Division 5 of Part 1 applies) to apply to a court or to VCAT to terminate the terms contract or a contract under the rent-to-buy arrangement. New sections 55(4) and 56(4) empower the court or VCAT to terminate such a contract.

These amendments may be relevant to property rights under section 20 of the Charter, as they restrict a person's capacity to dispose of property under a terms contract and rent-to-buy arrangement, as a purchaser is able to terminate the contract or arrangement in certain circumstances. In my opinion, these amendments do not limit the right. The situations in which the disposal of property is restricted are clearly formulated and confined to specific circumstances. The court

or VCAT's power to terminate the contract is clearly circumscribed by new sections 55(5) and 56(5) as the order cannot be made unless, at the time the contract was entered into, there was a reasonable prospect that the purchaser would not be able to make or continue to make payments required or obtain, on reasonable terms, the finance needed to complete the contract, or the purchaser no longer occupies the land purchased under the contract because they could not afford payments required, and it is just and equitable for the contract to be terminated. It is appropriate to allow for the termination of the contract where payments cannot be made and where it is just and equitable for the contract to be terminated, having regard to the fact that rent-to-buy arrangements, and residential terms contracts can carry significant risks, particularly for purchasers.

New sections 55(7) and 56(7) also empower the court or VCAT, in an application for termination of a contract under new sections 55 or 56, to make an order providing that the purchaser is relieved of any liability under the contract (including for breach of any condition or contractual term) and that the vendor must repay to the purchaser all or any specified payments made by the purchaser under the contract, except for a sum that represents fair market rent for any period which the purchaser was in actual possession of the land (in the case of residential terms contracts and rent-to-buy arrangements) or entitled to the receipts of rents and profits of the land (in the case of rent-to-buy arrangements).

New sections 55(7) and 56(7) may be relevant to property rights under section 20 of the Charter, as they can require property (money paid to the vendor) to be forfeited in certain circumstances. However, I do not consider that these amendments limit the right to property.

The situations in which money paid is to be returned to the purchaser are clearly formulated and confined to specific circumstances. The court or VCAT's power to make the orders is clearly circumscribed by the threshold requirements imposed by new sections 55(8) and 56(8). These sections provide that the order cannot be made if it would result in undue financial hardship for the vendor or it would otherwise not be just and equitable taking into account all the circumstances and the nature and extent of any other person's interest in the land.

Options to purchase under land banking schemes

The Bill inserts new sections 29WH and 29WI into the Act, which regulate the circumstances in which a vendor may sell an option to purchase land under certain land banking schemes (as defined). These sections may be relevant to the right to property as discussed below.

New section 29WH(1) provides that a vendor must not sell to a purchaser an option to purchase land under a land banking scheme except as provided for in section 29WH.

New section 29WH(3) requires that any money paid by the purchaser for the option must be held on trust by the vendor's lawyer, conveyancer, or licensed estate agent, until a plan of subdivision is registered in respect of the land or lot or the expiry date for the exercise of the option (whichever occurs earlier). Section 29WH(4) requires an agreement for an option to purchase land under a land banking scheme to provide for the money paid for the option to be held on trust in accordance with section 29WH(3). New section 29WH(5) provides that the purchaser may rescind an agreement if the

requirements of section 29WH(3) and (4) are not satisfied. Relevantly, new section 29WI creates an offence and penalties, for a vendor who fails to comply with the section 29WH(3) obligation relating to money paid by a purchaser for an option under an agreement.

The treatment of money under new sections 29WH and 29WI may be relevant to the right to property, as the requirement that the money must be held in trust restricts the use of property (the money). However, I do not consider that these amendments limit the right to property. The situations in which moneys are to be paid and held on trust are clearly formulated and confined to specific circumstances. In addition, options to purchase agreements can carry significant financial risks for purchasers, and it is appropriate that money paid under the agreement be held on trust until a plan of subdivision is registered or the date by which the option must be exercised has expired.

New section 29WH(7) provides that, despite anything to the contrary in the agreement in respect of the option to purchase, the agreement will automatically expire if the event triggering the purchaser's right to exercise the option does not occur within 5 years of the entering into of the agreement. Further, as noted, new section 29WH(5) provides that the purchaser may rescind an agreement if the requirements of section 29WH(3) or 29WH(4) are not satisfied. This may be relevant to the right to property, as it restricts a vendor's ability to dispose of their property in certain circumstances. However, I do not consider that these amendments limit the right to property. The situations in which the automatic expiration occurs or rescission is permitted are clearly formulated and confined to specific circumstances. Further, limiting the duration of an option agreement is intended to provide greater clarity over the risk profile of the investment for both parties to the agreement, which is appropriate.

New section 29WH(8) provides that the purchaser is entitled to the immediate return of moneys paid under the agreement between the vendor and purchaser on the occurrence of specified events, these being that the purchaser has rescinded the agreement under section 29WH(5) or otherwise, or the agreement for the option has expired under section 29WH(7) or otherwise, or the event triggering the purchaser's right to exercise the option does not otherwise occur. This may be relevant to the right to property, as it can require property (money paid by the purchaser to be held on trust by the vendor's lawyer or agent) to be returned to the purchaser. However, in my opinion, these amendments do not limit the right to property. The situations in which money paid is to be returned to the purchaser are clearly formulated and confined to specific circumstances. In addition, the provisions serve an important purpose of protecting investors with respect to certain land banking schemes, which are forms of speculative real estate investment that carry risks for investors. The provisions seek to ensure that property developers in certain types of schemes bear the financial risk of their land banking schemes, and that investors' money is returned if the scheme does not proceed. The provision also provides increased protection for purchasers by preventing their money from being tied-up for lengthy periods of time.

Sunset clauses

New sections 10A-10D of the Act, regulate the manner in which a residential off-the-plan contract can be rescinded by a vendor under a sunset clause. It is noted that most vendors affected by the amendments are likely to be corporations and

therefore do not enjoy human rights, as the Charter only protects individuals. A sunset clause is defined as a provision of a residential off-the-plan contract that provides for the contract to be rescinded if the relevant plan of subdivision has not been registered by the specified sunset date or if an occupancy permit under the Building Act 1993 has not been issued by the sunset date.

New section 10A makes the rescission of a contract under a sunset clause (that purports to automatically rescind the contract on the part of the vendor) subject to Division 1 of Part 1 of the Act, which includes new sections 10A to 10D. New section 10B provides that a vendor must not rescind a residential off-the-plan contract under a sunset clause unless the vendor gives written notice to each purchaser (containing information prescribed by the section) and each purchaser consents in writing to the rescission. Alternatively, section 10D provides that a vendor may apply to the Supreme Court for an order permitting the rescission pursuant to the sunset clause. New section 10C provides that a provision of a residential off-the-plan contract has no effect to the extent that it is inconsistent with sections 10A and 10B. New section 10E provides that a sunset clause in a residential off-the-plan contract must include a statement specifying (in summary) that the vendor is required to give notice of a proposed rescission of the residential off the plan contract, the purchaser has the right (but is not obliged) to give written consent to the proposed rescission of the contract the vendor has the right to apply to the Supreme Court for an order permitting rescission by the vendor. Penalties are created for contravention of section 10E.

New section 54(1) and clause 2 provide that new sections 10A-10C are taken to come into operation on 23 August 2018 and will have retrospective effect, applying to residential off-the-plan contracts entered into, and in force immediately before, the commencement of section 12(1). This intends to prevent an attempted rescission of an existing contract under a sunset clause before the commencement of the amendments without the consent of the purchaser. However, new section 54(2) provides that the amendments in sections 10A-10C as made by section 12(1) of the Sale of Land Amendment Act 2018 will not apply to any proceeding concerning the effect or operation of a sunset clause in a residential off-the-plan contract commenced before the commencement of section 12(1). New section 10E will not operate retrospectively. New section 54(3) and clause 2 provide that new section 10D will commence on the day after the Bill receives Royal Assent and will have retrospective effect, applying to residential off-the-plan contracts entered into, and in force immediately before, the commencement of section 12(2) and (3).

These amendments may restrict a vendor's right to property and ability to deal with their property, by restricting the vendor's ability to rescind an off-the-plan sale of land under a sunset clause. However, in my view the right is not limited as the situations in which the ability to deal with property is limited are clearly formulated and confined to specific circumstances. The requirements to be included in the vendor's written notice under new section 10B, and the requirement that purchaser's consent be written, are clearly set out in the provisions. The requirements to be included in a sunset clause under new section 10E are clearly set out in that section. The power of the Supreme Court to permit rescission is clearly set out in new section 10D, and new section 10D clearly sets out the test to be applied by the Court and the factors the Court must consider in making its order.

The provisions seek to regulate and prevent the misuse of sunset clauses, in response to evidence that suggests that some developers are delaying progress of their developments and rescinding off-the-plan contracts under such clauses, in order to capitalise on increased property values since the contracts were signed, to the detriment of purchasers under those contracts. These issues were identified in the course of a public review of the operation of the Act undertaken between 2016 and 2017, and the amendments are based on a similar New South Wales legislative reform contained in section 66ZL of the Conveyancing Act 1919 (NSW).

Freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. This is qualified by section 15(3) of the Charter, which provides that special duties and responsibilities are attached to the right of freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality.

Advertising sales under terms contracts and rent-to-buy arrangements

New section 29EC (as created by clause 20 of the Bill) prohibits a person from knowingly advertising the sale of residential land (other than agricultural land) under a terms contract where the sale price is less than the prescribed monetary amount. The Bill creates penalties for contravention of section 29EC.

Clause 22 inserts new section 29WE into the Act, which prohibits a person from knowingly advertising the sale of a residential land under a rent-to-buy arrangement. The Bill creates penalties for contravention of section 29WE.

These provisions do not apply retrospectively. The prohibitions relate to advertising the sale of land under contracts and arrangements that are unlawful. In my view, the right in section 15(2) of the Charter either does not extend to protecting expression that is unlawful or promotes unlawfulness, or if it does, is qualified by section 15(3) of the Charter. To the extent that these prohibitions may be relevant to the right to freedom of expression, in my view the provisions do not limit the right. The provisions aim to protect consumers with respect to terms contracts for low-value residential property and rent-to-buy arrangements which can carry significant risks of financial detriment, and where entering such contracts is unlawful, and can be characterised as reasonably necessary to protect the rights of other persons.

Further, the prohibition is not a general restriction on advertising and is restricted to advertising of sales that are prohibited by the Act. As such, the provision is limited to the extent necessary to achieve the objectives of the Bill, and functions to achieve the important purpose of protecting consumers with respect to terms contracts and rent-to-buy arrangements.

AD Act amendments

The AD Act prohibits certain activities on ANZAC Day, including certain sporting and entertainment activities, without a permit from the Minister.

Clause 29 of the Bill inserts new section 5AB into the AD Act to provide that, despite anything in any other Act or a statutory rule, a person must not conduct a public auction of land or a business before 1pm on ANZAC Day. The Bill creates penalties for contravention of new section 5AB.

Unlike the approach taken in sections 5 and 5A of the AD Act, it is not possible for a person to apply to the Minister for an exemption from the prohibition on conducting a public auction before 1pm on ANZAC Day.

The right to freedom of expression may be relevant to clause 29 as it prohibits the holding of public auctions. However, in my view, the right is not limited, as it falls within the exceptions to the right in section 15(3) of the Charter. The provision is consistent with community values that certain activities such as sporting events and public auctions should be restricted on ANZAC day, and the restriction is therefore reasonably necessary for the protection of public morality. In any event, I consider that the limitation is reasonable and justified. The restriction only applies for the specified time on the prescribed day, concluding at 1pm. I therefore consider that any interference with the right is limited, and that a reasonable time is afforded for the holding of public auctions on ANZAC Day following 1pm.

This provision may also be relevant to property rights under section 20 of the Charter, as it restricts a person's capacity to dispose of property during the regulated period. However, in my opinion, the provision does not limit the right. The situations in which the disposal of property is limited are clearly formulated and confined to specific circumstances, and the provision only operates for the specified time on the prescribed day, concluding at 1pm.

Fair hearing

Section 24 of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

As noted above, clause 21 creates new section 29F(2A), which removes the restriction on a purchaser's ability to avoid a terms contract entered into in contravention of the Act in relation to certain residential land, where a court is satisfied that certain conditions are established.

While the removal of the power of the court to consider and allow such a contract to be entered into may appear to engage the fair hearing right, in my view it does not do so. Both parties retain the right to have any relevant proceedings determined by a court. The provision merely alters the substantive law to be applied.

Hon. Marlene Kairouz, MP
Minister for Consumer Affairs, Gaming & Liquor Regulation
Minister for Local Government

Second reading

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (10:40) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The *Sale of Land Act 1962* (“the Act”) was originally enacted in 1962, with the purpose of protecting purchasers under terms contracts and contracts for the sale of land off-the-plan. Subsequently, the Act was amended to protect the interests of property purchasers more generally, and it now regulates the treatment of deposit moneys, provides for mandatory pre-contractual vendor disclosure and regulates public auctions, among other things. It is recognised as a critical piece of consumer protection legislation underpinning Victorian property law.

During 2016 and 2017, the Act’s operation was examined as part of the Andrews Labor Government’s broader Consumer Property Law Review (“the review”).

The bill I am introducing today continues to support the Act’s role in providing critical consumer protection by introducing a number of key reforms to address substantive consumer detriment in the Victorian property market identified during the course of the review, and to address other issues attracting community concern.

One of the most significant reforms to be introduced by the bill relates to the use of ‘sunset clauses’ to rescind residential off-the-plan contracts.

Under the Act, a purchaser under an off-the-plan contract has the statutory right to rescind the contract if the plan of subdivision relevant to the lot they have bought is not registered within 18 months of the contract being entered, or another period specified in the contract.

This statutory right to end an off-the-plan contract if it is not completed within a certain time reflects the conditional nature of off-the-plan projects, which involve some risk to a purchaser that the project will not be completed or that completion will be delayed.

The Act does not expressly give vendors (including developers) a similar right to end off-the-plan contracts of sale in this event. However, it does not preclude contracts from including such a right, and it is very common for off-the-plan contracts to include a clause enabling the vendor to end the contract if the plan of subdivision has not been registered by a specified date.

Contractual clauses of this type are known as ‘sunset clauses’.

The Government has become aware of a number of instances in which developers have used (or propose to use) sunset clauses to rescind residential off-the-plan contracts, apparently with the intention of re-selling the relevant lots at a higher price, and in circumstances where it is alleged that completion of the project was deliberately delayed.

Although the number of developers who may seek to take advantage of rescission rights in this way may generally be low, the risk of this occurring increases in a rising property market.

The consequence for the purchaser in this scenario is that despite having paid a significant deposit and having waited a period of time for their property to be developed, upon rescission of the contract, they are denied the benefit of any increase in the value of the property, are repaid only their

deposit (without interest) and must then find an alternative property to buy, which also may have significantly increased in price over that period of time. Some purchasers in this situation may have to continue to rent, long past the time which they expected to be paying off a mortgage on their own home.

Members will appreciate the disappointment and distress experienced by purchasers to whom this occurs, and their loss of confidence in the integrity of the off-the-plan industry, where it seems that vendors have not used best endeavours to complete the project.

While it is possibly open to purchasers in this scenario to seek a court order for specific performance of the contract by the vendor, the Andrews Labor Government recognises that taking action in the courts to assert their contractual rights is beyond the means or risk appetite of most purchasers.

Therefore, in order to address the misuse of sunset clauses by vendors, the bill provides that a vendor may not rescind a residential off-the-plan contract pursuant to a sunset clause without the agreement of the purchasers, or alternatively the express permission of the Supreme Court.

The term ‘sunset clause’ is defined in the bill to mean a clause that enables rescission of an off-the-plan contract if either the relevant plan of subdivision is not registered by a specific date, or an occupancy permit has not been issued in respect of the lot by a specific date.

The Supreme Court may make an order allowing the rescission of the off-the-plan contract if it is just and equitable in all the circumstances.

In making such an order, the Supreme Court is required to have regard to factors including whether the vendor has acted unreasonably or in bad faith, the reason for the delay in registering the relevant plan of subdivision or the issuing of an occupancy certificate, and whether the relevant lot has increased in value.

Vendors will be responsible for their own costs in making such an application to the Court, and will also be responsible for a purchaser’s costs, unless the purchaser has acted unreasonably in withholding consent.

The bill also addresses predatory conduct in the alternative housing finance sector that has led to vulnerable consumers entering into unaffordable and high-risk ‘terms contracts’ or rent-to-buy arrangements for the purchase of residential property.

The bill amends the Act to prohibit the use of terms contracts for residential land sales (other than sales of agricultural land) under a monetary threshold to be prescribed in regulations made under the Act.

Terms contracts are contracts for the sale of land where the vendor and purchaser agree that the purchaser will pay the purchase price of the property in instalments, prior to the vendor completing a transfer of land in the purchaser’s favour. The purchaser may be entitled to occupy the property during this period.

During the review it was suggested that market changes over the last 50 years, in particular, the contemporary competitive mortgage market has meant that there is less of a need to use terms contracts as a way of purchasing a home, and that they

are now used mainly to take advantage of vulnerable people who cannot access conventional mortgage finance to purchase a home.

Indeed, the review received evidence about an increasing trend for terms contracts for lower-value residential property sales to be brokered between financially stressed vendors and purchasers, often in regional or outer-metropolitan areas. Such arrangements are almost always unaffordable for the purchaser, and are of little benefit to the vendor. It was further noted that parties generally cannot afford to obtain independent legal and financial advice prior to entering such contracts, or (in the case of purchasers) use provisions existing in the Act designed to protect their interests.

The Government acknowledges, however, that terms contracts can be a useful and appropriate arrangement for the sale of commercial, high-value residential and agricultural property, where the parties are more likely to have equal bargaining power and have involved independent financial and legal advice. Accordingly, the amendments introduced by the bill will not impede the continued use of this form of contract in these circumstances.

The bill will also amend the Act to prohibit the sale of land through rent-to-buy arrangements.

A rent-to-buy arrangement typically involves a residential tenancy agreement, allowing a person to occupy a residential property for a fee, and a sale option (or sale deed), which gives that person a right or option to buy the residential property at a specified — usually inflated — price, at a future point.

Rent-to-buy arrangements present significant risks to consumers. For example, if during the rental period, a person defaults on the residential tenancy agreement (for example, does not pay their rent for a month), the landlord can potentially exercise their rights under the *Residential Tenancies Act 1997* to terminate the lease, and as a result the rent-to-buy arrangement. Upon termination of the lease, the person will lose both their option to purchase and any fees paid under the sale option.

During the review no evidence was provided of the successful use of rent-to-buy arrangements as a means of achieving home ownership. Rather, the review received substantial feedback that this type of arrangement is of no discernible benefit to consumers and causes significant financial and personal distress.

However, the Government recognises that future models of rent-to-buy arrangements may be legitimate, and that these should not be prevented.

Therefore, the bill includes a number of exemptions from the general prohibition on rent-to-buy arrangements directed at arrangements which are likely to lead to home ownership, for example, where one of the parties is the Director of Housing or a registered housing association. Provision is also made for other prescribed persons and classes of persons, and arrangements that comply with prescribed requirements, to be exempt from the prohibition on selling residential land under a rent-to-buy arrangement.

The bill also closes a regulatory gap that has enabled developers associated with unregulated and problematic land banking schemes to spend the money they have raised selling

options to unsophisticated investors without regard to their interests.

‘Land banking’ is a type of speculative real estate investment where property developers buy large blocks of undeveloped land with a view to dividing it into smaller lots.

Before any formal subdivision or development has occurred, small-scale domestic investors are offered the opportunity to either buy a lot ‘off-the-plan’ or pay money to purchase an option to buy a lot at some point in the future. The value of the option is tied to the likelihood of the land being approved for development by the relevant council, enabling the investor to purchase the land at a profit.

While moneys paid by purchasers under off-the-plan contracts are protected under the Act, purchasers of an option to buy land are at considerable financial risk, because the land which is the subject of the option may be unsuitable for re-zoning or development, and moneys paid for the option are not required to be held trust and are therefore at risk of being dissipated.

Previous land banking schemes that have involved the sale of options have collapsed, with investors unable to recover their option fees. Such investors have typically been persons with limited funds and limited investment experience.

The bill puts in place similar protections for persons who pay money for options to purchase land in a land banking schemes as are in place for purchasers under off-the-plan contracts by requiring option moneys to be held on trust by a legal practitioner, conveyancer or licensed estate agent acting for the vendor of the option until a plan of subdivision has been registered, or until the time by which the option must be exercised has expired. If the option expires, moneys paid for the option must be returned to the purchaser.

In addition, the bill provides for the expiry of options to purchase land as part of a land banking scheme after five years so that investors can regain access to their money (which will have been held on trust) should the development not have progressed within this time period.

The bill specifically exempts options sold in respect of land banking schemes that are registered managed investment schemes under the *Corporations Act 2001*, and options that are financial products issued by the holder of an Australian Financial Services Licence (“AFSL”), from the amendments to be made to the Act. This recognises that registered managed investment schemes and AFSL holders are already subject to Commonwealth oversight.

The bill also includes amendments to address some issues which, while infrequent, are of concern to the community when they arise.

One such issue relates to the disclosure of certain facts regarding a property for sale, for example, its history as the site of a homicide, or its past use as a site on which illicit drugs were manufactured.

The bill will amend the Act to strengthen an existing requirement not to fraudulently conceal ‘material facts’ about a property, with the intention of inducing another to buy that property. Additionally, amendments will be made to enable the Director of Consumer Affairs Victoria to publish guidelines designed to assist vendors and estate agents to understand what is meant by the term ‘material fact’.

Another issue of concern to the community is the holding of public auctions on ANZAC Day.

There are currently no restrictions on this practice, however public auctions that are held on ANZAC Day are considered to be disrespectful by many members of the community.

The Andrews Labor Government has listened to the concerns raised by the community on this issue. The bill amends the *Anzac Day Act 1958* to make it an offence to conduct a public auction of land or a business before 1pm on ANZAC Day, consistent with the general prohibition of shop trading before 1pm on that day.

Finally, the bill makes a number of miscellaneous and consequential amendments to the Act, and introduces some transitional provisions relevant to other amendments made by the bill.

In conclusion, I would like to take this opportunity to thank the many stakeholders who contributed to the review of the Act. The bill introduces critical reforms designed to mitigate consumer detriment identified during the review, while not impeding legitimate and beneficial property transactions.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 5 September.

SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018

Statement of compatibility

Ms HENNESSY (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018 (the Bill).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Bill is to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 (the Act) to introduce new and modify existing nurse to patient ratios and midwife to patient ratios with which the operators of certain publicly funded health facilities must comply. The Bill also repeals a number of sections in the Act that allow for variations from ratios and changes the categorisation of certain hospitals under the Act.

Human rights issues

Human rights promoted by the Bill

The Bill promotes the following human rights protected by the Charter:

the right to life (section 9 of the Charter);

the right to protection of families and children (section 17 of the Charter); and

the right to protection from cruel, inhuman or degrading treatment (section 10(b) of the Charter).

The right to life (section 9 of the Charter)

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Clause 22 of the Bill will introduce nurse to patient ratios for oncology, acute stroke and haematology settings. The introduction of these new ratios will ensure the delivery of high quality care in these areas of speciality and as a result will promote the right to life of patients in oncology, acute stroke and haematology settings.

Clauses 23, 24, 25 and 27 of the Bill will improve nurse to patient ratios applicable to palliative care inpatient units, emergency departments and special care nurseries, and improve midwife to patient ratios for birthing suites. The improvements to the ratios in these areas of speciality will ensure safe and quality patient care and as a result, will promote the right to life of the patients receiving care in these speciality settings.

Clause 5 of the Bill will introduce a new rounding methodology for ratios under the Act which in most cases will result in a higher number of nurses providing care to patients. This new rounding methodology will therefore promote safe patient care and promote the right to life of patients in public hospitals.

The protection of families and children (section 17 of the Charter)

Section 17(1) of the Charter recognises that the families are the fundamental group unit of society and that families are entitled to be protected by society and the State.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to protection as is in their best interests, in recognition of a child's special vulnerability because of their age.

Clauses 24 and 25 of the Bill improve nurse and midwife to patient ratios in special care nurseries and midwife to patient ratios in birthing suites. These improved ratios will ensure that babies and mothers receive a high quality of care by improving opportunities for dedicated patient care and as a result will promote the protection of families and children.

Protection from cruel, inhuman or degrading treatment (section 10(b) of the Charter)

Section 10(b) of the Charter provides that a person must not be treated or punished in a cruel, inhuman or degrading way.

The Bill's introduction of new patient ratios in specialist areas, improvement of existing ratios and introduction of a

new rounding methodology for ratios all promote the right to protection from cruel, inhuman or degrading treatment by ensuring a safe and supportive environment for patients, nurses and midwives in public hospitals.

Other potential human rights invoked

The right to equality (section 8 of the Charter)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection without discrimination and has the right to equal and effective protection against discrimination.

The new nurse to patient ratios will distinguish between patients in different hospital settings. This may invoke the protected attributes of 'disability' and 'pregnancy' under the *Equal Opportunity Act 2010* and therefore engage the right to equality and non-discrimination. However, distinguishing the level of care owed to a patient based on their setting in a hospital is reasonable and justified because patients with different illnesses and conditions require varying levels of care depending upon their clinical acuity and the associated treatment necessary to appropriately manage their illness or condition.

To the extent that the Bill will not benefit persons hospitalised in settings other than those provided for in the Bill, this is reasonable and justified because these other settings are managed through evidence based clinical guidelines and industrial frameworks.

For the reasons outlined it is my view that the Bill is compatible with the Charter.

Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) (10:42) — I
move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

This Bill presents a historic opportunity to improve the safety and quality of patient care for all Victorians.

Safety is our highest priority, and through improving nurse to patient and midwife to patient ratios, we are supporting our dedicated workforce in our public hospitals and health services to deliver the best possible care.

The landmark introduction of the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act in 2015* was a significant achievement for Victoria, as the first state in Australia to legislate minimum nurse and midwife staffing in public hospitals.

The Safe Patient Care Act has successfully protected minimum workload arrangements and reduced industrial disputes — creating a safe, supportive and productive environment for nurses, midwives and patients.

It is now time to improve staffing ratios to minimise any risk to patients where specified ratios are no longer fit for purpose and do not reflect best practice or safe staffing levels.

Nurses and midwives form part of an integral workforce in our health system and continue to be the most trusted profession in Australia.

There are over 50,000 nurses and midwives in our public health system committed to providing patient-centred, empathetic and individualised care. These staff are managing patients in an environment of increasing patient complexity, changing models of care and the growing demand for health services.

Increasing workloads have the potential to lead to burnout, absenteeism, job dissatisfaction, attrition and poor retention. International and local evidence also confirms a direct relationship between workload levels, patient outcomes and nurse-reported quality of care.

In summary, higher staffing numbers lead to better patient outcomes.

As such, it is now time to improve workload arrangements, create positive, healthy and productive environments and advance the health system for better patient safety.

This Bill specifies minimum staffing levels for a range of clinical settings. Updating the Safe Patient Care Act will guarantee consistency and create greater certainty around the provision of safe and high quality patient care by ensuring that health services provide a higher number of nurses and midwives where required in more complex and specialised environments.

The Bill advances the intent of the Safe Patient Care Act and demonstrates the Andrews Government's greater focus on safe and high quality patient care.

This Bill enhances the Act in four ways:

Firstly, the Bill improves a number of existing ratios to reflect evolving nursing and midwifery practices in response to advancing technologies, changing service models and increasing patient acuity and complexity.

Amendments to the rounding methodology will mean that, in most circumstances, nurses and midwives will no longer be required to carry an additional workload that can at times be 50 per cent greater than the specified ratio.

Ratios in palliative care, birthing suites, special care nurseries and emergency departments will also be updated to maintain their relevance and to reflect contemporary practice and community expectations.

Secondly, the Bill is creating new ratios to better manage highly complex patients in a range of clinical settings that use advanced technologies and specialised treatments.

New minimum safe staffing levels are now provided for inpatient multi-day speciality areas of haematology, oncology and acute stroke units. Managing ratios within mixed speciality wards is also clarified.

These enhancements will create statewide consistency in service provision and ensure the delivery of high quality individualised care that reflects treatment complexity.

Thirdly, as part of a continuous improvement process, the Bill removes redundant and outdated sections of the Act.

Removing the night duty formula in specified emergency departments and the local capacity to vary ratios will reduce confusion and ambiguity, and advance uniform workload management processes.

Finally, the Bill improves the overarching structural and operational functionality of the Act to deliver a contemporary and responsive regulatory instrument that reflects modern practices, and protects patient-care models for all Victorians.

The vision and objectives of the Bill will be achieved over five years. During this time, the Government will work with Victorian public hospitals and health services to monitor implementation and devise opportunities to provide local support as required.

The Government will also continue to support the nursing and midwifery workforce through a range of workforce development programs that target transition to practice and professional skills development.

Every day our nurses and midwives work hard to deliver person-centred healthcare and deliver the best outcomes for all Victorians.

This Bill will improve workload arrangements and have a significant and lasting impact on the provision of safe, empathetic and high-quality patient-centred care in line with community values.

I commend the Bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 5 September.

**ESSENTIAL SERVICES COMMISSION
(GOVERNANCE, PROCEDURAL AND
ADMINISTRATIVE IMPROVEMENTS)
AMENDMENT BILL 2018**

Statement of compatibility

Mr SCOTT (Minister for Finance) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018.

In my opinion, the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

In 2016, a review of the **Essential Services Commission Act 2001** (the Act) was conducted in accordance with the requirements of section 66 of the Act. The Bill implements several of the recommendations of the review including—

replacing appeals panels established under the Act with a review jurisdiction conferred on the Victorian Civil and Administrative Tribunal (VCAT);

enabling the Minister to nominate an additional Commissioner to act as Chairperson in the absence of the Chairperson, or a vacancy in the office;

clarifying that the Essential Services Commission (Commission) has the function of reporting on certain matters in relation to regulated industries if this is required under enabling legislation; and

providing for a further review of the Act to be completed by the end of 2026.

Human Rights Issues

In my opinion, the human rights under the Charter that are relevant to the Bill are:

the right to privacy as protected by section 13 of the Charter;

the right to take part in public life as protected by section 18 of the Charter; and

the right to a fair hearing as protected by section 24 of the Charter.

Right to a fair hearing

Section 24 of the Charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial tribunal after a fair and public hearing.

Division 1 of Part 2 and Part 3 of the Bill replace appeals panels established under the *Essential Services Commission Act 2001* with a review jurisdiction conferred on the Victorian Civil and Administrative Tribunal (VCAT). By adopting standardised procedures and drawing on existing infrastructure to conduct hearings, this is likely promote the right to a fair hearing.

However, the Bill proposes two measures that will restrict VCAT's ability to hear and determine applications for review in this context:

proposed clause 11AID of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) limits the evidence that can be considered by VCAT when the Commission's decisions are being reviewed to the evidence that can be considered by appeals panels under current regulation 16(2) and (3) of the Essential Services Commission Regulations 2011; and

proposed clause 11AIE of Schedule 1 to the VCAT Act limits the orders that VCAT can make to those already existing under the ESC Act under section 56(7) and restated with minor variations in new section 56 in clause 9.

To the extent that these restrictions might be considered to limit the right to a fair hearing, any limitation is in my view reasonable and justified for the reasons set out below.

In the case of the restrictions on admitting new evidence, these are intended to promote better decision-making by the Commission by encouraging an applicant to bring all pertinent material to the Commission's attention before the Commission makes a decision. Further, under proposed clause 11AID of Schedule 1 to the VCAT Act, VCAT is able to admit new facts and materials as evidence if the applicant satisfies VCAT that the new facts or material are materially relevant and could not have been placed before the Commission before the Commission made the decision. This means that VCAT can ensure a hearing can occur in a fair manner.

In the case of the orders VCAT can make in disputes under the Act, the restriction of the scope of such orders could be regarded as impacting on the 'competence' of the tribunal to the extent that it relates to the ability of VCAT to grant effective remedies. However, the orders that VCAT can make will be effective as they are tailored and appropriate to the matters in dispute which is reasonable and justified. Further, subject to section 61 of the Act, courts are also able to engage in judicial review of the matters in dispute.

Other rights engaged

Privacy (section 13)

Section 13 of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Clause 5 of the Bill amends section 38 of the *Essential Services Commission Act 2001*. Section 38 specifies the circumstances in which the Commission can disclose confidential or commercially sensitive information. If person claims it would cause detriment, they may apply for review by VCAT of the Commission's decision to release confidential information. Where these applications are withdrawn or dismissed, disclosure by the Commission can occur. Similarly, VCAT can agree to the disclosure of the information but impose restrictions on what information that can be disclosed. Because there is a right of review by VCAT, the right to privacy is not limited because any disclosures arising under section 38 are not unlawful or arbitrary. To the extent that section 38 might involve the disclosure of personal information, the clearly prescribed nature of the provision and the decision-making safeguards which are built into it protect against any arbitrary or unlawful interference.

The right to privacy is also engaged by clause 14 of the Bill, which deals with public reporting on regulated markets. However, the Bill provides for reporting on regulated industries as a whole, rather than individual participants in those industries. Further, participants in the industries concerned are typically corporations; as noted in section 6 of the Charter, corporations do not have human rights. As such, to the extent that clause 14 might engage the right to privacy, in my view it does not limit that right.

Right to take part in public life (section 18)

The right to take part in public life in section 18(2)(b) of the Charter provides that '[e]very eligible person has the right, and is to have the opportunity, without discrimination ... to have access, on general terms of equality, to the Victorian public service and public office'.

The right to take part in public life is engaged by the abolition of the Essential Services Commission Appeals Panel. The members of the panel will cease to hold office. However, the right is not limited because the members will be eligible to be appointed to VCAT if they are Australian lawyers or have special knowledge or experience, and will continue to have the opportunity to access the Victorian Public Service and public office.

Robin Scott, MP
Minister for Finance

Second reading

Mr SCOTT (Minister for Finance) (10:43) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

This Bill will improve the operation of the Essential Services Commission (the Commission) and the Essential Services Commission Act 2001 (ESC Act). The ESC Act establishes the ESC as the economic regulator of Victoria's energy, water and transport sectors. It is important the ESC Act and the ESC operate effectively and efficiently to promote good outcomes for Victorians.

The Bill implements the government's response to the review of the ESC Act. The review was undertaken by the Department of Treasury and Finance in late 2016, in accordance with section 66 of the ESC Act which stipulates that the review had to be completed by 31 December 2016.

The purpose of the review was to determine whether the objectives of the ESC Act were being achieved, whether they remained appropriate, and whether the ESC Act was effective.

The review undertook targeted consultations with key stakeholders, including regulated industries, government departments and agencies, and consumer organisations. The review concluded that the ESC was working well as an economic regulator, but found scope to clarify its role and to improve governance, procedural and administrative arrangements. The review made 10 recommendations, which the government broadly supported, however not all recommendations require legislative change. The government response was tabled in Parliament on 7 March 2017.

I will now provide an outline of the Bill.

The main feature of the Bill is to confer jurisdiction to hear reviews of Commission decisions on the Victorian Civil and Administrative Tribunal (VCAT), replacing the Essential Services Commission Appeals Panel (the Appeal Panel).

Currently, a separate time-limited pool of appeal panellists are appointed under the ESC Act to hear and determine appeals against a requirement, decision or determination of the Commission. The Bill will transfer the Appeal Panel's powers and functions to VCAT, the expert body for matters of administrative review in Victoria. This will reduce duplication of infrastructure and resources in managing the appeals process and will simplify the appointments process by utilising VCAT's existing expert members in administrative review.

The current scope and grounds for appeal will be retained in the ESC Act. While ESC appeal matters will largely follow normal VCAT hearing procedures, there will be slight differences, reflecting the particular nature of the Commission's decisions. Special procedural requirements will be provided for in Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998*. These include retention of existing restrictions on what evidence can be introduced in an appeals, to ensure that material before VCAT in a review under the ESC Act is limited to the material that was before the Commission at the time of its original decision. Existing restrictions on the orders that VCAT can make in respect of a final decision will also continue to apply.

The Bill also enables the Minister to nominate a person to act as Chairperson to the Commission, as current arrangements to appoint an acting Chairperson are administratively burdensome.

The Bill will also recognise that a significant role for the Commission is to publicly report on the market structure and performance of regulated industries, which is currently provided for in other empowering instruments.

Finally, the Bill will direct the minister responsible for the Commission to ensure that another review of the ESC Act is undertaken by 31 December 2026 to ensure the ESC Act remains up to date and Victorians continue to benefit from best-practice regulation.

I commend the Bill to the house.

Debate adjourned on motion of Mr MORRIS (Mornington).

Debate adjourned until Wednesday, 5 September.

BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

Second reading

Debate resumed from 7 August; motion of Mr WYNNE (Minister for Planning).

Mr BATTIN (Gembrook) (10:44) — I rise on behalf of the opposition in relation to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018 and will be putting the position of the opposition on the record. First I will note that on the notice paper today the opposition has put forward a notice of motion in relation to this bill.

Although we are not debating that motion, I will be talking to that as part of the speech in relation to separating parts of the bill. The bill as a whole is in three parts. The first part is around pool fences, with mandatory registration of fences. The second part is around the cladding on buildings in Victoria. We all know of the issues and concerns that have been raised around cladding, which I will go into in further detail. The last part is around trades registration and licensing within the building industry.

Our view is, first and foremost, that parts of the bill should have been separated. The cladding and pool fences parts both have a safety element within the state and both raise concerns about the safety aspects in private homes and buildings across the state, in government buildings, hospitals and private hospitals and also in residential buildings. The bill will be putting in place a mechanism to ensure better protection for those families in residences and those in other properties. To combine that with and force through a registration and licensing of trades I do not think is the appropriate way to proceed. Our belief is that that part should have been separated from the bill, and we will be moving amendments to the bill in the upper house. I will say that I have spoken to the minister in relation to that as well. I thank him and his department for the briefings we have had and for the open and honest discussion on that and on the bill. I look forward to working with the government hopefully on some of the amendments that we will be talking about between now and when the bill is in the upper house.

The first part of the bill that I will refer to today is around the pool and spa regulation. Everybody in Victoria knows that it is a tragedy when any person drowns in a pool. Most times when we hear of drownings we are hearing of children or toddlers who wander into an area of a pool, spa or other water and obviously become the victim in one of those and their families are left distraught. We only have to go back to the coroner's report of the review in relation to Elijah Meldrum, who in 2015 unfortunately passed away when a pool had a faulty gate. When the coroner went through the review at the time, they were reviewing what had happened, what the conditions were of the pool and the gate of the pool, obviously, what caused it and whether there was anything that could have come into place to better protect that child going forward.

Before I go into some of the issues around that case specifically and other cases that have happened in Victoria regarding pool fences, I think the most important message that must be reiterated not just in this house but in the community is that no matter which regulations are brought in by any government, no

matter what legislation is passed and no matter who inspects pool gates and fences and provides that protection, nothing replaces the supervision of children around pools. We hear of too many cases of drownings or close to drownings occurring not through faulty pool fences but through people chocking open gates to make it easier to let the children in and out. If you lose concentration for a short period of time, a child can go and enter the pool. That is a tragic outcome for a family, and one they will live to regret forever. I think it is really important to emphasise that when you are talking about families and children around pools that you cannot replace supervision. It is so important.

As I said before, the first case concerns the grieving parents of Elijah Meldrum and their call for an overhaul of the rules around pool fencing. I will quote from an article in the *Herald Sun* of 18 December 2015:

The grieving parents of a little boy who drowned in a backyard pool with a faulty gate have pleaded for an overhaul of Victorian pool fencing laws.

...

After several high-profile pool drownings in 2013, then planning minister and now opposition leader Matthew Guy said the government 'couldn't stand by any longer' and committed to following in the footsteps of other states.

I think that is a commitment that you will find on both sides of the house. We have to ensure that any legislation and regulation that goes through is in the best interests of safety and of making sure that we can inspect pools going forward.

There was a bit of fear in the community that when the mandatory regulations for the inspection of pools came in, owners of an existing pool would be forced to adhere to current regulations. That is not actually the case. The legislation is around ensuring that a pool is safe. First of all, the pool must have a fence, even though that requirement may have come in after the pool was installed, but the pool will be inspected to the date you built it. If you built a pool and there is a door from your house to go directly to the pool and it had a childproof lock at a set height, that would still comply with the new legislation because you built it under the previous regulations. You will not have to double-fence it. The fear around that has been alleviated, so I think that is a positive outcome.

Unfortunately, as I said, we have had 25 children drown between 2000 and 2017. That is why on this side we believe the regulations on this issue should have had an opportunity to go through as a standalone piece of legislation rather than with the cladding legislation,

because we all know that this issue is too important to be politicised or debated in that way.

This decision comes after a long campaign by the Swimming Pool and Spa Association of Victoria and other leading industry stakeholders, who have stridently promoted the importance of mandatory pool and spa barrier inspection in Victoria for many years. I think it is very important that we have had that on the record in relation to pools. As I said, we will not be opposing any part of the bill, but that is an area that we support because it will improve safety.

The second part of the bill is around cladding. The cladding issue probably became a major news story and major discussion point for governments around the world after 72 people were killed in the London's Grenfell fire in 2017 due to unsafe and non-fire-resistant cladding. That fire touched the hearts of the world. Everybody who saw what happened, whether they were watching it on the news or were in that communities, saw how quickly and rapidly the fire moved on the outside of that building. It also moved very rapidly on the inside of that building. As I said, 72 lives were lost in England.

Whilst that happened in England, we have had the same issues here but not to the same extent. We had a \$2 million fire at a Docklands apartment, and the investigation found a similar concern surrounding the cladding of the building. It took 80 firefighters about 30 minutes to get that blaze under control. But one of the biggest differences between England and Australia is that our fire regulations are stricter. Our high-rise buildings have sprinkler systems. We have mandatory smoke detectors. Larger buildings are connected up to allow a quicker and more rapid response from fire services. So there are a lot of positives here regarding fire safety. However, the cladding issue is something that we still need to address.

What is going to happen soon is you are going to start to see orders coming out in relation to these issues, whether it is a replacement order or an order to upgrade, but they will ensure the safety of people in these buildings. That will put a significant cost back onto families, residents and communities, which may go through a body corporate or other organisation. In the private sector, to get a bill for \$40 000, \$50 000 or \$60 000 would be a lot of money for families who already have high debt levels with the borrowings for their properties. I could imagine that banks would struggle to loan these families more money. You would not want to put these people in the position of mortgage stress based on a decision that this cladding has to be replaced.

The part of the legislation that we are discussing with regard to cladding is around ensuring that these families can have access to funds via their local council. It would be a low interest or interest-free loan and would give people an opportunity to replace those parts of the building. It is a safety aspect for them. The loan would be paid off over 10 years, and as I understand the bill the debt will be held with council and will be on-sold. If you sell your property the bill remains on the rates through an increased rates bill, which will be passed on when you sell the property until it is paid off. But this does give an opportunity to ensure the safety-first aspect of it, and I think that is very important. That is again why we believe that this part of the bill should have gone through with the pools regulations separately.

There is more to come out on the public side of it. There was a report done with Ted Baillieu as the chair of the committee which referred to around 1400 buildings in Victoria. From reports from that committee, not all 1400 permits that had the cladding have been built. Some are still vacant lots of land, which is positive because they will not have the same effect. They will not have to change the cladding. But there are others that are built and people have been in them for many years, and they will ensure that they can get the opportunity to replace the cladding.

10:55:00 I know when Ted Baillieu was involved in this committee they ended up having a discussion with Sir Ken Knight, who is doing the investigation in the United Kingdom in relation to the Grenfell fire. I am pleased that the two countries' committees are working very closely together, having similarities in relation to the building issues but also having similarities as to how you face these decisions as a government. I think it is important that there is that opportunity going forward on how they work to ensure safety and to ensure families are not put in a position of deciding between safety and money. I think that is actually a positive in there, so we are supportive of that.

The last part of the bill and the reason we put the motion forward is about registration and licensing in the building industry. The building industry, as we all know, is the largest employer in Victoria. Many jobs are involved in the building industry, whether it is in civil construction, government construction, private construction or going down to houses and dwellings. Whenever you are looking at doing anything within this industry you want to make sure first and foremost that any change you make in legislation and in regulation is not going to send any shock waves through an industry in which trades and the requirements for the employment of trades are paramount.

We have so many people involved in the building industry who are exceptional and who do a fantastic job, and they are also the same people who do not want dodgy performers within the building industry. It gives them a bad name. We have spoken to the Housing Industry Association (HIA), we have spoken to the Master Builders Association (MBA) and we have spoken to many of the other builder organisations, and many of them have come back with the same views, and those views all tend to be along the lines of them not being opposed to the changes. The MBA is obviously very supportive, the HIA is not, and there are others that also are not supportive in relation to registration. You tend to get the feeling on registration that they accept registration is going to be coming into the building industry, they accept registration probably should be there for some elements within the building industry, but there is genuine concern raised around the licensing of all employees in the building industry. That is something that has been raised as a big concern.

But the largest concern that has been raised with us by all the industry groups — there is not one other view on this — is that this legislation, which is a framework, is actually saying, 'The government will do the regulations later. Trust us as a government that we will deliver the regulations that will suit it best, and we will do a regulatory impact statement at a later date'. The dates are in there and the government is looking at having it implemented by 2020, but the regulatory impact statement should have been done. We should have had the regulatory impact statement. We want to know what the effect of this bill is going to be when it is going to make such fundamental changes to the building industry. For any changes you make that could put at risk current employment levels, that could change insurance structures and that could change how businesses operate, from large businesses all the way through to small businesses and the local tradie down the road, it is vital that you have in place up front a paper for them to look at to see how it is going to affect the business in a financial sense, in a regulatory sense, in the sense of what paperwork is required and how they are going to do it.

One of the questions that I do not think the government has actually answered yet is how this system is going to play out. The Victorian Building Authority (VBA) is already struggling with the workload they have got. This will just increase the workload that will be put through the VBA. It is going to create a lot of pressure on the VBA to deliver outcomes — to make sure that people are registered and to police the registration. I will refer very quickly to one of their articles written by a local tradesman out my way who has a small to medium-sized building company, Cameron Arthur. His

question is: is registration and licensing the answer to the lack of quality, qualified trades in Victoria? In the article he refers back and forth to the positives and negatives. It is a very interesting article because it is not just a hit on the government; it is actually talking about how it is going to work, the benefits for his business and the benefits for the builders he works for. He said:

The addition of licensing and registration fees as well as additional insurance premiums will result in higher overheads and could deter good quality, qualified tradespeople from applying for registration or licensing, further compounding the issue of a lack of availability of tradespeople in Victoria.

He goes on to say:

Registration and licensing may be weed out some of the underqualified, dishonest trades. But it could also make it difficult for good quality, qualified tradespeople who are starting out working for themselves.

Buildoz, who Cameron works with, has struggled overtime to bring in good quality tradespeople, and they understand the industry is struggling at this time to get people in. He understands that there could be a registration requirement for his building work, but he does not agree with the licensing right through —

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office staff

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Minister for Police. Yesterday the Minister for Veterans refused to answer whether he signed casual employment forms for Ben McMullin, your Bellarine Labor field organiser who succeeded whistleblower Jake Finnigan but whose employment the government has concealed from the Ombudsman. Minister, given Mr McMullin worked in your office, which member of Parliament signed his casual staff sheets?

The SPEAKER — Order! I have ruled in this place and I repeat the ruling: the employment of electorate officers is a matter of parliamentary administration, not of government administration. Matters that occurred prior to the current administration are also not matters of government business, but matters contained in an Ombudsman's report are. Insofar as this might refer to an Ombudsman's report I am prepared to allow the minister to answer the question.

11:02:30 **Ms NEVILLE** (Minister for Police) (11:02) — As I understand, this is not part of the Ombudsman's report.

Honourable members interjecting.

The SPEAKER — Order! The member for Kew and the member for Malvern are warned.

Supplementary question

Mr GUY (Leader of the Opposition) (11:02) — Noting that this is pertaining to page 76 of the Ombudsman's report, Minister, you said about Mr McMullin's predecessor, Jake Finnigan, that you would not know him if you ran into him in the street and denied he worked in your office. Yet Mr Finnigan has stated under oath that he worked in your office, you gave him the key to your office door and you even gave him your own office security code. Minister, how can anyone believe your word regarding the red shirts rorting scandal, given you have clearly been a party to concealing evidence and apparently you cannot even recognise your own staff?

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to assist with the smooth running of the house. I renew my earlier ruling. Insofar as this matter may relate to matters contained in the Ombudsman's report, I ask the minister to answer the question.

Ms NEVILLE (Minister for Police) (11:04) — Firstly, I reject every accusation and premise of that question, and I refer to my earlier answer.

Honourable members interjecting.

The SPEAKER — Order! The level of noise in the chamber is once again too loud. Members will be removed from the chamber without warning.

Ministers statements: TAFE system

Mr ANDREWS (Premier) (11:04) — I am delighted to —

Honourable members interjecting.

The SPEAKER (11:04) — Order! The member for Warrandyte will leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr ANDREWS — Last Thursday I was delighted to join my colleagues the members for Eltham, Yan Yean and Ivanhoe, the Deputy Premier and the Minister for Training and Skills in the other place to mark the opening of the Banyule-Nillumbik Tech School, a great

facility in delivery of our election commitment to bring back tech schools, refined and reformed, to set our kids up for the jobs of the future. I was able to celebrate the opening of the tech school because the tech school is located in the grounds of the old Greensborough TAFE. I cannot tell you how pleased I was to be able to visit the Greensborough TAFE campus, now Melbourne Polytechnic, and to not need the bolt cutters to get in, because of course there is no padlock on the gate under this government. The place has been rebuilt. It is booming. It is better than it has ever been.

While we were there we took the opportunity to announce the final 10 of the 30 completely free TAFE courses we will offer from the beginning of next year and to expand the number of free preapprenticeship courses from 18 to 20. This of course comes on top of 30 000 extra places funded and many other campuses reopened. You could not get a clearer contrast between repairing the damage done by those opposite and setting TAFE up to be stronger than it has ever been.

Mr Burgess — On a point of order, Speaker, the member speaking has clearly forgotten that it was his party that destroyed technical colleges in Victoria — got rid of them completely.

The SPEAKER — There is no point of order.

Mr ANDREWS — I would invite the member for Hastings to keep talking about TAFE. We love that. Do you know what is better than talking about TAFE? Actually investing in it — and that is what we are doing. It is better than it has ever been, and shame on you!

Honourable members interjecting.

The SPEAKER (11:07) — Order! The member for Macedon and the member for Ripon will leave the chamber for the period of 1 hour.

Honourable members for Macedon and Ripon withdrew from chamber.

Electorate office staff

Mr GUY (Leader of the Opposition) (11:07) — My question is to the Minister for Energy, Environment and Climate Change. On page 76 of the Ombudsman's report you are identified as a member of Parliament who assigned staff outside of your seat to assist other Labor MPs. Minister, did you sign time sheets for any casual staff to assist in Labor campaigning outside of your electorate?

The SPEAKER — Order! I renew the ruling that I have given on this matter in relation to what is and what

is not government business. Matters contained in the Ombudsman's report are government business.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:07) — I thank the Leader of the Opposition for the question. As has been made clear on several occasions, the Ombudsman undertook a very comprehensive report, found that everyone acted in good faith and made no recommendations for further action. I have nothing further to add.

Mr Guy — On a point of order, Speaker, on relevance, the minister did not seek to answer any part of this question, and the question was clear: did she sign time sheets for any casual staff to assist Labor campaigning outside of her electorate? It was a very straightforward question, and I ask you to bring her back to answering it. If she is going to conclude her answer in that manner, I seek that you ask her to have a written answer prepared for this chamber, because she clearly has not sought to address any part of that.

Ms Allan — On the point of order, Speaker, I ask that you rule the point of order out of order. The minister was being entirely relevant to the question that was asked, and she was complying with the guidance that you had given her and indeed other members of this place on how to answer questions on this matter. I suggest she has been entirely relevant to the question.

Mr Clark — On the point of order, Speaker, the lower house of any Parliament is a house in which ministers of the Crown are accountable to the house and the community for their conduct and for their probity. This was a very specific question following on from the Ombudsman's report and matters canvassed in that report as to whether or not the minister signed time sheets for any casual staff who campaigned outside her electorate. The minister owes the house and the community an answer to that question, and if she is not prepared to provide it orally, I submit that you should require her to provide it in writing.

The SPEAKER — Order! I understand the point of order that has been raised. The question clearly referenced the Ombudsman's report, and the minister was responsive to the question that was asked. There is no point of order. 11:10:00

Supplementary question

Mr GUY (Leader of the Opposition) (11:09) — Minister, have you provided the details of all the staff you employed as field organisers to the Ombudsman, or were there staff whom you employed in this way whose employment you continue to conceal?

Honourable members interjecting.

The SPEAKER — Order! The previous ruling applies to this question.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:10) — I thank the Leader of the Opposition for the supplementary question. The Ombudsman canvassed a whole range of issues in her report and found there was no further action that was required to be taken. She had all of the information she needed to reach her conclusions. I have nothing further to add.

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, I seek that you have the minister provide the house with a written response. In fact she never answered the question that was put to her, which was: have you provided the details of all the staff employed as field organisers? I asked a clear question. She has not answered or sought to answer that, and I seek a written response to it.

The SPEAKER — Order! I understand the point of order that the Leader of the Opposition has raised. In the context of my previous rulings about what is and what is not government business and noting that the minister was responsive to the question, I do not uphold the point of order.

Ministers statements: tech schools

Mr MERLINO (Minister for Education) (11:11) — Following on from the Premier's statement, I rise to update the house on the rollout of our tech schools across Victoria — a \$128 million investment by the Andrews government. As the Premier said, last week we opened the doors of the Banyule-Nillumbik Tech School, the sixth tech school to open this year, with the remaining four to open over the rest of this year. The Banyule-Nillumbik Tech School will support around 14 000 students from 19 government, Catholic and independent schools across Melbourne's north-east. They are centres of excellence in science, technology, engineering and maths, and they engage students in high-tech learning that cannot be provided at individual schools, engaging with both industry and post-secondary education providers. It is about connecting our kids with their future — matching their skills with the jobs of the future. The first programs with partner schools have now started in term three. They will focus on scientific and technical services, health care and social assistance and entrepreneurial skills as well.

This new world-class tech school is located on the Greensborough campus of Melbourne Polytechnic. The community will never forget that this campus was closed by those opposite. The campus was left to crumble through short-sighted and cruel neglect. In 2015 we said we would make Victoria the Education State and we meant it. Through the advocacy of the members for Eltham, Ivanhoe and Yan Yean and you, Speaker, we promised to reopen Greensborough TAFE and we did. Hundreds and hundreds of students are now there, enjoying what Melbourne Polytechnic has to offer. We will open the remaining four tech schools through the course of this year. That is what the Education State is all about.

Police procedures and practices

Mr CLARK (Box Hill) (11:13) — My question is to the Minister for Police. Two weeks ago the minister claimed there were procedures and practices in place with Victoria Police regarding the police investigation into the Labor Party and her position as a beneficiary of the rorting that the police are now investigating. I ask the minister: what do these practices and procedures consist of, and who is monitoring the compliance with these practices and procedures by the minister and by others in government to ensure that no Labor minister, no minister's office and no Labor MP is seeking to pressure Victoria Police? Or is this just another case of the government asking Victorians to trust us?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General is warned.

Ms NEVILLE (Minister for Police) (11:14) — What a surprise — undermining the chief commissioner again. This question was asked of me last time, and can I just say again, we sought assurances — there was a long list of people who sought assurances — from the chief commissioner. He gave them, and we accept those assurances from the chief commissioner. We also have the Victoria Police Act 2013 — would you like me to indicate to that?

Honourable members interjecting.

Ms NEVILLE — It does enable me to give certain direction to the chief commissioner.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Ms NEVILLE — However, I cannot give any direction in relation to the enforcement of law in relation to any person or group of persons, the

investigation or prosecution of offences in relation to any person or group of persons. I have not been involved in any aspect of this investigation — have not, will not be. If those opposite are interested in the procedures and processes put in place —

The SPEAKER — The minister is to resume her seat.

Mr Clark — On a point of order, Speaker, I appreciate the minister's context, but she is now straying from the question. I was not asking her to answer the questions I asked —

Mr Staikos interjected.

The SPEAKER (11:16) — The member for Bentleigh will leave the chamber for the period of 1 hour.

Honourable member for Bentleigh withdrew from chamber.

Mr Clark — This is not the occasion for the minister to try to answer now the questions I asked last sitting week that she failed to answer. This week I am asking her about the details of the practices and procedures that she claimed last sitting week were in place. I do ask you to bring her back to answering the question that I asked today.

The SPEAKER — Order! The minister will come back to answering the question.

Ms NEVILLE — Last week I said the chief commissioner has put in place procedures and processes. I will not go through the long line of how we got that information, but we did — hands off.

Honourable members interjecting.

The SPEAKER (11:16) — Order! The member for Ringwood will leave the chamber for the period of 1 hour.

Honourable member for Ringwood withdrew from chamber.

Ms NEVILLE — If those opposite are keen to understand what those procedures and processes are, please seek a briefing from the chief commissioner. I am sure he is happy to comply as he has provided to us an assurance they are in place. They can seek that information.

Mr Clark — On a point of order, Speaker, as I said previously, this chamber is the place where ministers of the Crown should be accountable to the house and to

the community. It is contemptuous of this house and contemptuous of the community for the minister to say that the opposition should seek a briefing on these matters when they are matters that this house and the community are entitled to hear about in open session from the minister. I ask you to bring her back to answering the question that I asked.

The SPEAKER — The minister has been responsive to the question that was asked and has concluded her answer.

Supplementary question

11:17:30

Mr CLARK (Box Hill) (11:17) — The minister's former staffer Jake Finnigan has stated that the minister and Attorney-General needed to, and I quote:

... 'do the right thing and resign straightaway', otherwise the public could have no confidence in the police investigation.

Given the minister's refusal to inform this house and the community about what practices and procedures are in place to ensure the integrity of this investigation, and given her own former staffer urging her to resign, will she now do the right thing and simply stand down?

Ms NEVILLE (Minister for Police) (11:18) — Can I make it very clear: absolutely not. Secondly, I am going to get on with delivering \$3 billion of investment, the biggest uplift in Victoria Police's history, to make Victoria safer.

Ministers statements: health funding

Ms HENNESSY (Minister for Health) (11:18) — I rise to update the house about the government's very proud record on delivering an important infrastructure pipeline when it comes to health. Of course since coming to office we have invested over \$3.2 billion in health and ambulance infrastructure right across the state. That has been a very challenging project for us because we have only been receiving from the commonwealth government a very paltry 0.4 per cent of health infrastructure funding.

We know there is a bit of trouble in Canberra at the moment. We are not quite sure what the basis is of having any confidence that that might change. We know we have got a federal health minister who seems to be walking both sides of the fence at the moment. We know that we have got a commonwealth government that wants to take \$2.1 billion out of the Victorian health system, and so we are concerned about how we ensure that we continue to have strong investment in health infrastructure.

Of course in our last state budget an important commitment we made was \$115 million to redevelop the Wonthaggi Hospital, and that is a fantastic health service. We are going to deliver a new theatre, a new emergency department and new inpatient rooms to meet the community's growing needs.

But we saw a very unorthodox development recently. That is where we saw the Liberal Party say that they would back in our budget commitment in respect of the Wonthaggi hospital. Coming from a group that had cut \$1 billion out of the health system it was an uncharacteristic development but it also invites the question: what of our other important budget commitments? What are the people of Ballarat to think? Are the Liberal Party backing in the almost half a billion dollars that we have committed to invest in rebuilding the Ballarat Health Services, or are these things going to be the subject of the opposition's commission of audit, where we know they want to get their hands on our health budget, to continue to cut and to continue to attack our rural and regional health services?

Mr Clark — On a point of order, Speaker, the minister is both misleading the house and debating the issue. I ask you to bring her back to making a minister's statement.

The SPEAKER — The minister had strayed from making a minister's statement.

Ms HENNESSY — Thank you very much, Speaker. They cannot back the health system because all they ever do is cut it.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume her seat.

Honourable members interjecting.

The SPEAKER (11:21) — Order! The member for Ferntree Gully and the member for Kew will leave the chamber for the period of 1 hour.

Honourable members for Ferntree Gully and Kew withdrew from chamber.

Native forest logging

Ms SANDELL (Melbourne) (11:21) — My question is to the Premier. Premier, you came to power in 2014 promising to finally deal with the issue of the logging of Victoria's native forests, but four years later logging continues. Greater glider and Leadbeater's

possum habitat is being cut down and then burnt to the ground at a rate of five MCGs per day. Victorians are rightly outraged that their taxes still subsidise the destruction of our beautiful ancient forests and that your government allows it. Premier, why has your government failed so spectacularly to deal with this critical issue, and will you do anything about it before the election?

Mr ANDREWS (Premier) (11:22) — I thank the member for Melbourne for her question, and I understand why she asked the question, but I have no announcements today to make about the government's forestry policy. I would, however, reflect, with the greatest of respect to the member for Melbourne, that we will not be turning to the Greens political party for any guidance on these or any other matters.

It is not commentary we need to deal with biodiversity. It is not commentary we need to deal with sustainability in this or any other industry. It is not commentary we need to protect jobs and enhance them for the future. It is not commentary we need to, for instance, have regional forestry agreements or other protections in place, because at the end of the day words from the cheap seats do not mean very much. They do not mean very much — not in the Central Highlands, not in the Kuark forest and not in any part of our state for that matter. So might I say, with the greatest of respect for the member for Melbourne, I have no policy announcements in that area of policy to make today, and in the event that I did have any announcements to make she could learn of what the government might or might not be doing; and she could learn about action as opposed to running commentary from the cheap seats where there is never any accountability, where there is never any sense of responsibility. It is always commentary.

Mr Wynne — The air is always clear up there.

Mr ANDREWS — The air is clearer in those cheap seats, it would seem. We will not be lectured by the Greens political party and we certainly would not be lectured by this lot over here. I thank the member for her question, and I have nothing further to add.

Supplementary question

Ms SANDELL (Melbourne) (11:23) — The Premier is correct in that it is not commentary that is needed to save our forests, it is action, which has been sorely lacking from this government. Premier, if these forests continue to be destroyed, not only will we lose more vital habitat for endangered species but the traditional owners who own this land will lose more

country and more totems before treaty negotiations have even started. This leaves them with even less to negotiate with. Given these forests are on Aboriginal land, shouldn't there be at least a moratorium on logging on this country while the treaty process is underway?

11:25:00 **Mr ANDREWS** (Premier) (11:24) — No, and I would refer the member for Melbourne to my answer to her substantive question.

Ministers statements: employment

Mr PALLAS (Treasurer) (11:24) — I rise to update the house on the latest episode in the hit series 'Victoria's jobs growth'. Last month while Australia went backwards Victoria put on nearly 30 000 jobs. It means that since we were elected we have helped create 370 000 jobs. Of those, more than 234 000 have been full-time jobs. That is an incredible number and consistent with the economic renaissance that has occurred in this state under the Andrews Labor government investing in Victorians, buying local and of course building the infrastructure our state needs.

But of course it was not always this way. There was a time when Victoria had an unemployment rate that was nudging 7 per cent and regional Victoria was losing full-time jobs, and it happened while those opposite were doing, well, not much — except they did manage to close 22 TAFEs. That might not be a number that they like so much, but as we have seen over the past day or so, when it comes to Liberals, doing the numbers is clearly not their strength. Ultimately it is all about priorities.

Mr Clark — On a point of order, Speaker, the minister is now departing from making a ministers statement and is debating matters. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — I do ask the Treasurer to come back to making a statement.

Mr PALLAS — As I say, it is all about priorities. We have built, we have employed, we have grown and we are proud of it. We lead the nation for jobs, we lead the nation for economic growth and we lead the nation for an infrastructure pipeline — plenty to be proud about. It is a different story for those opposite. They cut, they close and they bulldoze. With their own twisted sense of pride they call it good government.

Mr Clark — On a point of order, Speaker, the Treasurer is departing from your ruling and returning to debating matters. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — The Treasurer will come back to the statement.

Mr PALLAS — They call it good government; we call it rubbish. Victorians want a government that will get the job done, and that is what the Andrews Labor government is about.

Bus contracts

Mr M. O'BRIEN (Malvern) (11:27) — My question is to the Treasurer. Treasurer, I refer to the panicked bus deal struck by the government with the Transport Workers Union late last week. Treasurer, what is the total amount of taxpayers dollars the government has agreed to pay to buy off the Transport Workers Union in order to avoid a bus strike just before an election?

Mr PALLAS (Treasurer) (11:28) — I thank the member for Malvern for his question. The only numbers he does not like accumulating are numbers that go into the pay packets of workers. They are the only numbers he does not like. We are pleased that the parties are back to the negotiating table. We are pleased that they have been able to reach substantive agreement on the issues. Most importantly, we are particularly pleased that they have been able to do it without inconvenience to Victorians, and we know how those on that side of the chamber were sitting back just hoping for the taxpayer and the community to be inconvenienced.

Mr Clark — On a point of order, Speaker, the Treasurer is trying to do anything except answer the question. It was a very specific question about what public funds were involved in the government buying off the Transport Workers Union ahead of this bus strike, and I ask you to bring the Treasurer back to informing the house of that matter.

The SPEAKER — I cannot inform the Treasurer how to answer the question, but I do ask him to come back to answering the question.

Mr PALLAS — The fact that there is industrial peace, the fact that this is a good outcome for the workers and the fact that the companies are happy with the proposal are a very clear sign that this is a win-win negotiation. The details of that agreement of course —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr M. O'Brien — On a point of order, Speaker, the question was not whether the company is happy with the outcome. If they have their wage deal paid for by the taxpayer, I am sure they are. The question is: how much did the taxpayer get on the hook for because of this Treasurer's intervention?

The SPEAKER — I understand the point of order that has been raised.

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will come to order. I have asked the Treasurer to come back to answering the question. He has more than 2 minutes remaining.

Mr PALLAS — The content of that industrial agreement is ultimately the privacy and the content of the parties to the agreement, but can I say with respect to the taxpayer that they have got a very good deal because we have got a great Minister for Public Transport. Can you recall how —

Mr M. O'Brien — On a point of order, Speaker, this is becoming an absolute farce. The Treasurer is required —

Honourable members interjecting.

The SPEAKER (11:31) — Order! The member for Sunbury can leave the chamber for the period of 1 hour.

Honourable member for Sunbury withdrew from chamber.

Mr M. O'Brien — The Treasurer is required to account to this chamber for expenditure of public funds. He has been asked a very clear question. I ask you to require him to answer that question.

The SPEAKER — Order! The Treasurer is being responsive to the question that has been asked.

Mr PALLAS — I would like to thank *Erskine May* for that observation about parliamentary procedure. So far as this agreement is concerned, it was not so long ago that the opposition were bemoaning the fact that the Minister for Public —

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook!

Mr Clark — On a point of order, Speaker, the Treasurer is repeatedly defying your ruling to come back to answering the question. As the member for

Malvern has made clear, this is a very straightforward matter about accountability to the Parliament and to the community for the Treasurer's expenditure of public money, and I do ask you to instruct him to come back to answering the question.

Mr PALLAS — On the point of order, Speaker, can I just make this observation: how would you know, Speaker? I did not even get a full sentence out in order to answer it. 11:32:30

The SPEAKER — Order! The Treasurer to continue answering the question.

Mr PALLAS — Of course the capacity of the state to play a positive role in resolving these negotiations has been largely as a consequence of the work of the public transport minister, who against the opposition of those opposite has been able to drive substantial efficiency. So far as the government is concerned, it is fair and appropriate that the workers get a share of those efficient agreements.

Mr Guy — On a point of order, Speaker, on relevance, the Treasurer has now had two-thirds of his time to answer the question. The question was: what is the total amount? That was the question. What is the total amount? I think it is reasonable now, with two-thirds of the Treasurer's time gone, that he is brought back to answering a simple question: what is the total amount?

The SPEAKER — The Treasurer has been responsive to the question. The Treasurer has concluded his answer.

Mr M. O'Brien — On a point of order, Speaker, under sessional order 9 the Treasurer did not answer the question. I ask you to require him to provide a written answer to the house.

The SPEAKER — I will review the transcript and report back to the house.

Supplementary question

Mr M. O'BRIEN (Malvern) (11:33) — Treasurer, it has been reported that the cost of this deal is a 4 per cent increase annually plus a top-up \$1800 superannuation payment, which is more than \$60 million over four years. Treasurer, is it now government policy to hand out taxpayers money to buy off unions in private industrial disputes, or did you intervene using taxpayers money because it is just before an election?

Mr PALLAS (Treasurer) (11:34) — The answer to that question is no.

Ministers statements: Regional Roads Victoria

Mr DONNELLAN (Minister for Roads and Road Safety) (11:34) — I rise to update the house on the Andrews government's commitment to country roads and the establishment of Regional Roads Victoria. And what good news that is for country roads. I was very proud to announce this week that Geelong engineer Paul Northey will take up —

Honourable members interjecting.

The SPEAKER (11:34) — Order! The member for Bass can leave the chamber for the period of 1 hour.

Honourable member for Bass withdrew from chamber.

Mr DONNELLAN — As I was just saying, Geelong engineer Paul Northey will take up the role of the chief regional roads officer. And what a big job he has got to do — \$941 million — with a record country roads spend that he has to oversee. There are more than 1000 kilometres to be repaired, resurfaced or rebuilt over the next 12 months. As we know, Regional Roads Victoria will be established in Ballarat, and they will also have a presence in a whole lot of other regional areas around Victoria like they do at the moment. You have only got to look at the history of the maintenance spend. You have just got a look at the budget papers, and between 2011 and 2015 we had \$458 million spent on regional funding. Today it is \$856 million — another \$400 million compared to that last lot.

But let us be very clear. What are the options for Regional Roads Victoria? Well, I am bedazzled by choices, I might add — two policies for the price of one from the coalition. One wants to keep it; the other one wants to get rid of it. It is all gobbledegook, and I can just see the member for Murray Plains —

Mr Clark — On a point of order, Speaker, the minister is now departing from making a ministers statement and is proceeding to debate matters. I ask you to bring him back to compliance with standing orders.

The SPEAKER — The minister has clearly departed from making a statement. The minister to continue making a ministers statement.

Mr DONNELLAN — As I was saying, there are various alternatives put forward, but they are actually both contrary to one another. I can just see the member for Murray Plains telling people in the street that —

Mr Clark — On a point of order, Speaker, I think you can anticipate my point of order that the minister is defying your ruling and has returned immediately to debating matters. I ask you to deal with the minister to require him to either resume making a ministers statement or refuse to hear him further.

The SPEAKER — I ask the minister to come back to making a ministers statement, or not make a statement.

Mr DONNELLAN — As I say, there is lots of spin, but when you have contrary policies it makes it a bit difficult. The only matter they agree on is who should get the chauffeur-driven car: the member for Murray Plains.

The SPEAKER — Order! The minister will resume his seat.

CONSTITUENCY QUESTIONS

Malvern electorate

Mr M. O'BRIEN (Malvern) (11:37) — (14 831) My question is to the Minister for Public Transport. There has been great concern raised in submissions to the minister and Public Transport Victoria (PTV) over the location of a proposed electricity substation near Holmesglen train station, which backs on to residential homes. Two hundred and fifteen residents also signed a petition that was tabled in this Parliament on 25 July objecting to the substation's proposed location and raising concerns about noise, lighting and amenity impacts. These residents were not consulted prior to the location being selected, which made the whole consultation process, frankly, a sham. My question to the minister is therefore: in light of the inadequate consultation undertaken, will she direct PTV to halt construction of the substation until viable alternative locations have been properly considered and genuine community consultation has taken place, and if not, why not?

Yuroke electorate

Ms SPENCE (Yuroke) (11:38) — (14 832) My constituency question is to the Minister for Training and Skills. What resources are available for young people in the Yuroke electorate that are considering what training and study opportunities will be available to them in 2019? The Andrews Labor government's massive investment in TAFE has restored a number of opportunities for young people to get a qualification they can trust for a career they want. The free TAFE initiative, for example, has been hugely popular, with

my office receiving a huge number of inquiries from local residents. As a significant proportion of students in the Yuroke electorate choose to pursue a vocational qualification after completing secondary school, I would greatly appreciate any information about resources that are available to these students as they make decisions about their future careers.

Nepean electorate

Mr DIXON (Nepean) (11:39) — (14 833) My question is to the Minister for Education. Minister, when will building works at Dromana Secondary College be recommenced and finally completed? These building works were associated with the installation of relocatable classrooms earlier this year and especially the associated ramps and decking around the school, which has still not been completed, to the extent that some children with a disability at the school have been unable to access, now nearly two and a half terms into the year, areas of the school which are very vital to their learning. It is important that these building works associated with the relocatable installations, the ramps and the decking be completed as soon as possible. The school is after a definitive answer about when those works will be recommenced and then completed. It is so important to the education of those children with disabilities.

Essendon electorate

11:40:00

Mr PEARSON (Essendon) (11:40) — (14 834) I direct my constituency question to the Minister for Education, and I ask: what is the latest information about the construction of a competition-grade gym at Strathmore Primary School?

Strathmore Primary School is a wonderful local school. It has been progressively upgraded over the course of this term of Parliament, and I think the students would welcome having a competition-grade gym built as part of that redevelopment.

South Barwon electorate

Mr KATOS (South Barwon) (11:40) — (14 835) My question is to the Minister for Planning. Will the minister immediately direct the City of Greater Geelong to intervene and work with Mr Stan Gizycki and Mrs Sophie Gizycki of Highton to resolve their issues relating to drainage on their property?

I have been contacted by Stan and Sophie, who have advised me that their property at 7 Burberry Court, Highton, has been affected by flooding caused by poor drainage works at a neighbouring property that Stan

alleges did not follow the appropriate permits. They have been fighting a seven-year battle with planning authorities over run-off water from the adjacent property. They inform me the water has cracked their garage-floor foundation and is threatening the integrity of the rest of their home.

Minister, Stan and Sophie have come to me as they are feeling helpless and have nowhere else to turn. They have tried to fight this matter themselves and have been told to pursue it in the courts, which would require money that they do not have. I know that they have written to you previously, but they have not had their matter addressed. Minister, will you immediately direct the City of Greater Geelong to work with the Gizyckis and resolve the issues relating to water drainage on their property?

Carrum electorate

Ms KILKENNY (Carrum) (11:41) — (14 836) My constituency question is for the Minister for Energy, Environment and Climate Change. Minister, we know Jeff Kennett and the Liberals privatised Victoria's power industry. They promised competition would lead to cheaper electricity prices, but the only winners are energy companies making big profits while Victorians pay higher prices. I am proud that Labor is putting power back in the hands of Victorian households with the new solar homes program. This will see solar panels installed on 650 000 homes over ten years, and right now eligible Victorians are able to install a solar panel system and get half the cost back, with a rebate of 50 per cent. Minister, how many of my constituents will qualify for this rebate?

Sandringham electorate

Mr THOMPSON (Sandringham) (11:42) — (14 837) My constituency question is directed to the Minister for Roads and Road Safety. I refer the minister to the reliance by the Victorian government upon the opinion of Bicycle Victoria regarding the safety of the narrowing of Beach Road from Mentone to Mordialloc, noting at the same time that Bicycle Victoria is not a road safety auditor; it does not have the skills or the expertise to audit roads.

I further note that there has been reliance upon an anonymous opinion, which in a First World country is an extraordinary position. The Victorian government is relying on an anonymous opinion regarding the narrowing of Beach Road. My constituency question to the minister is: will the current Victorian government accept responsibility for personal injuries to cyclists or pedestrians that may result from the narrowing of

Beach Road, noting the massive volume of cyclists who use Beach Road?

Yan Yean electorate

Ms GREEN (Yan Yean) (11:43) — (14 838) My constituency question is to the Minister for Public Transport, and I know this is something that concerns the Yuroke electorate too. I ask the minister: can you detail what works will be carried out on the Seymour line next week and how will this help improve reliability on the line?

The minister visited recently and was very welcome when she discussed in detail with locals the upgrades that are occurring to both Donnybrook and Wallan stations. Along with Jaclyn Symes, a member for Northern Victoria Region in the other place, I am grateful to the over-200 commuters who have responded to our survey about how the Seymour line is impacting them and how they believe services can be improved. I have gleaned that of those who currently use the Donnybrook station, about half will start using the Mernda line next week, and I am sure they will be pleased to see the attention now turning to the Seymour line.

Melton electorate

Mr NARDELLA (Melton) (11:44) — (14 839) My constituency question is to the Minister for Roads and Road Safety, and the question is: when will the lights be switched on on Halletts Way? Currently the on-off ramps are being constructed, but along that road the lights have not been switched on. A number of constituents have raised the matter with me. When people are walking on or using that road and the lights are not on, it is a very dark road. It would be great to find out when they will be switched on.

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:45) — (14 840) My constituency question is for the Minister for Education and concerns Berwick College. I ask: what is the current status of Berwick College’s new mental health and wellbeing centre? The \$1.3 million centre, when constructed, will be part of a centrally located life skills precinct that both students and the wider school community can use. The new facility will allow students, staff and members of the community to seek treatment for mental health and wellbeing issues.

Berwick College will use the facility to address issues that face both their students and the wider Berwick community, including social cohesion and the

development of respectful relationships. The school has needed a health centre like this for a very long time, and I am very glad we are getting on to deliver this facility.

Mr Katos — On a point of order, Acting Speaker, just now the member for Melton missed his call on the constituency question. The call is to the opposition side of the house, and what should have happened was that the member for Lowan should have had the last constituency question. We are given call lists. All the Independent members, the government whip and the opposition whip are given call lists. The member for Lowan has now missed out on asking a very important question simply because the member for Melton was too lazy to be in the chamber. That is not the member for Lowan’s fault. Why is she not given the opportunity to ask a constituency question? I ask if leave can be given for her to ask a constituency question.

The ACTING SPEAKER (Ms Spence) — I do not know that I am in a position to ask for leave for a constituency question. What I do know is that I gave the call to the person who was on their feet first, and that was the member for Melton.

Ms Kealy — On the point of order, Acting Speaker, if I may, I was on my feet. It was my understanding that I had the opportunity to ask that question. I do have an important matter about Hamilton’s Baimbridge College which I would like to ask, and therefore I ask for leave to ask my constituency question. 11:47:30

The ACTING SPEAKER (Ms Spence) — First of all, the member for Melton was on his feet first. I do note that you were on your feet, but the member for Melton was on his feet first. If the member for Lowan would like to seek leave from the government, then I suggest she ask the government for that leave.

Ms Kealy — I did seek leave that I could ask a constituency question.

The ACTING SPEAKER (Ms Spence) — Is leave granted?

Mr Wynne — On the point of order, Acting Speaker, it is an odd circumstance that we do find ourselves in here. Acting Speaker, you have ruled in this particular matter that the member for Melton was on his feet, but in the spirit with which we hope we will manage the house today the government is happy to provide that opportunity.

Lowan electorate

Ms KEALY (Lowan) (11:48) — (14 841) Thank you very, very much. I do appreciate the opportunity to

be able to ask the Minister for Education about vital funding to upgrade Baimbridge College in Hamilton. Hamilton's Baimbridge College has been fighting for funding for the past four years. I have joined them in their campaign. We do hear a lot from the government claiming that this is the Education State, but we simply have not seen those capital funds invested to support our rural kids to get the best possible start to life. I put my question to the Minister for Education: when will the government commit vital funding to upgrade Hamilton's Baimbridge College?

BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

Second reading

Debate resumed.

Mr BATTIN (Gembrook) (11:48) — I will continue where I left off before question time. I have already referred to two parts of the bill, but I will go on with the registration and licensing. Some of the particular issues for the industry are around ensuring that the structure of this going forward will support what it is trying to achieve — that is, better quality, as has been put to us, from this bill and within the industry and ensuring that there are penalties et cetera in place for people who do not comply. The bill is basically a framework with a 'Trust me, we'll do it later' attitude and mentality, which is something we have raised concerns about.

As I said, I have spoken regularly with organisations, the Housing Industry Association (HIA) and the Master Builders Association of Victoria in particular, in relation to the implementation of this. I would say that the HIA have probably raised the most concerns, and they have raised the most concerns around the licensing in particular. They have a concern about the benefits of the licensing and how that will affect building sites, particularly smaller builders around the state, a lot of whom are their clients. They have said:

In this regard, the need for licensing of any particular trade activity should be assessed against the risk involved. If licensing is justified according to risk, an important task is to identify those risks that require regulation.

That is why they have said very strongly that that they would have much preferred the regulatory impact statement be done prior to the bill coming before the house. They have outlined a lot of detail around it. They have put in a submission in relation to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. They write:

HIA's policy position supports licensing and registration of some types of building practitioners when a clear case can be made to support this. ... HIA's national policy —

of which they have given us a copy —

... supports licensing/registration of builders undertaking building work and of trade contractors undertaking high-risk work such as electrical, plumbing or gasfitting work.

We already know that in Victoria and other states electricians, plumbers and gasfitters are licensed and registered as we speak, so that is already being done. We have got around about 2000 people in total registered for building in Victoria, but we have also got our electricians, plumbers and gasfitters.

During the discussions with the master builders and the HIA we heard what I would say would be a fair position to take, and I am happy to raise it with the minister. I have indicated that I will be raising it with him separately, and the minister has indicated we can have an open discussion around that. It is specifically around which trades we should be concentrating on in this bill rather than having open slather. At the moment the bill allows for any trade to be registered — any licensing of any employee — and that is where questions are being asked about how that will work going forward. In discussions we heard that organisations, although some do not like the bill, are quite happy with it and would be quite supportive of it if there were amendments in there specifically around which trades firstly would be assessed in the regulatory impact statement and if the bill were to look at the trades basically working with the structure of a building — trades like concreters. Obviously we know that concreters are exceptionally important, and the work they do effectively holds up the buildings that we live in, whether in the city or out of the city — it does not matter how big they are. Concreters do get concerned about some of those things.

The master builders have commented on some of the trades that they would like to see registered, one of which is bricklaying. Part of the reason to include bricklaying is that bricklaying-related disputes in 2015–16 cost businesses up to \$600 000. There were 20 jobs disputed in Victoria in the period 2014–15, and these disputes each cost between \$1000 and \$30 000, with 95 per cent of these caused by poor workmanship. So it is important that we have bricklayers as one of the trades registered.

It does not matter where I go in Victoria to speak to a builder or a consumer in the building industry, one thing that comes up probably more often than most when looking at complaints, even through the Victorian Building Authority complaints process, is

waterproofing. Again in the 2014–15 financial year a company reported a total of 170 disputes relating to waterproofing which cost an average of \$4250 per dispute. There are no consequences for waterproofers, so I think it is important that that be another area that definitely gets looked into.

I mentioned framing before, because I mentioned the article by Cameron Arthur. When you are talking about framing, it is very, very important. Any issues that are found later on in the framing of a building can affect so many other parts of the structure of the property. A medium-sized building company that works across WA, South Australia and Victoria reported 28 framing disputes in the 2014–15 financial year, the cost was around \$420 000 and it was attributed to poor workmanship. The master builders and the HIA are saying that if we are going to have new legislation come in, rather than having something that is so open-ended, let us make sure we target it to where it is required and ensure it is just around trade registrations. We would like to see trade registration going forward from that. So the main trades we think should require registration going forward are bricklaying, waterproofing, plastering and framing. They are probably the main areas that we think should be looked at and scrutinised.

11:55:00 When we talk about registration, there are a lot of comparisons when talking about Victoria as opposed to other states, particularly New South Wales and Queensland, where you have got the domestic builders licences and registered trades. At the moment with mandatory registration in New South Wales there are 40 000 registered tradespeople and in Queensland there are 46 000. Believe it or not, in Victoria we only have 2000. Obviously we have got a lot of workers out there and we have got a lot of people employed out there, but we have only got 2000 that are registered according to the figures we have got there.

On the next side of it we are going through the licensing, and probably why I do not have much faith in the licensing side of it and it being open-ended is that we need to have people who are running their businesses, like bricklayers, taking some responsibility for who they are employing and who they are having on their sites. After the discussions around what was happening on the sites, I think this is important. A builder at the moment is responsible for everyone, so putting the onus back onto framers, bricklayers, plasterers et cetera to make sure they have got qualified people working for them, I think, is the better outcome to ensure they can move their staff around and move them on and they have security in who is working on their sites. And if they have unskilled labourers helping

out in any part of the role, then they should not need to be licensed; they should be able to work under a person who is a registered builder in there.

The bill before the house, as I said, raises many concerns. The Housing Industry Association (HIA) have some concerns particularly around how it is going to operate, and I know they would like to have the minister answer questions on how it is going to be operated, who is going to be implementing it and how the Victorian Building Authority (VBA) are going to implement the registration licensing system. If we have a system — even though there will be a clause allowing a four or five-year period where people can come onto the register at a later date — put in place up-front and going over that period of time, the VBA do not have the resources to currently keep up with what they are trying to do. That is an admission. The VBA have said that they have got some issues in there and, yes, they are trying to look at ways they can have structural change, so it probably emphasises that it is not the right time to be going to the VBA now and saying we are going to increase registered tradespeople from 2000 to possibly 46 000 in Victoria.

But what we do understand is that, at the end of the day, the focus has to be on the consumer. The consumer has to have faith in who is working on their site, and the best way to ensure they have got that faith, in my view, is to ensure that the structural trades are registered. But as I said, we do not support the licensing in there.

Over the next couple of weeks, as I said — I thank the minister — we will be having some discussions around some of the opportunities and options going forward from there, and we will continue discussions with the HIA and Master Builders. But as I said at the start, the position in this house is that we would much prefer the bill to be split as per the notice of motion on the notice paper today so we can have the bill put through with the registration of trades being properly debated and with a proper discussion around the regulatory impact statement. Taking that aside —

Ms Halfpenny interjected.

Mr BATTIN — Fair dinkum, are you kidding me? After we have had such a very good debate in here, we get a comment from the member for Thomastown which is just so out of line. Unbelievable.

The ACTING SPEAKER (Ms Spence) — Member for Gembrook, you do not need to take up the interjection. Please continue.

Mr BATTIN — I am happy to work with the minister — happy to talk about the discussion on this to

ensure we are protecting consumers — but I will let you know, 100 per cent, that if the member for Thomastown is involved in those discussions at all, those discussions will be well and truly out, because we are actually looking at the best outcome for consumers which would ensure a safe workplace for the workers, which would ensure that employers in the building industry who are registered would be required to have a safe workplace for their staff and which would ensure the best outcomes for safety and quality of workmanship in Victoria.

On a final note, on the last two parts of the bill — and the reason we want it separated, as I said at the start — the pool regulations and the cladding regulations need to obviously go through Parliament and to go through as quickly as possible, particularly the cladding provisions for the communities and families in Victoria who will be facing some challenges going forward with that cladding, and not because of their own doing or their own mistakes. I think that whenever this legislation can get through it will support those people. It will put a bit of confidence back into the insurance industry as well, who are struggling in so many areas of what is happening with cladding in Victoria, with building indemnity insurance and with building surveyors. So we would be supporting that part of the bill if it was separate, but as one it will be not opposed and we will put forward some amendments in the upper house.

Mr McGUIRE (Broadmeadows) (11:59) — This bill aims to save lives. That is the most critical point, that is where it starts from and, if you have a look, that is the intent all the way through. It addresses concerns about cladding that led to that terrible tragedy where 72 people were killed in the Grenfell fire. Anyone who saw that news vision will remember how that turned into a towering inferno and the trauma that caused. So the Andrews Labor government is taking action to prevent the use of combustible cladding on Victorian buildings as part of the most significant overhaul of the building sector in decades, and I want to commend the Minister for Planning at the table and the Minister for Small Business in the other house for bringing forward this bill and for looking at it in such a comprehensive way.

I also just want to point out some of the other propositions. The bill will also improve compliance for swimming pool and spa barriers and the standards required to improve safety there. We all know how difficult this can prove and how unfortunately fatal the consequences can be. It takes a second for a child to be killed in a swimming pool tragedy, and we have seen enough of that over time, so that is another good reform.

I also want to go to another point. The bill provides important reforms to try to cover off one specific thing that I think the opposition may have missed on why we should not split this bill. I have had a briefing from the Minister for Planning, and he put it succinctly. There is no guarantee today that on any CBD site the workers are qualified to do the work, and that has to be fixed. It is a matter of urgency. What this will do is improve public safety and improve occupational health and safety, so that is why this bill should not be split and that is why it should go as it stands.

Before addressing some of the detail, I would like to look at the context so it is understood why it has come to the house in the way that it has, and the first proposition to understand is that the registration of trades brings Victoria more into line with New South Wales and Queensland, which require subcontractors to be registered in certain circumstances. The swimming pool and spa measures respond to recommendations of the Coroners Court and key stakeholders, and it is worth noting that these include Life Saving Victoria and Kidsafe, who are concerned with toddler safety around swimming pools. Disciplinary measures relating to breach of dispute resolution order (DRO) notices and fit and proper persons are consistent with the original policy intent that discipline should support compliance with DROs by builders and that a registered building practitioner should always be a fit and proper person, not just at the point of registration.

So there is a better compliance regime, there is better scrutiny and that will deliver greater safety. 12:02:30

On the cladding-related measures, new grounds for immediate suspension implement some recommendations of the Victorian Cladding Taskforce. Again, it is significant to get that right. There is better scrutiny there, and that will also enhance public safety.

The provisions to create a mandatory continuing professional development scheme for plumbers brings plumbers into line with builders. That is why I am saying this bill should go through as it is. We should not hive off a part of it and lose the overall value of the package.

To go to some of the detail on this, the bill introduces the capacity for the Minister for Planning to prohibit the use of high-risk external wall cladding products in the construction of a building through a declaration. This is important because the minister must be satisfied that the external wall cladding product is causing or will be likely to cause the risk of death or serious injury to the building occupants or a member of the public or that there is a risk of severe property damage. This is better

for safety, better for property and better for our city, particularly as we move to a metropolis. It is important and timely.

The bill also provides the Minister for Planning with the power to issue ministerial directions to municipal building surveyors (MBSs) or private building surveyors (PBSs) related to their functions under the Building Act 1993 or the regulations. They must follow the ministerial direction, rather than just have regard to it. That is an important change. Again, this is toughening the compliance regime. This is required to make sure that it is not inconsistent with the Building Act or regulations.

On timing, the bill halves from 14 days to seven days the time required for the Victorian Building Authority (VBA) to provide prior notice to an MBS of its intention to issue a direction. Again, there is tougher compliance. It also provides that the VBA may be exempted from the notice period if the VBA believes on reasonable grounds that a high-risk external wall cladding product has been used in connection with building work relating to a function of that surveyor.

Destructive testing powers are important. The bill provides that authorised persons can destructively test any building product or material that has been examined, seized or sampled if the authorised person suspects on reasonable grounds that the building product or material relates to a contravention of the act or the regulations. The bill also enacts provisions to require an owner of a building or a builder to arrange for destructive testing of a specified building product or material used in the building and to provide the results of the destructive testing to the municipal building surveyor or another person authorised by the relevant building surveyor if the municipal building surveyor reasonably believes that the use of the building product or material is connected with a contravention of the act or the regulations.

There is also further clarification on how building notices can be issued. The bill clarifies that a PBS, when acting as a relevant building surveyor, can continue to issue building notices and orders after the issue of an occupancy permit. The Minister for Planning can specify a class of buildings for which the VBA can act as municipal building surveyor. It is important that the minister will have direct powers to act. The time for implementation of key recommendations has been halved. It is a tougher regime but one that is based on public safety. Cladding rectification agreements can be voluntarily entered into by a council, a lender, an owner or an owners

corporation as a low-cost financing option to address the non-compliant cladding of their buildings.

That is a comprehensive suite of reforms that will hopefully address the issue so that we in Victoria do not ever see what happened in England happening here. I think this is important, and I want to acknowledge the work that has gone into this. The consultation has been thorough. The bill as a whole has been the subject of consultation with the Master Builders Association of Victoria, the Housing Industry Association, the Australian Institute of Building Surveyors and the Victorian Municipal Building Surveyors Group. The trade registration employee licensing measures have been the subject of consultation with the Construction, Forestry, Mining and Energy Union. The swimming pool and spa measures have been the subject of consultation with Life Saving Victoria, the Swimming Pool and Spa Association of Victoria, Kidsafe Victoria, Landscaping Victoria and the Real Estate Institute of Victoria. So there has been a huge level of scrutiny and accountability to get this compliance regime right.

The cladding-related measures have also been the subject of consultation with the local government sector. Six local council CEOs were consulted. They were the CEOs of the City of Melbourne — obviously the most significant in the state — and of the cities of Boroondara, Dandenong, Stonnington, Yarra and Monash. The umbrella group, the Municipal Association of Victoria, as the leader of the rest of the councils throughout the state, was also consulted.

Just to reiterate in summing up, this is a bill that should go through as is. It should not be split. The public interest is clear, the community safety issue is clear and the safety for workers is required. I just leave with the thought again, as the minister briefed me, that today in the CBD there is no guarantee on any of those sites that the workers who are there are qualified to do the work. That has to be fixed, and that is what this bill does. I commend this bill to the house. It should pass as one piece of legislation because it is necessary, it is required and it is urgent.

Mr CRISP (Mildura) (12:09) — I rise to make a contribution on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. This bill is about building industry licensing, cladding and pools. The bill provides a number of ways of delivering outcomes. It makes it an offence for a person to carry out certain types of building work without being registered or licensed. It provides for the provisional registration of certain builders who carry out certain building work and introduces related offences. It provides a licensing scheme for building employees

who carry out certain building work and introduces related offences. In the cladding area, it makes provision in relation to certain wall cladding products. It amends the Local Government Act 1989 to provide for councils to enter into agreements to rectify cladding on buildings and to provide for councils to declare and levy charges to fund such rectification. It provides further regulations for swimming pools and spas.

To begin with cladding, we all know — and we have talked about this post the Grenfell fire — that cladding has become a serious safety issue. In the cladding product regulation, the bill gives the Minister for Planning the power to declare a ban on the use of a combustible external wall cladding product. The provision has been made in response to the Victorian Cladding Taskforce's interim report, which recommended priority measures to prevent the use of aluminium composite panels with a polyethylene core, as agreed at the Building Ministers Forum and expanded polystyrene cladding for class 2, 3 or 9 buildings of two or more storeys and class 5, 6, 7 or 8 buildings of three or more storeys. The bill provides for cladding rectification agreements to allow building owners and owners corporations to access low-cost finance to fund cladding works and allow for long-term costs to be borne over time.

We know how this came about, and that was very much from the Grenfell fire tragedy in which 72 lives were lost. It is necessary that lessons be learned from that. This will allow people to rectify over time and pay off the cost of that rectification through their local government rates. This is useful, although I am sure local governments will have a little to say about administrative costs with this scheme as they endeavour to try and claim some benefit out of this. I wish them good luck with that.

Mr Wynne interjected.

Mr CRISP — Good. The minister tells me they are supportive and they have not put their hands out. It is a relief to hear that.

12:12:30 Now we move to pool fencing. Certainly we know that from time to time tragedies occur and that it is necessary to endeavour to make things as safe as possible. Pools are extremely popular in and around Mildura because it is very warm. Swimming in the river is also very popular, and it is a major recreational resource for my community. However, this legislation looks at various ways to ensure that pools are safe, and it comes about by having local government involved in the regulation of pools and spas. The bill requires councils to keep and maintain a swimming pool register

that is consistent with regulations in the Building Act 1993, creates a new category of registered swimming pool inspector, and provides a framework to require owners to undertake mandatory periodic self-assessment of pool barrier compliance and independent assessment of pool barrier compliance. I welcome that you can have a framework through which owners undertake mandatory self-assessment of pool barriers but also that there is a swimming pool inspector, a role that I am sure local governments will work into their existing workforce.

The final part of the bill is to do with building trades industry licensing. I think, right up-front, that tradies in general do not want dodgy people out there doing building works. However, they also do not want to be overburdened with regulation. So it is a balancing act. Particularly in Mildura there are trade shortages. The building industry in Mildura is going well at the moment. There is demand for all types of tradies in the building industry, but there are shortages. Those shortages are showing up in many ways but particularly if people have minor works that need to be done, because most of the building industry is very much involved in building new houses and in other commercial and industrial building projects in and around Mildura.

This is good for our economy but we also want to make sure that we do not scare any potential people out of trades in the building industry. In particular, Mildura has had a long and proud history of being very strong with tradies. Tradies are a significant part of our local economy, but they are reporting to me about shortages, particularly of young people wanting to enter trades, and also the issue of people leaving trades. We need to be aware of the reasons for this, and there are many. One is the issue of burdensome regulation — paperwork, reporting and all the other red-tape issues that go with it. Our job here in Parliament is ensure that people are protected but to strike a balance so that we are not overburdening tradies, which in turn causes them to be less interested in what they are doing and to pursue other careers or in fact to become very expensive because they are having to load up their costs.

In dealing with this issue, of particular concern is how the regulatory impact statement (RIS) will be implemented. It is irregular to pass a bill to enact this sort of compliance and licensing activity without creating a regulatory impact statement. The key problem with the bill is that it does not contain the specific regulations that the government will create. These will be determined by a retrospective RIS. It is highly irregular for a RIS to be conducted after the passage of a bill. The government is effectively wanting

the bill to pass now and decide what is in it later. Key issues relating to licensing and registration, such as the bill's effect on the relationship between head contractors and subcontractors and the issue of insurance for tradesmen who do not work directly for a customer, cannot be debated because the details of the regulations will not be known until years after the bill is passed. This creates some uncertainty for people who are developing their trade businesses.

Another major issue is licensing. While a number of industry stakeholders are supportive of registration, there have not been calls for compulsory licensing from the industry. The only organisation that has supported it publicly is the CFMEU. When this is considered with the lack of regulatory detail to date, particularly until the RIS, it is possible that the government is planning to implement a scheme heavily favourable to unions, which will be at the cost of non-union workers and consumers. Again this would build in complexity.

There are considerable concerns around how this legislation will be implemented. I know that there is time for that to occur. It is something that will take place from 2020 and move through some years after that, but how the regulatory impact statement will work with the legislation is one of the concerns that has been raised by tradies who have discussed this with me. Again I think they are mostly concerned about red tape and paperwork and the influence that has on their industry and their ability to meet the needs of a developing economy such as Mildura.

Having raised those concerns and made those comments, we will watch very carefully how this bill works its way through the building industry.

Ms GARRETT (Brunswick) (12:19) — It is indeed a privilege to speak today and make a contribution on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. I want to start by addressing some of the points raised by the members opposite to support their contention that this bill should be split, hiving off the registration of trades component. I am delighted and very pleased that the minister responsible for this legislation, who is at the table, has indicated that the government has no interest in slicing this bill in two. He has shown that same passion in the development of this bill. He sits at the table now, feeling every step of its passage because, at its heart, members of this house, this bill is about safety.

12:20:00 The lead shadow minister, the member for Gembrook, spoke at length at the table about safety in other areas, and then in support of his contention he spoke about not wanting to send shock waves through the industry.

Members of this house, I will tell you what sends shock waves through an industry, what sends shock waves through a community, what sends shock waves through a workplace and what sends shock waves through a family: it is when their loved one does not come home from work. It is when their loved one receives an acquired brain injury because of dodgy practices on a building site. It is when a loved one loses a limb or loses their eyesight and loses their capacity to work. That is what sends shock waves through an industry. What burdens people with red tape and extra registration in those families is how on earth they are going to put food on the kids' table and how they are going to navigate the WorkCover system because they cannot work again. That is red tape, that is overburdening and that is a shock wave.

Mr Wynne — You know it better than anybody.

Ms GARRETT — I do indeed. The fact is, members of the house, that anyone in this chamber right now is qualified to do work on a high-rise building in the CBD. I think the Minister for Planning has many qualities, but pouring millions of tonnes of concrete on a high-rise building site is not one of them. Again, the member for Mordialloc has many great qualities. He is a wonderful advocate for his community. Do we want him running around a building site looking at pylons and making sure people do not fall off? Hell no. People speak really strongly and compassionately, as they should, about the horror of toddlers drowning in pools, the horror of what happened in London with the cladding and the terror for consumers fearing for their lives. That same compassion and that same humanity must be brought to people — the thousands upon thousands of Victorians — who work in our building industry to create the fastest growing city in Australia.

I am going to tell a personal story about this, and I want to pay tribute to the assistant secretary of the CFMEU, Shaun Reardon, who is in the chamber today, because it has been his life's work to have this legislation become reality for these very reasons. Shaun and I were catching up last week on various matters, political and otherwise, as we often do. As also often happens, a call came through to Shaun. This was a call from an organiser who was with the family of that horrific accident last week in which a 35-year-old father of two young children lost his life in a trench fall.

I have been with Shaun on many occasions when calls like that come through about deaths or serious injuries. I hear how he is giving pastoral care to the organiser and working out how they are going to arrange for the funeral for the family, what assistance the family needs immediately and what investigation needs to take place

because of the death to prevent further issues. These are terrible, horrific, horrendous tragedies involving good, decent people just wanting to go to work and come home. These are vibrant members of workplaces and vibrant members of communities being ripped away from their families and ripped away from their workmates.

As it stands, anyone of us could do work on a high-rise building. Plumbers need to be registered to hook up the toilets in these buildings and electricians need to be registered to lay the cables, but we have, for example, carpenters who are responsible for literally navigating the pouring of millions and millions of tonnes of concrete needing no regulation and no registration at all. There is no accountability for those standards, and while at its heart that means workers do die at a horrendous rate on our building sites and are maimed at a horrendous rate on our building sites, for the quality of the products that are then later to be enjoyed by our consumers, again, where is the overarching assurance? To allow simply the bloke or the woman who is at the top of the tree to be registered is the same as the analogy of saying, 'Hey, the boss has a drivers licence, none of us need to worry about it, we can use that whether or not we can drive or what state we are driving in'. That is what this legislation is addressing, and it is bringing the registration of our trades into line with what we already demand of our plumbers and our electricians.

I am incredibly proud of the work of the union in fighting for this over decades, and I am incredibly proud of this government and this minister that have brought in this legislation. Yes, there will be a process where a regulatory impact statement is developed, but we need the framework for that to be done. We need to say as a house and as a government — all members of this house —

Mr Wynne interjected.

Ms GARRETT — exactly — that we have a framework and we have a commitment to cleaning this up, to standing with workers and their families, to standing with consumers and to saying this is not good enough. What we have at the moment is simply not good enough.

When we talk about what the bill provides, it is a fair bill in terms of giving people plenty of time to adjust to this new regime. There are provisional arrangements that will be in place. The regulatory impact process will be rigorous and thorough. There has already been extensive consultation with industry groups, obviously with the union and with individuals to get us to this point, and that will only continue to make sure that we

are not going to have some sort of explosion where the whole industry is turned upside down overnight. That is precisely what the bill ensures will not happen. What the bill says is that there is a line in the sand. We cannot continue to expose our workers and our public to the sorts of risks that come when you are not properly qualified and are not registered.

It is fascinating in terms of the unprecedented building works by the Andrews Labor government. I think we can all say that this government will be known and history will remember it for decades to come as one that built things, lots of things, for the fastest growing state in Australia.

The building of things has come with the same passion and responsibility that the Minister for Planning has shown, with ironclad commitments around local procurement and around apprentices — making sure that we are training our young Victorians and giving them proper qualifications so that they have a lifelong skill and a lifelong trade. This means they are delivering quality work for Victorians and, most importantly, that they are in a system which gives them the best chance to go home safely. Dozens and dozens and dozens of construction workers die each year on building sites and incalculable numbers are injured horrifically. This is a huge step forward in protecting them and in protecting the community. 12:27:30

I would just touch briefly on the other parts of the bill because they are very critically important as well. The swimming pool issue — again, what a tragedy to have a child ripped from your arms and the horror of a lapse in concentration condemning your kid to death. There is never going to be a perfect system which will stop all of these things happening, but this goes a long way in terms of looking after our little kids in their backyards. The cladding issue — again, I commend the minister at the table, the Minister for Planning. It is really complicated to navigate this issue, which is a product really of not having proper qualifications for the people who are doing these buildings, might I say. This is where all these things intersect. But to navigate it, to have a way forward and a system is to be commended. I really do commend this bill to the house. I am glad it will not be split. This bill will save lots of lives.

Mr HIBBINS (Pahran) (12:29) — I rise to speak —

Mr Richardson interjected.

Mr HIBBINS — Yes, a tough act to follow. I admit, I have not worked on a building site so I cannot admit to that. I have done some work for the Victorian

Building Authority so I had to get a crash course on the various licences and whatnot, but that is the extent of my experience in the building industry.

I rise to speak on the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. This bill does a range of things. It sets out a framework that covers regulations for the building industry and amends some powers of the Minister for Planning and the planning process. Within the building industry, it is targeted at improving safety and compliance by prescribing requisite skills and experience for particular types of building works. It covers some residential swimming pool regulation, work that I understand has come out of the coroner's recommendations after toddler pool deaths, as well as changes for surveyors and local council registers.

Mr Pearson interjected.

Mr HIBBINS — There are some things in life that are even more annoying than pigeons, the member for Essendon of course being one of them. He is, I think, commonly known as a pest.

I will focus on the issue of combustible cladding on buildings, which of course has been an absolute fiasco, not just here in Melbourne but also worldwide. This has been a significant and ongoing problem, particularly I might add in the Prahran electorate. We have had a number of tenants and a number of owners come and visit me. I have gone out to their homes and discussed some of the real issues that they have had since their cladding has been found to be non-compliant. This has been a serious problem and has been a failure of government and a failure of regulation. I would point to it going way back when building surveyors were privatised and it was no longer mandated that it was solely a function of local governments. It was essentially privatised, and really it is a symptom of privatisation. When you privatise what should be an essential public service, you see standards drop and we now have a crisis on our hands in terms of combustible cladding on many buildings.

This bill seeks to address that issue, giving the Minister for Planning the authority to ban high-risk cladding products. It amends the Local Government Act 1989 to provide low-cost financing options for owner corporations or individuals who want to or need to undertake cladding works through cladding rectification agreements. I understand these are long-term, low-interest loans paid through a council. I think it is a good step. It certainly addresses the matter by banning this material on new builds and allowing for owners and owners corporations to address these

materials and have improvements made to their buildings. But we do think the response to the cladding issue should go further, more than just a long-term loan. We believe the government should have actually started a fund to address these issues and pay for the work up-front. This has been a failure of government. It has been a failure of regulation and we think the responsibility should lie with the government and not be lumped on home owners.

I have spoken with home owners and there is a significant cost involved in rectifying some of these issues — tens of thousands of dollars — to make their homes safe. If they do not, not only do they continue to live in danger, they potentially face eviction should they be given a non-compliant notice. There are huge outlays. If you are looking to hold someone else responsible through legal means, it is very complex and it is very difficult. Individuals simply do not have the capacity to do so. That should sit with the state — that is why the Greens called for a cladding safety fund to be established, which would cover the up-front costs of remediation and then it would be the government that would seek to recoup those costs from those responsible.

People have bought their homes in good faith. They have invested in homes and apartments. People are renting, living in places in good faith only to find that their homes are clad with flammable material. The responsibility for that should not lie with the individual. This has been a systemic failure and the responsibility should lie with government. We have seen the fire in the Grenfell Tower in London — granted, Grenfell is a very extreme case; it not only had flammable cladding but I think it had no other fire prevention systems in it — and in the Lacrosse building in Melbourne. These are really significant issues and have caused governments here in Victoria and of course around the world to look at addressing these issues. Certainly the Greens will be supporting this legislation to help make buildings safer. But we believe this has been a systemic failure and the cost should be borne by the government, not by individuals.

Mr HOWARD (Buninyong) (12:35) — There you are. I am a bit surprised to be getting up quite so soon, given that the Greens party did have 20 minutes and managed to spend about 6 minutes on this bill. I am very pleased to speak on this bill because it is such a significant bill. I note that the Minister for Planning was in the house before for many of the contributions in regard to this bill and I commend him for his great work in bringing this bill forward. It is a rather complex bill in that it deals with a number of issues, as other speakers have said. As the member for Brunswick said,

safety is at the heart of these issues, but at the heart is also recognising that people make investments in construction and they want to ensure that the construction, whether it is a private home, whether it is a major office building or whatever it is a residential complex is going to be safe and is going to last as it should. Those people who committed the funding for that asset need to know that it is going to continue to maintain its value as an asset.

What does this bill do? It does a range of things. As we know, it works to ensure that all the people who work in the building industry are going to be appropriately trained and have the appropriate registration to ensure that they are fit and proper people and have the appropriate skill levels to be able to undertake the work on those building sites, wherever they are.

12:37:30 And to back that up, clearly we have needed to work on the disciplinary provisions in the Building Act 1993 to ensure that if people do the wrong thing, if people are working on a site without the appropriate registration and without the appropriate skills, then there is a disciplinary procedure to follow, and if need be it acts as a significant deterrent to people doing the wrong thing.

The next section of the bill relates to swimming pools and spas, and we know that there have been so many tragedies over the years in regard to pools and spas. We know that the government has enacted legislation to ensure that the appropriate fencing goes around pools and spas now, with appropriate gates and with appropriate locks on those gates to make them child safe. But we also know that there has not been an appropriate regime in place from councils to check on these and to establish a process whereby we know where swimming pools are and so on. So this bill also works to ensure that there is going to be the appropriate regulation in place to ensure that the laws in regard to swimming pools are adhered to before we find another tragedy has taken place because people did not have the right lock on their gate or it was faulty or the fencing was not up to the required standard.

We are also looking at training to ensure that training is encouraged, particularly in regard to the professional development scheme for plumbers, and I think that is terrific. It recognises that this government supports training people in trades and is rebuilding our TAFEs, which has been so necessary. We want to ensure that all people who work on building sites are encouraged to do so but are encouraged to have the right training ahead of time and to continue to review training as needed.

We also know that this bill covers that very vexed issue that came to light some years ago here in Docklands but

more seriously in London. We know there are a lot of new building materials that are being used in our buildings these days. Some of them are fantastic. They are saving money and improving opportunities in construction, but we know that some of the cladding, in particular, that has been used is highly dangerous. It might save costs and it might make a building look good in a makeover, but it is highly dangerous. So this bill has followed on from the extensive work that has been done in reviewing the building products that are being used on our construction projects around the state in light of what happened in London in particular, because we do not want to see that kind of tragedy happening in this state.

We need to understand what building products are out there and then what the remedy might be. Clearly it is a matter of banning products that we know to be dangerous, but given that we know that there are so many buildings already out there that have some of these unsafe cladding products on their fascias, we need to put in place a system where there is an opportunity for rectification of that, recognising that there is a significant cost involved in removing that faulty or dangerous material and putting something safer in place. This legislation also changes the Local Government Act 1989 to provide for low-cost finance options for individual lot holders and building corporations that are wanting to remove dangerous cladding from their structures to ensure their safety. So they are the key features of the bill.

The member for Brunswick spoke very passionately about the need to ensure that anybody who works on a building site is going to be afforded appropriate safety support. This legislation does that in so many ways by requiring appropriate registration and requiring everybody who goes onto a building site to understand their responsibilities to have the right skills and to ensure that every worker who goes onto a building site comes home safely. This bill goes further down the path of trying to ensure the safety of all building workers, whether they be on large sites or small sites, but it also ensures the safety of those constructions for those who happen to work in those buildings or live in those buildings in years to come and that those who have invested in the buildings will be assured that their investment is a sound and safe investment, as it ought to be.

On the issue of swimming pools, as we know there are many swimming pools across our electorates that give people great pleasure especially in the summer. There are not quite so many in Ballarat as there are in other places, but there are still a number across my electorate, and we need to make sure that we not only have the

right regulations in place but that we have the right system for checking that those swimming pools and those spas are safe, are up to scratch and are going to be safe throughout the life of that product. That is one of the key things, that when people have a pool or a spa constructed in their backyard not only do they have the right fencing in place when they start using that pool or spa but they keep it maintained to the appropriate standard. We hear in so many of those circumstances where things go wrong it is not that the pool or spa did not have the fencing, it is that it was not properly maintained, that they did not check that there were not obstacles or things around the edge of the fence that made it easy for young children to get over the fence or more particularly that the gates were not properly maintained, and we had those tragedies occurring.

I want to again commend the planning minister for the work that he has done in bringing about this legislation and commend all of those in his department who have done that review work. They have looked at the cladding material around the state and at where there are problems with the existing legislation and addressed that through this legislation. As we see, it is a very complex bill because it does a number of things; it focuses on a number of areas, not just construction; it looks at pools and it looks at those cladding materials that have been highlighted as being dangerous in recent times.

12:45:00 I am really pleased that we have moved forward with this legislation. It is great to see a good government going forward with good legislation that looks at the safety of workers, looks at the safety of families, looks at the safety of all people in any construction site and enacts the right legislation that looks at where any pitfalls might be within the existing situation that need to be addressed, and that is exactly what this bill does. I certainly commend this bill to the house.

Ms HALFPENNY (Thomastown) (12:45) — I also rise to speak in support of the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018. I think as members of this house know, we are here almost every second week throughout the year debating legislation of all sorts, but there is sometimes really special legislation that really does have an incredible effect on people's lives. To me, this bill is legislation of that sort and of that magnitude. This is about safety. It is about protecting people, whether they be consumers, members of the general public or workers. I am very proud to be up here as a member of the Labor Party and a member of the Andrews Labor government when this sort of legislation is being debated. We hope it will be passed in the upper house as well so that people can be protected as soon as

possible and it is not left to flounder and delay in the Legislative Council.

There are three primary parts of this legislation. One is about, as other speakers have spoken about, the increasing protection around what sort of safety compliance there needs to be around home swimming pools, because we know there are far too many drownings in home swimming pools. This is about making sure again that there is further safety, particularly around children falling into home swimming pools and drowning.

There is also the other aspect around the cladding of buildings and the problem of inappropriate cladding that is causing massive fire risks and other dangers. This legislation goes both to the remediation of existing cladding that is known to be very hazardous and needs to be removed and also to the powers into the future, such as ministerial powers, that will prevent really hazardous and dangerous cladding being able to be used in the future.

The one I really want to highlight is the registration and qualification of workers that are doing work such as cladding work. We can see that this is learning from mistakes. We talk about the past when there was the global financial crisis (GFC) and how the federal Labor government did so much great work to avoid many of the consequences of the GFC falling on people living in Australia — consequences such as massive unemployment and failure of the banks — and one of the issues that they looked at was the insulation of houses. The opposition often carries on and says what a joke and how dangerous it was and everything else, but that was actually because there was a lack of qualifications and skills amongst the companies that were employing workers and forcing them to do this work in unsafe manners.

So it makes me really sick when we talk about the opposition wanting to split the bill and talk about the qualifications stuff, when these are the things that do save lives and do ensure that people are protected and safe, because you need to have appropriately qualified and trained workers to do the work. They need to be qualified and trained so that they are protecting themselves, as well as protecting the public and the consumers for whom they are doing the work. This legislation, as I said, is really important legislation. It has a real effect on people's lives, and I fully support this bill and feel proud that the Labor government has introduced such legislation.

Mr PEARSON (Essendon) (12:49) — It gives me great joy and pleasure to speak on the Building

Amendment (Registration of Building Trades and Other Matters) Bill 2018. As other speakers have said, this is quite a substantive bill. It demonstrates the prodigious work of the Minister for Planning.

I, like the member for Hawthorn and the member for Buninyong, was quite surprised that the member for Prahran, who has a very large volume of high-rise apartments in his electorate, could speak for less than 7 minutes. Given the fact that I am pretty sure Prahran has historically been the smallest electorate geographically, and he therefore would probably have more people living in high-rises than any other member in this place and he would have more constituents who would therefore be living in towers or apartment blocks which might have cladding, I would have thought he could have done more than 7 minutes. I would have thought he could have come out and been a little bit more effusive about the importance of this bill and made more of an effort.

Instead it was just the usual desultory performance from the Greens political party: come in, do not speak for your allotted time and only send up one speaker, and when they are asked some of the tough questions about how they would actually fund this, they say, 'Oh, we'll just get the government to pay'. There is just this lazy policy response to everything: 'Government can pay for everything because heaven forbid people should have to pay for services themselves or make any form of co-contribution. Just get the government to pay for everything, and that's fine'. This is just laziness.

This is the great thing about the Labor Party. We are fiscally responsible. We recognise the fact that you need to make sure that you have balanced budget surpluses, that you have got a low level of debt and that you have an activist state to intervene where it is required and there is market failure. For example, for every dollar that you would have to put aside to fund the member for Prahran's pipedream, you have one less dollar to go into areas of market failure, into our schools, into our hospitals, into our correctional facilities or onto our front line. That is the difference between us and those opposite. We actually recognise and appreciate that there is a role for the state to play in addressing issues like market failure.

12:52:30 We are quite happy to come across with an appropriate form of regulatory response to address these issues. Having been in and around public policy for a long time, pretty much all of my professional life, I know that there is a pendulum that swings back and forth from having a light-handed approach to regulation to having a more heavy-handed approach to regulation. I think the pendulum swings from time to time because

people will sometimes seek to game the system and people's views and responses to a set of circumstances change over the course of time.

I suppose there has always been this sense that there is the great Australian deal: you would work hard, you would be disciplined in terms of your savings, you would be able to buy a house for three times gross annual income and you would pay that off over the course of 30 years. That was the deal. That was a social compact that guided this country for generations. That is no longer the case. We are looking now at a set of circumstances where multiple gross income for a property is probably closer to 10 times earnings, so that means people have got a higher level of debt when they purchase an apartment. Once upon a time the first home buyer would have been looking at a quarter-acre block in the suburbs with a three-bedroom brick veneer house — it might have been 10 or 12 squares in size — but that is not really the case these days, or it is less likely to be the case these days. Particularly in inner urban built-up areas, it is going to be the one-bedroom apartment or it is going to be the two-bedroom apartment, apartments which might be clad in this flammable material.

You have got a set of circumstances where you have higher levels of debt, greater levels of inequality — though admittedly by the OECD's latest report we are not bad compared to some of our competitors, but it is trending up — and you have instances where people are now taking on greater levels of debt which might be unsustainable, so the last thing you would want if you were on an average wage, an average income, with a mortgage on an apartment of, say, \$500 000 or \$600 000, is to find that you then have to put your hand in your pocket for additional funding or additional expenditure to remove this sort of cladding. That is a real challenge that people are confronting, and of course when you confront a set of circumstances like that it is incumbent upon a government, particularly a Labor government, to look at trying to address that.

The other point I would make is that the bill talks about increasing the skill level of people who work in the field. In recent times we have seen the hollowing out of the middle class, so it is important to look at where we see ourselves now. You might say to a child, or to your grandchild if you have a grandchild, 'What I want for you is to have a comfortable life. I want you to have the ability to own your own house, to have four weeks annual leave and to maybe go down to Phillip Island for a holiday. I don't expect you to be a captain of industry, but I don't want you to live in abject poverty'. If that was the aspiration for your child or grandchild and you asked yourself, 'What job could that child be doing as

an adult?', the choices are really increasingly slim, because with the rise of automation, with the rise of change, it is becoming increasingly difficult to find those comfortable, secure middle-class jobs that will serve you for a lifetime of work. They are few and far between. But the trades hold a pathway forward, because if you get a trade and a qualification and you have got the ability to upskill, then you have got a chance of having that comfortable existence. So trying to find appropriate regulatory measures where there is a requirement to make sure that workers in trades can upskill their qualifications is really important.

The bill also talks about improving the level of standards for plumbers. I think plumbers will be at the front line of tackling climate change, because we have to get better at reducing our level of water consumption. I think there is a lot to be learned from what is happening in Israel in terms of looking at reducing our rate of consumption and trying to tackle seepage and evaporation of water in our community. So looking at skilling up our plumbers to make sure they have got the ability to combat climate change is really important. They will play a critical role over the course of the coming decades to tackle these issues. We on this side of the house recognise that climate change is a reality. We recognise that you need to have action to address climate change. Those opposite are churning through prime ministers at a great rate of knots over this very issue because they cannot quite get their head around tackling the issue of climate change.

The bill is a really important piece of legislation. If we can look at trying to skill up tradies to make sure they have got the ability to continue to broaden their skills, to broaden their offering to their customer base, that will do a great deal to support the middle class over the coming decades. If you believe in a progressive society, if you believe in a fair and equitable society, you have got to make sure that there is that pathway for people to go from the working class into the middle class and have a comfortable life and a comfortable existence.

This is a substantive piece of legislation. I just find it appalling that the Greens political party could field only one speaker out of three and that he could not speak for his allotted time. The member for Prahran's contribution was less than 8 minutes, yet this bloke has got more houses or apartments with cladding than any other member in this place. If you cannot take this seriously, you should not be here. This bloke is asleep at the wheel, and he does not deserve a second term as the member for Prahran. I just find it laughable that there are people like him in here who are not prepared to do the work that is required of all of us. I commend the bill to the house.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted under sessional orders.

MATTERS OF PUBLIC IMPORTANCE

14:00:00

Job creation

The SPEAKER — I have accepted a statement from the member for Werribee proposing the following matter of public importance for discussion:

That this house notes the 370 000 jobs created under the Andrews Labor government and further notes:

- (1) more than 234 000 of the jobs created under Labor are full-time jobs;
- (2) the former Liberal-National government cut 4200 public sector jobs and failed to properly invest in job-creating projects, resulting in skyrocketing unemployment; and
- (3) the Liberals and The Nationals failed regional Victoria, creating fewer than 10 000 jobs in their entire term, compared to more than 45 000 under the Andrews government.

Mr PALLAS (Treasurer) (14:04) — It gives me great pleasure to speak to this matter before the Assembly. Three and three-quarter years ago —

Mr R. Smith — On a point of order, Speaker, it was clear that the lead speaker for this matter was not here when there was a quorum formed. It was clear you were hanging back in order to give him time.

The SPEAKER — Order! I was not in the chamber.

Mr R. Smith — Yes, I know, you were hanging around outside waiting for the Treasurer to show up.

The SPEAKER — Order! The member for Warrandyte will resume his seat and not reflect on the Chair.

Mr R. Smith interjected.

The SPEAKER — No, I have ruled on the point of order. There is no point of order.

Mr Burgess interjected.

The SPEAKER — The member for Hastings!

Mr R. Smith — Just for clarity, how long were you going to stand out the back until the Treasurer turned up?

The SPEAKER — Order! There is no point of order. I was not in the chamber.

Honourable members interjecting.

The SPEAKER (14:04) — Order! I ask the member for Warrandyte to leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr PALLAS — The collective intelligence of the chamber has been increased as a consequence.

An honourable member interjected.

Mr PALLAS — You could not even vote on yours yesterday.

The SPEAKER — Order! On the matter of public importance!

Mr PALLAS — Three and three-quarter years ago Victorians gave us the gift of government. It was given to us after four years of what can best be described in one word: nothing. For four years those opposite sat around and through all the smoke and mirrors did not do much at all. And of course it had a consequence, because just as actions have a consequence so does inaction and so does inertia. Our economy slowed to a crawl. It was all their work. At one point it was even going backwards — a shout-out to the member for Malvern for being able to pull that one off!

Honourable members interjecting.

The SPEAKER — Order! The member for Burwood and the member for Frankston!

Mr PALLAS — They sat on their hands and they did nothing as jobs growth slowed and as thousands more Victorians joined the jobless queues. When those opposite were elected in 2010 we left them an unemployment rate of 4.9 per cent, and we are nearly back there. And of course four years later it had risen to 6.7 per cent — a disgrace. It was a desertion of those who needed the greatest gift any government could give: attention, diligence and effort. Between November 2010 and November 2014 Victoria's working-age population grew by 381 000 people, but only 139 000 of those people actually saw jobs created that they could fill. For every new job created under the coalition, nearly three — 2.7 in fact — working-age Victorians become unemployed or discouraged from seeking work altogether. For every eight new potential workers, only one full-time position was created. While they could not create jobs, one thing those opposite did well was cut services. They slashed our public sector by more than 4000, closing schools and neglecting

hospitals, and they took a knife to TAFE, gutting it just as youth unemployment began to tick up.

Since then we have not wasted a day in putting the pieces of the puzzle in place: fixing the fractured economy that we inherited to once again create a state with a vibrant, strong, optimistic economy and a strong budgetary position; building the infrastructure that Victorians need; restoring the cuts that those opposites put in place; and, most importantly, getting Victorians back to work.

In four years those opposite sat on their hands and watched Victoria's unemployment rate rise. While that was happening they cut services to TAFE. The compound impact that this had on young Victorians trying to find jobs or trying to skill up should never be forgotten and should never be forgiven. For the trauma and for the dignity that they robbed from Victorians they should be remembered.

14:07:30

In four slow years full of cuts and inactivity what they did was create only 39 000 full-time jobs. For a comparison, in three and a half years we have created almost six times as many full-time jobs — 234 400. All up, in our three and a half years we have created 370 000 jobs by hiring locally and by buying and investing in the skills and training that Victorians need for the future of their jobs.

Jobs growth is showing no sign of slowing or abating. Last month while the national job numbers went backwards, nearly 30 000 jobs were created in Victoria — the highest monthly employment growth in the nation in both absolute and percentage terms. In fact the latest figures from the Australian Bureau of Statistics show that in the 12 months to July more than 94 000 jobs were created in Victoria. That was the equal highest percentage of job creation in the nation. Our unemployment rate now sits at 5 per cent. The reality is that everything we do has a focus on jobs creation because there is simply nothing more important. James H. Douglas, Jr, who worked in both the Hoover and Roosevelt administrations, once said:

A good job is more than just a pay cheque. A good job fosters independence and discipline and contributes to the health of the community. A good job is a means to provide for the health and welfare of your family, to own a home and save for retirement.

The good news is that we have created 370 000 of them. That is more than one-third of all the jobs created in the nation during this time — bearing in mind that we are 25 per cent or thereabouts of the nation's population — so we are well and truly batting above our weight.

Some like to think that maybe we just got lucky — that it was a fluke. It may have even been some people in the press gallery who suggested such an outrage. Over the last three and half years we have taken strategic and considered decisions. Whether it comes to our record of investment in infrastructure, our decision to reduce the payroll tax burden on employers in three successive budgets, our careful financial management that sees the biggest average surpluses in the state's history delivered under this government or our decision to level the playing field when it comes to first home buyers trying to break into the property market, Victoria's taxation and royalty revenue per capita still remain below those of Western Australia, the ACT and New South Wales in 2018–19 and across the forward estimates. When we hear about tax and tax relativities, let us put that into context. Victoria still remains well below many others.

Mr M. O'Brien — The highest in the nation.

Mr PALLAS — There we go. We will wait for the member for Malvern to distort the facts and try to tell people that white is black. He is good at that. In total we have invested \$1.6 billion in tax cuts for businesses, first home buyers and of course farmers. Since we were elected demand in the Victorian economy has increased by 25 per cent, the average rate of economic growth has more than doubled and our economy is once again enjoying an increase in economic growth per capita. The growth in our overall economic activity has been underpinned by the revitalisation of our key industries.

In October 2014 Labor identified strategic sectors in the economy where Victoria could become an international leader. We called it Back to Work because that is what it was all about: getting Victorians back to work. We set a target of 100 000 full-time jobs, and who can remember the guffawing that came from those opposite about whether we could achieve that number. Indeed, might I say, many in the press gallery were a little bit sceptical about our capacity to do it. But I will tell you what, we did it, and we exceeded it. In fact on this number we have surpassed it, easily passing the target of 100 000 full-time jobs and more than doubling it since.

Let us take our commitment to Victorian industry and manufacturing as one example, ably led by the Minister for Industry and Employment and of course his predecessor, the member for Williamstown. Five years ago the Liberals in Victoria were being egged on by their counterparts in Canberra, who were literally daring the vehicle manufacturing industry to leave the country. Contrast that with what we currently have: across the state jobs are being created in the very industries that those opposite deserted. Just this week Holden has announced an expansion of its Australian

operations, with 150 people to be added to its Port Melbourne and Lang Lang workforce. I am sure that the Minister for Industry and Employment will talk more about that.

Here is another example. In three successive budgets we have reduced the payroll tax burden on Victorian businesses. In 2017–18 alone Victorian businesses saved more than \$110 million, money that subsequently goes into expanding their operations and on hiring more staff. Our payroll tax cuts have had a particularly dramatic effect on regional Victoria, where in the last two years we have halved that tax rate, giving regional Victorian employers the lowest payroll tax in the nation. What does that mean? It means jobs. In the local government areas of Geelong, Ballarat and Bendigo alone, something like more than \$20 million has been saved by employers on their payroll tax liability in the past year alone.

At the same time our regional unemployment rate has fallen to 4.9 per cent. A fluke? I do not think so. This is hard work, this is diligence and this is focus on the priority that motivates this government every day — and that is job creation. Since we were elected 45 300 jobs have been created in regional Victoria, contributing to the sustained economic growth right across the state. This is in stark contrast, might I say, to what occurred under the previous government, where less than 9000 jobs were created in regional Victoria in four years. Victoria's regional centres are leading the way, with unemployment decreasing significantly in Shepparton, Bendigo and Ballarat over the past three months. Favourable decreases have been recorded in unemployment in comparison to the same time last year. The figures indicate that regional employment across the state was driven by full-time job creation, with something like 8600 full-time jobs created over the last three months.

These are more than just numbers, though. What they demonstrate is a Labor government that is committed to tax cuts and investments and to supporting strong, sustained economic growth for regional businesses and families. We are creating jobs, we are driving investment and we are strengthening our rural and regional communities, which is why Victoria's regional jobs growth is more than double the national rate. Whether it is building new schools, fixing our roads or delivering better public transport, we are delivering on the priorities that regional Victoria needs to thrive.

14:17:30

On this side of the house we recognise the importance of the delivery of services and infrastructure. While we build, they bulldoze. While they cut, we create. While we deliver, they destroy. Take our approach to

infrastructure as an example. Since coming to office this government has commenced the most ambitious infrastructure agenda the state has ever seen. This year alone we are investing \$13.7 billion in infrastructure, with the average over the forward estimates being a whopping \$10.1 billion. Contrast that to the 10-year average that preceded us of \$4.9 billion. Everywhere you look you see cranes in the sky, boots on the ground and workers in jobs. The government will continue its efforts to remove level crossings and continue its efforts to deliver the high-quality public transport networks that the community needs. Our infrastructure investment alone is creating 75 000 jobs, so the greatest threat to this is of course the Liberals and their friends The Nationals. As always, they want to get the band back together to cut, and it will be a catastrophe. We will continue to grow this state.

Mr M. O'BRIEN (Malvern) (14:19) — What a bumbling, stumbling speech from a Treasurer who has just personified that in his economic and budget policy. Here is a fact from the Australian Bureau of Statistics that the Labor Party never likes to hear: between December 2010 and December 2014 Victoria created more jobs than any state in the country. There were more jobs created in Victoria than in any state in the country between December 2010 and December 2014. I can tell you, Victoria achieved this title under the Liberal-Nationals government even though this period also saw the mining boom in WA and Queensland, which we did not have the benefit of. We also achieved that despite, for most of that time, there being a federal Labor government in Canberra that imposed a carbon tax on Australia, which federal Labor's own modelling showed hit Victoria first and hardest. This was the federal government's own modelling. They deliberately imposed a carbon tax designed to hurt Victoria first and designed to hurt Victoria the hardest, cheered on by the members of the Victorian Labor Party.

We also saw the Rudd-Gillard-Rudd Labor governments fail to fund major projects in Victoria over those four years. They left us hanging. They bled us dry from taxes, but they did not give it back. What were the largest federal Labor-funded infrastructure projects in Victoria? I cannot think of one. They not only did that, but they slashed our GST. Victoria in those four years of the last Liberal-Nationals government saw our GST revenue slashed year after year after year. Despite all of that and despite all of those headwinds, many of them imposed by the Labor Party's mates in Canberra, Victoria created more jobs in those four years than any state in the country. The lies and the spin and the hypocrisy of those opposite cannot contest that single, unimpeachable fact. The Liberals and Nationals

delivered on jobs for Victoria better than any state in the country.

While federal Labor was imposing taxes on us, by contrast, under the Victorian coalition, Victorians enjoyed payroll tax cuts. We saw WorkCover premiums reduced not once but twice, we saw the fire services levy reformed and then reduced, we saw stamp duty on life insurance abolished and we saw stamp duty for first home buyers cut in half. This made Victoria an attractive place to invest, to grow a business and to create jobs.

The coalition also reintroduced the rule of law on building sites. We put in place a Victorian construction code of conduct. We ensured that unions could no longer stand over workers or employers on government projects, because we on this side believe in the rule of law, unlike members opposite. Of course one of the first things Labor did when they came into government at the end of 2014 was scrap the Victorian construction code of conduct, and we have seen the consequence of that action. We have seen the massive cost blowouts on public infrastructure projects that occur when you let dodgy Labor governments and dodgy unions run major public infrastructure. We have seen the \$2 billion blowout on the Metro Tunnel project, and we have seen the \$3.3 billion blowout on the sky rail and level crossing removal projects, and the list goes on and on and on.

This pathetic matter put forward by the Treasurer attempts to have a go at criticising the former coalition government's records on infrastructure. Well, we had a very large infrastructure agenda. Let us just look at health as one example. Under the coalition we saw the new Bendigo Hospital. I acknowledge the Minister for Industry and Employment at the table acknowledging it as a coalition project. He might want to have a word to the Minister for Public Transport, who is labouring under the misapprehension that she had something to do with it. She did not fund it. She did not sign the contracts. She did nothing except turn up for the ribbon cutting. That is all she did.

The new Monash Children's Hospital was designed, funded and contracted by the coalition government. The rebuilding of the Eye and Ear Hospital occurred under the coalition. The delivery of the Victorian Comprehensive Cancer Centre occurred under the coalition government. There was the increase of the scope of the Box Hill Hospital rebuild. I acknowledge the amazing work of the member for Box Hill in relation to achieving that fantastic outcome for the people of Box Hill and surrounding areas. There was the funding of the Latrobe Regional Hospital

expansion, a \$73 million project. These are all major health projects of the coalition government, with many in regional areas, because the coalition always believes that Victoria is bigger than Melbourne. We do not believe that Victoria ends at the tram tracks, unlike members opposite.

14:25:00 And those projects created thousands of jobs — thousands and thousands of jobs in their construction and thousands of jobs on an ongoing basis.

What did Labor do? When it got elected, it decided to scrap Peter MacCallum private — remember that? It scrapped an entire floor of the Victorian Comprehensive Cancer Centre, a triumph of dumb leftist ideology over common sense and a slap in the face to thousands of cancer sufferers in this state who have been denied the state-of-the-art facility they are entitled to because of the 1970s socialist thought that infects this government from the Premier down. How many jobs did that decision to scrap Peter Mac private cost? How many cancer —

Mr Nardella interjected.

Mr M. O'BRIEN — I do not want to hear from a rorter. You just stay back in your box. Stay back in your box, you rorter.

The SPEAKER — Order! Through the Chair!

Mr Nardella interjected.

Mr M. O'BRIEN — Why don't you just get out of here? Get out of here, you crook.

The SPEAKER — Order! The member for Malvern, through the Chair.

Mr M. O'BRIEN — Look, how about —

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton is warned.

Mr M. O'BRIEN — I am honest. That's more than anybody will ever say about you, Donny.

The SPEAKER — Order! Through the Chair.

Mr M. O'BRIEN — Through the Chair, Speaker. So we have got cancer sufferers left out in the cold because this government decided to scrap Peter MacCallum private.

We have also seen that when it comes to ripping up contracts, it is not just the east-west link, which of

course I will come to. What about the \$2.5 billion Cranbourne-Pakenham project entered into by the previous Liberal-Nationals government — \$2.5 billion of infrastructure, removing level crossings on the Cranbourne-Pakenham line? But here is an idea: doing it properly, putting the rail under the road and not building sky rail. We had \$2.5 billion of works on the Cranbourne-Pakenham line to upgrade that train line and improve services, including high-capacity signalling, I should add. That project was ripped up by the incumbent Labor government. They took the money that had been paid and set aside to do proper level crossing removals, and instead they built cheap and nasty sky rail instead. That ugly sky rail is a permanent scar on those communities and a permanent reminder of the bad decision-making and the deception of the Labor Party in this state.

Of course we cannot talk about Labor ripping up infrastructure projects without discussing the \$1.3 billion that Labor wasted by ripping up the east-west link contract, a contract they told Victorians — they promised Victorians — was not worth the paper it was written on, a contract they promised Victorians would not cost a single dollar to rip up; \$1300 million was wasted because of this government's outrageous conduct. Let us not forget the \$220 million Murray Basin rail project, funded by the coalition but botched and delayed by this Labor government and its incompetent Minister for Public Transport, thanks to whom we are still waiting and waiting and waiting for anything to be delivered.

We can also talk about those projects that were funded and contracted by the Liberals and The Nationals which Labor now try to claim as their own. I well remember the 1300-bed Ravenhall prison, a coalition project which we designed, which we funded and which we contracted for, and we were criticised by the Labor Party. 'How dare you build a new prison', they said. 'We should be spending this money on something else. We don't need new prison beds in this state', said Labor. Well, we have seen the crime tsunami that occurs when you get a weak on law and order Labor government. And then of course when the Ravenhall prison was there to be opened, who was there cutting the ribbon? Who was there smiling for the cameras? It was the Labor Party trying to claim it as their initiative, as their project, as their jobs. It had nothing to do with them. They criticised it. They had nothing to do with it.

What about the same with the CityLink Tulla road widening — a project signed, sealed and paid for by the coalition but which Labor now tries to take credit for? I see the minister at the table. He is out there, it seems like every week, trying to claim credit for something that

was funded and designed by the former Liberal government. We had the duplication of the Princes Highway from Winchelsea to Colac, a coalition project, and a raft of level crossing removals, including Gardiner station, Ormond station, St Albans and Clayton. The list of coalition projects which Labor has tried to claim credit for is almost as long as the list of roting allegations made against Labor MPs in this place.

Mr Angus — Almost.

Mr M. O'BRIEN — Almost — I did say almost, member for Forest Hill. But let us look briefly at Labor's record. They talk about regional unemployment, and I interjected to the Treasurer, 'What about the Latrobe-Gippsland region?'. He did not refer to that, and I will tell you why he did not refer to the Latrobe-Gippsland region: because unemployment there has gone from 6 per cent in December 2014 to 7.7 per cent in June this year.

Now, why do you think there are so many poor people in the Latrobe-Gippsland area looking for a job compared to when the Liberals and The Nationals were in office? Would it have anything to do with the fact that the Labor Party tripled the tax on our brown coal generators in the Latrobe Valley overnight, forced Hazelwood out of business and sent 700 direct jobs into the shredder and thousands of indirect jobs into the shredder? This was a decision by the Labor Party to tax Hazelwood out of business. They achieved it, and the people of the Latrobe Valley are now feeling the consequences of this government's blind green ideology. They are more interested in sucking up to the Greens for preferences than they are in affordable power or jobs for people in regional communities, and that is a disgrace.

This is a government that has punished Victorians with 12 new and increased taxes, despite the Premier's promise before the election of no new taxes and no increases in taxes. Under Labor state taxes have increased from \$17.9 billion at the election to \$24.1 billion in 2018–19. That is an increase of \$6.2 billion, or 35 per cent, in just four years. Under Labor Victoria is now the highest taxed state in the country. We used to have a tax-to-gross-state-product ratio of 4.8 per cent. It is now 5.4 per cent — more than any other state. And before we hear anything from Labor MPs crowing about their tiny snips to payroll tax in regional Victoria, the revenue figures tell the real story. They claim a \$40 million payroll tax cut, but payroll tax revenues have gone up by \$1 billion a year since Labor came to office.

Speaker, let me assure you that small business has cast its vote on this Labor government. Every single census business survey since Labor came to government has shown Victorian small and medium enterprises (SMEs) have a net negative attitude towards the state government's policies — every single survey. You have not won a single survey in the eyes of small and medium enterprises in Victoria.

It is not just SMEs that are voting with their feet. Last year under Labor, Victoria's economy, according to the Australian Bureau of Statistics, saw private sector investment actually shrink. Private sector investment shrank in Victoria last year on the gross state product figures. It fell by 6 per cent in the December quarter and it fell by half a per cent over the year. You are actually seeing private sector investment go backwards in this state under Labor — because you are interested in taxing people, you are interested in regulating people and you are interested in giving everything to the unions and making sure that no-one else has a fair go. How does Labor think that is the foundation for sustainable job growth, when private sector investment is going backwards in this state under them? 14:32:30

This government is run by a bunch of central planners who would be more at home in Venezuela than in Victoria. They think that overpaying for government projects and blowing out costs while killing small business is the way — that is the Labor way. They think that paying \$100 000 to an overseas backpacker to hold a stop-go sign, that is a good idea of productive economic investment. They are absolutely wrong. This is a government that literally has no idea. It thinks that taxing businesses into the ground is a way to grow jobs. It thinks that shrinking private sector investment is a way to grow jobs. It thinks that blowing the budget on major projects is a way to grow jobs. This is a government that has presided over an enormous amount of waste, an enormous number of terrible decisions that have cost Victorians very, very badly. In 13 weeks Victorians will have a wonderful opportunity to set things right again.

Mr CARROLL (Minister for Industry and Employment) (14:34) — It is my pleasure to rise and support the motion by the member for Werribee, the Treasurer. I followed the member for Malvern yesterday. The only thing that was missing today was that Peter Costello dance that he did yesterday, the Midnight Oil one. He has been watching Peter Dutton yesterday and today. It is the auditioning. The only thing we are missing is the Sky News update on how the coalition room in Victoria is going.

We are getting on with the job of delivering jobs and record investment. Let me pick up just one thing. He had a go at the Minister for Public Transport. Well, you could not hold a candle to her, mate — whether it is the Metro Tunnel or the level crossings. They would purchase trains from South Korea before they would even look at purchasing a train or any of our rolling stock from a Victorian company. That is why we have actually legislated to make sure that our local procurement policy and our Major Projects Skills Guarantee are about local jobs, local industry and local apprentices, giving them every opportunity to work and succeed on one of our major projects. We know the value of major projects: 10 times the number of major projects — 88 major projects versus eight — and three times the number of jobs under this government. It is an incredible set of numbers.

I think it needs to be on the public record just how much we are doing for this state. When you look at the economic statistics, the unemployment rate is 5 per cent today and when we came to office it was 6.7 per cent. Regional unemployment is 4.9 per cent; it was 6.6 per cent under the coalition when they last left office. The participation rate is the highest amongst the non-mining states at 65.7 per cent. Since November 2014 there have been 370 000 new jobs created, 234 000 of them full-time. That is the highest number among all the states in Australia.

When you think about manufacturing — we will get onto the auto industry in a minute — under the Andrews Labor government it has grown for 17 consecutive months. Why? The member for Williamstown will know why. There has been \$120 million invested in it, with targeted assistance. We will always be a manufacturing state; it is a cornerstone of our economy. I see the young people up in the gallery today. We have advanced manufacturing. We are the only place in Australia with seven world-class engineering schools all close by, producing more engineering graduates than any other state. They provide a wonderful opportunity because we have got jobs.

We also reach for the stars. I have an editorial of just this week, 16 August, headed 'Victoria set for launch'. It is all about the Andrews Labor government's investments in industry and our universities for the jobs of the future. We want to have a future with science, technology, engineering and mathematics learning and a space centre. That is why we get this:

Victoria set for launch

Victoria is the smart state, and when it comes to science and technology, it is undeniably the national leader.

...

The Andrews government is now spearheading a pitch for Victoria to be home to its research and development efforts in areas such as communications, monitoring of space debris, navigation, management of remote assets, and habitation ...

I only hope Michaelia Cash can last the week and that she can one day deliver it, because we should be the home of the space industry.

It does not stop there. One of the initiatives I am most proud of as industry and employment minister has no doubt been the support we have given our auto manufacturing workers. I met with people at Ford only yesterday. They are doing so much in advanced manufacturing and advanced technology. They waved goodbye. It is funny watching. Joe Hockey is over in Washington at the moment. He begged Holden to leave them — and they did. It was incredible, and you saw the domino effect. But under Labor there is not a domino effect. Under Labor less than 20 per cent of the tier 2 auto supply chain companies have folded. Why? There has been a \$100 million investment to make sure those companies that are important to the global supply chain continue to do that work.

It would only happen under Labor, the announcement yesterday by Holden. Have a look at that on 21 August:

150 new engineers at Holden to focus on GM advanced vehicle development, including autonomous and electric vehicles

You would never get a press release from an auto company under a Liberal coalition government. That only happens through the policy settings and the investments we are making at Fishermans Bend through the Minister for Planning and the Minister for Housing, Disability and Ageing, who is the member for Albert Park. There will be a centre of advanced manufacturing. Those opposite wanted to turn it into high-rise development for their donor mates. We want it to be a centre for jobs growth, jobs of the future, including advanced manufacturing. Just think: if you are an engineering student in Victoria studying at Melbourne University, down at Fishermans Bend you are going to have GM autonomous vehicles, you are going to have BAE Systems potentially, you are going to have the defence, science and technology group for the Department of Defence and you are going to be working alongside Boeing. They are lining up at the door to speak to this government. Everyone wants to get down to Fishermans Bend because they know it is indeed going to put Victoria on the map. Those on that side would have turned it into nothing but a high-rise Liberal Party mates showpiece. That was all it was going to be.

Ms Thomas — For property developers!

Mr CARROLL — Exactly. The member for Macedon hit it right on the nail. Let us just look at this one from 17 August headed ‘Victorian jobs rate surges’:

CommSec senior economist Ryan Felsman said the Victorian economy was the nation’s strongest.

Before that:

Victoria’s unemployment rate has tumbled to its lowest level in more than seven years ...

The member for Malvern disputes it, but look at this. It says it here:

Victoria’s unemployment rate has tumbled to its lowest level in more than seven years as the number of workers in the state closes in on a record 3.3 million.

It does not end there. Let’s go to Monday, 6 August, and an Adam Carey exclusive, headed, ‘State of growth: Victoria’s \$100 billion infrastructure boom revealed’:

More than \$100 billion worth of new roads, rail lines, hospitals, skyscrapers, prisons, wind farms and other infrastructure is being built or planned in Victoria as the state’s surge in the delivery of major projects gathers pace.

It is just incredible. After a four-year public holiday we are getting on with the job, and we are focused on job creation, as the Treasurer said. It is part of everything we do. You get that job creation with a strong Treasurer who is delivering the best average surpluses. If you think of the chaos that we had under the Baillieu-Napthine-Shaw government, if I remember, I think the first budget speech did not mention jobs or the unemployment rate once. It was all about their values — and we saw what their values were. We are creating more jobs than any other state, powering our economy, removing level crossings and building the Melbourne Metro and the Joan Kirner Women’s and Children’s Hospital.

We are a unique Labor government because we will make sure that we never leave anyone behind. We are doing that in the context of the \$90 million Jobs Victoria Employment Network program, giving real jobs to disadvantaged Victorians. No matter where you live, we want everyone to be part of the sharing economy — part of the Victorian economy that is continuing to boom and continuing to surge.

14:42:30 That is why we are passing legislation to mandate local jobs and local procurement first. We are very committed to them.

We have also passed our social procurement framework, which makes sure that when companies work on a government project they come to the table with answers to the following questions. How many jobs are there for disadvantaged Victorians? How many jobs are there for Aboriginal Victorians? What social enterprises are you going to put on the site? We believe in bringing the social and economic policies together to really bring everyone along for this great jobs and economic driver that is the Andrews Labor government.

It would be remiss of me if I did not mention my shadow minister, the member for Warrandyte. No-one knows he is the shadow minister — it is still a couple of hundred days. He would never last 5 minutes if you actually asked him a question. Isn’t it a thought that he could actually be the minister for industry?

An honourable member — Is he the shadow?

Mr CARROLL — Yes, believe it or not, the wizard is the shadow minister for industry. The member for Warrandyte — have a look at his first speech when he came to this place. He said he believed in:

... the provision of structures through which hardworking individuals can set and achieve their goals in life.

You have to ask: with less than 100 days until the election, what has the member for Warrandyte and the rest of the coalition’s economic team proposed about how they will support hardworking individuals and Victorians? I travel across this state every week and I have seen firsthand, whether it is in our investments in TAFE or whether it is in our support for disadvantaged Victorians, how we are giving young people and everyone an opportunity to shine in this state under the Andrews Labor government. I am very proud to sit alongside the Premier, the Treasurer and all of my cabinet and parliamentary caucus colleagues as we get on with the job of delivering and delivering and delivering. Everywhere you go, in every conversation you have, everyone says, ‘You get things done’. They all know what the previous Napthine-Baillieu-Shaw governments were like — chaos, dysfunction, silence, no sustainable initiatives, cuts to police, cuts to teachers, cuts to public servants and cuts to ambulances. No-one was spared. We are getting on with the job and delivering for all Victorians.

Mr T. BULL (Gippsland East) (14:44) — It is a pleasure to rise and make a contribution on this matter of public importance (MPI) as submitted by the member for Werribee. I note the Minister for Industry and Employment in his contribution just said that

everywhere he goes the news is good. I note that the jobs minister has not been to Heyfield once.

Mr Carroll — On a point of order, Speaker, I have been to Heyfield.

Mr T. BULL — Did you drive through?

The SPEAKER — Order! The minister —

Mr T. BULL — Did you meet with the mill?

Mr Carroll — I went to the mill.

Mr T. BULL — How did that go?

The SPEAKER — Order! The minister will resume his seat. The member, through the Chair, without interjections.

Mr T. BULL — As of next month, 100 jobs will have gone from the Heyfield mill — 100 jobs in the last 12 months that did not need to go. From management down, 100 jobs will be gone. It is hard to get excited about this topic because in Gippsland when we talk about jobs it is very sombre — it is very, very sombre. I was there on Friday talking to workers, and they are not happy with this government. They are not happy that they have lost 100 jobs at that mill and they are very, very disappointed that the economy of that town has been so severely impacted by a political decision. It is a disgrace.

In the period that Heyfield was under this stress, this concern about jobs going, not once — and I am confident in saying this — did we have a visit from the Premier or the Deputy Premier. They were happy to trot down the road to Traralgon or Morwell or wherever was popular, but they were not prepared to do the half hour trip down the road to Heyfield. So how can we say we have got a government that cares about jobs when 100 jobs go and no-one in that leadership team is prepared to visit?

I note the jobs minister was very happy to talk about the automotive industry, but he did not touch on the timber industry. There is probably good reason for that because there are a few whispers getting around that the great forest national park might be under consideration. If it is, as timber industry representatives from all around the state continually spell out, that will paint a very, very dim future for this sector. So please do not say, 'We care about jobs' in an MPI and at any stage over the next three months make any announcement about the great forest national park because that will be an absolute jobs disaster for communities right around Victoria but particularly locations like Heyfield and Bairnsdale. As a

point of note on that, interestingly the government is 49 per cent owner of the Heyfield mill. Heyfield actually takes 89 per cent of its timber from the central highlands, so we certainly should not be even looking at or considering a great forest national park.

When we talk about jobs, small business is the biggest employer in our state. I note the shadow minister is here at the table, and I am sure he will agree with this comment: high overheads kill small business. They impact on employment, they take away viability, they take away the cream on the top that allows them to operate and function. Power bills for small business have gone through the roof and, despite what you might hear from the other side, very little is being done about. It is an absolute disgrace that we had Hazelwood power station close. Immediately we lost 1000 jobs — not only the workers but the flow-on jobs in that community. There have been significant power price increases in industry. We are unable to put a figure on the number of job losses that have occurred around the state where small business have had to put staff off because of the massively increased power prices, but we know that it is significant and we know that it is massive.

I want to recap because when Hazelwood closed we were told in this chamber, and the people in Gippsland and Victoria were told through the media, that power prices would only rise by 4 per cent — 4 per cent is what were told. Well, someone needs to trot down to Bairnsdale and have a talk to a bloke named David Lucke, because he is a good man. He runs a supermarket in Bairnsdale. It is a family business that has been built up, and it employs around 50 people. David copped a power bill rise of 35 per cent on his new contract after shopping around for the best deal. What does that equate to? It equates to \$2500 a month, and his monthly bill is now \$9500. That is two part-time jobs gone; it is the equivalent to part-time jobs. He also had to install a \$30 000 generator because he had no confidence in the power system over the summer period. The Premier or the Deputy Premier should go down and tell David Lucke, 'Don't worry about it. It's only going to be 4 per cent, mate. You don't need to worry about that'.

Bairnsdale RSL is a great RSL. I love the Bairnsdale RSL. It is a community hub that looks after its veterans. It is very, very popular within our community. The power bill at the Bairnsdale RSL went up \$85 000 for the year, and we have got this bloke coming in and saying he cares about jobs. That is employees that have to go. A major vegetable harvester in Gippsland had a \$1 million price increase for the year. Admittedly he is big in scale, but a \$1 million price increase on your power bill for one business? Absolutely unheard of and

an absolute disgrace. But what do we get told? We get told, 'No, it's only going up by 4 per cent'.

When I raised that issue about the Bairnsdale RSL and when the Leader of the Opposition asked the question in question time the Premier got up and said, 'Well, we'll deal with that RSL in good faith'. So what happened in that good-faith dealing? They rang up. The manager got a call at the Bairnsdale RSL, and what he was offered was a dollar-for-dollar grant. This government's response to help out the Bairnsdale RSL was to ask them for more money. Can you believe it? What sort of relief is that from an \$85 000 power bill? 'You tip in money for something, and we'll tip in some money as well. How we're going to solve the problem is we're going to ask you for more money'. You would not believe it. It is just absolutely laughable. There is flow-on employment throughout all our communities. Whether you are holding a metro seat or an interface seat or a country seat, like the member for Mildura, the impact on small business right across the board is significant and results in job losses.

There are a couple of other things I want to talk about. The Hazelwood situation did not only impact on workers in the valley; I had workers at Hazelwood living in Maffra, Bairnsdale and Lakes Entrance. What has happened in those towns as a level of support? Nothing. All we have had delivered to the Latrobe Valley is a lot of sports grounds that do not provide any ongoing employment. Yes, there have been a few other things, but the majority of projects have been sports related. Yes, there are a few construction jobs, but there are no ongoing jobs. The data shows that the unemployment rate in Morwell has increased massively and is bordering on 25 per cent. If we have found replacement jobs for these Heyfield workers, why has the unemployment rate in Morwell absolutely ballooned? The statistics do not lie. It is not good news on jobs when you come to the Latrobe Valley.

I could talk about the roads contractors who suffered from the cuts to the country roads and bridges program and the road maintenance program. I have had roads contractors ring me up saying work has dried up because the country roads and bridges program has gone. But before I finish I want to just recap some statistical information that was mentioned by the member for Malvern, because I think this tells the story and it is very, very pertinent. As he pointed out, between December 2010 and December 2014, when we were in government, Victoria created more jobs than any other state. That speaks for itself and that is the measure. He pointed out how they had the mining boom in WA and he pointed out the other hardships that this state faced, but we created more jobs than any

other state in Australia. That is a record that we were rightfully proud of in government because it was the best in the country. It is as simple as that. No arguments. We had the mining boom in WA and Queensland; we outperformed them.

In concluding the limited time I have, I just want to touch on the huge range of other examples that I could highlight where we have had an extraordinary impact on the abilities of small businesses. Growing is out of the question, because they are focusing on surviving, such is the increase in utility costs. This government should be embarrassed by the very little amount it has done to support these small businesses. They are struggling, they are suffering, their power bills are still rising and they are putting people off. This is something that this government needs to fix.

Mr RICHARDSON (Mordialloc) (14:54) — It is a great pleasure to rise on a matter of public importance about employment and jobs in our state. It is a telling stat that some 370 000 Victorians have gotten an opportunity to work in the last three and a half years. But stats and numbers can be quite raw. What that actually means is 370 000 families have got a new opportunity, have got hope in our state, have got employment and have got prosperity to underpin their families and their communities. That is the telling thing, because 234 000 of those jobs are full-time jobs. It could have been a young person's first opportunity to work and provide for themselves in a challenging environment where housing unaffordability and the cost of living are growing. Now they have got their first opportunity. It could be someone who has left the automotive industry who has worked some 30 years on the floor and who has given their time to underpin our automotive industry. Now they have got another chance in the middle of their life to carry on with gainful employment, contribute for their families and, importantly, underpin the prosperity of their state.

Those figures are incredible, and when you think about the Treasurer's comments, these are not by chance. This is about working hard and about creating the settings that underpin prosperity in our state. When we think about the fact a large percentage of those jobs have come in a time of great prosperity and infrastructure building in our state, we will be known for getting things done and building and underpinning infrastructure for generations to come. What is the point of being in government if you are not going to maximise the opportunities that you have to try to benefit our state and benefit our economy? To have a third of the jobs created in the nation right here in Victoria is very telling and stands in stark contrast to

the story that was told in the previous term of government.

Each and every day on average at the moment — each and every day, I emphasise — 327 people get a job. On average each and every day 327 more people in this state are getting a job. When you think about what that means for prosperity and benefits for local people with unemployment coming down to 5 per cent, that is telling in our communities. In contrast, when unemployment was at 6.9 per cent under the previous government each and every day 46 jobs were lost. That meant 46 families had to make that tough decision on how they were going to pay the mortgage, how they were going to front up to pay their bills and when that next opportunity was going to come.

14:57:30 That is not by chance; that is by hard work. That is by having a clear vision for our state and underpinning employment and growth. It is about investing in our next generation of workers, giving them their first chance on a procurement program — 10 per cent of apprentices on major projects. It is a telling stat and it is a credit to the minister at the table, the Minister for Industry and Employment, all of the cabinet and the former minister, the member for Williamstown.

There is something else I wanted to talk about, and that is underemployment. Today underemployment was not mentioned by the member for Malvern, but I want to talk about it because underemployment is the underuse of a worker due to a job that does not use the worker's skills or is part-time or leaves the worker idle. I think the member for Malvern today put himself forward as being completely underemployed in Victoria. He was putting forward that he was only going at part-time or half-ticker at the moment. He is ready to be fully and gainfully employed in Victoria and to be given a go as opposition leader. He has good numbers apparently. He has a majority, something the prime minister in a different parliament is struggling with, but he is underemployed at the moment. Underemployment is a real issue, and the member for Malvern is saying, 'At least help one person. Give me a go. Thirteen weeks to go — take a chance on Mick'.

Let us give the member for Malvern a go, underemployed as he is. In his comments, the member for Malvern outlined a parallel universe, but it was a pitch to another person, trying to drive towards the right to bring back the base. When he was talking about workers and unions, he was attacking the union movement and the workers of Victoria. It did not work for them at the last election, but it might just win back the base. They are concerned about every other conservative. They had the conservative party drum up

in here. It was a short-lived moment, but they still have one up in the federal Parliament. Maybe he is the man to bring back the base, to bring back all the conservatives — no longer Liberals anymore. They have to ask themselves in the setting now, on the dawn of what could be a federal election in the environment they are in, 'What will the future hold?'.

I read a comment on jobs, in particular the concern of job loss by a backbencher who was recently talking to the media. They were quoted on the record as saying, when referring to the challenges that are happening and the turmoil at the moment in the federal Parliament and in the state about which candidate to pick, that they 'have houses, school bills, cars' that they have set up on the basis of earning \$200 000-plus. What do they do if they are suddenly out of work? Well, if only they had given so much of a damn about the auto workers who were out of work in 2011 when the former Treasurer sitting there stood by while Joe Hockey got in the car and left. How many speeches were made in this chamber and are in *Hansard*? That is all it is about on that side of the house. It is all about what they can get, how much coin they can earn and how many cars they can drive. It is not about working people in Victoria.

Backbenchers in Canberra are too busy worrying about their \$200 000, just like in this place. It is always about opposing what Labor is and what they can get. Guess what? If they showed as much concern about the numbers in the federal Parliament or the numbers here between the member for Malvern and the member for Bulleen, then maybe Victorians might have given them a better chance, because that is what motivates them. It is the limos out the front, it is the cars, it is the coin that they can receive. They did not give an absolute damn about people who were struggling and those workers. That was their legacy — 46 jobs each and every day on average lost in Victoria. You cannot walk away from those statistics in contrast to 327 jobs each and every day. When those opposite come back into Parliament tomorrow, another 327 jobs on average will have been created in Victoria. They are families that need to be supported.

When you contrast that with their approach in government, and when you listen to the first-term speeches in here about their values and you listen to people like the member for Malvern and the member for Bulleen, when do they actually put forward that vision? It is always about cutting, it is always about closures, it is always about reducing red tape and smaller government. Smaller government means cuts. Smaller government means closures. Smaller government means looking after the big end of town and corporations. It means that people in Victoria will

suffer. When they talk about the tax base and lowering that, they are talking about cuts to vital services, because in the last Parliament when given the opportunity to drive towards a budget surplus, what did they do? They cut vital funding from health, they cut vital funding from TAFE and education. The first things they went for were the public service and those services that people rely on. What happened? Our state went backwards. Unemployment went up and TAFEs started to close.

You do not need to do a research paper on that. Liberal HQ do not need to sit down and pore over policy documents on what went wrong; they were out of touch. They were out of touch with the needs of Victorians and our state. When have we seen this before? We saw it in the 2014 federal budget when jobs went backwards and the likely incoming Prime Minister, Peter Dutton, savaged health funding. He cut jobs in health and we saw \$57 billion ripped out of public health alone, which affected our nurses, our doctors and our patients. We have had a taste of what happened in 2014, so when this chap has his hands on the levers, what will the Liberal Party in Victoria do? The member for Bulleen, the Leader of the Opposition, has put forward that he will be campaigning strongly with Malcolm Turnbull, who might have some currency as the member for Wentworth, but he will not be the Prime Minister anymore. Will the member for Bulleen — the Leader of the Opposition — or potentially the member for Malvern have the numbers? Who knows? It depends on who you talk to in this place.

The member for Malvern is very much up and about at the moment. I have never seen him so happy. I have never seen him so up and about around Strangers Corridor, getting a coffee and having a talk to everyone. There is some good news. It is not his beloved Blues because they got the wooden spoon. The member for Malvern is up and about. He is happy, so something is going on. The question is, will they partner with Peter Dutton at the next state campaign in 13 weeks time? He is all about cuts, closures and big corporations. Will the member for Bulleen or the member for Malvern join him in what would be a disaster for Victoria? It would take us back. Despite us creating one-third of the jobs in the nation, if we have that kind of Achilles heel as a Prime Minister, then it will take Victoria backwards. That is the option for Victorians going forward to the next election. We will keep working hard for the Victorian people and creating jobs.

Mr BURGESS (Hastings) (15:04) — It is a pleasure to rise on this matter of public importance (MPI), but it really is just another shonky stunt by a shonky government — a shonky and failed

government, a government that is full of spin, full of thieves and really never gets on with the job. All they are ever trying to do is push people around and bully their way through processes.

What have we got? This has come from the member for Werribee. This is an MPI from the member for Werribee, the Treasurer. Let us look at the Treasurer. What an absolute shonk. This is a man known for two things: he is known for a billion-dollar mistake in counting, in adding up. He is also known as the man that said you can get past any law if you want to. He is so well-qualified to be a Treasurer for this government, an absolutely failed government. He wants to talk about jobs, but this is a Treasurer that is focused on not being able to count and not being able to tell the truth. He is pretty much a good example of exactly what this government is about.

What have we got? That is typical of the approach that has got this government into so much trouble. You only have to pick up any newspaper in this state to see exactly what this government is about. They want to talk about job creation; they have destroyed thousands of small businesses across the state. Let me ask you: where on earth in this MPI is there any mention of or accounting for those losses? Where are they — or don't you count those as jobs? When a person is running a small business, don't you count those as jobs? Are they not jobs? That is the question because you have literally destroyed thousands of them across this state.

I feel sorry for some of the members on that side of the chamber because you are actually wearing the bad deeds of some of your members. But you knew about it. You could have put your hand up and said, 'I had no part in it', but you did not. Ben, you did not. You did not put your hand up and say, 'I wasn't a thief. I didn't steal public money. I didn't go in there and rort money from the community. I didn't do that', so you are all guilty. Every one of you is guilty. Instead of dealing with that, you come in here with some distraction that you want to talk about. You do not want to talk about honesty and integrity in your government because there is none. There is none at all.

The DEPUTY SPEAKER — Member for Hastings, through the Chair.

15:07:30

Mr BURGESS — You had every opportunity to say, 'I didn't get involved in that; that wasn't me', and you have not. You have kept quiet.

So what have we got? We have got a problem where the government comes in here trying another one of its tacky stunts. If you just for one minute bothered to

compare the rate of jobs to what the federal government has produced both under us and under you, you would see the mistake or at least the tackiness of your approach, because when you look at the figures, you are failing on every measure. I want to know: where in this MPI is there any indication that you have even noticed the thousands of jobs that you have lost as far as small businesses are concerned? Do they not matter to you at all? Is there no caring at all about these small businesses?

Ms Thomas — On a point of order, Speaker, I am afraid that the member keeps referring to ‘you’, and I am worried about the reflections he is making on you in his contribution. I would ask that he adhere to the proper way of speaking in the chamber.

The DEPUTY SPEAKER — I do encourage the member for Hastings to speak through the Chair and to refer to members in this house by their correct titles.

Mr BURGESS — I have been, thank you very much, Deputy Speaker. They are certainly the titles that suit them. I will definitely speak through the Chair.

We have a real problem in this house, because clearly any distraction will do to distract from the fact that this government has destroyed thousands of businesses across this state, and do they talk about them once? No, they do not. Do they come in here and talk about the small businesses for the school cleaners? No. Do they come in here and talk about the small businesses they have wiped out with their ridiculous energy prices? No. Do they come in here and talk about the bus companies that they have put on notice and the assets of which they want to steal? No, they do not. Do they talk about that at all? No, they do not. This is a government that is a complete failure and does not want to deal with any of those issues. They would rather talk about statistics, manipulating them in the right way, as the Treasurer has said he is capable of doing. ‘If you manipulate any law, you can get past it’, and they were his words.

With school cleaners, what have we got? We had hundreds of school cleaners doing great jobs across the community. We had a union go out and do a survey and come back to John Brumby, the Premier at that stage, but even he did not believe it. He did not act on it. But this same bit of information that was used then has now been used to sack hundreds of school cleaning companies across this state. It just destroyed those businesses. Does anybody on the other side of Parliament care about those businesses — those businesses that had mortgages and had loans to employ people and to buy equipment to service their local community schools? Those schools are distraught that

they have lost those businesses. They have now got cleaners coming into their schools that work less, leave their schools dirtier and work for companies that actually underpay them. These cleaners are being paid less than they were being paid before.

How do you justify that? How can you justify getting rid of all of those small businesses right across the metropolitan area on shonky information that was never substantiated and information where nothing was produced, other than the minister saying that he thought this was a better way to go about it? That is not the way the schools see it, and it is definitely not the way the families behind those small businesses see it. This has really caused great angst out there, but under this MPI there is no indication of those thousands of jobs that have been lost — nothing at all, not even a comment about those thousands of jobs that have been lost. And yet this government comes in here and tries to manipulate statistics to make it look like it is doing a good job. That is just one of the areas where that is occurring.

Young Street in Frankston — great example — was supposed to be a 13-week job. It took 77 weeks to get it done. I could take you for a walk through Frankston and you would see 72 empty shops; they represent 72 businesses and 72 families that no longer have an income. All of those businesses and those families now no longer employ people. There is no mention of that in this MPI. That is an absolute disgrace, and the local member would not even front up to talk to any of those people. Another disgrace and a mistake that members on that side make is forgetting that you are elected by your local community; you are not elected by this government. You are supposed to come to this place and tell your government what is going on in your community and what it needs, but you do not. You go back to your community and argue why your government is right, and that is an absolute mistake.

When these things have been brought up about these small businesses having suffered so badly, what has been the response? The small business minister in another place has had numerous questions raised with him about all of these small businesses. He was asked about the bus companies, the assets of which you tried to steal. What did he say? ‘Not my job’. School cleaners were raised with him and the fact that small businesses were being destroyed. He is the Minister for Small Business. He picks up a pay packet as the Minister for Small Business, and what was his response to the question, ‘Will you help them’? It was, ‘Not my job’. Regarding Young Street, when he was asked, ‘What will you do to help these small businesses that are suffering under this government?’, what was his

response? ‘Not my job’. On Melbourne Metro rail and the businesses that have been absolutely destroyed by the way this government has gone about that project, bullying its way through, what was his response? ‘Not my job’. On Bolton Street in Eltham, it was, ‘Not my job’. On the forestry industry, it was, ‘Not my job’.

Energy prices right across this state were going to increase by 4 per cent when you forced Hazelwood to close. How has that ended up? We have had doubling and tripling of energy costs across this state. And what does the Premier try and do? He tries to blame privatisation. One of your heroes, Prime Minister Gillard, said that Victoria had done a great job and was a shining example for all other states, but now you are saying that privatisation is the problem and that is why prices have gone up. They were not up when you were changing this and when you were driving Hazelwood out of business. There were not up, but they are now, and it is this government’s fault.

The DEPUTY SPEAKER — Order! The member’s time has expired.

15:15:00 **Ms GREEN** (Yan Yean) (15:14) — I do not know what I could possibly say after that. Apparently we just heard from the shadow minister for small business. I think what I have concluded from that is that he lives in a parallel universe to the rest of us. He lives in an alternate facts universe. When he was questioning the facts on job start-up, he was questioning the Australian Bureau of Statistics, trying to imply that figures have been played with. Well, this is not the US and you are not Donald Trump, mate. You are not the shadow minister for small business. I think you are actually the shadow minister for small thinking; that is all there is that is small about it.

I would like to talk to the house about our major projects agenda in particular. We have seen that the Victorian Industry Participation Policy (VIPP) ensures that on major projects medium and small-sized enterprises are given a full and fair opportunity to compete for government contracts such as hospitals, schools and road projects while we still achieve value for money. When we came to office we reviewed the VIPP and made sure it did more to deliver opportunities for small businesses and for workers. You actually can do both, but you would not know that from the shadow minister for small thinking. To date, the Andrews Labor government has declared 88 VIPP strategic projects.

Mr Burgess — On a point of order, Deputy Speaker, you corrected me and asked me to refer to people by their correct title. Could you do the same please?

The DEPUTY SPEAKER — I do encourage members to refer to members by their correct titles. The member for Yan Yean to continue.

Ms GREEN — Thank you for your ruling, Deputy Speaker. I do recall the ruling in relation to the previous member was about using the pronoun ‘you’. I will not do that because that would be disrespectful to the Chair, and I would not do that. I would alert the member for Hastings —

Mr Burgess — On a point of order, Deputy Speaker, the member for Yan Yean was not listening to your ruling because the ruling was on both of those issues, one including referring to people by their correct titles. So while you are sitting in the house you probably should listen to the debate if you are going to speak.

The DEPUTY SPEAKER — Order! I encourage all members to obey the standing orders of the house.

Ms GREEN — I would alert the member for Hastings to the fact that the Andrews Labor government has declared 88 VIPP strategic projects compared with eight under the coalition’s watch. I think that that pretty much sums up the level of activity that occurred during the preceding four years and what has happened on our watch. They might want to try and say that there is an alternate universe where they actually did do something, where in fact they did deliver Doncaster Rail, airport rail and Rowville rail and there were a gazillion jobs generated through that, but unfortunately we just had the ghost train on all three of those lines and there were no jobs generated. Maybe there were some jobs generated on some reports, but there was nothing done. They looked at it and they did not deliver.

But on this side of the house we have delivered major projects which have seen great benefits to small business and to workers, with decreased payroll tax for everyone across the state. In regional Victoria outside metropolitan Melbourne we have the lowest payroll tax in the country. It is half that of Melbourne and it is making a difference. As the member for Macedon said, it is making a huge difference in peri-urban areas like ours. Not only does it make a difference in areas like the Shire of Macedon Ranges and the Shire of Mitchell — every one of those municipalities in the ring around Melbourne in addition to the regional cities can take advantage of that — but it will actually have the long-term benefit of easing congestion because workers will be able to go and travel in a counter-peak direction to get to jobs outside the urban growth boundary. That is what this government is doing.

We have had a huge agenda. The metro rail project is 12 months ahead of schedule and that has had enormous jobs growth. The Mernda rail project is just a gift that keeps giving. Many people simply saw this as a transportation project. It has been so much more than that. We have seen more than 3000 jobs in the delivery of that project, and I would like to commend the Level Crossing Removal Authority and John Holland for delivering that project more than six months ahead of schedule. John Holland has delivered that project in about 12 months. They also did the South Morang rail extension, which was not as complex a project but it took twice as long, so the innovation that John Holland have used has seen the early delivery of that project. We actually need projects to be delivered early because there are so many projects in the market. Sometimes you get to the point of there not being enough competition because there is so much work here in Victoria. So the delivery of projects early means that jobs can be generated in the next area.

I will just go through a whole lot of other job-generating projects in my electorate. The member for Eltham, the member for Ivanhoe, the member for Bundoora and I have been very pleased at the results of the Hurstbridge rail line upgrade stage 1, which was also delivered six months ahead of schedule, and the Chandler Highway for the north-eastern suburbs. There is also the Yan Yean Road duplication project. I have spoken to many workers on the Yan Yean Road project, part of which is right outside my office, and almost all of those workers are local.

We have not just looked at those that are in existing work. We have actually worked hard to get those who have had challenges getting into work, especially those that were displaced through the automotive industry closure. That particularly hit the north hard when the federal government — then led by Tony Abbott, who led with his chin — challenged the companies to close down the industry, and that is what they did. We have provided \$100 million of targeted assistance including \$58.5 million on the automotive transition plan. This fund alone has provided assistance to over 40 businesses and created over 1200 new jobs. A thousand of those jobs are suitable for ex-auto workers.

15:22:30 This targeted support has also resulted in less than 20 per cent of the tier 1 and 2 automotive supply chain businesses in Victoria closing, which is a great outcome. We have a Major Projects Skills Guarantee, and I know how when I went to speak to preapprenticeship students at Whittlesea Secondary College their eyes lit up when I told them that they would have priority in being able to get jobs on projects like the Mernda rail project and the Melbourne Metro

project. We have had numerous other school projects in my electorate. Mernda Central College has had lots of local jobs. Mernda Central and Mernda Park Primary School have been in partnership with the YMCA. The YMCA is operating stadiums and courts there that are actually delivering jobs to young people able to work on those projects. Women returning to work are working at Kingswim, an arm of the YMCA, which is part of the public-private partnership schools consortia. They thought that it would take two years before they were fully subscribed. It took 90 days, and it —

Mr Burgess — Deputy Speaker, I call your attention to the state of the house.

Quorum formed.

The DEPUTY SPEAKER — The member's time has expired.

Mr ANGUS (Forest Hill) (15:24) — I am pleased to rise today to speak on the matter of public importance (MPI) as submitted by the member for Werribee. We can see that the MPI is about jobs, but we certainly know from those opposite that there is only one job that they are interested in, and that is their own job. Yesterday, particularly during the extensive debate on the motion of no confidence, we heard all about the levels that those opposite will go to in doing and saying anything to keep their own jobs.

I think that is best epitomised to me by looking at the Ombudsman's report that was handed down in March of this year in relation to the so-called red shirts rorting. In particular I want to look at page 76 of that document because in terms of jobs this is where we can see at least the 17 jobs dealt with there. If we look at that table on page 76, we can see how those opposite have looked after themselves. We can see that in the right-hand column of that table there are seven new members of Parliament as the beneficiaries of the particular rorting that went on in this place, and we can see that there are 10 former members of Parliament that were subsequently returned to this place. That is a total of 17 members of Parliament that have been the direct beneficiaries of the rorting that has gone on in this place. It is interesting to know that a couple of those members that were beneficiaries have indeed spoken on this MPI. I guess that is appropriate given that their jobs have been secured as a result of the work done and the rorting that took place, as identified by the Ombudsman.

We can also turn to page 64 of that same report, the Ombudsman's report from March this year, and we can see how much money was stolen from Victorian

taxpayers — just under \$390 000 that has been canvassed, as I said, in this place many, many times. From the table on that particular page, page 64, we can see the list of members of Parliament that rorted their allowance or rorted their electorate budgets to provide funds to try to get these other members into their jobs. We can see that it starts off with John Lenders there, who got one member in while one member missed out. We have got Jenny Mikakos in the Legislative Council with \$21 000 odd, and the candidate failed. We have got Gayle Tierney in the Legislative Council with about \$21 000 as well, and the candidate failed. We have got Matt Viney with just under \$19 000, and his candidate failed as well.

Some of them had a good return on their investment and others not so good. We can see that Shaun Leane in the Legislative Council had a relatively modest amount in terms of the overall numbers canvassed on this particular page with his \$2358 rorted from his electorate office budget, and we can see that he had one failed and one successful candidate. As I said, yesterday was a good opportunity to canvass the importance or the emphasis for those opposite of looking after their own jobs at the expense of other jobs.

I now want to turn and look in some more detail at Labor's record on jobs in government. Particularly I want to touch on a couple of regional areas, specifically the Latrobe-Gippsland region. We can see that since Labor came to government the unemployment rate in that particular region has gone up from 6 per cent in December 2014 to 7.7 per cent in June 2018. There have been a number of reasons for that, but a couple that I want to touch on, and the primary ones as I understand it from the local members down that way, are clearly, firstly, Labor's tax increase on brown coal — the tripling of the brown coal royalty, which resulted in the closure of the Hazelwood power station in March 2017. That resulted in 750 direct jobs lost and thousands and thousands of indirect jobs lost. The consequence of that decision has been even more far-reaching than the Gippsland region of course. It has been throughout the state of Victoria with the resultant skyrocketing prices for electricity, and I will be coming back and talking more about that a little bit later.

15:30:00 Equally as importantly the closure has impacted on other businesses around there and businesses that had downstream dealings with the Hazelwood power plant as well. In addition to that we had the scaling back of the Heyfield timber mill in March 2017, and we heard the member for Gippsland East discussing that earlier in this debate. Again that is a situation that arose directly as a result of the government's mismanagement of the timber industry in Victoria. The particular

decisions taken around that resulted in the consequent loss of 100 direct jobs, and countless other jobs downstream in related industries have also been lost. We can see there again it is like throwing a rock into a pond: the ripple effect goes out and out, has unintended consequences and catches all sorts of other innocent bystanders in its wake. That is exactly what has happened in terms of these two massive losses down in the Latrobe-Gippsland region.

We can see, as others have said, particularly the member for Hastings, who spoke a moment ago, the impact that these decisions have had on small businesses, and that is another area that I want to particularly highlight. The increasing electricity prices have just been devastating for many, many small businesses throughout the state. Indeed it has been devastating for many larger businesses as well, but oftentimes they have got more of a capacity to withstand a shock such as an electricity price shock, which they have been receiving like all of the residents and businesspeople here in the state of Victoria. It has been sad, as I have gone around my electorate of Forest Hill, to be talking to some of the small businesses and just hear the fact that the owners particularly are having to work harder and longer now than they ever have. They have had to either not hire, as businesses that tried to grow, or else indeed have had to sack people and put off people or cut their shifts back. Again, that is what we do not hear anything about from the other side, but that is a direct result of the bad policy decisions of this government and the fact that that has flowed through the increase in electricity prices here in Victoria and is directly impacting on small businesses.

Young people very often are the ones, particularly in the hospitality area, who are impacted because the owner will have to work extra shifts and work longer and harder and the casual workers very often will get put off altogether or receive less shifts during the course of a week. That has got implications for them, because they have got to then look at other opportunities for employment and go out and make sure they can continue to earn the income they need.

Probably one of the major matters I have been hearing about in recent weeks in my area is the issue of school cleaners. This has been a devastating blow from the government. Again, it is totally against small businesses. I was talking to a fellow a few weeks ago who overnight lost 65 per cent of his small business. He had been a faithful, loyal and very good cleaner of a range of schools, and with the stroke of a pen the minister has sacked him, and as a result of that many of his staff have had to be let go. He is desperately trying to rebuild his business in other areas. I have spoken in

this place in the last sitting week about the implication for schools indeed that are paying more and getting less, and the quality of the work that they are getting is significantly less. Again, decisions made by this government directly impact upon small businesses and jobs here in Victoria. We do not hear anything at all from the other side in relation to the people who have lost their jobs as a result of that particular policy change by the government.

We know in terms of other disincentives for small businesses and indeed for other businesses as well that we have got a government here that promised there would be no new or increased taxes, but they have brought in 12 new or increased taxes. What a devastating effect that has had on the economy and businesses here in Victoria. That has had direct job implications again, and I have spoken about Hazelwood particularly in relation to that, but it is also in terms of the flow-on effects. We are the highest taxing state here in Victoria in Australia, and it has just got terrible implications for those people that are trying to run a business and employ people and indeed create and generate more jobs as they go.

In conclusion, we can see that the government is trumpeting a whole lot of numbers in the MPI as submitted, but I think if we look at some of the cost blowouts of the major projects, whether that is the West Gate tunnel, the Metro Tunnel, the level crossing removals, the north-east link or the east-west link that was cancelled, or whether we look at other projects, we can see that a lot of the growth, or so-called growth, that is coming in some of those areas will be very temporary and it is being paid at a premium by Victorian taxpayers.

Ms COUZENS (Geelong) (15:34) — I am pleased to rise to speak on this matter of public importance submitted by the member for Werribee. As we have heard, this is about the 370 000 jobs that the Andrews Labor government has created in Victoria but also about what will happen if we see a return of a Liberal coalition government after the next election, given all the job cuts that we saw prior to us winning the election in 2014. We have created 370 000 jobs in our term, as compared to 96 000 created by those opposite.

Whilst in government between 2010 and 2014 we saw those opposite sit back and watch jobs haemorrhage from Geelong. That is certainly a good description of what happened in my community of Geelong, being the largest regional city and being a manufacturing town. There were the announcements around Alcoa and Ford. We saw Alcoa shut its doors and hundreds of workers lose their jobs, and we saw the announcement of Ford

closing its doors. At that point in time a number of people were losing their jobs, and of course we know that over the first couple of years of our term Ford actually wound down. The minister at the time, who is in the chamber now, the former Minister for Industry and Employment, put in place a huge amount of work to help prevent those workers from being left on the scrap heap.

I have to say that during the time of the previous government, when they were in power, when the announcements were made they did absolutely nothing. They were happy to see those jobs haemorrhage from Geelong without any consideration for how to deal with the issue. It sent shock waves through the community. There is no doubt about that. By 2014 people were coming to see me, sending emails and messages, saying, 'Please, you must win government to start dealing with some of the problems we're having'.

It was not just constituents, it was businesses, it was people who had an interest in Geelong and who wanted to see Geelong overcome some of the difficulties we were about to face. I was really proud to be part of a government that actually did do something in 2014–15 when we came to government and started looking at those issues and how we might support particularly those workers from Ford. Unfortunately Alcoa workers had already well and truly gone; however, some of them remained unemployed and are now employed in positions thanks to the Labor government. Putting the auto transition task force in place was a key part of ensuring that we monitored those workers and that those workers were able to be given job opportunities, training and reskilling through a whole range of measures which I will get onto in a moment.

15:37:30

It was not just our manufacturing industry that suffered under the previous government. We saw the public sector cut to even below the bare minimum. We had teachers and principals in our schools telling us that there was no-one to call in the education department when they had issues or needed questions answered. They could not get a response for weeks on end because the department had been cut to the bare bone. We saw that happening in our education system. We saw teachers going. We saw administrative people going. The education system, and our schools, I might add, were in appalling condition. We saw TAFE on its knees. Gordon TAFE in Geelong, a great institution that has been around for a very long time, was slashed to the point where it was barely able to continue to function. I think the fact that we won government in 2014 actually saved it from closing its doors. It was very, very close. TAFE teachers went. We are now in a position where during our term we have had to try to

bring those skills back. We have funded so many new courses in our TAFEs. We are rebuilding our TAFEs to ensure that we are reskilling workers and providing training opportunities for redundant workers or for young people who are looking at different courses at TAFE. They can actually now access those courses and get the skills they need.

We also started construction of the new tech school in Geelong, which is looking at the jobs of the future. It is very significant for Geelong. Not only is it supporting our TAFE because it is on the Gordon TAFE site, but it is targeted to secondary school students right across the region, both public and private, who can access it to learn skills for future jobs. But most interesting is the industry that has come on board and supported that. We are very lucky in Geelong to have such strong support from people in industry who want to play a significant role in ensuring that our young people have the skills and training they need for the jobs of the future.

Of course we saw our police numbers cut. There were significant cuts to police and significant cuts to our ambulance paramedics. Those public sector jobs — those first responders, who we rely on as a community — were also cut to the bare bone. Services were not able to be provided the way they should be, and we saw many, many issues arising in my community because of those cuts. In our public service it was not only those first responders and our education system that experienced cuts, but it was also the Department of Health and Human Services — those who look after the most vulnerable in our community. They were desperately trying to hang in there to keep providing services to our community. As I said, some of the most vulnerable people relied on those services but were not getting what they deserved because there were not the workers in place to be able to provide them.

The important thing is that now in Geelong people are starting to see what we have done. Geelong is now a thriving community. We have seen payroll tax reductions. Our small businesses are very, very happy with that outcome. I have been speaking to many small businesses in the Geelong community, and they are very, very happy with what has happened. We also saw the establishment of the Jobs Victoria Employment Network (JVEN). The former minister did an amazing job in setting that up. In Geelong it has just been amazing.

I want to go to email I received the other day, and I am sure the former minister will be interested in hearing this:

You may not remember me, but I am the distressed mum you spoke with a few months ago in High Street, Belmont, one Saturday morning.

I told you about my daughter —

I will not say her name —

distress at not being able to find work and her subsequent sleeping tablet overdose.

I just wanted to let you know that through your help and effort to find her work assistance, she has gone on to find a traineeship at a real estate valuers. She is quite a different girl, and is really loving her work and is also studying for cert III admin. She is now saving for a car and has lost 12 kilograms, all because you helped us find someone who helped her have a chance at gaining employment.

That was the JVEN. That is one of many stories I have heard in Geelong over the almost four years that I have been the member for that electorate. That story just goes to show what a program like Jobs Victoria Employment Network actually does for people and how it impacts on their lives.

We are creating jobs in Geelong — construction jobs, the WorkSafe building, Geelong Performing Arts Centre, the new tech school. We are looking at the future with the new solar announcements, which will create hundreds of jobs in electorates like mine. The new prison at Barwon, the convention centre and the city deal, the women and children's hospital for Geelong — all those will create jobs for the future. I know that in my electorate of Geelong people are really looking forward to a returned Labor government because they know that it delivers. We have delivered in this term, and we will deliver if we win government in November this year. I will be very proud to continue on as the member for Geelong and finish the work that we need to continue in communities like Geelong

Mr WATT (Burwood) (15:45) — It is always interesting to listen to those revisionists of history talk about how it was and how it is. It is interesting that nobody mentioned that Julia Gillard was Prime Minister in May 2013 when Ford first announced that they were actually leaving. It is interesting when you listen to members on the other side talk about a federal Liberal government and Tony Abbott as the Prime Minister who got rid of Ford. Tony Abbott was not Prime Minister in May 2013. How could it be Tony Abbott's fault that Ford left in 2013 when they made that announcement? If you are going to say that, then I would say it is the Andrews Labor government that has presided over the closure of Ford. Ford did not leave until 2016. You were two years into government.

Ms Couzens — They were already making people redundant. Get your facts right.

Mr WATT — I am. In 2013 they made the announcement when Julia Gillard was Prime Minister, and you as a member of Parliament oversaw the closure in 2016. When you look at Toyota, it is also interesting. October 2017 is when they closed. Who was in government in Victoria in 2017?

Mr Burgess interjected.

Mr WATT — The member for Hastings says, ‘Maybe Labor’. Maybe it was Labor. The revisionists of history cannot have it both ways. Either it was the federal government’s fault when they made the announcement or the state government’s fault — you can choose — or it is when they actually closed that people should take credit for it. What we see are car manufacturers leaving this state two and three years after the election of the Andrews Labor government. You can say whatever you like, but those are the facts and that is what we know.

15:47:30 You can also look at the fact that these are not the only businesses that are closing. If I walk down the shopping strip in Burwood from where my office is and I just walk down to the corner, I see that the old IGA site is currently empty. But that is not the only site I see that is empty, because I have already walked past Wisteria, which is gone. I have already walked past Balloons Party Hire — once again, empty. I have already walked past A&C Fish ‘n’ Chippery — empty. I have already walked past Australian Mantelpiece; they have gone. That is only on one side of the street. When I go to the post office and walk back up I notice that the ANZ is gone, the National Australia Bank is gone, Belinda Janes is gone, Tres Beau is gone, Burwood Meats is gone and the orthodontist has gone. This is in a very small shopping strip in Burwood, where my office is. All of these businesses have gone. And here is the clue: they have all gone under a Labor government. Under a Labor government they have all disappeared. In the four years we were in government they were all there, and now they are not. They have all gone under a Labor government.

I think about why it is that over the last four years all of these business have gone. Why is it? I hear the members opposite crow about the fact that there was a cut in payroll tax. They talk about this \$40 million cut in payroll tax. It is really interesting to talk about a \$40 million cut in payroll tax when you have taken an extra billion dollars in payroll tax. Only a Labor government could celebrate a \$1 billion increase in payroll tax as a cut. Only a Labor government would sit

here and have a minister crow about the fact that only 20 per cent of businesses in a particular industry have closed. He is happy about that, and he celebrates that. We have ministers on that side celebrating all of these figures. You have got the Treasurer celebrating an increase in the payroll tax and trying to say it is actually a decrease, you have got the Minister for Industry and Employment celebrating the fact that 20 per cent of businesses in industry have closed down, you have got the member for Geelong up the back there celebrating the same thing and you have got all of these members on that side celebrating when actually businesses are doing it tough.

I know in my electorate of Burwood businesses are doing it tough. I have talked about those shops on that strip just in the Burwood village shopping strip down on Warrigal Road. I have not talked about the ones further down. I have not even talked about the fact that NQR has disappeared; Not Quite Right is gone. Do you know what else is not quite right? This government is not quite right, because what it does not understand and what it does not get is that people are suffering. And why are people suffering? You have got to ask why people are suffering.

Mr Angus interjected.

Mr WATT — The member for Forest Hill is right. Not only are we the highest taxing state in the country, but this government has decided to attack cleaners. It is not the first time they have attacked cleaners, by the way. They did it when they were members of the union. They attacked the cleaners and made sure they did not get decent pay. Now what they are actually doing is wiping them out altogether. They could not do the job before when they were in the unions, so they got into government to wipe them out. I have got schools in my electorate contacting me and telling me that there are major, major problems with the cleaning at schools. There are significant problems, because this government and the Minister for Education, who is sitting in here, decided to centralise. And why are we centralising?

An honourable member — Control.

Mr WATT — Control, you’ve got it. Unionise. ‘If we centralise, we can unionise, and that way we can completely screw the workers’. I tell you what —

Mr Wynne interjected.

Mr WATT — Exactly. Why do you hate workers? The Minister for Planning asked the Minister for Education, ‘Why do you hate workers? Why do you hate cleaners?’. I do not understand why the Labor

Party hates cleaners. I have got cleaners in my electorate who were doing a good job in the schools, and I have got schools that were happy, and now the cleaners are not happy because they do not have a job and the schools are not happy because the job is not being done properly.

We can talk about the buses. In my electorate — well, not just in my electorate but right across the state — the government have decided they do not like business, clearly, because they have closed a lot of businesses in Burwood. They have closed the cleaning businesses. Then they went after buses and tried to attack the bus companies and close them down, because this government wants to centralise and nationalise. They have forgotten what the history is, and they have forgotten the fact that they were the guys that started privatisation in 1992 with Loy Yang B. They forgot that it was the Labor Party and the great Joan Kirner who started privatisation in this state, and now we have got the Premier trying to do a backflip and pretend by saying, ‘No, it’s got nothing to do with me; we don’t like that. We don’t like privatisation. We sold the port of Melbourne, but we don’t like privatisation. We’re selling the land titles office, but we don’t like privatisation. No, we centralise and we nationalise’.

What we have here is a government that decided it wanted to put buses out of business. It wanted to put the bus companies out of business, but unfortunately this government realises that there is an election coming and that buses running around with big signs on them saying ‘Don’t vote Labor’ probably is not very good for their election chances in places like Mordialloc. So maybe they just decided, ‘Let’s try to put that to bed, let’s not talk about that and let’s just see what we can do to delay it’. You have got time. If you get re-elected, you can screw them over next term, just like you did all the other businesses for the grand final parade public holiday.

On the grand final parade public holiday, I actually doorknocked all the businesses in my electorate. It is quite interesting because it was not just the business owners who saw how stupid the policy was; it was actually the people who are working. I spoke to somebody who is a mechanic, and he said, ‘Great, we’ve got this grand final parade public holiday — magnificent! I get to have Friday off, and then I have to work all day Saturday to make up for it. I can go to the grand final parade; I just can’t watch the footy’. Previously what happened was the boss said, ‘It’s the grand final. Take half a day off and spend the grand final with your family’, or maybe, if you are lucky enough to have tickets, ‘Go and watch the game’, but

no, not anymore. Now they can actually go to the grand final parade; they just cannot watch the game. This is —

An honourable member — Insanity.

Mr WATT — It is insanity, but this is Labor. Only Labor would celebrate this. ‘We’re going to increase power prices by 4 per cent. Unfortunately it went up by 20 per cent, lots of people lost their jobs and now businesses are suffering, but don’t look here. Blame it on the feds; it’s all the feds’ problem. Don’t blame me’. That is the attitude of this government. But fortunately my electorate and the people on this side do understand. We understand that we have a record which we should be proud of. The Labor Party have a record that they should be ashamed of. They should be ashamed. You just have to open your eyes and have a look at how many businesses are closing and how many businesses are suffering. Even if you did not want to close them, you are.

Ms GARRETT (Brunswick) (15:55) — How great 15:55:00
it is to rise to contribute on this outstanding matter of public importance (MPI) led by the Treasurer, who has created hundreds of thousands of jobs in this state. I just follow up on what the member for Burwood spoke about when he mentioned NQR, or Not Quite Right, and I think we all know what is NQR in relation to that speech and those members opposite in this house. What was NQR was the four years that Victoria had to suffer under the Liberal-Nationals coalition.

Who could forget it? When those of us who were in this house for the term — and I am looking at the Deputy Speaker and the member for Wendouree — came into this house, I had worked for the Bracks government and had had a lot to do with the Brumby Labor government, and we knew back then that jobs were central, central to people’s lives and central to the purpose of government. The losing of jobs or the obtaining of jobs was what kept Steve Bracks up at night; it was what kept John Brumby up at night and it is certainly what keeps the Premier up at night. We came into this great place thinking those on the other side, who had attained government and were occupying these benches, must feel the same: ‘Deep down, whatever our differences are, they must care about Victorian jobs’. Well, it was like Victoria was walking in glue from day one.

Who could forget the then Premier Baillieu’s signature speech, the Victorian families statement. Remember that, member for Wendouree, the Victorian families statement? It was very confusing. No-one really knew anyone was standing against families or for families. We all had a family. We all loved our family. We were not sure what that meant. There was then no review of

what the families statement meant. It sank without a trace. But I will tell you what never appeared. Member for Oakleigh, I am sure you have heard about the Victorian families statement; it riveted the nation. It so riveted the nation that I tried to google it to talk about it today, and it cannot be found. So the Victorian families statement was so much hoo-ha, but I tell you what never came out of those opposite and what was called for time and time again by the then opposition leader, now Premier, and the then deputy leader, the current Minister for Education; they called time and time again, 'Where is your jobs plan?', to Ted Baillieu and to Denis Napthine: 'Where is your jobs plan?'. And they would look at us like we were speaking another language that they did not understand, like another photo of the families statement. We were going through closure after closure. Businesses were leaving this state in droves. We would come into this house and demand a jobs plan — day in, day out, never a jobs plan.

My colleague sitting here lost a bit of focus I think during the member for Burwood's speech, and I just had a look at what she was doing. She had ordered herself a calming blanket, which is a lovely device. But Victoria for those four years was under a calming blanket. It was under a haze that started in this chamber and descended over the state as a whole. For the automotive industry we know just how devastating that was, when we had Abbott and Hockey goading the companies to leave — goading them with glee. And, would you believe it, they left, and the flow-on effects have been extraordinary.

To hear the Minister for Industry and Employment today talk about 150 jobs for Holden — that is transformative. That is changing people's lives and changing this state's life, and we cannot as a state ever afford to go back to that level of inertia, to that level of sleeping gas that absolutely took them all out and meant they were not doing what they were supposed to be doing.

I do recall again that they ridiculed us across the chamber when we, then in opposition, set really ambitious but achievable targets for jobs and when we made jobs central to our election platform and then from day one went about and delivered those jobs — far more than we had promised, far more than we had told the Victorian people. As I said before, what keeps us up at night on this side of the house is making sure each and every Victorian, regardless of where they come from, has access to education that leads them to a decent job with fair pay, proper conditions and a safe working environment. That is why we on this side of the house are damn proud of this MPI. As we lead into the November 2018 election, which is only 90 days —

or whatever it is — away, we are going in with a very proud record on jobs, but there is always more to be done.

Once again, if we just look at this last week gone by, there has been the madness that is going on in Canberra, and I think there is further madness. I do understand just from tweets that Turnbull has now rubbished Dutton's proposal on energy and said it would blow a hole in the budget. Your colleagues are absolutely and utterly in freefall and seemingly going nowhere. And while they are fighting among themselves and no doubt the Liberals on the other side are working out which faction they are in and who they are supporting, through the midst of all of that —

Mr M. O'Brien — Do you want to talk about factions, Jane?

Ms GARRETT — Yes, I do. I am very proud of my faction. This is a faction devoted to jobs, the industrial left faction. So —

Honourable members interjecting.

Ms GARRETT — No, they love me. It is fine. So we have the Premier announcing an innovative and bold outcome, and what was that? Six-hundred-and-fifty thousand houses to get solar panels under a 10-year plan, which will create 5500 new jobs, which will see 4500 electricians get additional skill sets to go out and create. And what does this do, member for Williamstown?

Mr Noonan interjected.

Ms GARRETT — It creates jobs. It supports training and accreditation for our outstanding electricians. It has been welcomed by the Electrical Trades Union, as it should be; it has been welcomed by industry, as it should be; it has been welcomed by consumers, as it should be, because it will see a cut of \$890 in electricity bills; and of course it is going to be welcomed by the planet, because we are powering Victoria with a significant, visionary contribution that will see energy prices fall and emissions fall. Let me tell you: where I am from, in Brunswick, they are very keen on it. They like it there, and they will like it all around the state. I look forward to the Greens party just jumping on board on that. I mean, how good is that?

Ms Sandell interjected.

Ms GARRETT — Oh, we've copied the Greens policy! Don't tell me we are implementing Greens policy, when there are three of them. Yes! Oh, my goodness, silly me.

I want to touch just briefly as we finish on what is NQR about all those parties opposite. Apparently again the Greens political party deliver all of the policies of the Labor government. We really should not bother showing up. I would like to comment on just the Major Projects Skills Guarantee again, because in terms of providing for your family, having a sense of dignity, having a purpose in life, being engaged, being a part of the community — that starts when you can go to a proper school, when you can get a free TAFE course to do something you want to do and when you can go on building sites that are safe — and the Minister for Planning was triumphant today with that policy hitting the floor of the house.

To have as part of this government's commitment — and we have already helped more than 1250 apprentices, trainees and engineering cadets kickstart their careers — this is just the beginning, members of this house. We are creating a skilled workforce who can go to work with dignity, respect and a future. I could not be more proud than to stand here and say that this is a government about jobs — and it will be putting a very strong jobs pitch to the Victorian people.

Motion agreed to.

BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

Second reading

Debate resumed.

**Debate adjourned on motion of Mr NOONAN
(Williamstown).**

Debate adjourned until later this today.

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

Council's amendments

**Message from Council relating to following
amendments considered:**

1. Clause 2, line 5, omit "1 August 2018" and insert "1 February 2019".
2. Clause 19, line 3, omit "1 August 2019" and insert "1 February 2020".

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (16:04) — I move:

That the amendments be agreed to.

Clause 2 of the bill provides a default commencement date of 1 August 2018, unless an earlier date was proclaimed and clause 19 provides that the amending act is to be repealed on 1 August 2019, 12 months after the default commencement date. Given that the bill has not passed by the default commencement date, the above dates need to be amended. Therefore these will be 1 February 2019 and 1 February 2020 respectively. The house amendments have been passed by the upper house.

Ms VICTORIA (Bayswater) (16:06) — I want to wish the minister at the table a happy anniversary. It is exactly one year since this bill was introduced into this house. It has taken exactly a year. Last week when we had to consider some amendments that came from the Legislative Council, that bill had taken 807 days. This one was only 365 days. Ideally if a bill is a good one and it is introduced in here and then taken through to the upper house, it is about 14 days between debates. For the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016 it was 807 days. We knew it was really critical to a lot of people in short-stay apartments in owners corporations situations and this one has also been mooted as supposedly something very important.

The only problem is that in my 12 years as a local MP I have never had a single person come in and say, 'It will give me security of tenure if I have a five-year lease'. Knowing that that is actually already available, I am not quite sure why we had to legislate. We asked some questions in the upper house. Maybe that was why it was delayed a little bit. We wanted to know why this was supposedly a priority and that it took a year to pursue legislation about five-year leases, especially when obviously the peak body is discouraging people from doing that and when so many people are having problems with short-stay leases and year-to-year leases as it is and we are going to add five-year leases to that.

The bill was due to commence on 1 August this year. It missed that deadline because it took so long to get through the upper house. Does it now become retrospective? Can all those people who have missed out during that time go back in and say, 'Well, hang on. It was supposed to commence on 1 August. Can we now have our leases backdated and then made five-year leases from now?'. I would not think so, but if that is what they had anticipated, if they were looking at that before they signed a lease, maybe that is what they will ask for now. So do we need to amend that or do we just need to amend the dates that are before the house?

I suppose one of the questions that we really wanted answered — and again it might have been that that is why it took a little bit longer in the upper house, and the minister is not here to answer any of that but that is okay — is whether or not it was the intention of the government to reduce the flexibility of the leases over the five years by casting them under the same rules as the year-to-year leases. So there are a whole lot of things that we could have still been debating if we had known we had that long, a year to actually get through all of this. I am sorry, but I do not see that any of that has been resolved.

Of course there are things around prescribed prohibited items which are not mentioned in the existing section 26 for agreements that are less than five years. They are supposed to be there for the agreements of more than five years but we cannot see those anywhere. Where are the prohibited items listed? Where are they prescribed? We are passing this bill. We asked for it to have a new commencement date but we still have unresolved issues. They are not here in the existing legislation. We certainly have not seen any regulation around this come out. You would have thought that with a year between the first reading of this particular bill and what we have before the house that perhaps those might have come into play or at least have had exposure to the industry.

As I say, it is an anniversary. It is not one that this government needs to necessarily be proud of, that it has taken a year to get something through that the government was so proud of at the time. It has taken a year and it is nice to get it done in a year, instead of 807 days, as it was for the Owners Corporations Amendment (Short-stay Accommodation) Bill. We were doing exactly the same thing last week, amending a commencement date because of the tardiness and lack of control over the agenda in the upper house — actually in the lower house, too.

We are still waiting on the Attorney-General's bill to go through the upper house. It is one that is crucial to the industry. If you look at how it affects the Real Estate Institute of Victoria on the rebate statement and the fact that some of the proceedings against real estate agents that are happening at the moment where the state has been joined in those proceedings in the courts, I think that that is something that was far more important to get through than something that nobody had ever asked for. People in the industry are actually begging for the other legislation to go through and we still do not have a date as to when that will be passed, obviously protecting a lot of people who have small businesses. Obviously that was relevant to the matter of public importance that was being talked about before — that is, how do we

protect small businesses. In fact this government has gone about not protecting those businesses. It has known about the issue since November last year. It has not pushed that sort of thing through and allowed this one to dillydally through. The government chose to bring this one on and give us a new commencement date rather than doing the things that are actually going to change lives, that are actually going to save businesses.

We are not standing in the way of the new commencement date because it is the government's agenda. They can do whatever they like. But I just think that there are a lot more things sitting on that upper house notice paper that should have come to us or should have been put through the upper house well before this came to the house.

Motion agreed to.

ENVIRONMENT PROTECTION AMENDMENT BILL 2018

16:12:30

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 7, page 144, line 27, omit "waste; and" and insert "waste, including-".
2. Clause 7, page 144, after line 27 insert-
 - “(i) reuse and recycling of the priority waste; and
 - (ii) if the person produced or generated the priority waste, avoiding producing or generating similar priority waste in the future; and”.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (16:12) — I move:

That the amendments be agreed to.

The principles of the waste management hierarchy are already included in this bill. The waste management hierarchy sets out an order of preference for management of waste so far as is reasonably practicable. Avoidance, re-use and recycling should be considered first. These amendments further clarify the principles of the waste hierarchy for priority waste. The government certainly supports the inclusion of these amendments, and I note that the opposition in the other place also supported them. I look forward to the opposition's support once again so that we can pass this bill and return Victoria to the forefront of environmental protection.

Mr WAKELING (Ferntree Gully) (16:13) — I just wish to make some brief comments, firstly, on the amendments. As the minister has indicated, the opposition will not be opposing the amendments that are before the house. It must be noted that the opposition has concerns about the bill and believes the bill should have been referred off to the Environment, Natural Resources and Regional Development Committee to allow industry the opportunity to have its voice heard. There are aspects of this bill, particularly around the implementation of third-party rights in relation to the new environmental duty, where industry has concerns about the net effect of those changes, and it wanted an opportunity to have its voice heard to express its concerns and to seek clarity around this bill. We as an opposition believe that it was eminently sensible to refer the bill off to a committee to allow for that consultation to occur to ensure that the bill was in fact properly assessed and that it allowed affected stakeholders to have their voices heard and therefore that the Parliament could then deal with this bill appropriately.

It is important legislation. Let it be known that it was the Liberal Party that established the Environment Protection Authority back in 1970. We strongly believe in a strong regulator in this space and we firmly believe that the legislation needs to be reviewed. There are clearly changes in the bill that bring this legislation into the 21st century.

The opposition moved a reasoned amendment that was not successful, so that has been our position. But, as I said, in regard to the amendments before the house, the opposition will not be opposing the specific amendments that we are dealing with today.

Ms SANDELL (Melbourne) (16:15) — I am very pleased to speak to these amendments that have come back from the Legislative Council. As noted in my original speech on this bill, the Greens were really happy with the Environment Protection Amendment Bill 2018 overall and congratulate the government on bringing a good piece of environmental legislation before this Parliament. There were two issues that we sought to change to ensure the bill was a bit stronger than it otherwise would have been. The first was around waste, which goes to these amendments that are before us now. These amendments did come about because of the Greens, and we are very happy that the government has taken them up. It has been a pleasure working with them on it. It is a really important thing to deliver responsible waste management in Victoria.

Previously the bill stated that people managing priority waste needed to include alternatives to landfill.

However, it could have been read that it was effectively making incineration the default alternative to landfill. The amendment now makes it clear that incineration is definitely not the only option. The amendment requires those managing this priority waste to consider the waste hierarchy explicitly, so avoid waste first, then re-use and recycle before you go to any other options. It much better embeds the waste hierarchy into the system, so we are getting it right in terms of actually avoiding the waste first. That is the way that we should be looking at waste overall.

We know that the government and particularly the industry have recently become quite excited by incineration as a solution to our overflowing tips, but incineration can have terrible impacts on our health and on our environment through burning toxic materials if it is done poorly. It should absolutely not be the next option after landfill. It should absolutely not be the first alternative to landfill. It should not be the starting point of how we deal with waste, and it definitely should not happen in place of reducing, re-using, recycling or avoiding waste in the first place. So we are very glad that these principles are now better embedded in the bill due to our amendment.

The other amendment we sought was around requiring the government to actually spend the money that is in the Sustainability Fund and report regularly on how it is being spent and what is left in the fund. As we know, this money comes into the Sustainability Fund through the landfill levy. It is supposed to be earmarked for waste and environmental programs. However, it historically has not been spent, as successive governments have preferred to use it to prop up the Treasury coffers. This money must be spent. Unfortunately we were not able to get the government to agree to amendments to this effect. However, we were pleased that the Special Minister of State in the other place has made a public statement to the Parliament agreeing to these principles around transparency and public reporting around what is in the fund and how it is spent, and that is a good start.

Motion agreed to.

OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2018

Second reading

Debate resumed from 25 July; motion of Ms HUTCHINS (Minister for Industrial Relations).

Mr CLARK (Box Hill) (16:18) — The Owner Drivers and Forestry Contractors Amendment Bill 2018

is a bill that proposes to make a range of changes to the Owner Drivers and Forestry Contractors Act 2005. In introducing the bill the government argued that the core provisions of the bill aimed to strengthen the operation of the act in supporting small business owner-operators to better understand their rights and their financial exposures and to make more informed decisions in deciding to enter into contracts, as well as to improve their ability to obtain timely payment from hirers. In presentation, the bill was one that recognised owner-drivers and forestry contractors as small businesses, and that philosophy is certainly one that is welcome on this side of the house.

16:20:00 However, the worry about this bill is not so much what is in it but what is the government's thinking that underlies it, and underlines what it is trying to do in the longer term in relation to owner-drivers and forestry contractors, because we have seen from the Labor side of politics, both in Canberra and in Victoria, moves to try to drive owner-operators out of the transport sector and indeed out of the forestry contracting sector.

We saw that most particularly in Canberra with legislation under the previous Labor government that established a so-called Road Safety Remuneration Tribunal that clearly had the aim of making it uncompetitive for small business owner-drivers to win contracts against larger employee-based and heavily unionised firms. That, as I am sure many members will know, led to the controversy that resulted in the federal coalition government securing the repeal of that legislation to protect owner-drivers from being driven out of business. It became clear from the first actions of the Road Safety Remuneration Tribunal, in setting very high and uneconomical minimum rates of remuneration — minimum contract rates — under which owner-drivers could accept work, that the objective was to drive them out of business. Owner-drivers across the nation took up the cause to defend and protect their livelihoods from bankruptcy and led a very strong campaign which, as I said, resulted in that federal legislation being repealed.

The concern that we have had in this state when the government has spoken about amending owner-drivers and forestry contractors legislation is that the government would seek to do at a state level by similar mechanism what their federal counterparts were unsuccessful in doing. Indeed that was in a sense confirmed by an interjection from the Minister for Industrial Relations when I was speaking on a previous bill and referred to the government's covert attempts to introduce such a regime. She interjected to protest that it was not covert at all; they were going to do it by legislation. When this bill arrived in this chamber it

thus was some surprise to see those sorts of provisions were not contained in it.

The process that has led to this legislation has been underpinned by secrecy all along. We have had a review on which this bill is supposed to have been based. This is unlike other reviews conducted by the Minister for Industrial Relations — for example, the government-commissioned inquiry into labour hire, which I should add is to be distinguished from the parliamentary review of labour hire legislation, which the government also commissioned but which did not go the way they intended when a majority of the members would not agree with what they wanted. When they commissioned their own review of labour hire legislation, that was an open process with submissions being public and then the review report being made public, but the review of the owner-drivers and forestry contractors legislation has proceeded by way of unpublished submissions and an unpublished report. The government had the nerve to say that these were confidential submissions and therefore they were not making them public, but the question the government has never answered is: why was a mechanism to keep all of these submissions confidential adopted in the first place?

Of course it has been open to stakeholders who made submissions to that review to make their own submissions known. A number of them have, and they have certainly been very critical of any attempt to drive out owner-drivers, of any attempt to impose undue restrictive burdens on them that would make it impossible or very difficult for them to continue in operation. What has not yet been made public is the actual report of the review on which this bill is claimed to be based, and one of the things that we on this side of the house are very much looking forward to coming out in the course of this debate, and look forward to hearing government party speakers on this bill stand up and explain, is exactly why this review has not been made public — or, even better, to indicate that the government will now make this review public so that the community and this house can know exactly what is in it.

Did it in fact recommend a Road Safety Remuneration Tribunal-type regime of minimum rates that the government has rejected, or did it perhaps rule out such a way of trying to improve the operation of the industry? Did it in fact find that such a regime was counterproductive and destructive and point out the failings of federal Labor's attempt to proceed down that path? Is that the reason why the review has not been made public? Whatever the truth of the matter, if this Parliament and the community is expected to make an informed decision about the bill that is now before us,

we should have that review made available to us. I certainly call on the government to make this review public so we and the community can make an informed decision about what is in the legislation.

Of course everybody on both sides of the house wants to see a safe road haulage regime. It is certainly something that the commonwealth government is strongly committed to — it has introduced a range of measures that are actually focused on enhancing road safety as distinct from driving small business operators out of the industry. Measures have been based on statistics that regrettably show a substantial number of the collisions that involve heavy haulage vehicles are between those vehicles and non-haulage-vehicle motorists — in other words, private motor cars — and the evidence suggests that in a large number of those the problem has lain with the private motorist rather than with the road haulage driver.

16:27:30 It is an evidence-based move to reform to enhance safety in the industry that we need to concentrate on when we are talking about safety. Safety measures over many years, and often with bipartisan support, have been effective in Victoria in reducing the road toll. Again, we need safety-focused measures to improve road safety in the road haulage sector and the vehicles that operate within it.

But this bill's measures are not primarily focused around safety. They are, at least on their face, directed towards improving the operation of the owner-driver haulage sector and forestry contractors as small businesses. However, just days after this bill came to the Parliament we had a media report that indicated that the Treasurer was going to stipulate that henceforth it would be government policy that all contractors on new government building projects would have to commit to pay tip truck drivers at a specified minimum rate.

The government brings this bill into the house and the second-reading speech says this is all about helping owner-drivers and forestry contractors as small businesses, yet through government-mandated contract requirements the government seems to be going down exactly the same route as its federal counterparts in attempting to set high minimum rates for one part of the industry, which could well have the effect of making tip truck operators in the construction sector — owner-drivers — uncompetitive with employee-based larger firms.

We do need an explanation also from the government about exactly what their policy is in that regard and that their policy of setting these minimum rates for tip truck operators is not part of a concerted move to drive them

out and is not going to have that effect. They also need to make clear whether or not this is just the first in a series of stipulations that they intend to introduce wherever they can through the back door of government contracting to try to set minimum rates that will operate adversely against owner-drivers. It is certainly something that the sector is very concerned about. It is something that bodies such as the Victorian Chamber of Commerce and Industry (VCCI) are very concerned about, and we have not had any frank and open explanation from the government about exactly what their policy is and exactly how this approach fits with what is in the bill before us.

To turn to some of the specific provisions of the bill, many of them are quite detailed. Some of them are unexceptional; some of them indeed are welcomed by the sector. There is a respecification of the purposes of the act, which are to include promotion of industry best practice, education and training. There are provisions that will empower the transport and the forestry industry councils to provide advice and make recommendations to the minister on matters relating to best practice, education and training. There is a proposal to amend the definition of 'freight broker' to cover third-party contracting platforms, and in the very helpful briefing we were provided with by departmental officers there was reference to a platform such as Uber Freight, and that it was intended that platforms such as that would be required to comply with the obligations that currently apply to more traditional freight brokers.

There are provisions to make clear that hirers can provide contractors with the information required under the act in electronic form, including via internet link, and that is certainly a modernisation provision that is welcomed. There is a provision that requires hirers and freight brokers to provide their rates and cost schedule annually for contractors engaged under more than one contract during a 12-month period. There is a proposal that hirers will be required to pay invoices within 30 days of receipt of the invoice, unless there is a dispute and subject to the parties agreeing on what the bill refers to as alternative fair arrangements. While there is some ambiguity, openness and uncertainty in relation to the alternative fair arrangements, the principle that invoices should be paid in a timely manner is one that should be welcomed and indeed would be welcomed across many sectors, including the building and construction sector where subcontractors are often exposed to delays in payment, notwithstanding legislation that has been on the books for some time that seeks to tackle that issue.

There are provisions to make clear that contractors have the option of being covered by the same terms and

conditions as exist under an existing regulated contract that has been jointly negotiated, even though they are not a party to that contract. It is proposed that the small business commissioner will be able to arrange arbitration where the parties to a dispute agree to that and that the Commercial Arbitration Act 2011 will not apply to such arbitration. It is proposed to require hirers to provide to tip truck contractors working in connection with the building and construction excavation industry with the necessary information booklet and rates and costs schedule, regardless of the period of time for which they are engaged. That provision is said to deliver on a commitment given by the government in that regard, but it does raise some concerns that I will come back to a little later on.

It is proposed to introduce penalties for the failure to provide the information booklet, the rates and costs schedule, a written contract or notice of termination or payment in lieu thereof. There is provision for these penalties to be imposed by infringement notice as well as by the courts. And last, but certainly not least, there is the creation of a regime of authorised officers to supervise the operation of the legislation. This regime will allow authorised officers to require hirers to produce documents that are relevant to an investigation and to enter premises with consent. Although it is not in the bill, we understand from the briefing with which we were provided that these authorised officers will be departmental officers who will be working in the same area of the department as currently long service leave inspectors operate.

The Liberals and The Nationals have consulted widely on this bill. We have very much appreciated the feedback that we have received from a number of stakeholder organisations, including VCCI; NatRoad, the national road transport association; and VAFI, the Victorian Association of Forest Industries. As I touched on earlier, a number of these organisations have shared some of their concerns with us about what exactly underlies this bill and some of the complications that could arise from it. The Victorian Chamber of Commerce and Industry said in a letter to me of 9 August, and I quote:

The bill will add to the costs associated with existing obligations which, while primarily facilitative in nature, still impose costs on businesses that engage owner-drivers, including:

Costs associated with understanding their obligations

Administrative costs associated with establishing and maintaining systems to provide an information booklet to owner-drivers

Record-keeping costs to demonstrate compliance with the requirements of the act.

NatRoad in particular have expressed to me their concern about the underlying policy that relates to this bill: the matters that I referred to earlier as to how it lies vis-a-vis the review that the government has undertaken and whether what the government has announced in relation to minimum rates for tip truck drivers signals an underlying policy intention by the government if it is re-elected, or even before the election, to seek to extend mandatory minimum rates across other sectors within Victoria.

NatRoad have also raised concern about the level of penalties that are being imposed on hirers under the bill, which are basically penalties of up to around \$4000 for not giving the correct paperwork to an owner-driver, and whether or not the hanging of these penalties over the heads of hirers or the imposition of these fairly hefty penalties in circumstances which could be due to inadvertence, given the fairly prescriptive nature of what is required, may itself be something that might deter hirers from using small owner-driver contractors and instead have them prefer to go to large employee-based firms where the requirements of the act and the possible penalties associated with them do not apply.

There have also been concerns raised with the coalition parties about the operation of the provision of information booklets and other rate schedules to intended tip truck owner-drivers three days ahead of them starting their engagement, even if they are only being engaged for one-off or short-term contracts. Of course the three-day notice requirement applies in the existing context of the act, but it is now being extended even to short-term hiring of tip truck owner drivers. 16:37:30

The concern is whether or not that is going to be an impediment. If the operator of a construction site busily excavating away suddenly realises they need extra tip truck drivers and vehicles above what they have scheduled, whether effectively is there going to be a three-day delay in them being able to get new tip truck owner-drivers on board, and is that going to be a deterrent? If they are in a hurry and if they need someone urgently, they are not going to be able to get a small business owner-driver tip truck operator, they are going to have to go to an employee-based firm. Have the requirements of the bill been properly thought through to avoid that consequence — that is assuming it is an unintended consequence — or is it on the other hand something that the government is quite happy to see to put a handbrake on small businesses operating tip

truck services in comparison with employee-provided firms?

I should make clear that it has been confirmed to us following the briefing provided to us that the intention of these provisions about tip trucks is that they will apply only to construction sites and that they are not going to apply to quarries or other extractive industries. It is basically where holes are being dug in the ground for the purposes of a construction site and the excavated material needs to be removed.

There are also concerns about the proposals to impose information provision obligations on online platforms, and certainly on this side of the house we would welcome further explanation from government party speakers on the bill or indeed from the minister as to how this is intended to operate. Does it make sense to mandate what may be internationally based online platforms to provide specific information in a Victorian context? Is it achievable, or is it simply going to put a handbrake on the use of these platforms to provide greater efficiency and flexibility in the construction sector or in the road haulage sector in Victoria compared with other jurisdictions? Why doesn't the bill simply provide that either the ultimate hirer or the platform must provide this information? It is not clear to us that these provisions have been properly thought through.

Some stakeholders have expressed a concern to us that the provision clarifying that a contract can be based on an existing contract that has been negotiated through an agent is simply going to be a means to facilitate what might be referred to as pattern bargaining or industry-wide bargaining by bodies such as the Transport Workers Union to try to coerce hirers into effectively uncompetitive conduct by making it easier to try to coerce them into making a standard form contract negotiated by the union available to other owner-drivers and therefore try to standardise contracting terms across the industry. The provision concerned is only a clarificatory provision, and probably the principles that are reflected in it apply anyway, but it is a concern that anything could be done to facilitate getting around competition laws and encouraging uncompetitive behaviour within the sector.

So there are a range of issues that are created by this bill, and most of them arise because of the secrecy and lack of openness, candour and disclosure that surrounds the explanation of how this bill arrives at this house and the government's thinking that underlies it. In particular, as I said at the outset, what is in the review on which the government has said to the world and said to this house this bill is based but has not been prepared to make public? So while the opposition parties at this

point do not oppose the bill we do believe that there are a number of very serious questions that need to be answered about it, and we expect the government to be forthcoming so that there can be an informed consideration of the bill by this house, by the other house and indeed by all stakeholders and affected parties. We very much look forward to the contributions of government members, and our hope is that they will shed further light on these very important aspects of the bill.

Mr NOONAN (Williamstown) (16:43) — I am very pleased to rise and speak today on this really important piece of legislation. Obviously from the outset it is probably worth disclosing that I am a member of the Transport Workers Union — a very proud member of the Transport Workers Union. Whilst I have been in this house for 11 years I have maintained my membership of that union because they do an outstanding job for their members right across the transport and logistics industry. Owner-drivers are difficult, but as I will try to explain in my contribution, there are some really significant issues for owner-drivers in relation to safety and making a living which indeed this particular piece of legislation that we are debating before the Parliament today will go a long way to address.

I did listen to the member for Box Hill in his contribution. I would have to say, broadly speaking, whilst he raised a number of issues it was refreshing to hear in some respects a level of support for some components of this piece of legislation. I have got hold today of a media release from the Victorian Transport Association. I think this is really a reflection of a piece of legislation — particularly when it comes to anything that deals with industrial relations or workplace relations — where you get essentially the primary employer body in lockstep with the primary body representing owner-drivers, being the Transport Workers Union, and both coming out and publicly supporting that legislation which has clearly gone through a very comprehensive process.

The Victorian Transport Association today — and they speak very frankly when they want to — have labelled these reforms as 'balanced reforms'. They make the point that the work that has been done in terms of this piece of legislation will better help:

... owner-drivers and forestry contractors to better understand cost structures, negotiate fair contracts and run successful small businesses.

It goes on and provides a number of quotes from CEO Peter Anderson and makes the point that when the reforms do pass:

... for the first time, there will be education, enforcement and compliance for this sector of the freight industry ...

If I think back to when this piece of legislation came before the Parliament back in 2005, my father was the secretary of the Victorian-Tasmanian branch at the time.

Ms Ward — A very good man.

Mr NOONAN — Thank you very much, member for Eltham, a good man he was indeed.

Mr Wynne interjected.

Mr NOONAN — Thank you very much, Minister.

What it was was an acceptance across the industry both of the employers, and indeed from the union perspective, that the lot of owner-drivers was very difficult and in fact the reason that the lot of owner-drivers was very difficult is because you have customers — it could be a retailer, and they are the customer essentially to the transport industry. They set the price, if you like. You have a major prime contractor that comes in and forms an agreement with the customer and then through a series of subcontracting down you get to your owner-drivers who have in many respects very little bargaining capacity. What does that do? That creates some very unsafe practices within an industry which — as I will go to in a moment — can lead to very deadly consequences.

So when you think about where this legislation started back in 2005, it came as a result of coroners' investigations into very tragic outcomes involving people moving into the industry and trying to make a living and being under a lot of pressure, essentially not to make prices but to take prices that were offered to them — once you went through the filtering system of getting from the customer at the top through the major prime contractor and through the subcontracting arrangements ultimately to your independent owner-driver. That indeed gives the industry, rather unfairly, a poor rap because those that cut corners are often doing it at the behest of maintaining the work once it is given to them.

It was terrific yesterday to see representatives from the Transport Workers Union — and I note that there are a number of officials in the gallery today, and they were actually active up in Canberra yesterday — talking about a very important piece of work from Monash University, *Driving Health: Work-related Injury and Disease in Australian Truck Drivers*. Now this report, worked on by a number of eminent academics from

Monash University, talked about the sector and the growth of the sector. It talked about how there is 'a predicted doubling of freight demands from 2010 to 2030'. It talked about the size of the occupation and the fact that '1 in every 33 men of working age, or approximately 3 per cent of all male workers in the nation' are in fact drivers.

It also talked about the difficulties. Now of course, driving is a very big industry but if you look at long-haul driving there is exposure to multiple risks: 'long working hours, sedentary roles, poor access to nutritious food, social isolation, shiftwork, time pressures, low levels of job control' and of course the killer being fatigue.

It then went on and talked about the number of workers' compensation claims in the industry between the period of 2004 and 2015 being over 120 000. For the same period, the report made the very strong point that there were 545 compensated work-related fatal injury claims in truck drivers, and arrived at the conclusion that truck drivers had a 13-fold higher risk of fatal injury than other workers. So when we think about dangerous occupations, yes, we think about construction and yes, we think about mining, but what we have to come to terms with in this country and in this state is that driving is in fact one of the most dangerous occupations indeed, in our state and in our nation.

That is where the Transport Workers Union have been doing a fantastic job, advocating at every opportunity to drive safer outcomes for their members and the industry. I want to congratulate John Berger and his officials and his members at the Vic-Tas branch for the work they have done, because they have driven to this Parliament, to the house of democracy here at Spring Street some wonderful reforms which will see improvements for owner-drivers around getting paid on time, being safe at work and the support — because, ultimately, these people are small business people and choose to be.

This review that the government has undertaken as I understand it has demonstrated widespread non-compliance with the act, in particular by hirers and brokers, and that is why we see a feature of this bill for the first time really driving compliance and perhaps taking a heavier stick than what the 2005 act did. That might have been viewed by some as light-touch legislation, but over that period of time we have seen death after death, injury after injury, which justifies I think a stronger compliance regime which will have penalties for non-compliance of mandatory requirements of this act but will also have infringement

notices around the non-provision of written contracts, unfair terminations and the like.

Of course what we will see, which will be really critical, is drivers being able to receive payment within 30 days, taking pressure off these owner-operators in relation to the job that they do so they can concentrate on delivering their goods to market in a safe way.

16:52:30 I am really proud of the government's investment in the Victorian wage inspectorate, a really important policy from this government which, again, is all about helping working people and working families.

It will be no surprise to some, but I will just return for a moment and make mention of my father, because he was one of the foundation fathers, if you like, of this legislation originally when Labor were last in government in the Bracks-Brumby era. He worked very hard to establish better rights and protections for owner-drivers. He also did that by working collaboratively with the industry. He was not a militant person as such; he was a collaborator and someone who was able to drive up safety standards and in fact received an Order of Australia Medal for his work in that regard. He worked very closely with Phil Lovell from the VTA at the time, and I am really proud to say that John Berger has in fact taken over that mantle as the current secretary and is driving up safety outcomes. I commend the bill.

Mr CRISP (Mildura) (16:53) — I rise to make a contribution on the Owner Drivers and Forestry Contractors Amendment Bill 2018. The purpose of the bill is to include new and more specific provisions about the operation of the act and to create penalties and an inspectorate. The main provisions include a new specification of the purpose of the act — namely, to include the promotion of industry best practice, education and training; empowering the transport and forestry industry councils to provide advice and to make recommendations to the minister on these matters; amending the definition of 'freight broker' to cover third-party contracting platforms such as Uber Freight; making clear hirers can provide contractors with information in electronic form, including via internet link; requiring hirers and freight brokers to provide the rates and costs schedule annually if a contractor is engaged under more than one contract during a 12-month period; requiring hirers to pay invoices within 30 days of receipt unless there is a dispute, subject to parties agreeing on alternate fair arrangements; making clear that contractors have the option of being covered by the same terms and conditions of an existing regulated contract that has been jointly negotiated; specifying that the small

business commissioner can arrange arbitration where the parties to the dispute agree and that the Commercial Arbitration Act 2011 does not apply to such arbitration; requiring hirers to provide tip truck contractors working in connection with building and construction industry excavation with information booklets and rates and cost schedules regardless of the period of time for which they are engaged, thus delivering the government's commitment on this issue; introducing penalties for failure to provide the information booklets, rates and cost schedules, written contracts or notices of termination or payment in lieu; providing for penalties to be imposed by infringement notices as well as the courts; and empowering authorised officers to require hirers to produce documents relevant to an investigation and to enter into premises with consent. Authorised officers may be departmental officers working in the same unit as long service leave inspectors. So it is fairly comprehensive.

In trying to put this into the context of Mildura, we do do some excavation there but not by any means in a way that is relevant to the way I think this bill is constructed, so I will need to look at and talk to other parts of the bill. Owner-drivers are very much a part of Mildura's freight-handling workforce. In the Mildura context you have got those that are involved in seasonal work, and that is the carting of grain and hay — and they have been pretty busy lately with the drought, although hay supplies are running out — and also in the wine grape carting season, almonds, citrus and dried fruit, as well as for lighter trucks some short-haul work to various places with table grapes. It has been sort of a tradition in Mildura that someone who has perhaps a smaller horticultural property generally has an off-farm income based as an owner-driver taking on these seasonal contracts.

A little bit of a change has occurred in these times — this is where we get into the subcontracting with some of these larger concerns in fact organising someone to coordinate the freight with subbies. I think this legislation in this case will support some of their concerns. I think particularly the requirement to have invoices paid in 30 days when you are an owner-driver, whether full or part-time, is certainly something that is good to have there. There are also subbies to the major freight companies, and that is something that most people will be more familiar with — the owner-driver who works with one or more of the freight companies when there are contracts to be had.

Something that did surprise me when talking to the industry over recent times is that in the Mildura region there is a shortage of drivers. It did take me by surprise that we would be in a situation where we are short of

drivers, driven partially I think by retirements that are occurring — there are a number of drivers who are leaving the industry — and also by, for various reasons, difficulty in attracting younger people into that particular job area. That, as I said, did surprise me. I grew up in a period when everybody wanted to get their truck licence. However, that may not be the case any longer. The organisations that do train truck drivers in Mildura and the major truck companies are all advertising for people to drive their trucks, particularly long distances.

As was mentioned by the previous speaker, the freight task is growing. As Australia produces more and we need to move it there is a continuing role for the career of the truck driver. In Mildura 80 per cent of our soft horticultural goods that we grow are destined for export. The rail link is very, very important in moving that produce directly from Mildura to the port of Melbourne for export, but that does mean too that there are a whole lot of other materials that have to go other than directly to port to supply our local markets, and all the other things that are necessary to have a regional or rural economy have to be moved by trucks, so drivers are very, very important.

I will not dwell on the issues that have been discussed earlier at any length, but I think they were well raised by the member for Box Hill in his contribution. From The Nationals, we are not opposing this bill.

17:00:00 **Ms GARRETT** (Brunswick) (17:00) — I am really pleased to speak and make a contribution today on this very significant bill for this Parliament and this state, the Owner Drivers and Forestry Contractors Amendment Bill 2018. I want to start by doing two shout-outs. The first is to the reps from the Transport Workers Union (TWU) and members here today who fought very hard for this legislation, and I am really proud to be here. I am also really proud to follow the member for Williamstown. I worked for his dad, Bill, back 20 years ago when I started at the TWU. John Berger was a young and really impressive organiser at the time. I reckon John has aged pretty well; he does not look a day over 25. The first thing Bill, John and others did when I arrived at the TWU fresh out of law school, fresh out of working at the then Industry Commission, was to say, ‘There’s no way you can do a proper job here if you don’t understand what our members do’. So from day one I was in a B-double and I shook and rolled my way down the highway. I could not believe how much the thing moved and how damned big it was and how intense the driving was.

As members of the public we expect our goods to get to the shops on time and to get to our doors on time. There

is increased internet shopping and Uber Eats. I am sure my family is single-handedly keeping Uber Eats alive at this point. But with all these things we take for granted in our day-to-day lives that we want instant gratification from, when you look behind that and look at the men and women who are making that happen, they are committing huge slabs of their life, their families’ time and their health to get those goods moved around Victoria and around Australia, get them to our ports, get them to our shops and get them to our homes.

Part of what Bill had me do was visit the big shops and the small shops, and I would roll with the owner-drivers, and he got me involved in the health side for the workers. We all know, and it is still an issue, that when you are on the road 12 hours a day, you are stopping at truck stops, the food you are eating is not necessarily great — it is all that is available — you are sedentary because you are in the truck for hours and hours, there are sleep issues for people and then there are time pressures and the pressures of getting your cargo where it needs to be. So there are physical health issues; there are also massive mental health issues. Lots of people are missing out on the milestones of their kids — the birthday parties — or their wife’s or husband’s birthday. They are copping that to serve the community and get the goods that we all want.

We started this process back in 2005 in the Bracks Labor government with the introduction of the then legislation, the Owner Drivers and Forestry Contractors Act 2005, and that provided basic protections for owner-drivers, recognising the inherent power imbalance that can exist between owner-drivers operating one, two or three vehicles and big companies and big hirers. They were constantly facing downward pressure on what they were taking home, with increasing demands on what they did. I think really importantly the proportion of businesses within the road transport industry that were making a loss were many. And of course a loss impacts people’s lives. It is people’s household budgets. It is the incredible stress of starting a business and it not working, and it is doing hours and hours and hours on the road and not making enough to put your kids in school. That is what a loss means in this context, and the proportion of businesses making a loss fell substantially after that act was introduced.

But like everything in this modern era the industry changes and evolves so rapidly. I mentioned Uber Eats before. I am sure the member for Williamstown has partaken of that as well. The important thing that the Andrews Labor government did was set up a review by the Department of Economic Development, Jobs, Transport and Resources to look at the act and to see

what changes were needed to be made to the act or regulations to make things better for our owner-drivers and forestry contractors. It was a very comprehensive review. It was open to everybody to make submissions, dozens of submissions were received and very significant and detailed consultation was undertaken with all of the key players. There were also recommendations relating to tip truck owner-drivers. The results of the comprehensive review are what we are seeing today. So not only is there a longstanding commitment to making things more fair — going back to 2005 and going back to the Bill Noonan days, right through to now in the John Berger days and the TWU — but there is also a commitment to continue that great work.

I would just like to highlight a couple of things. There are many things that this bill does, but being an old lawyer by trade, I know the cost of dispute resolution is always a massive problem for whoever you are in our community. When you are working on really small margins in high-pressure situations, like many owner-drivers are, if you are faced with someone not paying a bill or disputing your initial terms of engagement and you have to engage lawyers, file applications and wait for hearing dates, there are not only the costs that are outlaid on that but the costs in terms of not having the truck on the road because you are down at VCAT. These are all major and significant issues for people who are sometimes living on the smell of an oily rag, literally, by the side of the road. So making a much more cost-effective form of dispute resolution in this bill, I think, is really critical.

The bill provides for consent arbitration by the Victorian Small Business Commission and allows a binding decision to be made with the consent of the parties without the need to go through those formal tribunal structures, because as much as VCAT is seen as our low-cost jurisdiction and our way to make easier dispute resolution, it still creates significant and legalistic hurdles for people.

17:07:30 I wanted to highlight that part because hopefully that really does transform how these disputes are dealt with. Of course we want less disputes. We want less arguments. We want people to be paid properly, we want people to be paid on time and we want people to be paid fairly. The establishment of offences under the principal act is also targeted at making sure those things are a reality. The bill requires the development of a dedicated mechanism by which investigation and enforcement activity can be undertaken, because it cannot all fall as a burden on the people who are delivering the goods. We have to have a system by which the state and the industry are out there doing

active investigations and actively enforcing compliance where bad behaviour is found and where people are suffering. That needs to be found, light needs to be shone on it and it needs to be stamped out.

This compliance and enforcement mechanism will be part of the new Victorian wage inspectorate, which is another broader commitment of this government to ensure that we are stamping out wage theft and making people who engage in it pay the price. We have funding of up to \$5.5 million for that activity, and of course that will be reviewed to make sure that it does what it is supposed to do. The authorised officers that will be part of this recently announced Victorian wage inspectorate will have powers which include requiring information or documents to provide information to contractors and hirers about the operation of the act, to monitor compliance with the act and its regulations and to perform any other duty as is seen fit. They can enter premises with the consent of the occupier and exercise their powers upon entry, including the power to request documents.

Importantly there are significant penalties associated with bad behaviour. They range from \$4000 in the case of a body corporate and up to \$1000 in any other case. That will allow infringement penalties to be prescribed in regulation so that that can be dealt with as this act goes through. I just want to say thank you to all the drivers out there who make our lives worth living, who deliver our goods and who provide such a great service. You deserve the protections that are in this bill, and I commend it to the house.

Mr WAKELING (Ferntree Gully) (17:10) — I am pleased to make some comments in regard to the Owner Drivers and Forestry Contractors Amendment Bill 2018. This bill is seeking to implement a range of changes in terms of the operations of owner-drivers. This includes amending the definition of ‘freight broker’ to cover third-party contracting platforms such as Uber Freight. It will also make it clear that hirers can provide information to contractors in electronic form, including via internet link. It will require hirers and freight brokers to provide rates and costs schedules annually if a contractor is engaged under more than one contact during a 12-month period. It will require hirers to pay invoices within 30 days of receipt unless there is a dispute.

The bill will make clear that contractors have the option of being covered by the same terms and conditions of an existing regulated contract that has been jointly negotiated. It will also specify that the Small Business Commission can arrange arbitration where the parties to a dispute agree and that the Commercial Arbitration

Act 2011 does not apply to such arbitration. It will require hirers to provide tip truck contactors working in connection with building and construction industry excavation with an information booklet and a rates and costs schedule, and there are a range of other amendments that this bill is seeking to implement.

Can I start by saying that I firmly believe that all Victorians and all in this chamber believe that owner-drivers who do a great job need to be afforded protection and need a regulatory system in place that provides them with the protection they need in terms of operating their business. One thing it behoves governments to do is ensure that they are working on behalf of small business operators and that they are working with industry to develop rules and regulations that actually benefit small operators and that provide people who seek to invest in their own operations with the opportunity to continue their business.

We are concerned about what is not in this legislation. We are concerned about what this government's intentions will be not just under these changes but in future changes. We have seen this in so many areas recently when it comes to this government, whether it is regulations being put in place in terms of the labour hire industry or whether it is changes in terms of environment protection. They are examples of legislation that was introduced into this house by this government and that was not done through consultation or with the support of industry.

We have seen what has happened federally with the work that was undertaken by the then federal Labor government with the remuneration tribunal and the problems that developed as a consequence of that. It took a change in federal government to fix that problem. We are concerned that there are aspects of this government's activities in terms of their impact on small operators — those who choose to operate in this industry. It is a very tough industry. People put their finances on the line. Some are living in very desperate situations because of the costs associated with running their operations. I pay tribute to people who have chosen to invest in their own trucks and who are wanting to run their own businesses. We need to ensure that we are actively protecting those operators within the system. We are concerned that there will be actions undertaken under this bill that will certainly have potential impacts on people within this sector.

I have actively worked with the Transport Workers Union (TWU) in my previous life, and I had some very interesting times. My friend at the table, the Attorney-General, will recall when we had disputes over union coverage of TWU sites. I was more than

happy to remunerate employees under the TWU, but there was a recalcitrant union, the National Union of Workers, that sought to impose themselves on a TWU site, but that is a discussion for another day.

During my time of involvement with the TWU we did manage to work through a number of issues that were about protecting the needs of drivers and protecting the needs of employees who were working within warehousing that fell under the jurisdiction of the Transport Workers Union. I believe that industry and unions both agree that there need to be protections in place to ensure that drivers have the protections they need to ensure that they are not put at risk in terms of their health and safety. I think that is something that is a central tenet. People have different views on how we achieve that. People have different views as to whether or not the rights of individuals are being adequately protected, but I think the general tenet is that in a very broad sense a lot of work has been done in that space. Certainly that was something that I was actively involved in during my time working with people who were covered by the Transport Workers Union in terms of their representation.

But again I make the point that concerns have been raised about what in fact is not going to be made public in terms of the set-up of this new system. As we have seen with the labour hire industry — the regulations that have been put in place there and the potential impacts of those changes on hardworking businesses across the state — it is clearly going to have an impact and it will potentially drive businesses to the wall. It will potentially lead to individuals being pushed away from working within the sector.

We need to ensure that any regulation that is put in place in terms of owner-drivers and forestry contractors supports those individuals and encourages them to stay in the industry. It is not about driving them out of the industry. That is certainly a concern that I have. I know of people within my own community who are owner-drivers. They own their own vehicles, and they work hard. They need protection, absolutely, but we need to ensure that the systems we put in place are providing support for those individuals, not ultimately leading to driving those individuals out, because ultimately what will happen is you will drive out owner-drivers, you will drive out smaller operators and all that will be left will be the big operators.

When you drive out people's small businesses, they will be left with a vehicle and left with a lease. They will not have remuneration to cover those leases, and the last thing I want to see is hardworking Victorians trying to sell their vehicles and being forced to sell their

homes because of regulations imposed by this Parliament that are in fact going to be working contrary to what we should be doing, which is providing protection. We should not be about driving people out of work. I am deeply concerned that the net effect of these changes will lead to that.

As I said, we all believe that there needs to be adequate protections in place to provide support for owner-drivers, but it is imperative that whatever changes we put in place do not have a negative effect in terms of the potential viability of the sector. We saw that at the federal level. We saw the concerns and the complaints that were raised about the changes that were then implemented by the federal Labor government. Those changes were overturned. We do not want to see similar problems here in the state of Victoria, and therefore I call on the government to ensure that the changes they are seeking to make will not have a negative impact. We want to ensure that there is nothing written here in the legislation which is ultimately going to lead to a further erosion of the opportunities of owner-drivers to continue to operate their businesses within the state of Victoria.

Mr PEARSON (Essendon) (17:19) — I am delighted to make a contribution to the Owner Drivers and Forestry Contractors Amendment Bill 2018. The bill before the house is an important one, because it is about making sure that there are appropriate protections in place for owner-drivers. I make this contribution from the perspective of my own upbringing. My father was a butcher, and he made the call very early on in his career to either work for wages and work 40 hours a week, have sick pay and have annual leave or to go into business for himself. His view was that he wanted to run his own business and take on a loan to buy an established butcher shop — initially in Box Hill and then in Blackburn. He worked phenomenal hours. He just absolutely worked like a Trojan. He was up at 4.30 or 5.00 in the morning and was home by, if he was lucky, 6.30, or more likely 7.00 p.m. He would have his dinner, fall asleep in his chair and then get up the next day. And he did that for five and a half days a week. He never took any real leave when I was growing up, and he really put himself out there. He always justified it by saying, ‘Look, I wanted to give you what I didn’t have. I wanted to work hard, provide and give you the opportunities that I didn’t have so you could reach your potential’.

In preparing for this bill and in reading about owner-drivers, it brought back those memories, because there will always be a role for people who work in a trade for wages — and that is perfectly acceptable, and that is fine. But when you have got people who are

taking on risk, when they are taking on debt and when they want to try and have a go, you have got to try and make sure appropriate checks and balances are in place. What we are seeing at the moment — it is a global phenomenon — is a hollowing out of the middle class and people under of increasing levels of pressure. We need to make sure that those people who choose this path are not exploited and are not put at a disadvantage.

One of the challenges when you are an owner-driver are the expenses related to property, plant and equipment. You either have to have a lease, which is a contingent liability — and if you do not service that lease, there are obviously penalties — or you have to take on capital to buy that equipment, and that is not cheap. Particularly if you are looking at a larger vehicle, you are looking at a significant amount of capital that you have to outlay before day one of revenue. And then you have got your operational costs. I remember David Crawford was often opined to say, ‘There are no new ways of going broke’. So on one level, when you start on that path there is an established track record of taking on a level of debt, of trying to work out what sort of interest payments you need to make, of working out what your price point should be and of working out what your cost of labour should be. To some extent you have got the ability to try and track your way through that and work out how you are going. But obviously there are challenges. For example, you could enter in good faith into a contract, and the person who is to pay for your service does not pay or is slow in making payment.

This bill makes sure there is a 30-day aged receivable policy in place to make sure people keep on top of their payments. I would say that when you are taking on a reasonable level of debt, you have to service that debt on a monthly basis and you have to pay your wage. If you have got people who are withholding payment for the services you have provided, that is a significant challenge. I think having the ability to ensure there is a level of compliance is a very good thing. One of my tasks in a past role that I took on was chasing up aged receivables. You have got to be on top of your game, and sometimes it is really hard, particularly if you let an aged receivable become too aged and it starts to become a very significant amount of debt that is required —

Ms Ryan — Acting Speaker, I do hate to interrupt the good member for Essendon, but I draw your attention to the state of the house at present.

17:25:00

Quorum formed.

Mr PEARSON — Now, that was an exercise in futility by the member for Euroa, the Deputy Leader of the National Party. What an absolute joke. So you are making a contribution on a bill — you are making a measured and level contribution about the importance of small business — and the member for Euroa decides just to pull a stunt. Well, it is a week of stunts from those opposite because they are not interested in bills before the house like this. They are not interested in good administration of the state, and you can just imagine what the member for Euroa will do when she gets the white shiny car and she gets the call to Government House. She will be lining up on this side of the house to torpedo legislation like this which protects small business owners and operators in the state of Victoria, and people who are working in regional and rural areas will miss out, because at every step of the way all the National Party ever do is compromise on matters involving principle. That is their measure. That is what they do.

They are not to be trusted when it comes to standing up for their constituencies. They are not to be trusted in terms of defending working people. Despite the fact that many members in their very own constituencies are impoverished and would benefit from this legislation, again I have heard the weasel words from those opposite: ‘Oh, well, we might vote for it. We reserve the right to revisit it at some stage’. It is just weakness. They do not have the courage to stand up to the Liberal Party. They are not prepared to step into cabinet and say, ‘Enough is enough. You’ve got to do the right thing by workers in our community’. They will do whatever it takes to ensure that they get the maximum amount of seats around the cabinet table —

Ms Ryan — On a point of order, Acting Speaker, I think it would be reasonable to draw the member back to the bill. I think he has now strayed far from the topic.

The ACTING SPEAKER (Ms Graley) — There is no point of order.

Mr PEARSON — And isn’t the member for Euroa slightly tetchy when you point out the flawed and fallacious position the National Party pursue in this place? They are nothing more than the lapdogs of the Tories. They are the hired help of capital. They are here destined to try to suppress working people at every step of the way, given the fact that they are sitting here now and they are not supporting this legislation, they are not supporting working people and they are not supporting small business people. It has just been a week of stunts from those opposite. It does not matter if it is a no-confidence motion that is fallacious. It does not

matter if it is this appalling stunt that the member for Euroa is pulling.

Ms Ryan — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr WATT (Burwood) (17:30) — I rise to speak on the Owner Drivers and Forestry Contractors Amendment Bill 2018. It has been very interesting listening to members of the Labor Party, who like to talk about standing up for workers rights and who like to talk about being the people’s party. It was also interesting to listen to the member for Brunswick talk about the Transport Workers Union (TWU). I am always intrigued when members of the Labor Party who have never actually worked a day in their life in a particular occupation then move their way from university straight into a union, having no knowledge of the union. It was interesting that the member for Brunswick said that she had to actually get some knowledge of the union workers when she actually got the job. With no life experience they go into a union and make their way into Parliament as a reward or maybe a punishment. Maybe they think it is a punishment to come in here. Having no real understanding of workers, that is why they then introduce bills like this.

When I think about the great Labor Party as the workers party, all I do is think about Chiquita Mushrooms and I think about Clean Event and Spotless. I think about the workers that were done over in a deal with the union which benefited the union and which benefited the company. But do you know who got shafted? It was the workers.

Mr Pakula — On a point of order, Acting Speaker, on relevance, the member’s contribution does not relate in any way to the bill before the house, and I would ask you to draw him back to the bill before the house.

Mr WATT — On the point of order, Acting Speaker, I actually did reference other members of Parliament who made commentary. I am making commentary on their commentary, so therefore I am clearly within the scope of the bill.

The ACTING SPEAKER (Ms Graley) — Member for Burwood, I require you to go back to the bill, please.

Mr WATT — I am happy to continue having a debate about the commentary made by the member for Brunswick.

17:32:30 The member for Brunswick made commentary, and I was just simply commenting on that commentary. That is what debate is, and I am sure the Attorney-General would understand that.

Mr Pakula interjected.

Mr WATT — Well, members in this chamber will talk about the fact that they are standing up for the poor workers, and I am just pointing out the fallacy of that. I am pointing out the fact that when you talk about standing up for cleaners and then this government actually puts cleaning businesses out of business, I am not sure how you are standing up for businesses. When we are talking about owner drivers —

Mr Pakula — On a point of order, Acting Speaker, on relevance, the member for Burwood is defying your ruling. He has not come back to the bill, and again I would ask you to draw him back to the bill before the house.

Mr WATT — On the point of order, Acting Speaker, I was making a reference to cleaners and was then going to owner-drivers, which is exactly the same point. I am happy to move straight on to that.

The ACTING SPEAKER (Ms Graley) — Could you please move back to the bill, member for Burwood.

Mr WATT — I completely disagree with what you are saying. I was on the bill, and I am happy to continue on the bill.

The ACTING SPEAKER (Ms Graley) — Member for Burwood, can you please return to the bill.

Mr WATT — The point being that I was making a contribution. You cannot tell me to go back to the bill when I was making commentary on what the member for Brunswick said, and the member for Essendon made points which I am refuting. That is the point about debate. I am happy to continue.

The ACTING SPEAKER (Ms Graley) — Member for Burwood, please return to the bill.

Mr WATT — I am happy to continue talking about the bill.

The ACTING SPEAKER (Ms Graley) — Please do.

Mr WATT — The point being that if you are going to say you are standing up for workers rights and you are going to stand up for owner-drivers, what you are actually going to do is make it more difficult for owner-drivers, particularly you are going to make it

more difficult for businesses that have less than — I think the number is — three or four trucks. You are actually making it more difficult. The bill says that you need to have three clear days before you are able to engage an owner-driver. The problem with that is that that reduces the ability of a small business to be nimble. If I was an owner-driver and I got a call from somebody to ask me to take up a job today, I would have to say, ‘Sorry; I have to wait three days because otherwise, you know, we would be in trouble. We would be breaking the law if you engaged me today without going through the proper process’. There is a \$4000 fine — I think it is a \$4000 fine — for that.

Then there are also other parts of the bill which I found quite interesting. When I turned up for the briefing I was interested in — and I will move on to particular clauses, even though in debate we should not go through clause by clause — a particular clause. I am going to skip to a particular clause that I was particularly interested in. The member for Brunswick actually mentioned this particular clause. I do not know if she referenced it exactly, but she did talk about ‘Division 2 — Powers of authorised officers’ and ‘Power to require information or documents’, inserted by clause 28.

I want to skip parts, and I am going particularly to page 19 of the bill, division 3 and new section 60H, ‘Failing to produce documents or giving false or misleading documents’. At the briefing I had to laugh a little bit inside that the government was introducing a bill which would make it an offence to produce false documents. I mean, are we kidding? The Labor Party with the red shirts are the ones introducing a bill about false documents. I looked at this particular subsection (2):

A person must not produce a document to an authorised officer under section 60E or 60F(1)(d) that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing the correct information.

There is a fine of 60 penalty units for that. Given the fact that a penalty unit is now \$161.19, we are talking about \$9671.40 as a penalty for providing a false document.

Why is it that the government gets to introduce a bill about false documents and yet the same government, ministers of this government, provided false documents? They provided false documents by signing time sheets and pretending that people worked in their office when they did not. We have here a bill which is punishing the public while the government think that they can get away with it. They say, ‘Oh, well, we paid

that money back. Nothing to see here. Please don't look here. Please don't look here' — but the bill introduces a penalty of \$9671.40 for people outside this building.

For some reason members of the Labor Party seem to think that they are more important — that they should not be held to the same standards. So we have this production of false documents. Like I said, when I was at the briefing I struggled not to fall on the floor laughing at the fact that this government, of all governments, might introduce a penalty for providing false documents.

They have also introduced a penalty under:

A person must not, without reasonable excuse, fail to comply with—

(a) a notice to produce documents ...

This is the same government that point-blank refuses to deal with the Ombudsman when it comes to members in this chamber: 'No, no, don't look at us. Go look at owner-drivers. Go look at the owner-driver industry and have them pay \$9671.40'.

Mr Pakula interjected.

Mr WATT — Now, I am not arguing against production of false documents. What I am saying is that this government, this minister, would sit here and tell us that we have to introduce penalties while the member for Melton sits over there in his chair when he is in here and he gets off scot-free, and the member for Tarneit, up the back there, gets off scot-free after rorting thousands of dollars off the taxpayer. We have got the Labor Party with their red shirts rorts — \$388 000 they stole from the Parliament, they stole from the people, using false documents.

It is interesting because at the end of the day we have got false documents. We have got false documents as in time sheets that members of the Labor Party signed, and they think that they actually can get away with that, but they have introduced a bill here which is saying that people outside this building should be held to a higher standard. The fine is nearly \$10 000 for providing a false document, and yet members of the government, what did they get? They get a ministerial cheque, because they get to sit at the front desk. That is what they get. For stealing taxpayers money, for providing false documents, they get to sit at the front desk, just like where the Attorney-General is. But the general public, people outside this building, they are going to cop a \$10 000 fine.

I think that in 93 days time chickens will come home to roost. The public are going to see this. The public will

understand. Owner-drivers will understand that this government does not stand for them. This government wants to put them out of business. The cleaners know that the government wants to put them out of business. We all know that this is nothing more than driving union membership. This is all about unionising the workforce and nothing about looking after the workers.

Mr CARBINES (Ivanhoe) (17:40) — I thought it was timely that a member get up in this place and speak on the Owner Drivers and Forestry Contractors Amendment Bill 2018. I would like to commend some of my colleagues who have spoken on this bill, in particular the members for Williamstown and Brunswick and of course the Minister for Industrial Relations, who is the member for Sydenham and delivered the second-reading speech on this bill.

Time and again we demonstrate the commitment that we on this side of the house have to not only owner-drivers and forestry contractors but to effectively all workers in the Victorian community for the work that they do and why it is important to protect their interests. What I find staggering from those opposite in particular is that while they might seek to claim to represent small businesses and those who seek to make a living working for themselves, when there are opportunities to make excuses for not legislating to protect the rights of owner-drivers and owner-operators, those opposite find reasons and excuses not to back them in. Again, just because there is union representation, whether it is from the Transport Workers Union or others who seek to advocate for and advance the interests of those owner-drivers, those opposite decide that somehow these are small business people who do not deserve the full effect of the law, that do not deserve to be supported and protected by the laws in Victoria. That just shows the duplicitous double standards of those opposite.

We heard also from the lead speaker, the member for Box Hill, complaints that some of the review findings were kept confidential, but the review that was instigated by the Minister for Industrial Relations certainly made that data available. There were obviously some reductions in relation to particular individuals, but what we wanted to do was make sure that there was a very fair, reasonable and transparent arrangement to encourage owner-drivers to come forward and put their views and concerns so that the government could act to make sure their interests under the law were protected.

When there is an act that was brought in some 10 years ago it is fair and reasonable to want to pick up on many of the issues that have been outlined in this debate,

particularly when we think that platforms such as Uber Freight, Uber Eats and Deliveroo did not exist a decade ago. It is important to make sure that our laws stay in touch with the changes in the economy and the changes in our local community.

Can I say also that ultimately the review found widespread non-compliance with the act by hirers of freight brokers. The bill introduces penalties and inspection and enforcement powers to promote compliance with the mandatory requirements in the act, and it also introduces 30-day payment terms for invoices issued by owner-drivers. Can I say in particular I thought some of the bleatings from those opposite in relation to the penalty units were quite extraordinary. If you comply with the law you have got nothing to worry about, so what is so wrong about people having to comply with the law and the changes to the law that the Labor government seeks to introduce in this place and seeks support for to protect and advance the interests of owner-drivers and forestry contractors?

What is very clear is that those opposite do not like it when the law has to apply to them. They do not like it when the law applies to people who have to pay bills and who have to comply with their obligations to owner-drivers. These are people who also need to manage cash flow in their own businesses. These are people who have sought to have union representation in their workplace and in the way they operate their business. For some reason, those opposite, who would like to champion the fact that they think they are big, strong supporters of small business, do not want the law to apply where people are being price-gouged or where people are having their fees withheld and are not being protected.

The member for Mildura spoke on this matter. I have had many dealings with Ken Wakefield and the Wakefield Transport Group in Mildura. While it is a much bigger operator than some of those we are talking about today, with regard to the contribution that the member for Mildura made, there are some transport industry groups in his community that the government has worked very effectively with.

I know that the member for Williamstown speaks on behalf of people like his old man, Bill Noonan, OAM, whom I have had a lot to do with not only in relation to Austin Health matters but also certainly in relation to transport matters. He continues to be a strong advocate in relation to these matters. The member for Brunswick speaks on her engagement and involvement with the Transport Workers Union (TWU) as a lawyer. The experience and commitment of people on this side of the house in relation to protecting and advancing the

interests of owner-drivers and contractors is demonstrated time and again.

I note also, in speaking on behalf of the Minister for Industrial Relations, that her late husband had a very strong role in advocating for the rights and the protection of transport workers in his role as a TWU official and president over very many years. I am sure he would be very proud of the contribution that the minister is making in relation to these matters. We certainly reflect on his contribution and the ongoing work she is doing in relation to this bill before the house.

I think that speaks volumes for the commitment of the Labor government to owner-drivers, and I think it also goes to the commitment of the TWU and its 25 000 members across Victoria and Tasmania who it seeks to represent and advance the interests of. We saw that again in Canberra just yesterday. When the Liberal Party was talking about themselves and only concerned about their own jobs, instead of the jobs of other Victorians and Australians, it was revealed yet again that truck driving is the deadliest profession in the country, with drivers being 13 times more likely to die on the job than any other worker, according to a Monash University research study that analysed more than 120 000 compensation claims between 2004 and 2015. The TWU was up there in Canberra again yesterday to press those issues with the government and the Parliament.

What this demonstrates is that whether they are working for large companies or whether they are owner-drivers or forestry contractors, people need advocacy and they need their rights protected. This bill seeks to do that. It seeks to make sure that there is accountability. We have made sure that there are processes in place to support those owner-drivers so they are not getting bogged down in legal disputes, so they can get behind the wheel of their vehicle, so they can run their business and so that those who are meant to pay them do so in an effective time frame. The bill also makes sure that there are sanctions in place for those who do not pay them and that the processes of those sanctions do not deny people the opportunity to get behind the wheel and earn a living by delivering goods across the state and across the country. The Victorian wage inspectorate is another key example of the work that is being done by our government to provide greater strengths and greater processes for the many of the changes introduced by this bill.

It is critical that we make sure that businesses are required to pay owner-drivers within 30 days of receiving an invoice, reducing financial pressure on drivers. When I doorknock around West Heidelberg in

my electorate on a Sunday afternoon and I see someone in their driveway with their truck, I have a chat with them. They are washing it down and getting it prepared. They have worked the previous six days, and they are back there again on Monday morning. On Sunday afternoon they wash their vehicle and get themselves organised and ready to get back out there. These are people in our community who are working very hard to provide for their families. They need the protections of the law to make sure they are not price-gouged, to make sure that they are not taken advantage of and to make sure that they are able to not only come home safely but come home having provided for their families and contributed to the Victorian economy.

I will pick up on some of the work of that Monash study and some of the contributions of some of my colleagues. Those opposite seem to duck and dive when it comes to backing in workers and backing in small businesses that have the support of unions and the support of people in the community for the work that they do. I also wanted to acknowledge and affirm the work and the ongoing advocacy at the TWU by people like John Berger, the branch secretary; Chris Fennell; and Dissio Markos. These are people who I have got to know through the TWU. I have known John Parker for a very long time through other aspects of the TWU, and also Peter Mancuso and Mem Suleyman. These are some of the people who I have got to know and got to work with in particular through the TWU. They work on behalf of workers in Victoria to make sure their members are getting a fair deal.

17:50:00 That work continues, and I know this not only through the labour hire work our government has done, not only through the Victorian wage inspectorate, not only in relation to the Owner Drivers and Forestry Contractors Amendment Bill that is before the house today but also because each and every one of us on this side of the house is committed to working with those in the community and organisations. We have also seen many transport industry groups are backing this legislation because quite clearly it is only on this side of the house that we are prepared to protect the interests of those who work for themselves to make sure that they are not ripped off, to make sure they can get home safe, to make sure they can provide for their families, to make sure they can contribute to the Victorian economy and to make sure they have got the full safeguards of the law, the protection of their government and the protection of their union to do the job effectively. I commend the bill to the house.

Ms SULEYMAN (St Albans) (17:50) — I am very pleased to rise and speak on this very important legislation, the Owner Drivers and Forestry Contractors

Amendment Bill 2018. I would like to give a special shout-out to the members of the Transport Workers Union that are here today, in particular my brother, who is also in the gallery. I get to see and hear the stories firsthand about the great work that the Transport Workers Union do for the workers, in particular owner-drivers and truck drivers — stories that are particularly important to my electorate of St Albans.

This bill amends the Owner Drivers and Forestry Contractors Act 2005 to improve and protect small businesses. I am very proud of our government making work fairer and in particular making work safer for workers in the transport industry and for contractors in the forestry industry. Of course this bill adds to the act initially introduced by the Bracks Labor government. It amends the act and allows for the position of owner-drivers and forestry contractors by providing them with information and vital support to assist them in negotiating fair contracts. Most importantly, it makes sure that these changes are relevant to today's industry. We want to assure the positions of owner-drivers and forestry contractors by removing barriers that hold them back from operating small businesses in Victoria. This bill will also update the act to bring it into line with the current industry demands, practice and of course education and training.

There is no doubt the Andrews Labor government is committed to owner-drivers. We have put this at the forefront of decision-making, and we are responding to the Victorian inquiry into labour hire and insecure work. If we look at one report in particular, the Monash report that was conducted over 12 years, it found that truck driving is the unhealthiest and one of the deadliest jobs in this country. This landmark study found that there were over 120 000 insurance claims between 2004 and 2015 alone. The study identified that truck drivers have the highest rate of work-related injury and disease and a higher risk of illness, psychological stress and heart disease, and that is just naming a few things this study found. When we look at this profession, it is very hard physically and emotionally. It is a pressurised job, but it is also a chain that is very important to our industries, so we have a responsibility to make sure that our workers are protected and the right practices are in place to make sure that each and every worker is able to be protected.

What we have seen with regard to the increase in illnesses and stress with truck drivers is that there must be a response. We have seen a million lost weeks of pay and productivity for small businesses. These are extraordinary numbers, so I am very proud that our government is responding to the labour hire inquiry and making sure we not only introduce penalties for

non-compliance but also put appropriate safeguards in place. Let me say that just in my electorate of St Albans I know so many truck drivers — drivers that make a living to raise families and pay off mortgages. We do not want our truck drivers being exploited by these unfair conditions.

Today this bill makes the law much more effective. It also provides authorised officers and the Victorian wage inspectorate with the powers to ensure that compliance is according to the act. The officers will have the ability to require a number of pieces of information according to the act and regulations, but most importantly they have the powers to investigate possible breaches of the act. This is absolutely at the forefront. There is no point introducing practices that cannot be enforced. I commend the fact that we have funded this.

We are also making sure that truck drivers have the ability to be paid for all invoices within a 30-day period. That provides security and a safety net for subcontractors. It is just not right for a subcontractor to put in an invoice and then expect to be paid in the never-never. There must be a safety net, and making that safety net 30 days gives a guarantee and security for these truck drivers, because they are all trying to pay their bills, pay their insurance and pay their on-road costs to run their small businesses. This is about sustainability, and it provides provisions so that all owner-drivers can be paid and, most importantly, at an appropriate time.

17:57:30 Also a lot of the drivers work additional hours to try and cover operating costs and of course the cost of raising families. As I said previously, the operating costs and the 30-day turnaround of invoices are an exceptional part of this legislation.

We are also looking at the benefits of this reform. The act is very clear in relation to non-compliance, and this bill amends the act to provide increased compliance and to make sure that we reduce the pressure on truck drivers throughout the state. There is no doubt that these contractors and our truck drivers are the backbone of industry and infrastructure projects in this state. We only need to look around and see the projects that the Andrews Labor government is doing, from the Metro Tunnel to the West Gate tunnel and many other level crossing removal projects throughout the state. There is no doubt this is a fantastic bill. It is reducing the pressure and again meeting industry demands, but most importantly it is protecting workers rights in this state.

I would like to also commend the work of the Transport Workers Union, in particular the national campaign of

Safe Rates. I think this is a fantastic initiative, but again the Andrews Labor government is exemplary in making sure that we have the safety mechanisms around our owner-drivers in this state and, most particularly, in looking after the small businesses in this state, which are absolutely integral parts of this bill. Again I give a shout-out to all the stakeholders that have been party to this process. There has been an extensive consultation period to bring forward this bill. I would also like to commend the Minister for Industrial Relations. This is a bill that goes to the core of our truck drivers. I know in my electorate of St Albans, where we have a very large number of truck drivers, that they will be extremely pleased with this bill because they know that it is the Andrews Labor government that protects workers in this state and puts them at the forefront when it comes to legislation and the appropriate mechanisms to protect fair pay and the growth in this industry. I commend the bill to the house.

Mr EDBROOKE (Frankston) (18:00) — It is always a pleasure to see you in the Chair, Acting Speaker Graley. It is always a lovely day when I can rise and see you sitting in that chair. I rise today to speak on the Owner Drivers and Forestry Contractors Amendment Bill 2018. This is a bill that amends an act from the Brumby era. The member for St Albans is always a hard act to follow, especially on a subject that she is clearly so passionate about. I would like, at the outset, to thank the Minister for Industrial Relations and her team as well for all the work they do. I acknowledge the Transport Workers Union (TWU) members in the gallery today — Mem and co — and I know the hard work that they do. I have had cause to have some conversations with them in the past, and they are a very impressive bunch of people. No doubt they are very proud today to be here listening to this being read into *Hansard*.

I am proud to say that it is the Andrews Labor government that is making work fairer for workers who are owner-drivers and forestry contractors. We have heard many people talk today about people they know in their community who are owner-drivers. I have got family members who are owner-drivers and have been for two or three generations out at Bairnsdale. I was the kid that had the Gippsland Trades and Labour Council school bag with a sticker on it that said, 'Without Trucks Australia Stops'.

Mr Pakula interjected.

Mr EDBROOKE — I am going to actually pay that, Attorney-General, and say that I might have been a bit of a dork as a kid. But I have blossomed; I have

blossomed so much. I do not know about the cool kid. My kids pick on my fashion every day.

I understand that owner-drivers are effectively small businesses that own and operate one to three vehicles to deliver goods around Australia. Fourteen years as a firey, driving a heavy, rigid truck does not give me much insight into driving around the countryside, doing the long hours, doing the logbooks and doing all of your books and everything as well. But there are some very difficult circumstances that truck drivers in forestry and other businesses work under, and I just want to make that known. That is why we are here today talking about this bill, ensuring that their conditions are better, that their safety standards are improved and that they can actually run their businesses.

These reforms will make it easier for owner-drivers and forestry contractors to get paid on time, to be safe at work and to support their businesses. We know this has been an issue. It has come up in various committees, and it has come up in various reviews. The changes announced today are in response to a very comprehensive review of the Owner Drivers and Forestry Contractors Act 2005 (ODFC act), which found widespread non-compliance with the act by hirers and brokers putting workers safety, incomes and businesses at risk. I might just go on record here and say from my experience as a United Firefighters Union member that quite often it is the union that is the only buffer that ensures workers go home at the end of the day and see their families again. It is often unions that are the ones that come out with the uncomfortable truths and make sure that workers are safe. That is something that I do not think is acknowledged across the chamber.

This review also responded to the fact that when the ODFC act was created over a decade ago now — it does not seem a like a decade; time has gone very quickly — digital platforms such as Uber Freight, Uber Eats and Deliveroo did not exist. In fact the platforms for them to be created on did not even exist. Under the proposed changes we are looking at, for the first time there will be education, enforcement and compliance for this industry within the newly announced Victorian wage inspectorate. The Minister for Industrial Relations is in the chamber at the moment, and I would just like to congratulate her on the Victorian wage inspectorate. It is a great piece of policy.

The Victorian budget in the 2018–19 cycle provided \$22 million for the inspectorate, which includes up to \$5.5 million to fund enforcement of these reforms. As the member before me, the member for St Albans, said,

without teeth policies do nothing and legislation does nothing. You have got to have the enforcement side of it, and this bill will be very much appreciated. There will be penalties for not complying with the mandatory requirements of the act and infringements for failing to provide relevant rate and cost schedules, a written contract or a notice of termination or payment in lieu of notice. What this really does is pull people into line. We are not talking about people who are operating properly at the moment or are aboveboard. All this does is pull dodgy operators who are taking advantage of workers and their families into line.

Businesses will also be required to pay owner-drivers within 30 days of receiving an invoice, reducing financial pressure for drivers. Obviously truck drivers are not the only businesses where people have trouble getting paid, but I have heard some absolute horror stories about people who have done long hours of work and cannot get paid. The legal expenses that they have to incur to actually get paid is just horrific, so this is just trying to put an end to that.

As I mentioned before, the background to this bill is an act of the Brumby Labor government, and that act is the ODFC act. The act does not apply to drivers who are legally employees; it applies to all forestry contractors and owner-drivers who operate up to three vehicles, including bicycles, where the owner of the business drives one of three vehicles. The act provides basic protections and a framework for effective dispute resolution to address the information imbalance and unequal bargaining power of owner-drivers and forestry contractors with hirers. This allows people to actually get on with their job, earn money for their families and keep their businesses running without being stuck in a mire of legalities, without chasing their payments and without being brought down to a point where they can no longer run their business, frankly.

The act provides basic protections and a framework for effective dispute resolution, as I said, and the proportion of businesses in the road transport industry making a loss fell substantially immediately after this act took effect well over 10 years ago. In terms of bankruptcies, Australian Bureau of Statistics data actually shows that road and rail transport drivers are in a better relative position than before the introduction of the act, ranking seventh highest for business-related bankruptcies in 2015–16 compared with fourth highest in 2002–03.

So we have definitely seen some major improvement, but we know we can do better. The act originally responded to problems in relation to low earnings and high rates of business failure amongst drivers. The data

indicates that concerns still exist in this industry sector, as I said, but we have some positive trends that have been observed over the past decade suggesting the act has had positive effects.

I would just like to speak about the review in the remaining time I have. In 2016 the Department of Economic Development, Jobs, Transport and Resources undertook the owner-drivers and forestry contractors review. The object of this review was to identify whether any changes were needed to the act and regulations to further improve the position of owner-drivers and forestry contractors while ensuring a competitive and fair operating environment for small businesses in Victoria.

Submissions were sought from the public, with 25 received. Consultations were held with employers, industry associations, unions, owner-drivers and members of the transport and forestry industry councils. To ensure key stakeholders' views were considered, meetings were held with key employer industry associations and unions, including the Australian Industry Group, the Victorian Chamber of Commerce and Industry, the Victorian Transport Association, the Victorian Trades Hall Council, the Transport Workers Union and the Construction, Forestry, Mining, Maritime, Mining and Energy Union. The transport and forest industry councils were also consulted. That is a wide range of stakeholders that were consulted on this from across the board.

The review also considered a recommendation of the Victorian labour hire and insecure work inquiry, which was a fantastic inquiry relating to tip truck owner-drivers in the building and construction sector. Recommendation 31 proposed that the threshold requirements on hirers to provide information be reviewed to ensure that obligations are triggered based on the usual hiring practices in the tip truck industry. This recommendation was accepted by this government.

In summary, it is quite obvious to anyone on this side of the chamber that these reforms respond to changes within the industry and to the emergence of online delivery platforms to ensure that the laws that govern these businesses continue and are effective and drivers are protected. The review uncovered widespread non-compliance by businesses, which means drivers are not being paid on time and are at a competitive disadvantage, and these new laws will put an end to this. Through the Victorian wage inspectorate we will keep the industry accountable and we will make work safe and fair for these workers. That really summarises

this government: we make work safer and we may work fairer for workers in Victoria.

I was listening in just before when I was outside the chamber and heard some people on the other side of the chamber talking about workers specifically in the Latrobe Valley. As someone who grew up in the Latrobe Valley, I would just like to say that those on the other side of the chamber have a lot to answer for. I am sure it will not be the last time I hear them talking about the Latrobe Valley, but they should come down and visit the Latrobe Valley sometime. It is where I grew up, and they would love to meet some of you and hear what you have to say. I commend the bill to the house.

Mr RICHARDSON (Mordialloc) (18:10) — It is a pleasure to rise and speak on the Owner Drivers and Forestry Contractors Amendment Bill 2018. It is a pleasure to have representatives of the Victoria and Tasmania branch of the Transport Workers Union (TWU) here today, who each and every day put themselves at the front line of defending truck drivers and their families to make sure that they come home safe each and every night.

It is in the background of this bill that we have so much significant work to do. Just this week the Transport Workers Union released a very important study by Monash University. It is striking, it is telling and it includes frightening statistics. Truck drivers in our nation are 13 times more likely to die at work than workers in any other profession. That is an absolute tragedy; that research and advice is something that needs to be acted on urgently, and with that kind of information, the bill in this setting to support owner-drivers and forestry contractors is absolutely critical.

Only a Labor government would bring a bill like this before the Victorian Parliament, or in fact federally as well. We have seen in a different landscape and in a different setting in the federal Parliament truck drivers treated like commodities that are dispensable. They are put at risk in driving between states to further our economic prosperity as a nation. The Safe Rates campaign is so common sense and so important to save lives and protect families and workers, yet the federal coalition turned their backs on the Safe Rates campaign and looked after their mates rather than looking after people who ought to be coming home safely each and every night.

When you have got that kind of statistic — 13 times more likely — how can we accept that as a nation? How can we accept as a community that that is an acceptable outcome? That kind of risk and the pressures

on people, not to mention the fact that you are away from your family for long hours. We have seen people driving ridiculous hours to try to make ends meet. When you think of that in a contractor setting, where you are running your own business and you might have a few vehicles yourself, that power imbalance and that burden is even greater. I think this bill in ensuring compliance with the act and ensuring safety and proper standards is so very critical.

When I see that kind of report and the statistics that show just the burden, the heartache and the lives lost over a number of years in that setting, I think of the values of the labour movement and the Labor Party in bringing about change in this space. It makes you get up each day — you have got a purpose. It is a Labor government that defends working people.

We had another bill that was pushed forward today under the responsibilities of the Minister for Planning supporting and protecting workers on construction sites, and that was passionately debated by members on this side. There again in this place we had Labor members fronting up, supporting working people, supporting their livelihoods and making sure that they come home safely.

In a sitting week members will pick the bills that they speak on from time to time, and the fact that our whip sent out a text saying, 'None of the opposition members are speaking on this. They have all run cold on it. Get up and have a chat on this bill' is telling. There is so much content in here about safety and supporting workers in our state. Why would you not come in here and earn the money that MPs take in this state by getting up here and speaking about the safety of workers and the safety of these owner-drivers and people in the forestry industry? I could not think of a more important thing to do, but for those opposite not to front up speakers is very disappointing.

When we look at this bill and the work that has been done, this is more than a decade in the making. From the Bracks and Brumby governments and the work of the Owner Drivers and Forestry Contractors Act 2005 to the review that was commissioned in 2016 and what underpinned some of that work, it has been a long time coming, and that review was quite substantial.

18:15:00 Undertaken by the Department of Economic Development, Jobs, Transport and Resources, the submissions and that engagement and evidence received provided the underpinnings for the work that has been done to really drive the government forward in this space with these reforms.

This is another important bill and is a credit to the Minister for Industrial Relations, who is at the table in the chamber. It is another important industrial relations policy, and work that goes to the heart of our record of supporting workers and supporting occupational health and safety. It ensures that when there is a power imbalance in relationships in contracts in this space — of contractors who do not have the information, who get an offer of a particular job and do not know how they will make ends meet — this gives them all the information possible to ensure that they make an informed decision so they are not trying to do the 20-hour commutes not having slept, away from their families, but they are informed exactly. It goes to the heart of what, at a federal level, Safe Rates is all about, and I think that is so very important.

Of course the Victorian budget of 2018–19 providing \$22 million for the Victorian Wage Inspectorate is so very critical as well, and really important under these proposed changes. For the first time there will be education, enforcement and compliance for the industry within the newly announced wage inspectorate. I think that is a very important element of this bill — listening to industry, listening to the experts. That is how you run out reform and policy. You identify the challenges, you establish a powerful review that gives you the answers to underpin positive and proper change in your state and then with industry you bring a bill to Parliament to make sure you get the very best outcomes. I think that is really important.

It goes with the work that we are doing to support working people more generally. When you look at the government's record in supporting workers and creating jobs, the people in the trucking industry and the transport industry so very much underpin the prosperity in our state. They are the engine room each and every day with product backwards and forwards on our roads. It is a hard slog out there, and if they are travelling longer distances trying to support their businesses and families, it is a tough slog. These bills and others underpin our prosperity as a state and also as a nation. Drivers are the engine room driving forward our productivity. I think that bills like this are so very important to make sure that people also return safely.

Talking about the benefits of the bill as well, importantly the bill mandates and requires the obligation on hirers and their owner-drivers to provide the necessary information that will enable owner-drivers and forestry contractors to accurately assess the overhead costs of operating their businesses and in turn determine whether an offer will fully cover their operating costs, provide a return for their labour and a return on their business investment. I think that is

a minimum standard that came out of the work of the review. Also, ensuring that contractors can cover their business costs and maintain their vehicles will result in greater safety for road users as drivers will not need to work additional hours, potentially breaching fatigue laws or road rules to cover the cost of running their business.

Members of Parliament have already spoken passionately on this. They spoke about ensuring that people are safe in that space, and the member for St Albans covered that off brilliantly. The member for Ivanhoe and others talked about just how important it is. The member for Williamstown spoke about his family connection as well. There are people here with decades-long passion and involvement in the union movement. That is who we are. When those opposite criticise us for standing up and defending working people, well, criticise away. They can line up. This is what we are here for. We are the labour movement of more than 120 years, the oldest party in Australia, and absolutely we are tied to the union movement. Just like the CFMEU working hard to support workers on the other bill that was debated before, and just like the TWU working hard to support drivers and making sure that people get home safe, I am damn proud to be part of the labour movement and a union movement that absolutely ensures that workers come home. We make no apology for sticking up for the rights of working people.

It is telling that those opposite could barely stump up a few people to speak on this bill. That goes to their ticker and their values. They are probably more interested in watching the grabs tonight in their Parliament offices about who is going to be the Prime Minister in a day's time rather than fronting up and doing the hard work and actually earning their wage when they come into this place. I commend the bill to the house.

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Debate adjourned until later this day.

GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018

Section 85 statement

Mr PALLAS (Treasurer) (18:20) — I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Gambling Regulation Amendment (Wagering and Betting) Bill 2018 (the bill).

Section 85 of the Constitution Act 1975 vests the judicial power of Victoria in the Supreme Court and requires a statement to be made when legislation that directly or indirectly repeals, alters or varies the court's jurisdiction is introduced. Clause 12 of the bill inserts a new subsection (8) into section 135 of the Taxation Administration Act 1997 to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of part 3 of the proposed Gambling Regulation Amendment (Wagering and Betting) Act 2018, to alter or vary section 85 of the Constitution Act 1975.

Part 2 of the bill amends the Gambling Regulation Act 2003 to provide for a new wagering and betting tax imposed on a wagering and betting entity's net wagering revenue that exceeds \$1 000 000 in a financial year. The bill provides that the proposed part 6A of the Gambling Regulation Act 2003 and any regulations made under that act for the purposes of that part are a taxation law under the Taxation Administration Act 1997. 18:22:30

Part 3 of the bill makes consequential amendments to the Taxation Administration Act 1997 to enable the wagering and betting tax to be administered under the Taxation Administration Act 1997 and any regulations made under it. The Supreme Court's jurisdiction is altered to the extent that the Taxation Administration Act 1997 provides for certain non-reviewable decisions and establishes an exclusive code that prevents proceedings concerning an assessment or refund or recovery of tax being commenced except as provided by it. It is desirable that the legislative regime under the Taxation Administration Act 1997 applies to the wagering and betting tax in the same way as it does to other taxes administered under the Taxation Administration Act 1997. Accordingly, in order to ensure that the jurisdiction of the Supreme Court is limited in relation to the wagering and betting tax in the same way as it is in relation to other forms of Victorian taxes it is necessary to provide that it is the intention of this bill for the relevant provisions of the Taxation Administration Act 1997 to apply in the administration of the proposed wagering and betting tax and for the jurisdiction of the Supreme Court to be altered accordingly.

Section 5 of the Taxation Administration Act 1997 defines the meaning of 'non-reviewable decision' in relation to that act, which will also apply to the wagering and betting tax. No court, including the Supreme Court, has jurisdiction or power to entertain any question as to the validity or correctness of a non-reviewable decision.

Section 12(4) of the Taxation Administration Act 1997 provides that the making of a compromise assessment is a non-reviewable decision. Similarly, section 100(4) provides that a decision by the commissioner of state revenue not to permit an objection to be lodged out of time is a non-reviewable decision. Decisions may be made under section 12(4) or section 100(4) in relation to the collection of the wagering and betting tax.

Section 18(1) of the Taxation Administration Act 1997 prevents proceedings being commenced in the Supreme Court for the refund or recovery of a tax except as provided by part 4 of the Taxation Administration Act 1997. As the wagering and betting tax will be a tax for the purposes of section 18(1), proceedings for its refund or recovery will be similarly limited.

Section 96(2) of the Taxation Administration Act 1997 prevents a court (including the Supreme Court) considering any question concerning an assessment of a tax except as provided by part 10 of the Taxation Administration Act 1997. As the wagering and betting tax is a tax for the purposes of section 96(2), proceedings in relation to an assessment of wagering and betting tax would be similarly limited.

Accordingly, in order to ensure that the jurisdiction of the Supreme Court is limited in relation to the wagering and betting tax in the same way as it is in relation to other taxes, it is necessary to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997 to alter or vary section 85 of the Constitution Act 1975.

I commend the bill to the house.

Second reading

Debate resumed from 8 August; motion of Mr PALLAS (Treasurer).

Mr M. O'BRIEN (Malvern) (18:27) — I am pleased to rise to speak on the Gambling Regulation Amendment (Wagering and Betting) Bill 2018. This is a bill which, like many bills I have risen to speak on in the course of this term of government, imposes new taxes on Victorians. I think we are now up to 12 new taxes that this government has either announced or implemented — 12 new and increased taxes notwithstanding the clear promise of the Premier the night before the last election, when he was asked on Channel 7 news whether he guaranteed there would be no new taxes or increase in taxes under his government and said, looking down the barrel of the camera, 'I make that promise, Peter, to every single Victorian'. There is another broken promise here today.

When we are looking at the Gambling Regulation Amendment (Wagering and Betting) Bill it is important to understand the multifaceted nature of gambling and the industries on which it is based in this state. As a former Minister for Gaming, and I suppose as a former Treasurer, I have understanding of the employment aspects, the revenue aspects, the social aspects and the sporting aspects of these industries and the contributions they make to Victoria. It is very important that we get the regulatory structures right. This bill seeks to change the current taxes on wagering and betting, apart from the supervision charges, which are a separate matter. It seeks to change the current wagering and betting taxes in Victoria and replace them with what is commonly known as a point-of-consumption tax.

At the moment in Victoria somebody offering wagering or betting is taxed based on where that service is offered from so, for example, if it is a corporate bookmaker offering fixed-odds bets and they are based in the Northern Territory, they are regarded as being a Northern Territory entity and even if their customers are in Victoria, they are not regarded as having provided services in Victoria such as they would be liable for tax. As a consequence of not just Victoria but many other states having had that structure, the corporate bookmakers acted, I suppose, in their own interests and set up shop in territories where there was a very low or zero rate of taxation — in fact they paid a licence fee in order to operate. That would perhaps be seen from a tax design point of view to be not quite optimal. If Victorian racing is in effect putting on the show which the corporate bookmakers rely on for their business, it is not unreasonable that there be a contribution made to that show by those who profit from it. And likewise if the Victorian taxpayer through gambling tax on things such as lotteries and gaming machines in casinos takes a slice of the pot for the ordinary services of the state, it would seem not unreasonable that fixed-odds betting conducted by corporate bookmakers should also make a contribution to the extent that their customers are located in Victoria.

We approach this bill from the point of view that there does seem have been an issue with the old tax system. Different states have had different approaches to dealing with it. I think South Australia was the first state out of the blocks in imposing a point-of-consumption tax. They set that at a rate of 15 per cent, which I know many in the industry felt was at the high end. That 15 per cent taxation level has been matched, I understand, by Queensland and the ACT. New South Wales has gone for a 10 per cent model, and Victoria has moved to an 8 per cent model. I will come back to that in a minute, but I would note that this

bill proposes to replace existing taxes with that 8 per cent point-of-consumption tax.

In Victoria fixed-odds bookmaking services, often provided by Tabcorp, are currently taxed at 4.38 per cent, so this will see a significant increase in the tax that is paid by that entity and presumably that will flow through to its customers. They were paying 4.38 per cent tax on fixed-odds betting; now they will move to 8 per cent. Pari-mutuel, most commonly known as the tote, was set at 7.6 per cent. Again this is now moving to 8 per cent, so it is moving to a uniform rate but it is moving up. Trackside, which some punters would commonly know as the ‘plastics’ — the animated horses running around on a screen that you can bet on — were being taxed at 10.91 per cent, so they actually have a slight tax reduction down to 8 per cent. We see in the model contained in this bill some taxes going up, some coming down, but most going up. I suppose I would be interested in why the government has set the rate at 8 per cent. Why does it take an opportunity to increase taxes rather than have a no net change outcome or even to give people a tax cut. That is something I will rely on the government to try and explain better during the course of the debate on this bill. In making those comments I do note that Victoria’s rate of 8 per cent does appear to be lower than those that have been implemented or proposed by other states.

The consequences of imposing taxes on corporate bookmakers that have been operating in other territories is one that will be significant not just for those entities but also for the Victorian racing industry (VRI). I am sure my colleagues the shadow Minister for Racing and others will be making comments about this down the track, as well might the shadow minister for gaming if he is speaking on this in due course, because the corporate bookmakers, while they were not paying taxes here in Victoria, were sponsoring race clubs, they were sponsoring events and they were returning money to the Victorian racing industry in that way. Imposing a new tax on corporate bookmakers for effectively the first time through this bill will be likely to lead to a displacement of the sponsorship money previously provided to racing clubs and racing codes.

The government has been engaging in some level of consultation with the industry over this matter. The Department of Treasury and Finance issued a point-of-consumption tax consultation paper, and that was discussed by people in the industry. It was a relatively short paper but it set out, I think, in summary what the issues were and potentially how the government might go about designing a point-of-consumption tax regime. From my discussions with those in the industry and the consultation I have

undertaken as the shadow Treasurer, there have been a number of responses from the racing industry, from corporate bookmakers and from others. I will go through some but not all of those responses because I think the government certainly has not got this perfect and to a large extent this bill is very much about saying take the Treasurer on trust.

Far be it from me to single out the Treasurer for any sort of unsympathetic treatment, but this government has a track record where asking you to take them on trust is quite a leap of faith. This bill, for example, provides that the government, or the Treasurer, must make a determination of the amount of revenue from this point-of-consumption tax that should be provided to the Victorian racing industry. This is in proposed section 4.6A.5. This is not to be done by legislation; it is a decision to be made by the Treasurer and published by notice in the *Government Gazette*. It provides that the Treasurer:

... must determine from time to time a proportion of the amount of wagering and betting tax received as the Victorian racing industry payment to be paid to an entity specified in the notice that, in the Treasurer’s opinion, represents or is connected with the Victorian racing industry.

It does provide that:

Before determining the amount of the Victorian racing industry payment, the Treasurer must consult the Gaming Minister and the Racing Minister.

Interestingly it does not say that the Treasurer must consult with the racing industry. You would have thought that, given this is very much central to the operation of the Victorian racing industry and the effect of these regulatory changes on them, the bill would provide that the Treasurer should consult with industry prior to setting that particular proportion of tax to be provided to the VRI in the *Government Gazette*. As I say, there is a lot in this bill that asks the industry and the public to take the Treasurer on trust rather than actually have the appropriate consultation mechanism set out here in the bill.

The bill goes on to say:

18:37:30

... The Victorian racing industry payment must be paid out of the Consolidated Fund (which is appropriated to the necessary extent) each month to the specified entity.

... The Victorian racing industry payment or any part of it must not be used by the specified entity or any other entity to provide direct or indirect financial or other support to a wagering and betting entity.

The government has made political commitments, I understand, to the Victorian racing industry. We were advised of these in the briefing we had with Treasury

officials, with State Revenue Office officials and with representatives of the Minister for Racing and the Treasurer's office. I thank all those people who attended the briefing for their time and for providing me with the information both at the briefing and subsequently through answers to my questions on notice. The government has advised me and has advised the VRI that its commitment is that the racing industry as a whole in Victoria will not be worse off and that no individual code within the industry will be worse off.

Just for the sake of completeness I note that the three codes referred to are thoroughbred racing, harness racing and greyhound racing. I also note that that guarantee of the government does not extend to saying that no individual race club will be worse off. So it is entirely possible that, depending on what the reaction of corporate bookmakers is to this bill and depending on how they withdraw some or all of their sponsorship from race clubs, there could well still be racing clubs in this state that find themselves far worse off as a consequence of this bill. I would hope that is something that both the Treasurer and the Minister for Racing will keep a very close eye on. I do not think that is the intention of the bill, but unfortunately we know that intentions do not buy you much. I think the government has an obligation to make sure that the way in which this bill operates in practice and the way in which the proportion of the funds are distributed to the Victorian racing industry does not force individual clubs to the wall. I would hate to see an individual race club become unfinancial or unviable as a consequence of these regulatory changes. I think there is an obligation on the government to ensure that that does not happen.

The government has advised that the initial proportion of the 8 per cent point-of-consumption tax that will be provided to the Victorian racing industry is 1.5 per cent. As I have previously mentioned, that is not set out in the legislation. That is a decision for the Treasurer to make in the *Victoria Government Gazette*, having consulted with the gaming and racing ministers. The general view of the racing industry and individual race clubs seems to be that they will take a wait-and-see approach. There has not been any outright opposition to this bill, but I have noted in my consultations that I think there is a certain level of wariness. People are concerned as to how this will operate in practice, and people are putting a lot of store in the guarantees that have been offered by the government, to which I have previously referred. They are also putting a lot of store in the fact that the bill provides that there will be a review of the operation of this new regime to be tabled in Parliament by December 2020 and the political guarantees that have been offered by the Andrews

Labor government that no individual code will be worse off and the Victorian racing industry as a whole will not be worse off. The expectation is that if more urgent action than that is required — that is, more urgent action before December 2020 is required — to ensure that those promises are kept, the government will act.

Without putting words in the mouths of my colleagues the shadow Minister for Racing and the shadow minister for gaming, I would be very comfortable in saying that if there is a change of government later this year, a Liberal-Nationals coalition government would work very hard to make sure that it ameliorates any negative or adverse impacts of this regime on racing codes or on the Victorian racing industry as a whole. We would be willing to act more quickly than December 2020 if that proved necessary in order to ensure that those guarantees to the clubs and to the industry are in fact met.

The government estimates that this bill will raise roughly in the order of \$48 million additional revenue in a full year of operation. Because the Victorian racing industry will receive 1.5 per cent of the 8 per cent, which makes 18.75 per cent by my calculations, the government thinks there will be a net benefit to the budget of around about \$30 million or so in the first full year, rising to \$40 million over the forward estimates, with the balance of that money going to the Victorian racing industry.

I think it is very important that that additional money that will be going to the Victorian racing industry is not taken away from other forms of government support. For example, if the racing industry is to receive additional money as a result of this point-of-consumption tax, there should not be any commensurate reduction in the Victorian Racing Infrastructure Fund or other forms of government support to the industry. Racing is a very important employer in this state. Whether people are riding track, whether they are bookies, whether they are selling food and beverages at the race clubs, whether they are parking cars or whether they are involved in the media side of things, racing is a very important employer for this state. It is part of our cultural heritage in this state. Of course when you look around at the way we do racing in Victoria, it is a very important tourism offer in this state. I think there is a big economic benefit to a well-run and well-funded Victorian racing industry, and we would like to make sure that that continues. I would like to hear from a senior government member in this debate to confirm on the record that the additional money the VRI will be receiving as a result of this legislation will not be taken away through reductions in

other funding sources. I think that is an important guarantee that people would like to hear.

There have been some concerns raised with me about some of the technical issues surrounding the legislation. One corporate bookmaker in particular has advised me that in their view the Victorian government has made a serious drafting error in the bill, which will materially increase the point-of-consumption tax above the purported 8 per cent rate. It would do so by seeking to tax revenue that does not exist by including 'free' or 'bonus' bets in the calculation of net wagering revenue. This is an issue that I did ask about in the briefing, and the response I received was simply that the government is treating the issue of free or bonus bets no differently under this bill compared to how they are currently treated. That answer is disputed by people in the industry, and I think this is an important issue. The government needs to be crystal clear about why it is seeking to treat the issue of free or bonus bets differently from, for example, what is happening in, I understand, other jurisdictions north of here — New South Wales and Queensland. We need to get this right.

On the face of it if a punter is betting \$50 on a particular outcome and they have a bonus bet, let us say, that allows them to double that stake to \$100, \$50 is all that actually changes hands. If that bet loses, \$50 has passed. If the bet succeeds, then the wager that is paid is based on \$100, but that is money out of the pocket of the corporate bookmaker. I am not here to argue for corporate bookmakers, but I am here to question why the government has taken a different approach to the treatment of free or bonus bets in Victoria compared to how it is done in other jurisdictions.

18:47:30 And if that has the effect of increasing the effect of the tax rate from above 8 per cent, then that raises some questions about our competitiveness. The government has made, I think, a virtue of the fact that it has set a nominal tax rate of 8 per cent compared to the 10 per cent or 15 per cent that operates in other jurisdictions, but if the technical way in which this bill operates is such that it gives an effective rate of more than 8 per cent, then that benefit dissipates. I do think the government needs to explain why it is proposing to treat the issue of free or bonus bets the way it is in this bill. I would like to think that if the government believes on reflection that it has it wrong, then it would put in place amendments to deal with that. I would certainly hope that at the very least the government would give a commitment that the definitions and the use or the way in which free and bonus bets are treated would form part of the legislative review which is

contained here and which is required to be completed and tabled in Parliament by December 2020.

In my consultations I was very pleased to receive representations from the Victorian racing industry. I will read out part of their response to me. They said:

Subsequent to the release of the details of the proposed POCT in Victoria, it has become apparent that the NSW government intends to divert a much greater proportion of POCT proceeds toward the NSW racing industry than we expect to occur in Victoria.

Any significant discrepancy between the returns flowing to the VRI as compared to other Australian jurisdictions will challenge the pre-eminence of Victorian racing and may compromise the VRI's ability to continue to deliver strong economic returns for the state.

The VRI will be looking to the proposed review process to address such a significant discrepancy should it emerge. The VRI notes that the Treasurer's second-reading speech refers to the principles of maintaining the pre-eminence of the VRI and addressing interstate competitiveness.

Adverting to the issue I just raised, the letter from the Victorian racing industry goes on to state:

The VRI had previously supported a definition of 'net wagering revenue' which allowed for the exclusion of free bets and bonus bets from the taxable base, however we note that the Treasurer has proposed a definition which remains consistent with the Gambling Regulation Act 2003. We further understand from corporate bookmakers that the NSW government may be considering adopting an approach to 'net wagering revenue' which allows for the exclusion of free bets and bonus bets from the taxable base. Were this to occur, it would create a further source of competitive advantage for the NSW racing industry and would need to be redressed in the review.

I had both corporate bookmakers and the Victorian racing industry raise concerns with me about the way in which the Treasurer has treated the issue of free and bonus bets in this legislation. I certainly think that the government has an obligation to take those concerns seriously, to respond to them in the course of this debate and, as I say, to at the very least guarantee that what appears to be quite a difficult issue is guaranteed to be the subject of the statutory review required to be completed by December 2020.

From a tax design point of view there is a certain logic to taxing activity based on where the activity is performed or where the customer is rather than based on where the supplier is. Certainly I do not have any great joy in seeing corporate bookmakers who run large and profitable businesses — and good luck to them for doing that — operating out of the ACT or the Northern Territory and running businesses based on the show that the Victorian racing industry puts on and not making a fair contribution to both the Victorian racing

industry and the Victorian budget. On that basis, the coalition does not propose to oppose this bill. We do have some queries around the edges about some of the details and how the bill will operate. We do ask that the guarantees that have been verbally provided to the Victorian racing industry be confirmed by the government in the chamber, we do ask that the issue of free and bonus bets be expanded on by the government and we do ask that the government confirm there will be no reduction in other funding sources from the government to the Victorian racing industry as a consequence of the VRI receiving a proportion of the proposed point-of-consumption tax.

In concluding, we are getting towards spring, so it is almost Spring Racing Carnival time. I think that everyone in the industry is hoping for a good season. I do hope we get some certainty, though. The fact that the government have left it until the Wednesday of the third-last sitting week before the election to debate a tax regime change — a significant tax regime change which they propose will commence operation on 1 January 2019 — does I think mean they have left their run very late. I do not know what the legislative program is like in the other place. I understand that there is quite a backlog. I do hope that this is one bill that, if unopposed, can make it through, because I do not think it is in the interests of bookmakers, the public or the racing industry to have continuing uncertainty about these arrangements pending the outcome of the election. With those words, I again confirm that the coalition will not be opposing the bill.

Ms WILLIAMS (Dandenong) (18:53) — It is my pleasure to rise in support of the Gambling Regulation Amendment (Wagering and Betting) Bill 2018. As we have heard, this bill is ultimately about making wagering and betting companies pay their fair share of Victorian taxes no matter where they are based. I would like to think that that is something we can all get behind. I know that towards the end of his contribution the member for Malvern did say he was not opposed to the concept of companies having to contribute to what I think he called the ‘show’ of Victorian events, despite the fact that they may not be based here themselves, so that they can contribute to the Victorian economy and to, of course, the Victorian budget.

18:55:00 Online betting and wagering agencies take a huge amount of money out of Victoria, and it is time, I think, that they started making what is a fair and proper contribution to our state, so I was very pleased to hear that sentiment in those closing remarks made by the member for Malvern.

Victorians spend approximately \$1.2 billion annually on wagering and betting on horseracing, on greyhound racing and on various sports and other events. Increasingly this wagering is being conducted online through corporate bookmakers licensed outside of Victoria, and these corporate bookmakers are not captured under the current Victorian wagering and betting taxation framework, which is obviously a problem. That is why we are seeking to replace existing wagering taxes with a point-of-consumption tax. As a result, all wagering and betting operators, no matter where they are located or where they are licensed, will pay tax on customers’ wagering and betting activity right here in Victoria.

This reform will align the Victorian wagering and betting taxation framework with the increasingly digital wagering and betting environment, and it will level the playing field between all providers of betting services to people in Victoria. Operators will be taxed at a rate of 8 per cent of net wagering revenue, and this strikes the right balance, we feel, between collecting our fair share from online bookmakers, protecting Victorian jobs, which we know is a key priority of the Andrews government, and ensuring that our racing industry continues to thrive.

Problem gambling, including through online betting sites, costs Victorians around \$7 billion a year. It is time that online betting operators started making a proper contribution to addressing that. I know, like many others in this place do, problem gambling is an issue in my community, as it is in many of our communities, and we are all keen to ensure that the right resources are put into addressing that and striking the right balance between people being able to enjoy the activity but not to a dangerous degree. The net additional revenue retained from the introduction of a point-of-consumption tax in its first full year of operation is anticipated to be approximately \$30 million, which is significant, and all additional revenue collected will go to the state’s Hospitals and Charities Fund, which I think we would all agree is a good outcome.

The government is committed to Victoria remaining the pre-eminent racing state. I know the previous speaker referred to the Spring Racing Carnival in November, coming up shortly, and that is a period that is obviously very close to many people’s hearts, a period that many Victorians, indeed Australians, enjoy and a big event in the Victorian events calendar. The Victorian racing industry (VRI), as we know, is a major part of Victoria’s sporting and cultural landscape, and to give you an idea of just how significant it is, it contributes about \$2.8 billion annually to the Victorian economy while

supporting over 140 000 jobs and participants, which I think demonstrates well why it is an industry that the government would seek to both support and also regulate in the sense of ensuring that its contribution is still being adequately felt right here in Victoria.

The government has committed that the racing industry, collectively and individually as codes, will be no worse off as a result of the introduction of a Victorian point-of-consumption tax. The tax has been designed to reduce potential adverse impacts on the Victorian racing industry. This bill provides that the government will contribute a proportion of the amount of wagering and betting tax received to the Victorian racing industry, and this will represent a new source of funding for the VRI as well. This is on top of existing funding for the racing industry, such as a \$72 million Victorian Racing Industry Fund.

The government has undertaken extensive consultation with key industry stakeholders on the design considerations and potential industry impacts since the tax was first announced in the last budget, and in August 2017 the Victorian government released a consultation paper seeking reviews on the policy design considerations and those potential impacts of this tax. A considerable number of submissions were received in response to the consultation paper and have informed the design of this tax, and the government also undertook targeted consultations with the three peak bodies representing the Victorian racing industry: Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria as well. A number of stakeholders have welcomed the government's reform of wagering taxes, and with that I commend the bill to the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Emerald Secondary College

Mr BATTIN (Gembrook) (19:00) — (14 842) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to meet with students of the ERASE group — that is, eliminating rubbish and saving our environment — at Emerald Secondary College. Jaicob Barrot is with us here today in the gallery and actually wrote this adjournment for us today to get the minister out to see them:

We are a passionate group of five year 7 students: Christian Stammer, artist; Kiara Flavel, general assistant; Jaicob Barrot, communications liaison; Charlotte Woehl, head of research; and Galaxy Lay, presentations. Also Noa Silversten, a year 9 student, is team captain and an experienced problem-solver. Our group has recognised the constant issue of plastic and other waste products having a negative impact on our environment and wildlife as well as us.

Our research shows that globally since 1950 rubbish consumption has increased by 600 per cent and is continuing to rise. We ask to meet with the environmental minister to discuss matters such as the implementation of a 10-cent refund on bottles and cans, as it is in place in 80 per cent of Europe and other states in Australia and is a great incentive to recycle properly. We would like to ask for assistance in helping to educate people to combat the problem.

This problem is reflected in our own community. When the team conducted a research walk around the school, we saw numerous different plastics and other non-recyclable materials neglectfully discarded in the native bushland.

This plastic and non-recyclable waste is having an appalling impact on the environment, affecting us, our wildlife, our oceans and the landscape, causing devastating effects for future generations.

The team concluded that something had to be done to not only clean up this mess but prevent it from occurring in the future.

So far the ERASE team has designed a major project, the Upcycle Amphitheatre — an amphitheatre which will be constructed from non-recyclables such as old tyres. We are now in the process of gaining materials for this project. Another major project was to eliminate the use of single-use plastics and non-recyclables in the school canteen. Goodbye to plastic straws.

We need support to help implement projects like these throughout Victoria.

We have support of various external agencies, including Brad Battin, MP, Emerald Rotary, local businesses, teachers, parents, the student body, local upcycle artist Sioux Dollman, Cardinia Shire Council, ward councillors and Bocca Foods, which supplies the school canteen.

ERASE has also implemented an ERASE week focusing on educating people about the effects of plastics on future generations. Minister, we at ERASE request a meeting with yourself, Brad Battin and our group to talk about our future.

I would like to congratulate Jaicob on writing that adjournment. It is so good to see a young person from a local school in Emerald so committed to working in the environment and eliminating plastics in Victoria.

Williamstown electorate sporting facilities

19:02:30

Mr NOONAN (Williamstown) (19:02) — (14 843) I wish to raise a matter for the Minister for Sport. The action I seek is for the minister to consider favourably a number of sports applications that have been made by the Hobsons Bay City Council to the various grant

programs that Sport and Recreation Victoria have open currently. For the minister's benefit, the Hobsons Bay City Council has conducted a very thorough needs assessment and has determined a priority list of projects that it wishes to fund over the next 10 years. Out of that work have come a couple of very good projects, one being for Fearon Reserve and the other being Paisley Park. Both of these venues are used very frequently by a number of clubs, but they are seeing an increased number of events with female participation in football of both codes, the round ball and the oval ball. They are of course playing out of facilities which were made for a different era. What the Hobsons Bay City Council is seeking is to modernise those facilities to create better unisex facilities, if you like, and I think they are very worthy applications.

The second program the council is seeking funds for is for Digman Reserve. Digman Reserve is a much-loved reserve. It is used very frequently during the summer period for cricket, but given the growth of soccer — or some might say football — they are seeking to use that reserve for the full 12 months of the year. They obviously want to upgrade the playing facilities there, put some lights in the reserve and essentially increase the utilisation and cater for the growing sport of soccer.

I know that the minister has been a very strong supporter of female participation in sport right across the suburbs, and indeed our council is very excited about the prospect of seeing a couple of these applications potentially successful so that it can get on with the work and create greater facilities for local sports men and women and boys and girls.

Green Island Avenue–Nepean Highway, Mount Martha

Mr MORRIS (Mornington) (19:05) — (14 844) I raise a matter for the Minister for Roads and Road Safety and I am glad to see he is in the chamber this evening. It relates to the intersection of Green Island Avenue and the Nepean Highway in Mount Martha. The action I seek is the upgrade of the intersection to allow for the installation of a left-hand turn deceleration lane from the Nepean Highway into Green Island Avenue. Green Island Avenue was once a very lightly settled street of large blocks with single dwellings and a very low traffic flow. As the peninsula has developed, it is now a fully settled area, with most lots, because they are large lots, containing many dwellings. Unfortunately the intersection was designed for that light settlement pattern and it is now no longer appropriate. Many vehicles are now passing through the intersection every day.

In April this year a group of residents petitioned the shire council, noting their concern with vehicles accelerating from the traffic lights at Bentons Road and running up against the traffic decelerating to turn left into Green Island Avenue, with an obvious risk of rear-end collisions. The residents asked the council to work with VicRoads to construct a left-turn slip lane over the drain easement and provide funding to relocate the underground stormwater. It was also noted that this intersection is the only street on Nepean Highway between Bentons Road and Craigie Road — and there are a number — that does not currently have a slip lane. This in itself creates difficulties, because drivers have an expectation that vehicles turning left will be able to move out of the traffic stream as they slow. Of course in this case they cannot do so.

The council, correctly, noted that VicRoads is responsible for managing the intersection, but stated also that officers of the council were supportive of the proposal and I understand that support was provided in writing. The residents also wrote directly to the minister, and his office responded on his behalf in July of this year. Many of the words in the letter were the sort of standard things that we have come to expect in terms of setting priorities and so on, but the letter does in fact indicate that:

... due to the difficult configuration of the site coupled with the relocation of critical services makes this option unsuitable in the short term.

I think the letter actually gives the game away by recognising the difficulty of the site and the need to relocate services. Translation: this is an expensive job, and we do not really want to fund it at this point. So it is a bit hard and it is a bit expensive.

With respect to the minister's office, this is a classic example of an intersection that has been perfectly serviceable for low-volume traffic flows, but given the far greater intensity of development, it is now no longer suitable. It is not fit for purpose for the volume of vehicles using the intersection every day. VicRoads have met their obligations on every other intersection in this particular stretch of the highway, but apparently not this one. So I am asking the minister to reconsider the position taken by his office and to direct VicRoads to do what needs to be done and that is to fix the problem.

I Cook Foods

Ms WILLIAMS (Dandenong) (19:08) — (14 845) My matter is for the attention of the Minister for Trade and Investment and Minister for Innovation and the Digital Economy in the other place. The action I seek from the minister is that he meet with an innovative and

expanding food manufacturing business located in Dandenong South. The business is called I Cook Foods. I Cook Foods is a family-owned and operated business which operates out of Dandenong South. The business produces texture-modified foods for individuals who suffer from dysphagia, which is a difficulty with swallowing. Dysphagia is a condition that affects many people within our community, some temporarily but others permanently. It is often associated with conditions such as motor neurone disease, Alzheimer's disease, multiple sclerosis and head and neck injuries, among others.

For sufferers of dysphagia, texture-modified foods are used to manage and reduce risks associated with their condition. However, for most sufferers this just means pureed foods. Eating pureed foods is socially isolating, less enjoyable and often less nutritious. Those who need to eat these foods often experience embarrassment or difficulty when eating out or when eating at work or in social environments. Further, current production methods and techniques applied in the industry use liquids to create a pureed texture. Consequently the finished products can have about 25 to 30 per cent liquid content, which results in a meal with lower nutritional value. But I Cook Foods is a game changer. I Cook Foods provides 100 per cent undiluted texture-modified foods which are moulded to look and taste like the meal in its original non-texture-modified form. I Cook Foods seeks to help those with dysphagia look forward to their meal times and feel socially included by providing realistic looking texture modified foods with superior nutritional benefit.

I Cook Foods is currently the largest private provider of Meals on Wheels in Victoria. They manufacture meals for eight municipalities. They also provide catering services for a number of Healthscope sites, including seven metropolitan hospitals and four high-care supported living homes. I Cook Foods is offering a unique and innovative product which is creating social awareness, reducing the isolation and improving the wellbeing and quality of life of dysphagia sufferers. As such, I seek that the minister meet with I Cook Foods to learn about new and emerging opportunities for this food manufacturing business and their amazing product.

Drought assistance

Mr T. BULL (Gippsland East) (19:10) — (14 846) My adjournment matter is for the Minister for Agriculture in the other place. The action I seek is for her to visit my electorate of Gippsland East to talk to our farmers who are confronting a drought situation that is causing a high level of concern. I have spoken

previously in this place about the prospect of fodder shortages being caused by a lot of our fodder disappearing over the border to New South Wales to address the high level of urgency that its rural sector is experiencing. Also earlier today in the chamber I spoke about an issue around native animals impacting on crops that farmers are trying to get going for the spring period ahead to grow fodder. Kangaroos and ducks are two that are causing a lot of concern.

What I raised today was that there is a delay in approving permits to control wildlife. Our farmers are facing this prospect and with a four-to-six-week approval process by the department, they are getting these permits far too late and their crops are being destroyed. What we need to do is get the agriculture minister down to our region. She needs to get out and meet the farmers and discuss with them the various issues that they are facing and what measures can be put in place to assist our rural sector.

I know the minister had a productive meeting today with representatives of the East Gippsland Shire Council. The CEO, Gary Gaffney, and the mayor, Joe Rettino, have been down here and reported that they did have a very productive meeting with the minister and they too have extended an invitation for her to come to our region. If the minister is open to it, I think we can probably do this in a bipartisan manner. She should go around and talk to members of our rural sector, which would give her a good understanding of the lay of the land. I encourage her to take up this offer from me and the council, and we look forward to seeing her — hopefully — in the weeks ahead. 19:12:30

Yuroke Youth Advisory Council

Ms SPENCE (Yuroke) (19:12) — (14 847) My adjournment matter is for the Minister for Youth Affairs, and the action I seek is that the minister meet with members of my Yuroke Youth Advisory Council. As the minister is aware, I established the Yuroke Youth Advisory Council in 2015 to provide young people with a platform to express their concerns and represent their peers. This year's youth advisory council consists of young people aged from 14 to 20 from a diverse range of backgrounds, all of whom have made a fantastic contribution as the council has investigated the topic of youth employment.

Advisory council members are currently preparing a report on their work this year, which has included meeting with a range of experts across the year and planning, promoting and delivering a youth employment forum, which took place on 2 August. I know advisory council members would greatly benefit

from meeting with the minister, as previous advisory council members have throughout this term of government, and I look forward to her response.

Drought assistance

Ms SHEED (Shepparton) (19:13) — (14 848) My adjournment matter is for the Premier, and the action I seek is that he offer meaningful support to farmers in my electorate who are extremely anxious about the extended dry weather conditions and fodder shortage. A perfect storm is brewing in northern Victoria. Queensland and New South Wales have been in drought for several years and Victorian farmers have been sending fodder north to them. As a result our fodder storages are now depleted, and the lack of rain means this year's fodder crops could fail entirely. This is the time that farmers plan for the season ahead and how best to manage the dry conditions they are facing. We are hearing that some dairy farmers are already culling their herds because of the threat that they are facing from the impending fodder shortage. We do not want to be in a position where our farmers cannot feed their own stock because of a lack of government action.

Farmers in my community need more irrigation water to be made available to them now so they can grow out the crops that are already in the ground so as to be able to feed their own stock but also to continue to supply fodder to drought-affected areas to the north. We know that there is water in the hands of the Victorian state government, whether it is through holdings with various water authorities, the Victorian Environmental Water Holder or other savings in the system. I urge the government to establish a task force to identify what water can be made available to irrigation communities now and to devise a methodology to ensure that that water goes to those who will use it for fodder production. Too often governments wait to see what happens next rather than planning for what could be an imminent crisis, and I ask the Premier to take this on board and act now.

Moonee Ponds Creek

Mr PEARSON (Essendon) (19:15) — (14 849) I direct my adjournment debate to the Minister for Water, and the action I seek from the minister is that the Department of Environment, Land, Water and Planning and other agencies work with community groups to identify ways to improve the amenity, environmental health and recreational values of Moonee Ponds Creek. Access to open space in my electorate is vital for the health of my constituents, and we know that access to our waterways plays an important part in promoting positive physical and mental health. A discussion with

the department and community groups on how this can best be achieved would be most welcome.

Pakenham railway station

Mr PAYNTER (Bass) (19:16) — (14 850) My adjournment matter is for the Minister for Public Transport, and the action I seek is that the minister fund an upgrade to the Pakenham railway station. Pakenham commuters have quite simply had enough. The station is substandard by anybody's measure. The station is old. The toilets are worn and smelly. The reception, ticketing and waiting areas are way too small. The shelter along the station is narrow and inadequate, and commuters are getting wet.

I invite the minister to join me on any weekday morning to share the experience with my constituents. Rather than being chauffeured, the minister might care to drive her car and attempt to find a parking space. She will then have to battle the weather to even make it to the station. The minister claims that the Pakenham train station is a premium station. A premium station is supposedly of a high standard. If the minister is up for a challenge, then I will set her one: find a worse premium station and I will shout her a drink. I do not think I will be out of pocket.

When asked recently about the station, the minister offered her usual petulance and referred back to the last government. Sadly for us all, the minister needs to be reminded that Labor has been in government for 15 of the last 19 years and barely a cent has been spent on the Pakenham station despite the population growth in the area. So, Minister, show some interest in the Pakenham commuters, who under your watch have the worst performing train line on the network. At least make their wait a little more comfortable and fund a major upgrade to the station without further delay.

Trentham Kindergarten

Ms THOMAS (Macedon) (19:17) — (14 851) The matter I wish to raise is for the attention of the Minister for Early Childhood Education, and the action I seek is that the minister provide the funding required to upgrade Trentham Kindergarten and deliver the extra places needed to cater for this growing community. Last week I met with Trentham parents, Cr Sebastian Klein and council representatives keen to see a much-needed redevelopment and expansion of places and services at Trentham kinder.

Trentham is a growing town that is currently seeing an increasing in the proportion of families with young children and a rising demand for kinder services.

Trentham kinder is more than 30 years old and is in desperate need of an upgrade. With Hepburn Shire Council funds already allocated to this project, support from our government will allow work to start straightaway on facility upgrades and the construction of two new rooms. Our government is making record investments in building, expanding and improving early years infrastructure across Victoria, including upgrades at Romsey Kindergarten, Riddells Creek Kindergarten and Swinburne Avenue Children's Centre in Gisborne. Minister, I ask that you now fund this much-needed upgrade at Trentham.

While I am on my feet, could I also give a shout-out for the Trentham men's shed, who are seeking to establish a shed. I ask the minister to consider funding that shed also.

The DEPUTY SPEAKER — Usually one question per adjournment, member for Macedon.

Responses

Mr DONNELLAN (Minister for Roads and Road Safety) (19:19) — The member for Mornington had an issue in relation to Nepean Highway and Green Island Avenue. I will provide the member with a written response to that matter because I am not across the full details here tonight.

In relation to the member for Gembrook, he had a question for the Minister for Energy, Environment and Climate Change. The member for Gippsland East had a question for the Minister for Agriculture in relation to drought. The member for Shepparton had a question to the Premier in relation to drought issues. The member for Bass had a question for the Minister for Public Transport. The member for Williamstown had a question for the Minister for Sport. The member for Dandenong had a question for the Minister for Trade and Investment and Minister for Innovation and the Digital Economy. The member for Yuroke had an issue for the Minister for Youth Affairs. The member for Essendon had an issue for the Minister for Water. Lastly, the member for Macedon had various issues for the Minister for Early Childhood Education.

The DEPUTY SPEAKER — Order! The house now stands adjourned until tomorrow.

House adjourned 7.20 p.m.